

Planning Committee

Tuesday, 11th July 2023, 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 Head of Planning and Enforcement has submitted seven 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 .	
a)	22/00407/OUTMAJ - Land At Tincklers Lane, Tincklers Lane, Eccleston	(Pages 3 - 36)
b)	23/00430/FUL - Euxton Mills Hotel, Wigan Road, Euxton, Chorley, PR7 6JD	(Pages 37 - 42)
c)	23/00038/FUL - Lower House Fold Farm, Trigg Lane, Heapey, Chorley, PR6 9BZ	(Pages 43 - 60)
d)	23/00126/OUT - Wood Lane Farm, Wood Lane, Mawdesley, Ormskirk, L40 2RL	(Pages 61 - 72)
e)	23/00114/REM - Latvian Consulate, Pemberton House Farm, Park Hall Road, Charnock Richard	(Pages 73 - 80)
f)	23/00424/FUL - Mayfield, Blue Stone Lane, Mawdesley, Ormskirk, L40 2RH	(Pages 81 - 96)
g)	23/00486/P3PAO - Lower Wood End Farm	(Pages 97 - 106)

Chris Sinnott
Chief Executive

Electronic agendas sent to Members of the Planning Committee

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APPLICATION REPORT – 22/00407/OUTMAJ**Validation Date: 6 April 2022****Ward: Eccleston, Heskin And Charnock Richard****Type of Application: Major Outline Planning****Proposal: Outline application for the erection of up to 15no. dwellings with all matters reserved save for access from Tincklers Lane (resubmission of 20/01085/OUTMAJ)****Location: Land At Tincklers Lane Tincklers Lane Eccleston****Case Officer: Mike Halsall****Applicant: Ms Lynne Howard****Agent: PWA Planning****Consultation expiry: 7 July 2022****Decision due by: 14 July 2023 (Extension of time agreed)**

RECOMMENDATION

1. It is recommended that outline planning permission is granted, subject to conditions and a S106 legal agreement to secure the following:
 - 35% of the dwellings to be affordable with 70% of these to be social rented and 30% for shared ownership
 - £32,340 for public open space contributions
 - £49,506 for two additional secondary school places

SITE DESCRIPTION

2. The application site forms part of a wider parcel of land designated as Safeguarded Land under Chorley Local Plan 2012 – 2026 policy BNE3 (BNE3.7 East of Tincklers Lane, Eccleston). The site is located to the west of the settlement boundary of Eccleston which is a Rural Local Service Centre, as defined by policy 1 of the Central Lancashire Core Strategy. The site is comprised of agricultural land covering an area of approximately 0.8 hectares with a small wooden building in its south western corner.
3. The application site is surrounded by existing dwellings to the east and north, open fields to the south and Tincklers Lane to the west, beyond which are further dwellings and agricultural land. Much of the land to the south of the application site, also forming part of the Safeguarded Land designation, has recently gained reserved matters consent (ref. 22/00748/REMMAJ) for the erection of 65 dwellings, pursuant to outline planning permission ref. 20/01331/OUTMAJ, which was granted on appeal.
4. Outline planning application ref. 20/01085/OUTMAJ, for the development of up to 15 dwellings on the current application site, albeit with a different site access arrangement, was refused in April 2021. The previous refusal is a significant material consideration in the determination of this application and the key issue to consider is whether this application overcomes the reasons for refusal of the previous application. This is fully addressed in the 'Other Issues' section of this report. The reasons for refusal were as follows:
 - 1) The proposed development would be located within an area of Safeguarded Land as defined by the Chorley Local Plan 2012 - 2026. Chorley has a five year housing land

supply as required by the National Planning Policy Framework. The proposal therefore conflicts with policy BNE3 of the Chorley Local Plan 2012 - 2026. It is not considered that there are material considerations put forward in favour of the development are sufficient to outweigh the presumption against it.

- 2) The application does not make any provision for affordable housing and fails to demonstrate a mix of housing types and housing numbers to achieve the policy requirement of 35% on-site provision. The proposal is, therefore, contrary to the Central Lancashire Core Strategy 2012 Policy 7 and the Central Lancashire Core Strategy Affordable Housing Supplementary Planning Document.
- 3) The application fails to demonstrate that a safe access can be provided in the proposed location as the sightlines would be obscured and motorists and pedestrians egressing the site would be unable to do so safely. In addition, the corner radii of the proposed access is not 6 metres and does not, therefore, ensure that refuse and service vehicles can smoothly transition in and out of the site. The proposal is, therefore, contrary to policy BNE1 (d) of the Chorley Local Plan 2012 - 2026.
- 4) The extent of the highway works required, combined with the loss of a significant length of hedgerow, would completely alter the character of Tincklers Lane from a simple rural lane to an urbanised estate road which would be detrimental to the character and appearance of Tincklers Lane, the locality, and the site itself. This is contrary to policy BNE1, policy BNE9 (iii) and policy BNE10 of the Chorley Local Plan 2012 – 2026; and policy 17 of the Central Lancashire Core Strategy 2012.
- 5) The application site is proposed in isolation from the wider site allocation BNE3.7 of the Chorley Local Plan 2012 -2026 and, therefore, leads to a piecemeal approach to the development of the wider site which results in an unsustainable form of development. It fails to consider patterns of movement and connectivity which means that the development does not integrate or function well with the surrounding area. The proposal does not, therefore promote sustainable transport options for people or secure a high-quality inclusive design. The proposal is, therefore, contrary to policy 17 of the Central Lancashire Core Strategy 2012, policy ST1 of the Chorley Local Plan 2012 – 2026 and the National Planning Policy Framework.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. The application seeks outline planning permission for the erection of up to 15 no. dwellinghouses, including the provision of a new access from Tincklers Lane, to the western edge of the site opposite the residential properties of Glendale and Moorcroft. All other matters are reserved.
6. The application states that the dwellings would be detached and of varying design, and an illustrative site plan has been provided which demonstrates one possible way in which the site could be developed. This shows a central road with a cul-de-sac arrangement of 5no. dwellinghouses to the north of the site, and the south of the site is split with two driveways each serving 5no. dwellings. Vehicular and pedestrian access would be via a single proposed access point from Tincklers Lane to the west of the site.

REPRESENTATIONS

7. 11no. representations have been received, including from Councillor Alan Whittaker, citing the following summarised grounds of objection.

Principle of development

- Eccleston has more than enough houses
- This is Green Belt land, the Camelot brown site can be built on

Character and appearance of the area

- What makes Eccleston an attractive place to live, countryside with green spaces, will be lost with over development of the area
- Loss of rural feel

Residential amenity

- Overlooking / loss of privacy
- Noise

Highways and Access

- The proposal does not show connectivity with the 80 dwelling scheme to the south
- Vehicle access should be via Doctors Lane through the 80 dwelling site
- There should be pedestrian and cycle links through the north of site and a continuous footway to link into the existing footways on Tincklers Lane. This would enable pedestrians to access the bus stop on Towngate and increase the sustainability of the site and the site to the south and the surrounding residents of Eccleston
- The footway links through this estate would remove the need for pedestrians to walk up Tincklers Lane which has no footway and narrow verges for most of the lane from Doctors Lane
- The linking up of the sites also encourages pedestrians to use the PRow network to the east of the site
- The applicant should also support through s106 contributions public realm improvements and s278 off site highway works, this could include the upgrading of the bus stop on Towngate to a Quality Bus Stop and centre line marking improvements on Towngate and The Green
- The masterplan for the whole site of BNE3.7 would ascertain the proposed mitigation and how the costs are allocated to each site
- As submitted the site should not be supported and a masterplan for the wider safeguarded land as identified in BNE3.7 is undertaken. This should show continuous footway and cycle links and one vehicle access from Doctors Lane to serve the whole site
- The masterplan should also include a scheme for bus stop upgrades, footway improvements, centre and edge of carriageway markings, public realm improvements such as planters and benches and a committed maintenance budget and installation of a kissing gate for the PRow footpath10
- Pedestrian safety
- Increase in traffic
- Recent new builds and planning approvals will increase traffic further
- Road users use Tincklers Lane as a 'cut-through'
- Traffic calming measures and a reduction in the speed limit to 20mph is required
- Road is often used by large farm vehicles
- The road has blind bends
- Poor local public transport services
- Criticism of the applicant's transport assessment

Ecology and landscape

- Loss of biodiversity
- Harm to wildlife

Drainage and flood risk

- The site floods in autumn / winter

Other issues

- It is requested that there is provision for affordable housing. To have 5no. units on this site would be around 30% of the proposed dwellings
 - Local services are already overstretched / at capacity and would require expanding by s106 / CIL monies
 - Someone could profit from selling this land at the expense of the village community
 - The village is becoming a town
 - Plenty of other villages / towns with brownfield sites that could be used
 - Light pollution
8. One representation has been received which neither objects nor supports the application but requests the following improvements:
- Extension of the pavement to the PROW located to the south of the site;
 - Improvements to the bus stop on the green near the junction with Tincklers Lane;
 - Funding to replace the play equipment on the recreation ground at the top of Drapers Avenue; and
 - Funding to improve the bus services in the village

CONSULTATIONS

9. Eccleston Parish Council: Have responded in objection to the proposal on the grounds that recent Planning Inspectorate decisions allowing appeals for up to 80 houses in this location and up to 34 on land off Parr Lane mean there are no requirements for additional housing in the village.
10. United Utilities: Have responded to state that the proposal is acceptable in principle and have requested that conditions be attached in relation to ensuring the site is drained sustainably and for foul and surface water to be drained on separate systems. United Utilities have also provided advice to the applicant in relation to some of their assets which may pass beneath the application site. This information will be included as an informative note on the planning permission, should the application be approved.
11. Lancashire County Council (Education): Have responded to the consultation and more detail of their response is provided later in this report. In summary, two additional secondary school places will be required as a result of this proposal, generating a required contribution from the developer of £49,506.
12. Environment Agency: Have not responded on this occasion.
13. Lancashire Police Designing Out Crime Officer: Have responded with a list of security measures for the proposal, aimed at reducing crime. The measures have been issued to the applicant's agent for consideration, when drawing-up the detailed design of the development at reserved matters stage, should this outline application be approved.
14. Lancashire County Council Highway Services (LCC Highway Services): Have responded with no objection to the proposal, subject to conditions.
15. Greater Manchester Ecology Unit: Have been in protracted negotiations with the applicant throughout the consideration period of the application to have the biodiversity net gain assessment updated. GMEU have no objections to the proposal, subject to conditions to safeguard protected species, eradicate an invasive species at the site and secure biodiversity enhancement measures.
16. Regulatory Services - Environmental Health Officer: Have responded with no objections in principle regarding environmental concerns and have requested a detailed construction environmental management plan to outline how the construction phase of the development will be carried out without causing a detrimental effect on neighbouring properties. This can be secured by planning condition.

17. Lead Local Flood Authority: Initially responded in objection to the proposal and requested further information from the applicant in terms of the drainage strategy for the site to include details of peak flow control and site levels. Revised information was subsequently submitted by the applicant and the LLFA withdrew their objection, subject to conditions.

PLANNING CONSIDERATIONS

Principle of development

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for any determination then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
19. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012- 2026.
20. The Central Lancashire Core Strategy was adopted in July 2012 and covers the three neighbouring authorities of Chorley, South Ribble and Preston. The three authorities are a single Housing Market Area (HMA).
21. Core Strategy Policy 1 sets out the locations for growth and investment across Central Lancashire and identifies Ecclestone as a Rural Local Service Centre, where limited growth and investment will be encouraged to help meet housing and employment needs and to support the provisions of services to the wider area.
22. The Chorley Local Plan shows the application site forming part of a larger area of land safeguarded for future development needs beyond the plan period (Policy BNE3.7). Policy BNE3 is a restraint policy and states that development other than that permissible in the Green Belt or Area of Other Open Countryside (under Policy BNE2) will not be permitted on Safeguarded Land. The proposal is, therefore, contrary to policy BNE3.
23. Located on the edge of the settlement, the site is in an accessible and sustainable location, within a reasonable walking distance of bus stops, community facilities and shops that would provide for the day to day needs of residents. The Education Authority has indicated there would be sufficient primary school places within the catchment area of the site and that demand for secondary school places would be mitigated by a financial contribution.
24. It is noted that some neighbour representations have made comments regarding pressure on Primary Care provision and other local services. However, this is not substantiated by evidence and the providers of these services have not made representations relating to existing shortcomings or requested contributions towards additional provision. The proposed development is considered to be consistent with Policy 1 of the Core Strategy.
25. Core Strategy Policy 4 sets out the minimum housing requirements for the plan area and is assessed later within this report.

Other material considerations

26. The National Planning Policy Framework (the Framework) is a key material consideration. The purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). There are three objectives to sustainable development set out at paragraph 8 and it is fundamental that development strikes the correct balance between:
 - Environmental - the protection of our natural, built and historic environment
 - Economic - the contribution to building a strong and competitive economy
 - Social - supporting strong, vibrant and healthy communities

27. Paragraph 10 of the Framework states that; so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).
28. Paragraph 11 of the Framework states for decision-taking this means:
 - c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - a. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - b. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
29. The Footnote (6) to paragraph 11 sets out examples of the type of policies that may indicate development should be refused. Footnote 7 makes clear that the tilted presumption in favour of sustainable development will apply where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.
30. Paragraph 59 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
31. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
32. Paragraph 73 of the Framework requires Local Planning Authorities to maintain a supply of deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategies or against their local housing need where the strategic policies are more than five years old. Footnote 37 states in circumstances where strategic policies are more than five years old, five year housing land supply should be calculated against Local Housing Need calculated using the Government standard methodology, unless those strategic policies have been reviewed and found not to need updating.

Housing land supply

33. The following planning appeal decisions are of relevance.

Land adjacent to Blainscough Hall, Blainscough Lane, Coppull Decision APP/D2320/W/21/3275691

34. On the 3 February 2022 a decision was issued for the appeal for Land adjacent to Blainscough Hall, Blainscough Lane, Coppull. The appeal was allowed and outline planning permission was granted for the erection of up to 123 dwellings (including 30% affordable housing) with public open space provision, structural planting and landscaping and vehicular access points from Grange Drive.
35. The main issues in the appeal were:
 - Whether or not the Council can demonstrate a 5 year supply of deliverable housing land, having particular regard to the development plan, relevant national policy and guidance, the housing need or requirement in Chorley and the deliverability of the housing land supply;
 - Whether or not the most important policies of the development plan for determining the appeal are out of date, having particular regard to the 5 year housing land supply position and relevant national policy;
 - Whether this, or any other material consideration, would justify the proposed development on safeguarded land at this time.
 - Whether or not there are adequate secondary school places to serve the development.

36. In respect of the Housing Requirement in Chorley:
37. The Decision Letter includes an assessment of Core Strategy policy 4 (which sets out the minimum housing requirements for the plan area) in the context of Paragraph 74 of the Framework, and whether the policy has been reviewed and found not to require updating. It also considers whether the introduction of the standard method in itself represents a significant change in circumstances that renders Core Strategy policy 4 out of date with reference to the PPG (paragraph 062).
38. The Decision Letter concludes that it is appropriate to calculate the housing requirement against local housing need using the standard method due to the significant difference between the local housing need figure and the housing requirement in policy 4 amounting to a significant change in circumstances which renders Policy 4 out of date.
39. With regards to the appropriate housing requirement figure to use when calculating the housing land supply position of the authority, the Blainscough Hall Inspector, therefore, sets out that the standard method should be used. Applying this to the Council's current supply results in a housing land supply position between 2.4 and 2.6 years.
40. The Inspector concluded that as such the Council can no longer demonstrate a 5-year supply of housing land meaning that the tilted balance, and presumption in favour of sustainable development was, therefore, engaged under paragraph 11(d) of the Framework.

Land to the East of Tincklers Lane, Tincklers Lane, Eccleston PR7 5QY Appeal A Ref: APP/D2320/W/21/3272310

Land to the North of Town Lane, Town Lane, Whittle-Le-Woods PR6 8AG Appeal B Ref: APP/D2320/W/21/3272314

41. On the 18 February 2022 decisions were issued for the above appeals. Appeal A was allowed and outline planning permission was granted for the construction of up to 80 dwellings with all matters reserved aside from vehicular access from Doctors Lane. Appeal B was dismissed on grounds of highway safety.
42. The main issues in the appeals were:
 - Appeal A: Whether or not the proposal integrates satisfactorily with the surrounding area with particular regard to patterns of movement and connectivity Appeal B: The effect of the proposal on highway safety including accessibility of the appeal site.
 - Whether or not the Council is able to demonstrate a five-year supply of housing land;
 - Whether or not the most important policies of the development plan are out of date; and,
 - Whether any adverse effects, including conflict with the development plan as a whole, would be outweighed by other material considerations.
43. In respect of housing land supply:
44. The Inspector for the conjoined appeals assessed Core Strategy Policy 4 against Paragraph 74 of the Framework which requires the local planning authority to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing against their requirement as set out in adopted strategic policies, or against their local housing need when strategic policies are more than five years old. The Core Strategy is more than five years old.
45. The Inspector considered MOU1 to have constituted a review of Core Strategy Policy 4 and was an up-to-date assessment of need at that point in time but that the situation moved on considerably since it was signed.
46. Paragraph 44 of the Inspector's report notes that national guidance indicates local housing need will have considered to have changed significantly where a plan was adopted prior to

the standard method being implemented based on a number that is significantly below the number generated by the standard method. The implications for Chorley would result in an annual requirement of 564 dwellings and the CS figure would be significantly below this. In this instance, Chorley's local housing need has changed significantly.

47. The Inspector noted that the standard method figure is particularly influenced by the level of development in the area between 2009 and 2014 but considers that this does not necessarily render the standard method itself as invalid. Any proposed redistribution of standard method figures for the Central Lancashire authorities, such as MOU2, would need to be considered at an examination.
48. The Inspector considered oversupply and the delivery rates of housing, which was weighted towards the early years of the plan period. However, the requirement in Policy 4 itself is not expressed as an overall amount to be met over the plan period. Policy 4 does not refer to any potential oversupply despite the known potential of Buckshaw Village contributing to growth in Chorley and it clearly states that it is a minimum annual requirement. (paragraph 49).
49. Paragraph 50 of the Inspector's report states *"the inclusion of oversupply against Policy 4 would reduce the requirement for Chorley to just over 100 dwellings per annum. This would be considerably below anything which has been permitted in previous years in the area and would even be below the redistributed standard method figures for Chorley in MOU2. I consider it would be artificially low and would in greater probability, lead to significantly reducing not only the supply of market housing but also affordable housing within the area. It would thus run counter to the objective of the Framework to boost the supply of housing and to paragraph 74 of the same, which seeks to maintain the supply and delivery of new homes."*
50. The Inspector concludes at paragraph 51 of the report that; *"in the circumstances before me having regard to both MOU1 and MOU2, I conclude that the situation has changed significantly for Chorley in respect of local housing need and that Policy 4 is out of date. The standard method is the appropriate method for calculating housing need in Chorley. It is agreed between the parties that a 5% buffer should be applied. In terms of sites which contribute to the housing land supply within Chorley, there is a very narrow area of dispute between the two main parties which relates to only 2 sites and amounts to 116 dwellings. This is a marginal number that has little effect on the result in respect of the requirement. Accordingly, against the application of the standard method there would be less than three years supply of housing land in Chorley, and I conclude that the Council is unable to demonstrate a five-year supply of deliverable housing sites."*

**Land south of Parr Lane, Eccleston
Decision APP/D2320/W/21/3284702**

51. On the 17 March 2022 a decision was issued for the appeal for Land south of Parr Lane, Eccleston. The appeal was allowed and outline planning permission was granted for up to 34 dwellings and associated infrastructure on land south of Parr Lane, Eccleston, Lancashire in accordance with the terms of the application, Ref 20/01193/OUTMAJ, dated 4 November 2020, and the plans submitted with it, subject to the conditions.
52. Following the Local Planning Authority's (LPA) withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply as born out through recent appeal decisions, the main issue in the appeal was whether there were any material considerations that would justify dismissing the appeal.
53. The Inspector concluded the following with regards to housing land supply:

"Framework paragraph 11d indicates that where the most important policies for the determination of a proposal are out-of-date, (which includes applications for housing, where the LPA cannot show a 5-year HLS), permission should be granted unless the adverse

impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole; the tilted balance.

The most important policies for determining this appeal are CS Policies 1 and 4 and LP Policy BNE3. Whilst the proposal would be consistent with CS Policy 1, it would conflict with LP Policy BNE3, safeguarding land for future development. The LPA accepts that it cannot show a 5-year HLS and as such CS Policy 4 and LP Policy BNE3 are out-of-date. Taking the development plan as a whole, the most important policies for determining this appeal are out-of-date and the tilted balance applies.

The proposal would provide for up to 34 dwellings of which 35%, would be affordable homes (CS Policy 7). Given the absence of a 5-year HLS, the proposal would make, albeit a modest one, a material contribution to meeting local housing needs. As a benefit this attracts significant weight. The development would secure economic benefits through construction investment and the contribution future occupants would make to the local economy. These benefits attract moderate weight. The site has limited biodiversity value and the development has the potential to provide biodiversity net gain. This is a benefit of limited weight. Given my assessment above, the harm arising from the conflict with LP Policy BNE3 is significantly and demonstrably outweighed by the benefits when assessed against the policies of the Framework as a whole.”

**Land off Carrington Road, Adlington
Decision APP/D2320/W/21/3284692**

54. On the 17 March 2022 a decision was issued on the above referenced appeal. The appeal was allowed and outline planning permission was granted for residential development of up to 25 dwellings on land off Carrington Road, Adlington, Lancashire PR7 4JE in accordance with the terms of the application, Ref 20/01200/OUTMAJ, dated 5 November 2020, and the plans submitted with it.
55. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply as born out through recent appeal decisions, the main issue in the appeal was whether there were any material considerations that would justify dismissing the appeal.
56. The Inspector concluded the following with regards to housing land supply:

“Framework paragraph 11d indicates that where the most important policies for the determination of a proposal are out-of-date, (which includes applications for housing, where the LPA cannot show a 5-year HLS), permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole, the tilted balance.

The most important policies for determining this appeal are CS Policies 1 and 4 and LP Policy BNE3. Whilst the proposal would be consistent with CS Policy 1, it would conflict with LP Policy BNE3, safeguarding land for future development. The LPA accepts that it cannot show a 5-year HLS and as such CS Policy 4 and LP Policy BNE3 are out-of-date. Taking the development plan as a whole, the most important policies for determining this appeal are out-of-date and the tilted balance applies.

The proposal would provide for up to 25 dwellings of which 30%, would be affordable homes (CS Policy 7). Given the absence of a 5-year HLS, the proposal would make, albeit a modest one, a material contribution to meeting local housing needs. As a benefit this attracts significant weight. The development would secure economic benefits through construction investment and the contribution future occupants would make to the local economy. These benefits attract moderate weight. The site has limited biodiversity value and the development has the potential to provide biodiversity net gain. This is a benefit of limited weight. Given my assessment above, the harm arising from the conflict with LP Policy BNE3 is significantly and demonstrably outweighed by the benefits when assessed against the policies of the Framework as a whole.”

**Land east of Charter Lane, Charnock Richard
Decision APP/D2320/W/22/3313413**

57. On the 5 May 2023 a decision was issued for the appeal on Land east of Charter Lane, Charnock Richard. The appeal was allowed and full planning permission was granted for the erection of 76 affordable dwellings and associated infrastructure at the site in accordance with the terms of the application, ref 21/00327/FULMAJ, dated 11 March 2021, and the plans submitted with it, subject to conditions.
58. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply, the main issue in the appeal was whether the site is suitable for development, in the light of the locational policies in the development plan, highway safety and other material considerations.
59. The Inspector concluded the following with regards to housing land supply:

“Paragraph 74 of the Framework requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5-years worth of housing against their local housing need where the strategic policies are more than 5 years old.

The Council can currently only demonstrate a 3.3 year supply of deliverable housing. That position is agreed between the Council and appellants.

While this is disputed by a number of interested parties, this position has been extensively tested at appeal, including most recently in a decision dated December 2022. Accordingly, I am satisfied that there is a critical housing need across the Borough.”

**Land at Blackburn Road, Wheelton
Decision APP/D2320/W/22/3312908**

60. On the 30 May 2023 a decision was issued for the appeal on Land at Blackburn Road, Wheelton. The appeal was allowed and outline planning permission was granted for the residential development of up to 40 dwellings with access from Blackburn Road and all other matters reserved, subject to conditions.
61. The main issue in the appeal was whether the proposal is consistent with the objectives of local and national planning policies relating to the location of housing, and if there are any adverse effects of the development proposed, including conflict with the development plan as a whole, whether they would be outweighed by any other material considerations.
62. The Inspector concluded the following with regards to housing land supply:

“the evidence before me has drawn my attention to recent appeal decisions in Chorley, including those where planning permission previously has been granted for up to 123 dwellings at Land adjacent to Blainscough Hall, Blainscough Lane, Coppull1, for up to 80 dwellings at Land to the East of Tincklers Lane, Eccleston2, for up to 34 dwellings at Land south of Parr Lane, Eccleston3 and for up to 25 dwellings at Land off Carrington Road, Adlington. Following those appeal decisions including the developments subject of Inquiries at Blainscough Lane, Coppull and Tincklers Lane, Eccleston, it is not a matter of dispute between the main parties that Policy 4 of the CS is more than five years old and is out of date due to changes to national policy since its adoption including a different method for calculating local housing need. I have no reason to take a different view. Furthermore, even if I were to accept the stated Council position of a 3.3 year deliverable supply of housing based on a local housing need calculation of 569 dwellings per annum (following the standard method set out in paragraph 74 of the Framework and Planning Practice Guidance) rather than the deliverable supply of between 2.4 and 2.56 years identified by previous Inspectors, the shortfall in supply remains significant and clearly below five years. It follows that as I have found Policy 4 of the CS to be out of date and that the Council

cannot demonstrate a five-year supply of deliverable housing sites that the 'tilted balance' in the Framework is to be applied which I necessarily return to later in my decision."

Summary - the tilted balance

63. Paragraph 11d (ii) of The Framework essentially comes into play whereby the most important policies for determining an application are out of date, then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
64. As was the case with some of the aforementioned appeal cases, the most important policies for determining this application are Policies 1 and 4 of the Central Lancashire Core Strategy and Policy BNE3 of the Chorley Local Plan. Whilst the proposal would be consistent with Policy 1 of the Core Strategy, it would conflict with Policy BNE3 of the Local Plan, safeguarding land for future development.
65. At 1st April 2022 there was a total supply of 1,890 (net) deliverable dwellings which is a 3.3 year deliverable housing supply over the period 2022 – 2027 based on the annual housing requirement of 569 dwellings which includes a 5% buffer. Chorley does not have a five-year deliverable supply of housing plus 5% buffer and the shortfall is significant. Significant weight should therefore be attached to the delivery of housing provided by this proposal and that 35% of the dwellings would be affordable houses.
66. The LPA accepts that it cannot show a 5-year HLS and as such CS Policy 4 and LP Policy BNE3 are out-of-date. Taking the development plan as a whole, the most important policies for determining this appeal are out-of-date and the tilted balance applies.
67. The High Court decision [Gladman Developments Limited v Sec of State for Housing, Communities and Local Government and Corby Borough Council and Uttlesford District Council [2021 EWCA Civ 104] concerned the application of para 11d of the Framework and the tilted balance. In particular, the effect of footnote 7 in this case, where there was not a five year housing land supply, was simply to trigger paragraph 11(d) and that it did not necessarily render all policies out of date. It was noted that where 11(d) is triggered due to the housing land supply position it is for the decision maker to decide how much weight should be given to the policies of the development plan including the most important policies and involve consideration whether or not the policies are in substance out of date and if so for what reasons.
68. Policy 1 of the Core Strategy sets out the settlement strategy for the area and is not out of date. That said, the Council cannot demonstrate an adequate supply of housing and the shortfall is significant. Policy 1 of the Core Strategy therefore forms part of a strategy which is failing to deliver a sufficient level of housing. As such, the policy should only be afforded moderate weight in the planning balance.
69. Whilst policy BNE3 of the Local Plan is broadly consistent with the Framework it is also out of date as it safeguards land based on the housing requirement in Policy 4 which is also out of date. As such, limited weight should be attached to the conflict of the scheme with policy BNE3.
70. In accordance with the Framework, planning permission should be granted for the proposal, unless:
 - c. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - d. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Emerging Central Lancashire Local Plan

71. Chorley Council is working with Preston and South Ribble Councils to produce a Central Lancashire Local Plan (CLLP). Once adopted, this will replace the existing joint Core Strategy and Chorley Local Plan. The CLLP is at the Preferred Options Stage and public consultation on Preferred Options Part 1 closed in February 2023.
72. The proposed site was consulted on as part of the Preferred Options Part 1 consultation, site ref CH/HS1.35 'East of Tincklers lane'. Responses to this consultation are being reviewed and will inform Preferred Options Part 2. In addition, a number of assessments are ongoing and will inform decisions made on sites to be taken forward as part of the development of the CLLP. The Part 2 consultation document will comprise a full suite of draft policies, both strategic and development management (non-strategic) policies, in addition to proposed allocations for all land uses. It will also set out the infrastructure that will be required to support the growth that is planned for Central Lancashire.

Impact on ecological interests

73. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species. The policy also requires, among other things, that where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs. The policy is considered to be consistent with the Framework and should be attributed full weight.

Protected sites

74. The application site does not have any nature conservation designations, legal or otherwise. It does lie within the SSSI Impact Risk Zone for Wrightington Bar Pasture (5km away), Marton Mere (10km away) and West Pennine Moors (10km away), however does not match the development description of activities likely to impact the sites at these distances.

Habitats

75. The grassland site is largely used for pony grazing and is judged to be improved neutral grassland without substantive ecological value. The hedgerows on the site however are judged to be priority habitats. Based on the indicative layout, hedgerows 1 (southern site boundary) and 2 (northern site boundary) would be retained, although the indicative plans show partial loss of hedgerow 3 (western site boundary) to accommodate the access and the development to the north. The Council's ecological advisors, GMEU, have recommended a condition is used to ensure that all boundary hedgerows and trees should be adequately protected from any adverse impacts of the proposed development, in line with sections 5.2.1 and 5.2.2 of the ecology report. Where this cannot be achieved adequate compensatory planting will be required, and sufficient regard given to the Important, and Priority Habitats on the site.

Great crested newts

76. A small population of great crested newts were recorded in a pond (pond 17) located 116 metres north west of the site boundary on the opposite side of Tincklers Lane. GMEU accept the justification made within the ecology report, that a licence for the proposed works is unlikely to be required for great crested newts, which includes analysis of other ponds and habitat in the area, dispersals barriers and quality of the terrestrial habitat on the development site. However as there would still remain a low risk of newts and other amphibian being present on the site, they advise that the avoidance measures (RAMMS)

for Amphibian detailed in section 5.4 of the ecology report be implemented, and should great crested newts be discovered on the site, work would need to cease immediately and a Natural England Licence obtained.

Bats

77. No evidence of bats was found within any of the structures on site, which are constructed of timber frames/corrugated metal sheets and contained skylights and no roof voids. They were assessed as having negligible potential for roosting bats.
78. Trees on the southern boundary were identified as having low potential to support roosting bats. These trees are indicated to be retained within the plans. No other bat roosting opportunities were identified in the trees on the site. Assuming that the trees on the southern boundary are retained, there is no requirement for further bat survey work.
79. The boundary features were judged to have low-moderate suitability for use by foraging bats. It is, therefore, recommended that any new proposed external lighting should be designed to minimise impact on nocturnal wildlife, in line with best practice guidelines (<https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>) and sections 5.5.1-5.5.3 of the ecology report.

Birds

80. No evidence of Schedule 1 protected species such as barn owls were observed during the survey, however the site does have potential to support breeding birds. The nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended). A condition should be used so that any site clearance, building demolition or tree and vegetation removal should be timed to avoid the main bird nesting season (March - August inclusive) unless it can otherwise be demonstrated that no active bird nests are present.

Other protected species

81. No other protected species were found on the site or are thought likely to occur or be impacted by the proposals. The ecology report has demonstrated minimal risk to great crested newts due to poor terrestrial habitat on the site, dispersal barriers between ponds and the site and distance of ponds from the site. The Rapid Risk Assessment (Natural England) has also been used to demonstrate an offence is unlikely, and GMEU accept the conclusions of this report. GMEU recommend an informative note should be attached to any planning permission which is granted, to make the applicant aware of the potential for legally protected species to be present within the site. Should they find or suspect any such species on the site during the development work, then work should cease, and the Local Planning Authority should be contacted for further advice.

Invasive species

82. Himalayan cotoneaster is present on site. This is an invasive species listed on Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended). GMEU advise that eradication of this species from the site is secured as part of any planning permission which is granted, following the methodology in section 5.3 of the ecology report.

Enhancements for biodiversity

83. The majority of the semi-natural habitat on the site is proposed for development. While it is not species rich grassland that would qualify as a habitat of Principle Importance, it offers greater biodiversity value than developed land. Loss of a section of hedgerow is also anticipated.
84. The applicant has updated the biodiversity net gain assessment at the request of GMEU which identifies that, based upon the indicative site layout, the proposal would result in a small net-loss in biodiversity value due to the loss of a section of hedgerow. A condition can

be attached to any grant of planning permission requiring the final scheme at reserved matters stage to deliver a net-gain in the biodiversity value of the site. The net gain assessment identifies that the addition of one urban tree would be sufficient to deliver a net gain at the site. There is, therefore, no reason to consider that the final proposal could deliver a net gain at reserved matters stage, should this outline application be approved.

85. Additional enhancement measures are proposed within the ecology report such as bat and bird boxes, including swift boxes and maintenance of connectivity through the site (e.g. wildlife access gaps between fencing) which should also be secured through any planning permission.

Ecology summary

86. The proposal is considered to be acceptable in terms of its impacts upon ecological receptors, subject to conditions to safeguard protected species and a financial contribution to provide off-site biodiversity enhancement measures to compensate for the loss in biodiversity value of the site.

Highway safety, access and parking

87. 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. The policy is considered to be consistent with the Framework and should be attributed full weight.
88. Policy ST1 (New provision of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development) stipulates that new development and highways and traffic management schemes will not be permitted unless they include appropriate facilities for pedestrian, cycle parking facilities, and /or cycle routes. The policy requires, among other things, that proposal should provide for facilities for pedestrians and cyclists to facilitate access on foot and by bicycle to nearby residential, commercial, retail, educational and leisure areas, where appropriate; and additional footpaths, bridleways and cycleway routes between the countryside and built up areas where appropriate.
89. Highway safety and access issues have been one of the main concerns expressed by residents during the publicity period. Lancashire County Council is the Local Highway Authority that manages and maintains the highway network in Lancashire and promotes safe travel and developments in accessible and sustainable locations within the county. As such, at certain stages in the planning process Chorley Council formally seeks the views of the County Council as a statutory consultee to assist in making an informed decision about proposed development. The following comments were received from LCC Highway Services.

The proposed development was refused planning permission in 2020 following application, 20/01085/OUTMAJ with the highway grounds for the refusal being the applicant's inability to meet the necessary highway requirements to ensure safe access and egress of the development. The highway requirements are:

- *Provision of 5.5m wide site access with 6.0m corner radii.*
- *Provision of 2.4m x 59m visibility splays in both north and south directions of the proposed site access.*
- *Provision of 2.0m wide footway along the frontage of the site extending from the existing footway in the north to the south boundary of the site and replanting of the hedge behind the new footway outside the visibility splays. The footways are to be*

extended on both sides of the proposed access into the development for a distance no less than 20m.

- *Provision of dropped kerbs and tactile pavings on both sides of the site access.*
- *Provision of textureflex bar and 'Slow' worded markings on Tincklers Lane on the approach to the site access from south to supplement the existing from the northern approach.*
- *Extension of the street lighting from its current end north of the site towards south to the point of speed limit change.*

The current application, 22/00407/OUTMAJ is a resubmission of the previously refused application and includes a revised Technical Note, an Indicative Site Layout, Site Access Layout and Swept Path Analysis, all of which sought to address the above highway requirements.

It should also be noted that since this site was originally proposed the land immediately to the south has undergone a planning appeal (20/01331/OUTMAJ for up to 80 dwellings with vehicular access from Doctors Lane) and has been allowed. In the appeal decision the Inspector makes reference to the land to its north (i.e. this site) with regards to connectivity and integration.

The Doctors Lane site showed a pedestrian / cycle access to Tincklers Lane immediately adjacent to this site and the potential to provide a similar link to this site. However, since this is an outline application a link between the two sites could be provided at reserved matters stage.

A reason for refusal on the previous application was the "extent of the highway works required, combined with the loss of a significant length of hedgerow, would completely alter the character of Tincklers Lane from a simple rural lane to an urbanised estate road which would be detrimental to the character and appearance of Tincklers Lane, the locality, and the site itself. This is contrary to policy BNE1, policy BNE9 (iii) and policy BNE10 of the Chorley Local Plan 2012 - 2026; and policy 17 of the Central Lancashire Core Strategy 2012", whilst this is not a highway reason for refusal it should be noted that LCC Highways would not oppose this site being accessed through the now consented site at Doctors Lane with the potential to move the pedestrian / cycle link to the northerly boundary of this development. However, it is clear that this is not being offered as part of these proposal.

Having analysed the revised submissions, I can confirm that the required highway mitigation measures have been complied with and incorporated into the proposal. As such, LCC considers the proposal acceptable subject to the following suggested conditions and an advice note.

90. The Council has commissioned an independent review of the transportation issues associated with some of the major housing applications currently awaiting decision, by a transport planning consultancy. A short summary of the conclusions of their assessment of this application is provided below:

The site is located on the edge of Ecclestone and is connected to the transport network by rural roads. There is no cycling infrastructure close to the development site, and although the road network is lightly trafficked, only confident cyclists are likely to be prepared to cycle to and from the site. We feel that a commensurate sum for cycle infrastructure improvements should be requested although this may generate only limited benefits locally given the size of the development.

The nearest bus stop to the proposed development site is on Towngate, approximately 160m to the north west... the site is poorly served by modes alternative to the car... a commensurate sum should be secured for enhancement to the bus stop. In particular, Real Time Information should be a priority given the infrequent nature of the services.

The site is located within acceptable walking and cycling distances of key services but has

poor access to public transport. The application states that the site will be built out for 15 houses, and analysis of the trip generation and traffic flows on adjacent highways concludes that the development of the site will not result in traffic capacity problems. In addition, the low level of traffic generated by the site is unlikely to give rise to safety concerns.

As such, we would not raise any concerns with regard to the transport implications of the proposal but suggest that commensurate contributions are secured for sustainable transport enhancements.

91. The applicant has responded to the independent review, as follows:

The NPPF states at paragraph 57 that:

*Planning obligations must only be sought where they meet **all** of the following tests: (my emphasis)*

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development*

The first point to note is that Tetra Tech have clearly stated that they have no concerns with the development. Although they suggest planning contributions are requested, there is no suggestion that the development would be unacceptable without these.

With regards to the contribution for cycle infrastructure, they have said that this may only generate 'limited benefits'. Clearly, they do not feel that the contribution is necessary to make the development acceptable in planning terms and a request in this regard would fail the tests set out in NPPF para. 57.

With regards to the contribution in relation to bus stops enhancements, the comments they make refer to frequency of bus services at the stop closest to the site, which they state is 'poorly served'. No comments are made about the bus stop itself, and yet they suggest planning contributions specifically for enhancements to the bus stop, including Real Time Information. There does not appear to be any justification for this request; presumably there is a timetable displayed at the bus stop and users are likely to be aware of regular bus times. This request does not meet test (a) of NPPF para 57 as it is clearly not necessary to make the development acceptable in planning terms, or test (b), since this is not considered directly related the development (or any specific concerns raised about the quality of the bus stop).

It is noted as above that LCC Highways have not requested any planning contributions as part of this application or the application which was previously refused on this site. Coupled with the above, it is not considered that it is appropriate for the Council to request planning contributions in relation to sustainable travel associated with the proposed development."

92. Given the location of the site on the edge of the settlement boundary of Ecclestone which is a Rural Local Service Centre, as defined by policy 1 of the Central Lancashire Core Strategy, it is considered to be in a sustainable location. As such, it is not considered that the financial contributions towards sustainable transport connections identified above could be justified, nor would they be commensurate with the scale of development. Further, such contributions were not requested as part of the previously refused scheme at this site and so it would not be appropriate to request them for this application.

Conclusion

93. LCC Highway Services raise no objection to the proposed development, which is considered to be in a sustainable location, close to local amenities. The final site layout at reserved matters stage can be designed to meet with the Council's car parking standards. The proposal is considered to be acceptable with regards to highway safety, access and

parking, subject to conditions and the above referenced improvements to be delivered via a s278 agreement.

Impact on the character and appearance of the area

94. Policy 17 of the Core Strategy seeks to ensure that the design of new buildings takes into account the character and appearance of the local area, including among other things, linking in with surrounding movement patterns and not prejudicing the development of neighbouring land; and protecting existing landscape features and natural assets. The policy is considered to be consistent with the Framework and should be attributed full weight.
95. 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, among other things, 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.
96. When considering any development proposal, the Council must be mindful of the Framework that states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development. The Framework also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
97. Chorley Council plans positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes and seeks to create well-mixed and integrated developments, which avoid segregation and have well-planned public spaces that bring people together and provide opportunities for physical activity and recreation.
98. The application seeks outline planning permission for up to 15no dwellings, with the illustrative masterplan showing a main central road with a cul-de-sac arrangement of 5no. dwellinghouses to the north of the site, and the south of the site is split with two driveways each serving 5no. dwellings. Vehicular and pedestrian access would be via a single proposed access point from Tincklers Lane. The location of the access is a detailed matter and, whilst the layout is indicative it demonstrates one way in which a layout can be achieved, whilst following from this defined access point.
99. Given the location of the proposed access point, to achieve the required sight lines, the hedgerow frontage to Tincklers Lane to the north of the proposed site access would be lost. Rather than lose the hedgerow to the south of the access, it is proposed to be partially relocated set-back slightly from the highway. This is a change compared to the previously refused application which was assessed on the basis of both hedgerows having to be removed. The hedgerows are a key feature of the site and of Tincklers Lane. In addition, a footway is identified on the illustrative masterplan to connect to an existing footway to the north and to the south. LCC Highway Services also require street lighting along the full stretch of footway. The extent of the highway works required, combined with the loss of a significant length of hedgerow would undoubtedly alter the character of Tincklers Lane from a simple rural lane to a more urbanised estate road. This would be detrimental to the character and appearance of Tincklers Lane, although the harm is only considered to be slight and could be mitigated by additional planting to the site frontage as part of the reserved matters application.
100. The indicative site layout plan shows the three trees subject to a Tree Preservation Order as being retained. It is envisaged this will form part of the landscaping scheme to be submitted at reserved matters stage, should this application be approved. A section of hedgerow would need to be removed as part of the proposal. It is considered that adequate compensation can be provided on-site as part of the landscaping scheme.

101. With regard to the density of the development, the application proposes a low-density development of up to 15no. dwellings, which is the maximum number applied for. The submitted plans indicate that these would all be detached homes. The Iceni Housing Study 2020 refers to broad density targets and for this location the required density is 25-30 homes per hectare. This would equate to a required density of 20-24 dwellings that should provide for a mix of houses. The supporting Planning Statement explains that the lower density of the site is to be consistent with surrounding development. It is not considered that the proposed density is significantly different to other development in the area and is not considered to render the scheme unacceptable.
102. An illustrative masterplan has been provided, however, this is for indicative purposes and does not form part of the assessment at outline stage, except for the access which is a detailed matter. Detailed design would be reserved for later consideration and would be subject to a full assessment. There is no reason to consider that a sensitively designed scheme at reserved matters stage could not be found to be acceptable with regards to its impacts upon the character and appearance of the area.

Impact on amenity

103. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses. The policy is considered to be consistent with the Framework and should be attributed full weight.
104. With regards to noise, dust and other potential pollution during the construction period, these would be short in duration and limited in intensity. Such impacts could be adequately controlled through a construction environmental management plan (CEMP) which can be required to be submitted to the Local Planning Authority for approval prior to works commencing.
105. As noted above, the proposal is submitted in outline with the appearance, landscaping, layout and scale of the proposal being left to reserved matters stage. It is considered that this site is capable of accommodating a sensibly designed scheme of up to 15 dwellings that would not have any unacceptable impacts upon residential amenity and accords with national policy and policy BNE1 of the Chorley Local Plan in this regard.

Drainage and flood risk

106. Policy 29 (Water Management) of the Core Strategy seeks to improve water quality, water management and reduces the risk of flooding in a number of ways including, among other things, appraising, managing and reducing flood risk in all new developments. The policy is considered to be consistent with the Framework and should be attributed full weight.
107. Lancashire County Council as Lead Local Flood Authority is the responsible 'risk management authority' for managing 'local' flood risk which refers to flood risk from surface water, groundwater or from ordinary watercourses.
108. A Flood Risk Assessment and Drainage Strategy has been submitted with the application and reviewed by United Utilities and Lancashire County Council as Lead Local Flood Authority (LLFA). The site is in Flood Zone 1 (the lowest risk) as identified by the Environment Agency.
109. The Planning Practice Guidance (PPG) establishes a hierarchy for surface water disposal, which encourages a Sustainable Urban Drainage System (SuDS) approach. Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system;
- to a combined sewer.

110. The submitted flood risk assessment and drainage strategy identifies the following:

- Whilst no ground investigations have been undertaken at the site, nearby borehole records indicate the presence of clay which would prevent the use of infiltration at the site. It recommends that infiltration testing is undertaken to confirm this conclusion.
- It is likely the site will require a positive drainage solution, i.e. drainage to a watercourse. The nearest is a drainage channel along the southern site boundary, draining east to west.
- The nearest United Utilities surface water sewer is located in the access road between nos1 and 111 The Hawthorns. Given the relative site levels, this option is not considered to be viable.
- It is proposed that surface water will be discharged at an attenuated greenfield rate to the above referenced drainage channel.
- Site levels would need to be raised by approximately 0.7m to achieve the connection
- Attenuation would be provided by permeable paving and swales along the site's main access road and private roads down to the channel.
- Foul water would be connected by gravity to an existing combined sewer that crosses the site.

111. The connections to the existing drainage network along with flow rates will require consent from the Lead Local Flood Authority and United Utilities.

112. The Lead Local Flood Authority have recommended planning conditions requiring full details of a drainage strategy to be submitted based on evidence that the highest tier in the drainage hierarchy has been used and other associated conditions. This will require intrusive ground investigations to be undertaken. United Utilities have also recommended similar conditions to the Lead Local Flood Authority.

113. The proposal is considered to be acceptable in terms of surface and foul water drainage, subject to conditions.

Affordable housing

114. Policy 7 of the Central Lancashire Core Strategy requires 35% affordable housing for rural areas to be provided on sites of 15 or more dwellings, or 0.5 hectares in size. The proposal would provide a policy compliant level of affordable housing which would be secured by a s106 legal agreement.

115. There is an acute shortfall in the provision of affordable housing in the borough. This development would make a valuable contribution to the borough wide need for affordable housing which should be given significant weight in the planning balance, as identified in recent appeal decisions in the borough.

Public open space

Amenity Greenspace

116. Policy HS4A of the Chorley Local Plan 2012 - 2026 sets a standard of 0.73 hectares per 1,000 population.

117. There is currently a surplus of provision in Eccleston, Heskin & Charnock Richard in relation to this standard, a contribution towards new provision in the ward is, therefore, not required from this development. The site is also not within the accessibility catchment (800m) of any areas of amenity greenspace that are identified as being low quality and/or low value in the Open Space Assessment Report (February 2019)/Open Space Study Paper (February

2019). A contribution towards improvements is, therefore, also not required from this development.

Provision for children/young people

118. Policy HS4A of the Chorley Local Plan 2012 - 2026 sets a standard of 0.08 hectares per 1,000 population.
119. There is currently a surplus of provision in Eccleston, Heskin & Charnock Richard in relation to this standard, a contribution towards new provision in the ward is, therefore, not required from this development. The site is also not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Assessment Report (February 2019)/Open Space Study Paper (February 2019). A contribution towards improvements is, therefore, also not required from this development.

Parks and Gardens

120. There is no requirement to provide a new park or garden on-site within this development.
121. There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Assessment Report (February 2019)/Open Space Study Paper (February 2019), therefore, a contribution towards improving existing provision is not required.

Natural and Semi-Natural Greenspace

122. There is no requirement to provide new natural/semi natural greenspace on-site within this development.
123. The site is within the accessibility catchment (800m) of areas of natural/semi-natural greenspace that are identified as being low quality and/or low value in the Open Space Assessment Report (February 2019)/Open Space Study Paper (February 2019) (site 1669 Rear of Larkfield, Eccleston), a contribution towards improving these sites is, therefore, required. The amount required is £557 per dwelling.

Allotments

124. There is no requirement to provide allotment provision on site within this development.
125. The site is not within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site, a contribution towards new allotment provision is, therefore, not required from this development.

Playing Pitches

122. The Playing Pitch Strategy and Action Plan (December 2018) identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is, therefore, required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements, with borough-level detail provided in the Chorley Open Space, Sports and Recreation Strategy (OSSR) Action Plan 2020 to 2036. The amount required is £1,599 per dwelling.
123. The total public open space financial contribution required from this development is as follows:

Amenity greenspace	= £0
Equipped play area	= £0
Parks/Gardens	= £0

Natural/semi-natural	= £8,355
Allotments	= £0
Playing Pitches	= £23,985
Total	= £32,340

Sustainability

124. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on 26th March 2015, which effectively removed the 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.”

125. Given this change, instead of meeting the code level, the Local Planning Authority required that dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the transitional provisions. Building Regulations 2022 have now been brought into force and under Part L require a 31% improvement above 2013 Building Regulations. This exceeds the Council’s previous requirement and now supersedes the requirement for a planning condition.

Education

126. Central Lancashire Core Strategy policy 14 (Education) seeks to provide for education requirements in a number of ways including asking developers to contribute towards the provision of school places where their development would result in or worse a lack of capacity at existing schools.

127. Lancashire County Council Education have provided a contribution assessment for this development which can be summarised as follows:

Lancashire County Council is responsible for the provision of school places across the 12 county districts. The county has been facing significant increases in the birth rate at the same time as capital funding from the Department for Education has been significantly reduced.

In accordance with Lancashire County Council’s ‘School Place Provision Strategy’, the following will apply:

Where the growth in pupil numbers is directly linked to housing development and existing school places are not sufficient to accommodate the potential additional pupils that the

development may yield, Lancashire County Council would seek to secure developer contributions towards additional school places. Only by securing such contributions (which, depending upon the scale of development, may also include a contribution of a school site), can Lancashire County Council mitigate against the impact upon the education infrastructure which the development may have.

Latest projections for the local primary schools show there to be 117 places available in 5 years' time, with additional planning approvals expected to generate a demand for 13 further school places. With an expected pupil yield of 6 pupils from this development, we would not be seeking a contribution from the developer in respect of primary places.

Latest projections for the local secondary schools show there to be a shortfall of 36 places in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which already have planning permission.

With an expected yield of 2 places from this development the shortfall would increase to 38. Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 2 places.

Permanent expansion in secondary places:
£24,753 x 2 places = **£49,506.**

Employment skills provision

128. The Central Lancashire Employment Skills Supplementary Planning Document (SPD) was adopted in September 2017. The SPD introduces Employment Skills Statements and provides clarity as to how this requirement relates to the relevant policies set out in the Core Strategy and Local Plan as well as the guidance set out in the Framework. The SPD goes on to state that one of Central Lancashire's priorities is to encourage economic growth within Central Lancashire that benefits the people and businesses in the three boroughs. The SPD seeks to;

- Increase employment opportunities by helping local businesses to improve, grow and take on more staff
- help businesses to find suitable staff and suppliers, especially local ones
- improve the skills of local people to enable them to take advantage of the resulting employment opportunities
- help businesses already located in Central Lancashire to grow and attract new businesses into the area

129. It is, therefore, recommended that a condition requiring an employment and skills plan is attached to any grant of planning permission.

Community Infrastructure Levy (CIL)

130. 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. This development will be CIL Liable on approval of the final reserved matters application.

Other issues

131. The application is supported by a Phase I Geoenvironmental Site Assessment which concludes that, given the undeveloped nature of the site there are unlikely to be any significant sources of contamination present. Given the sensitive end use of the proposal (dwellings with gardens) it is recommended that intrusive ground investigations take place

prior to the commencement of development to ascertain if any remediation measures are required to make the site safe for development.

132. Outline application ref. 20/01085/OUTMAJ for up to 15 dwellings on this site was refused in April 2021 and this decision is a material consideration in the determination of this application. The reasons for refusal were as follows:

- 1) The proposed development would be located within an area of Safeguarded Land as defined by the Chorley Local Plan 2012 - 2026. Chorley has a five year housing land supply as required by the National Planning Policy Framework. The proposal therefore conflicts with policy BNE3 of the Chorley Local Plan 2012 - 2026. It is not considered that there are material considerations put forward in favour of the development are sufficient to outweigh the presumption against it.
- 2) The application does not make any provision for affordable housing and fails to demonstrate a mix of housing types and housing numbers to achieve the policy requirement of 35% on-site provision. The proposal is, therefore, contrary to the Central Lancashire Core Strategy 2012 Policy 7 and the Central Lancashire Core Strategy Affordable Housing Supplementary Planning Document.
- 3) The application fails to demonstrate that a safe access can be provided in the proposed location as the sightlines would be obscured and motorists and pedestrians egressing the site would be unable to do so safely. In addition, the corner radii of the proposed access is not 6 metres and does not, therefore, ensure that refuse and service vehicles can smoothly transition in and out of the site. The proposal is, therefore, contrary to policy BNE1 (d) of the Chorley Local Plan 2012 - 2026.
- 4) The extent of the highway works required, combined with the loss of a significant length of hedgerow, would completely alter the character of Tincklers Lane from a simple rural lane to an urbanised estate road which would be detrimental to the character and appearance of Tincklers Lane, the locality, and the site itself. This is contrary to policy BNE1, policy BNE9 (iii) and policy BNE10 of the Chorley Local Plan 2012 – 2026; and policy 17 of the Central Lancashire Core Strategy 2012.
- 5) The application site is proposed in isolation from the wider site allocation BNE3.7 of the Chorley Local Plan 2012 -2026 and, therefore, leads to a piecemeal approach to the development of the wider site which results in an unsustainable form of development. It fails to consider patterns of movement and connectivity which means that the development does not integrate or function well with the surrounding area. The proposal does not, therefore promote sustainable transport options for people or secure a high-quality inclusive design. The proposal is, therefore, contrary to policy 17 of the Central Lancashire Core Strategy 2012, policy ST1 of the Chorley Local Plan 2012 – 2026 and the National Planning Policy Framework.

133. Each of the reasons for refusal are addressed below.

Reason 1

134. The housing land supply situation in Chorley has changed significantly since the refusal of the above referenced application. As identified earlier in this report, the Council no longer has a 5 year supply of housing land and policy BNE3 of the Local Plan is out-of-date. The housing supplied by this proposal, therefore, now weighs heavily in the planning balance in favour of the proposal. This reason for refusal does not apply to the revised proposal.

Reason 2

135. The proposal offers a policy compliant 35% affordable dwelling scheme in this instance. The proposal therefore complies with Policy 7 of the Core Strategy. This reason for refusal does not apply to the revised proposal.

Reason 3

136. The proposed site access has been improved compared to the previous proposal and now meets the requirements of LCC Highway Services, along with providing other off-site improvement works, e.g. street lighting and footways. This reason for refusal does not apply to the revised proposal.

Reason 4

137. The hedgerow to the south of the site access would be moved into the site, rather than removed entirely, and whilst there may still be some harm caused to the character of the area, this is now considered to be limited and not of a sufficient magnitude to make the scheme unacceptable. This reason for refusal does not apply to the revised proposal.

Reason 5

138. Outline planning permission and reserved matters consent have been granted for housing on the adjoining site to the south and so this reason for refusal is no longer relevant. As identified by LCC Highway Services, the Inspector's decision makes reference to the land to its north (i.e. this site) with regards to connectivity and integration. The proposals for the site to the south show a pedestrian / cycle access to Tincklers Lane immediately adjacent to this site and the potential to provide a similar link to this site. However, since this is an outline application a link between the two sites could be provided at reserved matters stage.

Planning balance

139. Paragraph 11d) ii. of the Framework indicates that, where the most important development plan policies for determining the application are out-of-date, planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; the tilted balance.
140. The adverse impacts of the development relate primarily to its conflict with policy BNE3, safeguarding land for future development. However, as the Local Planning Authority cannot show a 5-year housing land supply policy BNE3 is out-of-date and can only be attributed limited weight. There would also be some low-level harm caused by the proposed development to the character and appearance of Tincklers Lane. The Framework indicates that the planning system should be genuinely plan-led. There are no other identified negative impacts of the proposal which cannot be sufficiently mitigated by the imposition of planning conditions.
141. In terms of benefits, the provision of new housing would bring construction and supply chain jobs, places for the economically active to live, increased local spend and greater choice in the local market. These benefits have not been quantified and would apply to any housing development of this scale but are still considerable.
142. The scheme would deliver a policy compliant level of affordable homes to the area of which there is a significant shortfall across the Borough. The new affordable dwellings would provide homes for real people in real need.
143. The proposal would boost the supply of housing in a situation where there is no five-year supply and an under-provision of affordable housing and, as a result, moderate weight can be given to the economic and social benefits.
144. The provision of open space and its ongoing management and maintenance, sustainable transport improvements, biodiversity enhancements and the financial contributions to school places are neutral considerations because they are needed to make the development acceptable.

145. The adverse impacts of the proposed development relating to its conflict with policy BNE3 and the low-level harm associated with the character and appearance of Tincklers Lane would not significantly and demonstrably outweigh the moderate economic and social benefits the proposal would deliver. As such, the proposal is recommended for approval.

CONCLUSION

146. Members will be aware of the current shortfall in housing delivery in the Borough and that this has resulted in the most important policies for the determination of this application being out-of-date, which triggers the engagement of the tilted balance of paragraph 11d of the Framework.

147. Whilst the proposal would conflict with policy BNE3 of the Chorley Local Plan 2012-2026 and cause harm to the character and appearance of the area, it is considered that these issues would not significantly and demonstrably outweigh the benefits of the proposal in delivering much needed housing in the borough. The proposal is, therefore, recommended for approval.

RELEVANT HISTORY OF THE SITE

Ref: 20/01085/OUTMAJ **Decision:** REFOPP **Decision Date:** 13 April 2021
Description: Outline application for the construction of up to 15no. dwellings (with all matters reserved save for access from Tincklers Lane)

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. An application for approval of the reserved matters, namely the appearance, landscaping, layout and scale of the approved development, must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Section 92 of the Town and Country Planning Act 1990 as amended 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
Location Plan	1330-PL01	6 April 2022
Proposed Layout	PB8581-PHD-PD-JN-DR-D-0001 Rev P01.01	6 April 2022
Swept Path Analysis	PB8581-RHD-PD-JN-DR-D-0050 Rev P01.01	6 April 2022

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

3. Prior to the commencement of development or as part of any reserved matters application, an Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in strict accordance with the approved details. All works shall be undertaken in strict accordance with

paragraphs 5.2.1 to 5.2.3 of the Updated Ecological Survey and Assessment, dated July 2022 and produced by ERAP Ltd.

Reason: To minimise any negative impact on the hedgerows and trees within and near the site that are to be retained.

4. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with any contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A site investigation scheme, based upon the Phase 1 Geoenvironmental Site Assessment ref. 13-741-R1, dated November 2019, submitted in support of this application, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of pollution.

5. The development shall not commence until an Employment and Skills Plan that is tailored to the development and will set out the employment skills opportunities for the construction phase of the development has been submitted to and approved by the council as Local Planning Authority (unless otherwise agreed in writing by the council). The development shall be carried out in accordance with the Employment and Skills Plan (in the interests of delivering local employment and skills training opportunities in accordance with Core Strategy Policy 15: Skills and Economic Inclusion).

Reason: In the interests of delivering local employment and skills training opportunities as per the Central Lancashire Core Strategy Policy 15: Skills and Economic Inclusion and the Central Lancashire Employment Skills Supplementary Planning Document September 2017. No Employment and Skills Plan was submitted with the application.

6. No works to trees or shrubs shall occur 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.

Reason: Wild birds and their eggs are protected under Part 1 of the Wildlife and Countryside Act 1981, which makes it illegal to kill or injure a bird and destroy its eggs or its nest whilst it is in use of being built.

7. Prior to commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- the parking of vehicles of site operatives and visitors.
- hours of operation (including deliveries) during construction.
- loading and unloading of plant and materials.
- storage of plant and materials used in constructing the development.
- siting of cabins.

- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- wheel washing facilities.
- measures to control the emission of dust and dirt during construction.
- a scheme for recycling/disposing of waste resulting from demolition and construction works.
- the routing and timing of construction vehicles and deliveries to site.

Given the sensitive nature of the area surrounding the proposed development care will be needed regarding the planning and management of construction traffic. Due to the historic nature of the hamlet/village of Wheelton any construction traffic would need to use the western junction of Blackburn New Road & Blackburn Road (the junction closest to the development site). Unfortunately, by using this junction this would put construction traffic in direct conflict with vulnerable road users during the morning and evening peaks. As this western junction also serves as the primary route for access to the local primary school during the morning and evening peak there is a significantly high vehicle and pedestrian volume.

8. All works will be undertaken in strict accordance with Sections 5.3 (invasive species), 5.4 (RAMMS) and 5.5.1 to 5.5.3 (bats) of the submitted Updated Ecological Survey and Assessment, dated July 2022 and produced by ERAP Ltd.

Reason: To safeguard protected species and avoid spreading of an invasive species.

9. No development shall take place (including demolition, ground works, vegetation clearance) until a scheme for offsetting biodiversity impacts to achieve net gain shall be submitted to and approved in writing by the Local Planning Authority.

The proposed offsetting scheme shall be based upon the submitted Biodiversity Net Gain Assessment, dated August 2022 and produced by ERAP Ltd, and shall:

- a) be based on prevailing DEFRA guidance;
- b) comply with prevailing regulatory standards and policy requirements which are in force and applicable to this site;
- c) include details of the offset requirements of the development in accordance with the current DEFRA biodiversity metric;
- d) include the identification of a receptor site or sites;
- e) include the evidence of arrangements with the relevant landowner that secures the delivery of the offsetting scheme;
- f) include a management and monitoring plan (which shall include for the provision and maintenance of such offsetting measures);
- g) Timetable for implementation.

The biodiversity offsetting measures shall be carried out in accordance with the approved scheme and timetable.

Reason: To deliver biodiversity net gain and compensate for the loss anticipated at this site as a result of the proposed development.

10. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment and surface water sustainable drainage strategy K36869/01A/FRA/RH produced on 16/06/2022 by R. G. Parkins & Partners Ltd.

The measures shall be fully implemented prior to occupation of the development and 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 in consultation with the Lead Local Flood Authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance, Defra Technical Standards for Sustainable Drainage Systems and policies 17 and 29 of the Central Lancashire Core Strategy.

11. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site specific flood risk assessment and indicative surface water sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography, topography of the adjacent properties on The Hawthorns and Tincklers Fold, and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.
- d) Evidence of an assessment of the existing on-site watercourse to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.
- e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance, Defra Technical Standards for Sustainable Drainage Systems and policies 17 and 29 of the Central Lancashire Core Strategy.

12. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be

discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework.

13. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

14. The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

15. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: 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.

16. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in the above condition has been constructed and completed in accordance with the 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.

17. No part of the development shall commence until the visibility splays shown on drawing PC3408-RHD-PD-JN-DR-D-0001 Rev P01 has been provided. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures.

Reason: To ensure adequate visibility at the site access in the interest of highway safety.

18. No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:

- A plan to a scale of 1:1000 showing the location of all defects identified.
- A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time, and weather conditions at the time of the survey.
- An agreed a timescale for repeated surveys.

No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority

Reason: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer.

19. Either with any reserved matters application for a phase or prior to the commencement of each phase full details of the existing and proposed ground levels and proposed dwelling 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 details shown on previously submitted plans(s). The development shall be carried out strictly in conformity with the approved details.

Reason: To ensure the final development is not harmful to the character of the area or residential amenity

20. For each phase, notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul waters for that phase has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure the site is properly drained.

21. Prior to the construction/provision of any utility services, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a super-fast broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works within the site boundary only.

Reason: To future-proof the development.

22. For each phase, with any reserved matters application or prior to excavation of the foundations for any dwellings, samples 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 approved details.

Reason: to ensure the final development is suitable to the character of the area.

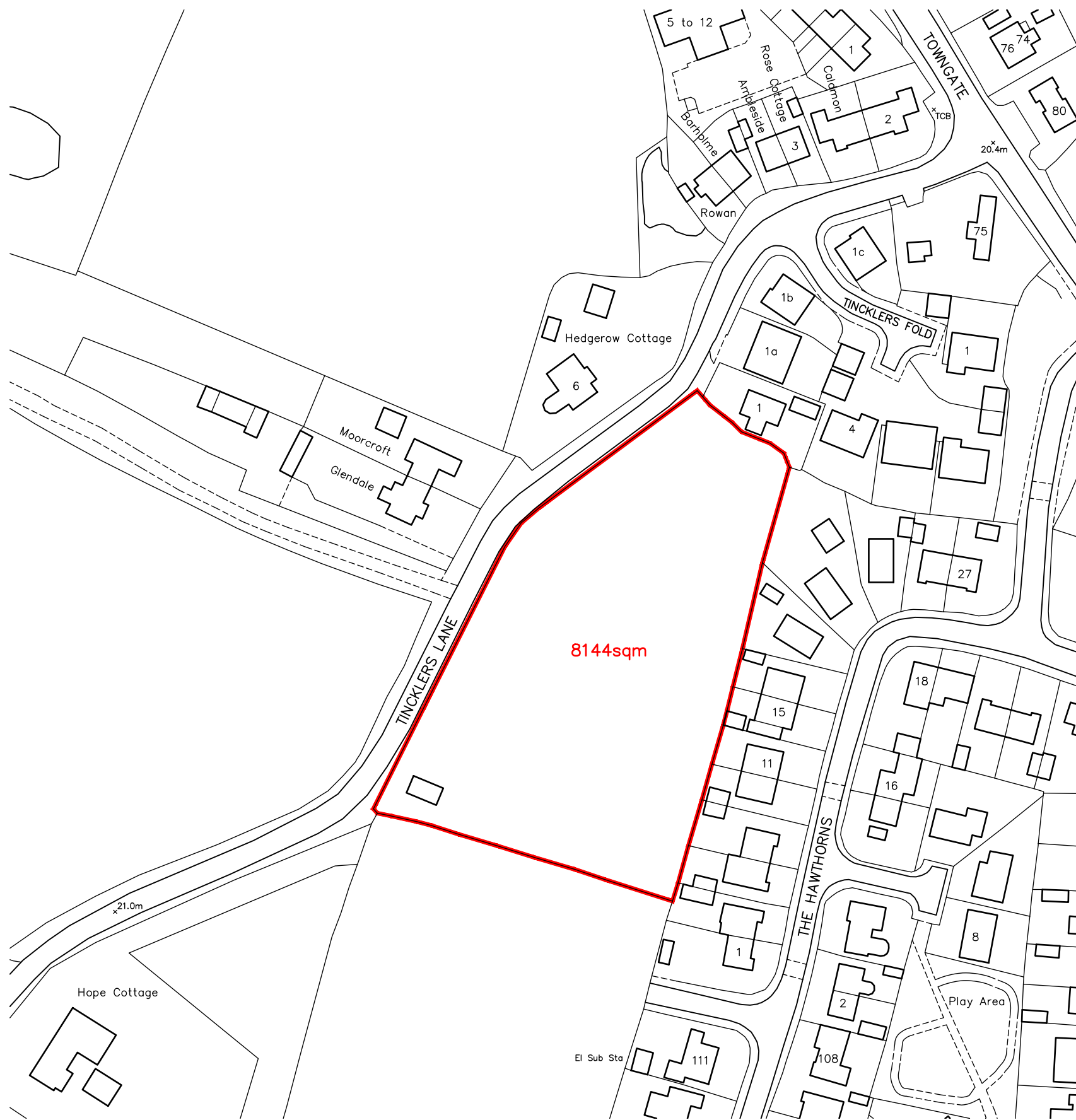
23. For each phase, with any reserved matters application or prior to the construction of any part of any dwelling above ground level, full details of the alignment, height and appearance of all fences, walls and gates to be erected on the site (notwithstanding any such details shown on previously approved plans) for that phase shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until all fences, walls and gates shown on the approved details to bound its plot have been erected in conformity with the approved details. Other boundary treatments shown in the approved details shall be erected in conformity with the approved details prior to occupation of the final dwelling of the development.

Reason: To ensure the boundary treatments are appropriate.

24. For each phase, with any reserved matters application or prior to the laying of any hard landscaping (ground surfacing materials) full details of their colour, form and texture for that phase shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken strictly in accordance with the approved details and shall be completed in all respects before occupation of the final dwelling in that phase.

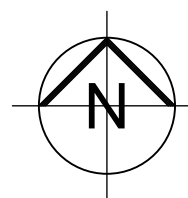
Reason: To ensure the hard landscaping measures are appropriate.

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Tincklers Lane, Ecclestone Location Plan

0 20m 40m 60m
 1:1250@A3 1330-PL01



31 Chapel Brow Leyland Preston PR25 3NH
 Tel 01772 467404 E Mail info@pwlarchitecture.com

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APPLICATION REPORT – 23/00430/FUL

Validation Date: 17 May 2023

Ward: Croston, Mawdesley And Euxton South

Type of Application: Full Planning

Proposal: Erection of raised decking with canopy (retrospective)

Location: Euxton Mills Hotel Wigan Road Euxton Chorley PR7 6JD

Case Officer: Mrs Hannah Roper

Applicant: Mr Paul Bowker

Agent: RS Design Consultancy Ltd

Consultation expiry: 29 June 2023

Decision due by: 12 July 2023

RECOMMENDATION

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

SITE DESCRIPTION

2. The application relates to the Euxton Mills Hotel Public House which is located at the junction of Wigan Road and Dawbers Lane in Euxton. The public house is a traditional white rendered building with a car park and outdoor seating areas to the west and south, with access points to and from both roads.
3. The surrounding area is varied in character with Euxton Park located on the opposite side of Dawbers Lane, an vehicle MOT and service centre to the south west and dwellings to the south, east (beyond Wigan Road) and west.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks planning permission, retrospectively, for the erection of a covered area of raised decking within the car park. Located in the south eastern corner of the site, it has a footprint of 6m by 5m and has a mono pitched roof with a maximum height of 2.6m. The decking is raised 0.25m off the ground and has a 1m high balustrade to its frontage.

REPRESENTATIONS

5. 6no. representations have been received citing the following summarised grounds of objection:
 - Loud, incessant music playing late every weekend
 - No regard for local residents
 - Non locals visiting the pub can leave the noise, residents can't
 - Music played across the whole weekend until 10pm
 - Noise pollution is unbearable
 - The new landlords are the issue
 - Noise complaints have been made

- The applicants have not applied for change of use of the car park
 - The noise has been so bad residents have been forced to leave properties at times
 - Causes stress and anxiety
 - Can be heard as far as The Green
 - No issues with the PH only the use of the platform as a stage
 - Causes houses to vibrate
 - Loss of car parking spaces causes dangerous parking on Dunrobin Drive
6. 30no. letters of support have been received, the contents of which are summarised below:
- Brings people into Euxton
 - It has transformed the pub
 - Chorley Council should be supporting this application
 - Live music is capped until 8pm and played at standard volume
 - It is rare that music is played outside
 - Speakers always face away from houses
 - Landlords have authority over the pub and ask for the decking to be vacated by 10pm.
 - Neighbours are invited to big events
 - If you live near a pub you should expect noise
 - Just pointing fingers at a small business
 - Pub was previously in decline
 - The decking is only used for food service
 - Businesses need to evolve
 - Pub provides a community hub
 - Why should this structure require planning permission, where is the legislation?
 - There is nowhere near the number of events objectors have stated
 - Events take place on the decking and then in the crowd
 - There is no harm caused as it was erected by a reputable tradesman
 - This is a witch hunt over a small and insignificant planning matter
 - Stops the carpark being utilised as a cut through
 - These landlords always abide by the rules
 - Late acts are always moved into the pub

CONSULTATIONS

7. Euxton Parish Council – no comments have been received.
8. Lancashire County Council Highway Services – have no objection.
9. Regulatory Services - Environmental Health – have raised concerns regarding the activities for which the decking would be used.
10. CIL Officers – have advised that the proposal is not CIL liable.

PLANNING CONSIDERATION

Design and appearance

11. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, 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.
12. The covered decking is located in the south east corner of the site and is visible within the streetscene. To the south of the covered decking is a side road, beyond which is the gable end of a terraced property, no.254 Wigan Road.

13. The structure is set back from the carriageway and is modest in terms of scale and appearance. Given its location and the surrounding land uses, it is not considered to be detrimental to the streetscene or surrounding locality and, as such, does not form a discordant or harmful feature. It is considered that the proposal accords with policy BNE1 of the Chorley Local Plan in terms of design and appearance.

Impact on the amenity of neighbouring occupiers

14. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development including 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 or an unacceptable degree of noise disturbance to surrounding land uses.
15. There is a row of terraced properties located directly to the south of the covered decking. The gable end of the nearest dwelling is located 4.7m away and is separated by the access road to the car garage to its rear. An approximately 1.3m high stone wall forms the boundary treatment to the perimeter of the application site on this side. Whilst the gable end of the dwelling has a side facing window, the structure is not of a sufficient scale to result in an overbearing impact. Further, given that the structure has a semi solid rear elevation, it improves the situation with regards to privacy from that previously experienced where patrons of the public house had direct views towards the dwelling.
16. It is noted that concerns relating to noise have been raised by several objectors in relation to the application. In determining the application, the Local Planning Authority must be mindful that the public house is well established and can be seen on historic mapping in the late 19th century before surrounding dwellings existed. The use of the car park for congregation and drinking took place prior to the erection of the covered decking area and would not in itself require planning permission.
17. It is not considered that the existence of the covered decking area in itself would notably increase impacts upon residential amenity over and above the previous situation, subject to its use being restricted. It is considered necessary to restrict the use of the decking area to drinking and eating, the hours of use to 8am to 10pm and to prohibit the playing of music. Should the Council receive complaints of noise from the decking area or other areas, there are alternative mechanisms and legislation under which this can be investigated and potentially controlled. The proposal is, therefore, considered to accord with policy BNE1 of the Chorley Local Plan with regards to residential amenity, subject to the imposition of conditions.

Highway safety

18. Policy ST4 of the Chorley Local Plan 2012-2026 requires that proposals for development will need to make parking provision in accordance with the standards set out in Appendix A of the Local Plan. Appendix A identifies the Council's minimum parking standards for drinking establishments within Chorley Town Centre as being 1 space per 6sqm of public floor space. Policy ST4 does provide some flexibility in the parking standards and locations that are considered to be more sustainable and well served by public transport may be considered appropriate for lower levels of provision.
19. The erection of the raised decking has resulted in the loss of a small amount of parking at the site, however Lancashire County Council Highway Services have been consulted on the proposal and do not consider that it results in a detrimental impact on highway safety or amenity with sufficient parking retained to meet demand. As such, the proposal is considered to be acceptable in respect of highway safety considerations.

CONCLUSION

20. The proposed development would not result in a detrimental impact on the character of the area or on neighbouring residents over and above the situation prior to the erection of the structure. There are no concerns regarding the loss of parking given the sustainable

location of the site. The proposal, therefore, accords with the Chorley Local Plan 2012-2026.

RELEVANT HISTORY OF THE SITE

Ref: 00/00361/FUL **Decision:** PERFPP **Decision Date:** 27 June 2000
Description: Extension at rear to provide covered access to first floor manager's flat

Ref: 07/00668/FUL **Decision:** PRRRTF **Decision Date:** 30 July 2007
Description: Retrospective application for the installation of a free-standing double awning, and glass screening to front and side

Ref: 21/00514/ADV **Decision:** PERADV **Decision Date:** 1 July 2021
Description: Application for advertisement consent for the display of 9no. pole and wall mounted signs

Ref: 21/00513/FUL **Decision:** PERFPP **Decision Date:** 1 July 2021
Description: Installation of camera and column, camera cabinet and column protector to facilitate the provision of a car park management system

Ref: 19/00141/OUT **Decision:** PERFPP **Decision Date:** 26 September 2019
Description: Outline planning application for 1no. dwellinghouse, including access. All other matters reserved.

Ref: 15/00768/OUT **Decision:** PEROPP **Decision Date:** 30 October 2015
Description: Outline application (specifying the access) for a two storey dwelling and detached garage.

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
PLAN AND ELEVATIONS OF EXISTING RAISED DECKING WITH CANOPY	PR-01	17 May 2023

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

2. The raised decking with canopy, for which planning permission is hereby granted, shall be used only for the purposes of eating and drinking and shall not at any time be used for the hosting of outdoor entertainment or playing of live or recorded music.

Reason: In the interests of the amenity of neighbouring residents.

3. The development hereby approved shall not be used outside the hours of 8:00am and 10:00pm on any day of the week.

Reason: In order to protect the amenities of the occupiers of nearby properties.



SITE LOCATION PLAN
Scale 1:1250



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APPLICATION REPORT – 23/00038/FUL

Validation Date: 23 January 2023

Ward: Chorley North East

Type of Application: Full Planning

Proposal: Erection of 4no. detached dwellings and garages, following the demolition of existing buildings

Location: Lower House Fold Farm Trigg Lane Heapey Chorley PR6 9BZ

Case Officer: Mike Halsall

Applicant: Mrs Ann Nikolakis, Steven Abbott Associates LLP

Agent: Mrs Claire Wilkinson, Steven Abbott Associates LLP

Consultation expiry: 20 February 2023

Decision due by: 14 July 2023 (extension of time agreed)

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located 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 0.47 hectares 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 currently harmful to the visual amenity and character of the area due to its unsightly appearance, 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.
5. Outline planning permission was refused by the Planning Committee in February 2022 for residential development at the site, with all matters reserved. An indicative layout plan for the development identified nine dwellings stretching across the entire application site. The reason for refusal was as follows:

'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.'

DESCRIPTION OF PROPOSED DEVELOPMENT

6. The applicant seeks full planning permission for the erection of 4no. detached dwellings and garages, following the demolition of existing buildings.
7. The applicant has attempted to overcome the reason for refusal of the previous application by reducing the number of proposed dwellings. The submitted plans have been revised during the consideration period of the application, at the request of the case officer, by further reducing the scheme from five to four dwellings, reducing the scale of the proposed dwellings and removing any built development, other than the internal access road and a pond, from the southern section of the site.
8. Members will recall that following the refusal of the previous application, Planning Committee approved an application for three dwellings, following the demolition of equestrian buildings, (ref. 21/01247/FUL – approved July 2022) on land to the north east of this application site.

REPRESENTATIONS

9. Two conditional objections have been received in relation to this proposal, which suggest that the development will cause further damage to the access road during and after the construction period and request that the road is improved to an adoptable standard, and that widened and passing places are installed as part of the proposal.
10. One objection has been received to the proposal which refers to the access road being unsuitable and refers to the additional traffic that the proposal would create. They request the access is adopted and brought up to standard in terms of its surface and passing places to ensure safety of pedestrians, horse riders, residents, and Council vehicles.

CONSULTATIONS

11. United Utilities: Have responded with their template response which provides information to the applicant with regards to protecting United Utilities infrastructure and the provision of service connections to the proposed development. This can be included as an informative note to be attached to any grant of planning permission for this proposal.
12. Lancashire County Council Highway Services (LCC Highway Services): Have responded with no objection to the proposal but have noted that the occupants of the proposed dwellings would be reliant on car travel. LCC Highway Services also note that the access road is not adopted and is a privately maintained road. They state that, 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. They have suggested a suite of planning conditions to be attached to any grant of planning permission.
13. Waste & Contaminated Land Officer: Has responded with no comments.
14. Lancashire County Council Emergency Planning: Have responded to state that *'the application has been reviewed using the Lancashire County Council Health, Safety & Resilience Service formal consultation process for planning applications and COMAH sites. During the process the following agencies/ organisations have been consulted*
 - Redcliffe International Shipping Ltd
 - Lancashire County Council Emergency Planner
 - Chorley Borough Council Emergency Planner
 - Lancashire Fire and Rescue Service
 - Lancashire Constabulary
 - North West Ambulance Service

Lancashire County Council Resilience Team have received no objections to the application from the above organisations so can accommodate the changes in the Redcliffe External Plan.'

15. Greater Manchester Ecology Unit (GMEU): Have responded with no objection to the proposal, subject to conditions relating to safeguarding bats, nesting birds and the control of invasive species. They also requested a biodiversity net gain assessment be submitted in support of the application, which was later submitted by the applicant to the satisfaction of GMEU.
16. Growth Lancashire – Has advised that the proposal fails to meet the statutory test ‘to preserve’ and would cause ‘less than substantial’ harm (the low end of the ‘less than substantial’ test) to the setting and significance of the adjacent grade II listed building. Comment is also made that should the Local Planning Authority consider that the benefits generated by the scheme outweigh the identified harm in the planning balance, then suitable conditions should be attached to any planning permission re suitable facing materials, windows/doors and RWG’s etc.
17. Heapey Parish Council: No comments have been received.

PLANNING CONSIDERATIONS

Principle of development

18. The application site is located wholly within the Green Belt.
19. 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.’
20. 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.’*
21. 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’.
22. 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”.
23. 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.
24. When considering any uplift in volume in the Green Belt, national policy allows for the replacement of a building, provided among other things, that they are not materially larger. The Council considers that a volume increase of up to 30% is not ‘materially larger’. Accordingly, when applying this same approach to the development, an increase of up to 30% would not be a material increase when considering the impact on the openness of the Green Belt. The agreed built volume of the existing buildings to be demolished is 4,253 cubic metres. The 30% uplift, therefore, would give 5,528 cubic metres which could be utilised by the proposed new dwellings.
25. The combined volume of the proposed dwellings and garages amounts to 3931.31 cubic metres which falls well below the allowable volume and 8% below the volume of the existing buildings. The combined surface area covered by existing buildings is approximately 1,181 square metres and that of the proposed dwellings and garages is approximately 577.95 square metres. The site is currently also cluttered with vehicles and other items, resembling a scrap yard, which also harms openness. The maximum height of existing building on-site is approximately 6m, compared to 7.6m for the maximum ridge height of the tallest proposed dwelling. The proposal would involve the clearing of the site to make way for the proposal.
26. As a result of the reduced volume and surface area of built development, the spatial impact of the proposed development would be less than the existing development. The visual impacts would also be improved, despite the slight increase in height of buildings, due to the reduction in the massing of buildings and clearing of vehicles and other materials at the site and the sense of openness would be enhanced, including the scope for soft

landscaping. As such the impact on openness when considering the site as whole would be no greater than the existing development.

27. Given the above, it is considered that the proposed development would not have a greater impact on the openness of the Green Belt than the existing development and as such would not represent inappropriate development in the Green Belt.

Impact on designated heritage assets

28. 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.
29. 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.

30. Great weight and importance is attached to this duty.
31. 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:
32. The Framework at paragraph 197 states that in determining applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
33. 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.
34. 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:
- grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - 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.

35. 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.
36. 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.
37. 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.
38. 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.
39. Policy BNE8 (Protection and Enhancement of Heritage Assets) of the Chorley Local Plan 2012 - 2026 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.

40. 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.
41. The Planning Statement describes the proposed dwellings as being of 'traditional/agrarian appearance utilising high quality materials, which complement the surrounding buildings, particularly the neighbouring listed farmhouse and barn. Any views of the site from the surrounding area will present a high-quality development'. The elevation drawings provide design details, such as mock cart entrances and outshuts.
42. With regard to materials, traditional materials are proposed for the construction of the dwellings through the use of stone, timber cladding and slate tiling to the roofs.
43. The key 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 of high significance. The significance of the property is in its aesthetic and historic context, primarily evidenced in the fabric of the building and architectural form/appearance.
44. 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.
45. 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 farmhouse is in a state of disrepair, with the former barn being converted into a dwelling. From visiting the site and according to map regression, the heritage asset and site lies in fairly extensive farmland, that has remained largely the same overtime, with the exception of the modern farm buildings to the immediate south.
46. The application site lies directly to the front of the listed building, spreading out to the south and west. The existing modern farm 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. Consequently, 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 is no objection to their demolition and the reduction in the numbers of dwellings now proposed would result in a reduced impact upon the setting of the listed building.
47. It is considered that the removal of the existing buildings and breaking and salvaging of vehicles would enhance how the listed building is experienced. It is acknowledged also that the existing setting does not positively contribute to the listed building. The reduced number of dwellings, with designs influenced by farm/rural styles, in a courtyard layout, is a more suitable approach.
48. The proposed dwellings have been designed to appear as farm type buildings although it is accepted that it would be inevitable that the proposed residential development would be a noticeable new residential scheme in the same context as the listed building. This 'sub-urbanisation' of the setting would be at odds with the wider rural setting to the farmhouse, which does contribute to some degree to its significance.

49. The changed character of the setting is further emphasised by the scale of the new properties which would to some extent compete with the primacy and prominence of the listed farmhouse and barn within the immediate setting.
50. However, due to the land sloping down southwards slightly, the proposed dwellings further south, may have a lesser impact on the contribution made by the setting to the listed building.
51. In this context, when taken as a whole, it is considered that the proposal would cause some harm to the contribution made by the setting on the significance of the heritage asset, albeit this harm to the overall significance of the listed building would be at the low end of the less than substantial scale. Nonetheless, this harm must be given great weight in the planning balance. The proposal, therefore, conflicts with the policies detailed above that seek to sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset.
52. The Local Planning Authority must, therefore, consider the wider public benefits of the proposal against the level of harm to the significance of the heritage asset affected in its planning balance. Clearly, the removal of the existing buildings and breaking and salvaging of vehicles would enhance how the listed building is experienced and the existing setting does not positively contribute to the listed building.
53. Furthermore, the existing site is in an extremely poor state and is harmful to the character of the area and the setting of the listed building. Whilst the proposal would also give rise to some harm to the setting of the listed building, it is considered that the public benefit from improving the visual appearance of this site should also be given significant weight in the planning balance. There would also be additional social and economic benefits from the delivery of much needed housing at a time when the Council cannot demonstrate a 5-year supply of housing land.
54. On balance, it is considered that the benefits of the proposal outweigh the harm caused to the setting of the listed building.

Impact on character and appearance of locality

55. 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 (amongst other things):
 - a) *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.*
 - c) *The layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area;*
56. The existing buildings proposed for demolition are in a poor condition and are harmful to the character of the area. Other buildings to the north east, including the listed building, are of a traditional cottage / farmhouse design and mostly contribute positively to the character of the area, being of stone construction, albeit one has been rendered. These dwellings form a horseshoe shape around a central courtyard / parking area. Part of the listed building has fallen into disrepair and is in a very poor condition. Other buildings further to the north east are in equestrian use and are of a functional design akin to their use.
57. Whilst the proposed dwellings would be relatively large compared to the other existing dwellings to the north, their size is consistent with modern living standards. Their scale has been reduced during the consideration period and the combined volume falls well below Green Belt allowances for this type of development. Given the remote location of the site, the proposed dwellings are considered acceptable in terms of size, scale, massing and design. The appearance of the dwellings would fit with the rural character of the area. The

materials palette consists of mainly brick elevations, slate/tile roofs with stone window heads and sills. Each dwelling is of a bespoke design, rather than four 'off the peg' dwellings seen in most modern housing estates. The final choice of external facing materials and landscaping details can be controlled by planning condition. As such it would be an acceptable design response in the context of this site, which is already occupied by large equestrian buildings.

58. Overall, the proposed development is an appropriate design response to the site and would have a positive impact on the appearance of the site and character of the area in consideration of the present buildings, and would not have a detrimental impact on the surrounding area. The development, therefore, complies with policy BNE1 of the Chorley Local Plan 2012 – 2026 with regards to design.

Impact on neighbour amenity

59. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 - 2026 states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
60. The rear elevation of the dwelling on Plot 2 would face the rear elevation of Lower House Farm. The interface distance between habitable room windows would exceed the Council's minimum distance for such situations. The proposed site layout would ensure an acceptable relationship between each dwelling in terms of the residential amenity of future occupants.
61. It is considered that the development would not adversely impact on the amenity of any existing or future occupiers and the proposal complies with policy BNE1 of the Chorley Local Plan 2012 – 2026 in this regard.

Flood risk and drainage

62. The application site is not located in an area that is at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the Framework and the National Planning Practice Guidance (NPPG).
63. 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.
64. United Utilities have responded with no objection to the proposal and have recommended that the applicant implements a scheme in accordance with the surface water drainage hierarchy outlined above and that foul and surface water be drained on separate systems. These issues can be controlled by suitably worded planning conditions.

Ecology

65. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species.
66. The Council's ecological advisors have responded with no objection to the proposal and have recommended conditions in relation to protecting bats, birds, the eradication of invasive species and the provision of biodiversity enhancement measures. It is, therefore, not considered that any further assessment is required of the proposed ecological impacts

of the proposal and it is considered acceptable in this regard. The proposal is considered to comply with policy BNE9 of the Chorley Local Plan (2012-2016).

Highway safety

67. 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.
68. 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.
69. 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 being solely car reliant. 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. That said, they do not object to the proposal.
70. 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. It is however not considered that the proposal represents a significant development, it is not a major housing proposal, with just 4no. dwellings proposed. It should also be stressed that the Council recently approved an application for three new dwellings in a similar location, to the north east of this application site.
71. 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 it is considered to be disproportionate to require a scheme for just 4no. dwellings to fund this. That said, LCC Highway Services have recommended that a survey of the road is undertaken pre and post development and any damage caused to the road during construction work be repaired by the developer. This can be secured by planning condition.
72. In light of the above, it is considered that the site is an acceptable location for the level of housing proposed. The site layout demonstrates the proposal would deliver a level of off-street parking in accordance with the Council’s standards. The proposal is therefore considered to be acceptable in terms of highway safety and parking.

Other issuesHazards

73. 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.

Mineral Safeguarding

74. Part of the site is located within a Mineral Safeguarding Area protected from incompatible forms of development by policy M2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One 2013. The policy seeks to ensure that potential underlying mineral resources are not needlessly sterilised by development. In this instance, the application site has already been developed and so any underlying resource has already been sterilised. There is therefore no conflict with policy M2 as a result of this proposal.

Public open space (POS)

75. 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.

Provision for children/young people

76. Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently a surplus of provision in Chorley North East in relation to this standard, however the site is not within the accessibility catchment of an area of provision for children/young people. A contribution towards new provision in the accessibility catchment is therefore required from this development. However, no new schemes within the accessibility catchment are currently identified and so a contribution cannot be requested.

Amenity Greenspace, Parks and Gardens, Natural and Semi-Natural Greenspace, Allotments and Playing Pitches

77. The Council does not require on-site provision or contributions for these types of open space from developments of fewer than 11 dwellings.

Sustainability

78. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015, which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

"For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the [Planning and Energy Act 2008](#) in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes

policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent."

"Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance."

79. Given this change, instead of meeting the code level, the Local Planning Authority required that dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the transitional provisions. Building Regulations 2022 have now been brought into force and under Part L require a 31% improvement above 2013 Building Regulations. This exceeds the Council's previous requirement and now supersedes the requirement for a planning condition.

Community Infrastructure Levy

80. 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

81. It is considered that the proposed development would not be inappropriate development in the Green Belt as it would accord with exception g of paragraph 149 of the Framework. The proposal would ensure the protection of neighbouring residential amenity in accordance with the aims of policies within the Framework and the Chorley Local Plan 2012 – 2026 that seek to achieve sustainable development. It is also considered that the proposed development would have no detrimental impact on the character of the area and would not give rise to undue harm to ecology, drainage or highway safety. Whilst some harm would be caused to the setting of the adjacent listed building, it is considered that the public benefits of the proposal outweigh this harm. As such, the proposal is recommended for approval.

RELEVANT HISTORY OF THE SITE

Ref: 88/00749/COU **Decision:** PERFPP **Decision Date:** 21 February 1989

Description: Change of use of disused farm building into dwelling

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: 21/00958/OUT **Decision:** REFOPP **Decision Date:** 4 February 2022

Description: Outline planning application for residential development (all matters reserved)

Ref: 21/01247/FUL **Decision:** PERFPP **Decision Date:** 15 July 2022

Description: Demolition of four buildings and part demolition of a fifth building and erection of three detached dwellings

Ref: 22/01194/DIS **Decision:** PEDISZ **Decision Date:** 3 January 2023

Description: Application to discharge conditions nos.4 (materials, levels and landscaping), 5 (biodiversity enhancements) and 13 (privacy screens) of planning permission ref. 21/01247/FUL

(Demolition of four buildings and part demolition of a fifth building and erection of three 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.

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
Location Plan & Existing Site Layout	22/105/L01	16 January 2023
Proposed Site Layout	22/105/P01 Rev A	13 April 2023
Plot 1 - Proposed House Type (4H2609)	22/105/P02 Rev A	13 April 2023
Plot 2 - Proposed House Type (4H2548)	22/105/P03 Rev A	13 April 2023
Plot 3 - Proposed House Type (4H2627)	22/105/P04 Rev A	13 April 2023
Plot 4 - Proposed House Type (4H2176)	22/105/P05 Rev A	13 April 2023
Double Garage - Proposed Plan & Elevations	22/105/P06 Rev A	13 April 2023

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

3. Prior to any works taking place above DPC level, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) Details of the colour, form and texture of all external facing materials to the proposed dwellings.
- b) Details of the colour, form and texture of all hard ground- surfacing materials.
- c) Location, design and materials of all fences, walls and other boundary treatments.
- d) The finished floor level of the proposed dwellings in relation to surrounding land.

The development thereafter shall be completed in accordance with the approved details. Prior to the first occupation of the dwellings hereby permitted all fences and walls shown in the approved details to bound its plot shall have been erected in conformity with the approved details.

Reason: In the interests of the visual amenities and character of the area and to provide reasonable standards of privacy to residents.

4. Prior to the commencement of the development, other than demolition and enabling works, details of a scheme of biodiversity enhancements of the site shall be submitted to and approved in writing by the Local Planning Authority, to accord with the submitted Biodiversity Net Gain Assessment. The approved measures shall be carried out prior to the occupation of any of the dwellings.

Reason: To deliver biodiversity enhancement measures.

5. No works to trees and shrubs or vegetation clearance or demolition of buildings shall occur 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.

Reason: All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981 (as amended).

6. Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

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

7. Any new external lighting should be designed to minimise the impact on nocturnal wildlife.

Reason: To avoid disturbance of nocturnal wildlife.

8. No dwelling hereby permitted shall be commenced until all existing buildings on the site are demolished in full and all resultant materials removed from the site.

Reason: The demolition of the existing buildings is necessary to make the development acceptable in the Green Belt as an exception to inappropriate development in the Green Belt as listed in paragraph 149 (g) of the National Planning Policy Framework and also in accordance with Chorley Local Plan 2012 - 2026 policy BNE5.

9. Prior to any earthworks a survey for invasive plant species including japanese knotweed and himalayan balsam shall take place and the findings supplied to and agreed in writing to the Local Planning Authority. If any invasive species are present, a method statement detailing avoidance, control and eradication measures shall also be supplied to and agreed in writing by the Local Planning Authority, and carried out prior to any earthworks taking place.

Reason: To control the spread of invasive species.

10. 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, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or 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 mitigate for loss of trees, shrubs and bird nesting habitat.

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.

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.

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

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

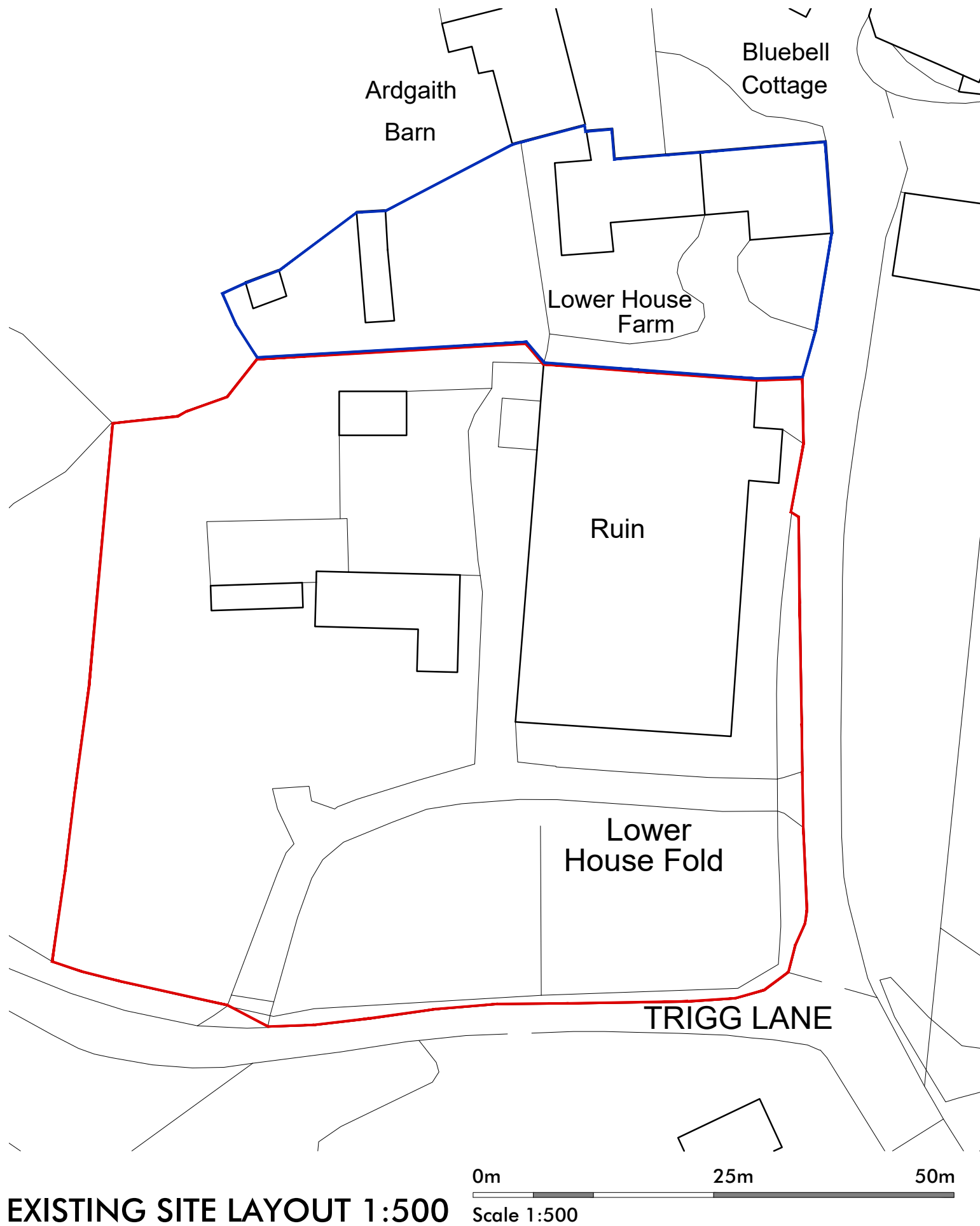
12. The private car parking and manoeuvring areas to be marked out in accordance with the approved plans, before occupation of the associated dwelling and permanently maintained thereafter.

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

13. Prior to the commencement of development, a joint survey shall be carried out between the developer and the planning authority (in conjunction with the highway authority) to determine the condition of from the junction of Trigg Lane and Chapel Lane along the length of Rosebud Lane which is part of the adopted highway. A similar survey shall be carried out within one month of the completion of the last dwelling, and the developer shall make good any damage to the adopted highway to return it to the pre-construction situation.

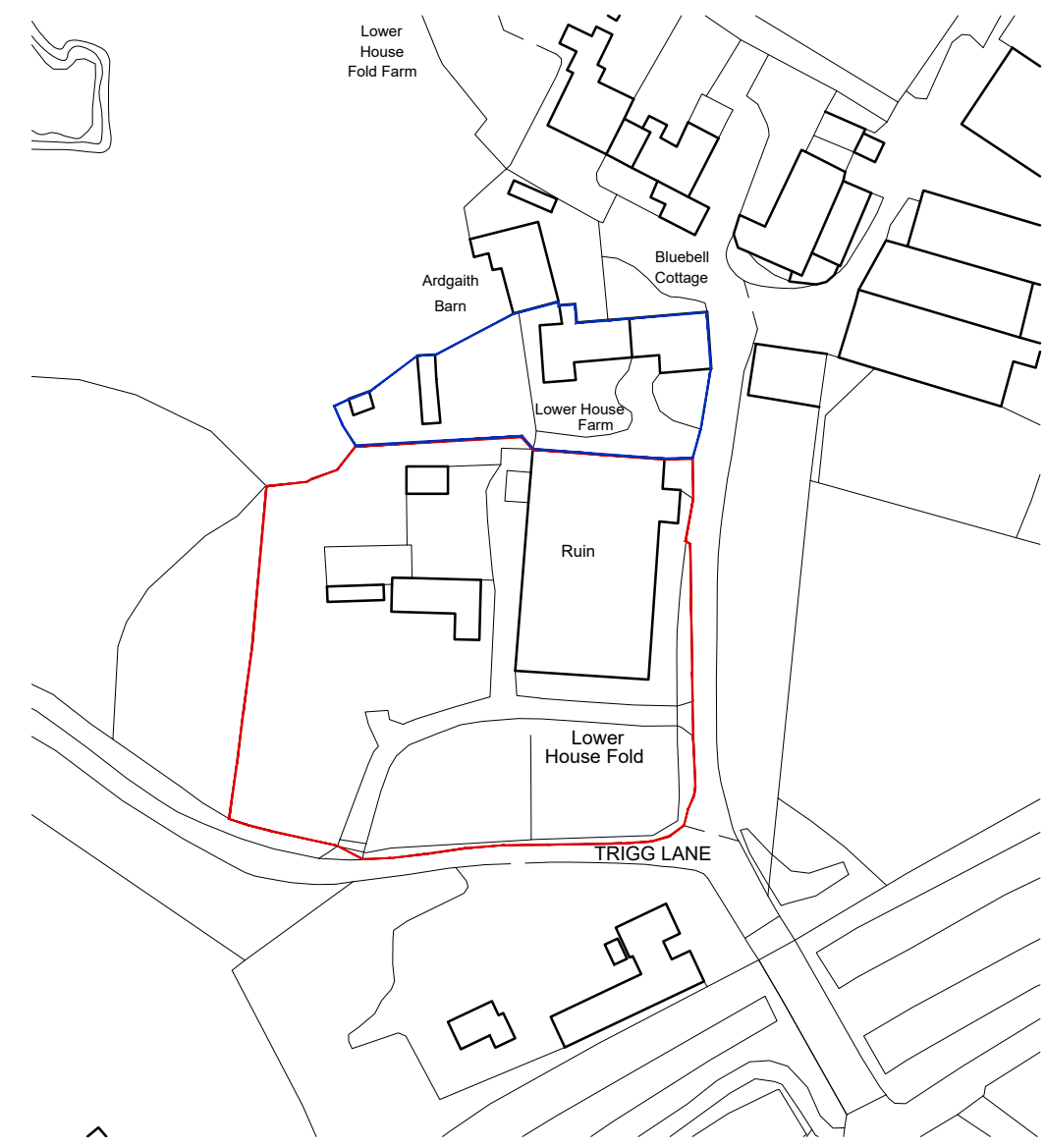
Reason: To maintain the construction of the adopted highway in the interest of highway safety.

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EXISTING SITE LAYOUT 1:500

0m 25m 50m
Scale 1:500



LOCATION PLAN 1:1250

0m 125m
Scale 1:1250

Revision Notes:

CLIENT	Nicolakis, Ann				
PROJECT	Proposed Residential Development at Lower House Fold Farm, Trigg Lane, Heapey, Chorley, PR6 9BZ				
DRAWING	Location Plan & Existing Site Layout				
DRAWN	WA	DATE	10/01/23	NUMBER	22/105/L01
SCALE	Varies	SHEET	A3	REVISION	-



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APPLICATION REPORT – 23/00126/OUT

Validation Date: 10 February 2023

Ward: Croston, Mawdesley And Euxton South

Type of Application: Outline Planning

Proposal: Outline application for the demolition of existing buildings and the erection of up to 3no. dwellings (all matters reserved, save for access from Wood Lane)

Location: Wood Lane Farm Wood Lane Mawdesley Ormskirk L40 2RL

Case Officer: Mike Halsall

Applicant: Leveldale Limited

Agent: MacMarshalls Chartered Rural Surveyors & Planning Consultants

Consultation expiry: 9 March 2023

Decision due by: 14 July 2023 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that outline planning permission is granted, subject to conditions and a S106 legal agreement to secure a financial contribution of £402 towards public open space for children / young people.

SITE DESCRIPTION

2. The application site is located in the Green Belt off Wood Lane, in a rural part of the Parish of Mawdesley. The site contains five former agricultural buildings that are mostly in a poor state of repair, some are in use for storage (Use Class B8) under permitted development rights, following the Council's granting of prior approval application ref. 22/00003/P3PAM in February 2022.
3. To the south east are two adjoining mostly brick built barns that form an 'L-shape' and a much smaller detached brick outbuilding. Land to the north west, north, east and further to the south east consists of open agricultural fields. There are detached dwellings to the south (a two storey dwelling, Wood Lane Farm) and south west (Wood View Bungalow) on the opposite side of Wood Lane. Wood Lane is a public right of way (FP30).
4. Planning permission, ref. 23/00125/FUL, was granted in May 2023 for a change of use of the agricultural barns, located immediately to the south east of the application site, to a dwellinghouse and outbuilding, including partial demolition and extensions to the existing buildings.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. The application seeks outline planning permission, with all matters reserved, save for access from Wood Lane, for the demolition of the existing buildings and erection of up to 3no. dwellings. The applicant has submitted an indicative layout which shows how the site could possibly be developed, with each plot having its own access from Wood Lane and the three dwellings laid out in a row, set well back from the highway. The red edged site boundary has been reduced in size, at the request of the case officer, to only include the

land immediately surrounding the existing buildings, to limit the future size of domestic curtilage in the Green Belt.

REPRESENTATIONS

6. Two representations have been received in objection to the proposal, citing issues of inadequate water pressure, highway safety, traffic, and drainage as the reasons for their objection.

CONSULTATIONS

7. Mawdesley Parish Council: No comments have been received.
8. Lancashire County Council Highway Services (LCC Highway Services): Initially responded to request a change to the red-edged site boundary to ensure the access proposed from the highway was included for all three dwellings. Following receipt of revised plans from the applicant, LCC Highway Services subsequently responded with no objection to the proposal, stating that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
9. Greater Manchester Ecology Unit: Have responded with no objection to the proposal, subject to conditions to safeguard bats, barn owls, kestrels, amphibians and to secure a net gain in biodiversity at the site.
10. Waste & Contaminated Land Officer: Have responded with no comments.
11. United Utilities: Have responded with their template response with information for the applicant with regards to protecting United Utilities buried assets and the provision of their services to the site. This information will be attached as an informative note to any grant of planning permission.

PLANNING CONSIDERATIONS

12. The application site is located wholly within the Green Belt. National guidance on Green Belt is contained in Chapter 13 of the Framework which states:

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 resulting from the proposal, 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...:

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;

13. It is, therefore, necessary to establish whether the existing site falls within the definition of previously developed land, as defined by Annex 2 to the Framework, as follows:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

14. The site clearly contains buildings, however, it must be determined whether these are in agricultural use or another use. As noted earlier in this report, some of the buildings are now in use for storage (Use Class B8) under Class R permitted development rights, following the Council's prior approval of application ref. 22/00003/P3PAM in February 2022. This was verified during the case officer's site visit with the least deteriorated buildings being in use for the storage of equipment / materials associated with the applicant's estate business.
15. Class R of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows for the change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class B1 (business), Class B8 (storage or distribution), Class C1 (hotels) or Class D2 (assembly and leisure), subject to certain criteria.
16. In light of the above, it is considered that the site is in a mixed use of agriculture and storage under Use Class B8 and the entire site, therefore, falls within the definition of previously developed land.
17. It has been established that the site includes the redevelopment of previously developed land (paragraph 149g exception). Whilst the test for sites such as this relates to the impact on openness, the Framework does not contain a specific definition of 'openness'. It is a subjective judgment which is considered further below, along with objective criteria of making that assessment. It is considered that in respect of the Framework, the existing site currently has an impact on the openness of the Green Belt. However, it is important to note that merely the presence of existing buildings on the site currently does not justify any new buildings. The new buildings must also not "have a greater impact on the openness of the Green Belt".
18. To engage with the exception of paragraph 145g of the Framework, which is reflected in policy BNE5 of the Chorley Local Plan 2012 – 2026, the test relates to the existing development. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the site.
19. Policy BNE5 relates to the redevelopment of previously developed sites in the Green Belt and states that redevelopment of previously developed sites in the Green Belt will be permitted providing that the appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.

20. Whether harm is caused to openness depends on a variety of factors such as the scale of the development, its locational context and its spatial and/or visual implications. The existing site currently has an impact on the openness of the Green Belt through the presence of the substantially sized buildings. However, it is important to note that merely the presence of existing buildings on the application site currently does not justify any new buildings. The new buildings must also not "have a greater impact on the openness of the Green Belt". Case law has established that for there to be a greater impact, there must be something more than merely a change.
21. The existing buildings have a total combined built footprint of approximately 1,100 square metres and a volume of approximately 2,970 cubic metres. The tallest of the existing buildings is approximately 7.4m to ridge.
22. This outline application only seeks approval of access as a detailed matter and so the proposed layout and landscaping of the site and the scale and appearance of the proposed dwellings would be left for future reserved matters application/s. That said, the applicant has submitted an illustrative site layout plan and floor space and volume calculations for three dwellings. This identifies that each dwelling would be three storeys tall, with a combined footprint of 444 square metres and a volume of approximately 1,000 cubic metres. Whilst the maximum height of the proposed dwellings is not given, three storey dwellings will typically be in excess of 8m in maximum height to ensure adequate ceiling heights.
23. When considering any uplift in volume in the Green Belt, national policy allows for the replacement of a building, provided among other things, that they are not materially larger. The Council considers that a volume increase of up to 30% is not 'materially larger'. Accordingly, when applying this same approach to the development, an increase of up to 30% would not be a material increase when considering the impact on the openness of the Green Belt. The proposed indicative figures would mean the proposal would result in a reduction in footprint of approximately 60% and volume of approximately 66%.
24. Other factors to consider include the removal of buildings which are spread across the site, some of which are not visually attractive and the siting of up to three detached dwellings set within gardens would provide a sense of openness within the development. Scale is not applied for at this stage, but it is considered that two storeys as a maximum would be an appropriate scale given the height of the existing buildings and having regard to the heights of dwellings to the south and south west of the site. This could be controlled by way of a planning condition, as could the built volume of the proposed dwellings. A suitably designed scheme with appropriate landscaping could be drawn up to enhance the appearance of the site as a whole, which in its current form detracts from the character and appearance of the area. Although there would be a change in how the site looks, when taking the above factors into account, it is not considered that the redevelopment of the site for up to 3no. dwellings would have a greater impact on the openness of the Green Belt than the existing development.

Impact on the character and appearance of the area

25. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; and that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area.
26. The majority of the application site, especially the timber framed buildings towards the north western site boundary have a generally tired and unkempt appearance which undermine the overall appearance of the site and none of the buildings are of any architectural merit. The redevelopment of the site provides the opportunity to enhance the site as a whole

subject to design considerations as set out in policy BNE1 of the Chorley Local Plan which would be dealt with at reserved matters stage.

27. As noted in the preceding section of this report, it is considered that two storeys as a maximum would be an appropriate scale for the proposed dwellings, given the height of the existing buildings and having regard to the heights of dwellings to the south and south west of the site. This would ensure the proposal is not harmful to the character and appearance of the area.

Impact on neighbouring amenity

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, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.
29. Given this is an outline application, the impact of the proposal on neighbour amenity would be a detailed matter which would be assessed at reserved matters stage. Any proposed scheme would need to ensure that an acceptable layout is achieved with adequate separation distances, to avoid adverse impacts on neighbouring residential amenity, and that of future occupiers. That said, given the proximity of the nearest existing dwellings to the application site, it is considered unlikely that the proposal would give rise to any unacceptable impacts with regards to residential amenity.
30. In terms of land use compatibility, the proposed residential use would be compatible with neighbouring uses.

Highway safety

31. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that 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.
32. The proposal involves the creation of three new site access points onto Wood Lane. LCC Highway Services do not have any objections in principle to the proposal. The illustrative site layout plan adequately demonstrates that the site could provide off street parking and vehicle manoeuvring areas in line with the parking standards set out in policy ST4 of the Chorley Local Plan 2012 – 2026 and Appendix A.
33. The proposal is considered to be acceptable in terms of highway safety having regard to policy BNE1 (d) of the Chorley Local Plan.

Flood risk and drainage

34. The application site is not located in an area that is at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the Framework and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water and surface water draining in the most sustainable way.
35. 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.
36. It is recommended that the applicant implements a scheme in accordance with the surface water drainage hierarchy outlined above. This can be secured by planning condition.

Ecology and trees

37. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species.
38. The Council's ecological advisors have reviewed the submitted ecological assessments submitted in support of the application and have responded with no objection to the proposal. The site supports bat roosts and so the proposal will require a Protected Species Licence from Natural England. As a consequence, they have suggested a condition be attached to any grant of planning permission requiring evidence of the licence or confirmation a licence is not required to be provided to the Council prior to development commencing. Given the small numbers of bats and their conservation status it is likely that a Bat Mitigation Class Licence could be sought. These BMCL licences do not require a Reasoned Justification to provide the derogation from the legislation, but it is important that the Council identify this material consideration. It is also the responsibility of the determining body to consider likelihood of a licence being issued. It is considered opinion that it is highly probable that Natural England will look on a licence application favourably and it will be issued in this case.
39. The Council's ecological advisors have also requested a barn owl, kestrel and swallow mitigation strategy by planning condition as evidence of the presence of these species was also noted in the submitted surveys. Additional conditions for the protection of nesting birds, amphibians, and to deliver biodiversity enhancements, were also requested.
40. The site contains some hedgerows and trees and so it is considered appropriate for a condition to be attached requiring the submission of an Arboricultural Method Statement and Tree Protection Plan in support of any future reserved matters application.
41. In light of the above, the potential ecological and arboricultural impacts of the proposal are considered acceptable, subject to conditions. The proposal is considered to comply with policy BNE9 of the Chorley Local Plan (2012-2016).

Public open space

42. 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.
43. The Council does not require contributions for amenity greenspace, parks and gardens, natural and semi-natural greenspace, allotments or playing pitches from developments of fewer than 11 dwellings.
44. Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population for Public Open Space for children / young people, i.e. equipped play areas. There is currently a deficit of provision in Croston, Mawdesley and 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. The contribution for this proposal is therefore £402 which would be secured via a S106 legal agreement.

Sustainability

45. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015, which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the [Planning and Energy Act 2008](#) in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent.”

“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”

46. Given this change, instead of meeting the code level, the Local Planning Authority required that dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the transitional provisions. Building Regulations 2022 have now been brought into force and under Part L require a 31% improvement above 2013 Building Regulations. This exceeds the Council’s previous requirement and now supersedes the requirement for a planning condition.

Community Infrastructure Levy

47. 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

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

RELEVANT HISTORY OF THE SITE

Ref: 19/00319/AGR **Decision:** PAAGR **Decision Date:** 30 April 2019
Description: Agricultural determination for a steel portal framed building to be used for the storage of agricultural machinery.

Ref: 22/00003/P3PAM **Decision:** PAAPP **Decision Date:** 28 February 2022
Description: Prior approval application under Part 3, Class R of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the proposed change of use of 3no. agricultural buildings to a flexible use falling within Class B8 (storage or distribution) for materials and vehicle storage

Ref: 22/00805/AGR **Decision:** PAAGR **Decision Date:** 7 September 2022
Description: Agricultural determination to install an access track

Ref: 23/00125/FUL **Decision:** PERFPP **Decision Date:** 26 May 2023
Description: Change of use of agricultural barns to a dwellinghouse and outbuilding, including partial demolition and extensions

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. An application for approval of the reserved matters, namely access, appearance, landscaping, layout and scale, must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended 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
Site Location Plan - New Houses	2016 1.1D	27 June 2023
Existing Site /Block Plan	2016 1.5C	27 June 2023

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

3. The development shall be restricted to the following:
Scale: maximum of two storeys in height
Total combined volume of dwellinghouses: maximum of 3867m³

Reason: To ensure that the development is acceptable in the Green Belt as an exception to inappropriate development in the Green Belt as listed in paragraph 149 (g) of the National Planning Policy Framework.

4. As part of the first application for reserved matters or prior to the commencement of the development full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site), shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

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

5. As part of the first application for reserved matters or prior to the commencement of the development of any dwellinghouse, full details 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.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

6. No dwelling hereby permitted shall be commenced until all existing buildings on the site, shown shaded grey on approved drawing ref. 2016 1.5C, are demolished in full and all resultant materials removed from the site.

Reason: The demolition of the existing buildings is necessary to make the development acceptable in the Green Belt as an exception to inappropriate development in the Green Belt as listed in paragraph 149 (g) of the National Planning Policy Framework and also in accordance with Chorley Local Plan 2012 - 2026 policy BNE5.

7. No works to trees, shrubs or hedgerows or demolition of any building shall occur 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 that appropriate measures in place to protect nesting bird interests on site. Written confirmation of such shall be submitted to the Local Planning Authority.

Reason: All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981 (as amended).

8. As part of the first application for reserved matters or prior to the commencement of the development full details of any proposed lighting on the site, which shall be designed to minimise impacts on nocturnal wildlife and ensure no increase in lux levels above the existing levels on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

Reason: To minimise impacts on nocturnal wildlife.

9. As part of the first application for reserved matters or prior to the commencement of the development a biodiversity enhancement plan and implementation timetable shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement plan shall be implemented in full in accordance with the approved details and timetable.

Reason: To ensure biodiversity on the site is enhanced.

10. As part of the first application for reserved matters or prior to the commencement of the development a Reasonable Avoidance Method Statement to safeguard mammals/amphibians during site clearance and construction works, shall be submitted to and approved in writing by the Local Planning Authority. The Reasonable Avoidance Method Statement shall be implemented in full in accordance with the approved details.

Reason: To protect mammals and amphibians.

11. As part of the first application for reserved matters or prior to the commencement of the development, a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (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 and the potential for infiltration of surface water;
- (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); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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

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

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

13. The first reserved matters application for each phase shall be accompanied by an Arboricultural Method Statement covering the whole site that shall include details for the protection of all trees to be retained and details of how construction works will be carried out within any Root Protection Areas of retained trees. The development shall only be carried out in accordance with the approved Arboricultural Method Statement and with British Standard BS 3998:2010 or any subsequent amendment. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the Root Protection Areas.

Reason: To protect trees to be retained.

14. As part of the first application for reserved matters or prior to the commencement of the development a method statement giving details of the compensation measures to be taken for any loss of nesting potential at the site. New nesting provision must be made for Barn Owls, Kestrels and Swallows and an implementation timetable shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall be implemented in full in accordance with the approved details and timetable.

Reason: To mitigate the loss of nesting habitat.

15. The demolition of building B1 is likely to cause harm to bats, as identified in the submitted bat survey, and shall not in any circumstances commence unless the Local Planning Authority has been provided with and given its written approval of either:

- a) a license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead:
or
- b) a statement in writing from the Council's ecological advisors to the effect that it does not consider that the specified development will require a license.

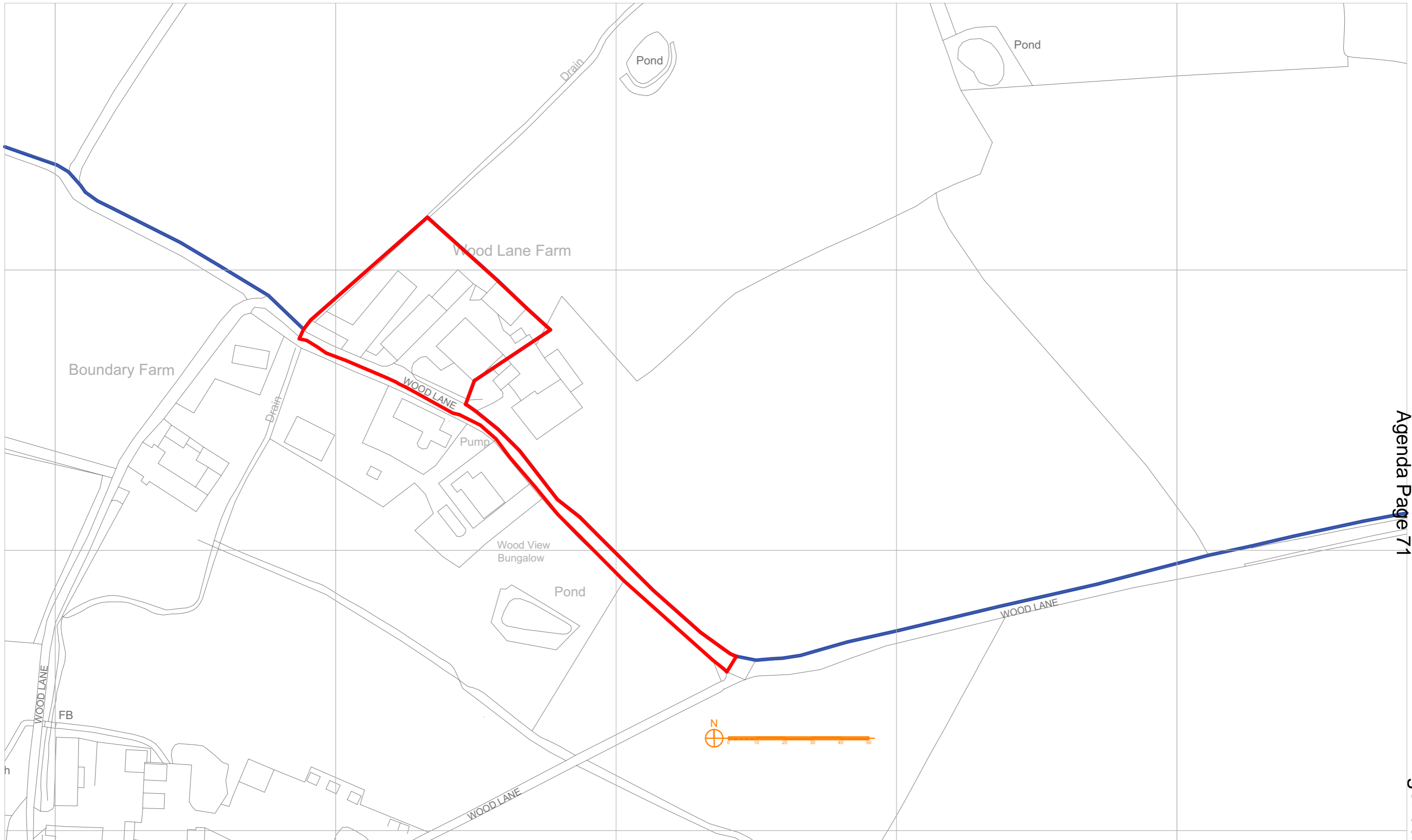
Reason: To safeguard a protected species.

16. For each phase, with any reserved matters application or prior to the construction of any part of any dwelling above ground level, full details of the alignment, height and appearance of all fences, walls and gates to be erected on the site (notwithstanding any such details shown on previously approved plans) for that phase shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences, walls and gates shown on the approved details to bound its plot have been erected in conformity with the approved details. Other boundary treatments shown in the approved details shall be erected in conformity with the approved details prior to occupation of the final dwelling of the development.

Reason: To ensure the boundary treatments are appropriate.

17. For each phase, with any reserved matters application or prior to the laying of any hard landscaping (ground surfacing materials) full details of their colour, form and texture for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken strictly in accordance with the approved details and shall be completed in all respects before occupation of the final dwelling in that phase.

Reason: To ensure the hard landscaping measures are appropriate.



Notes

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Revision	Description	Date
A	Drawing status updated	31.01.23
B	Red line boundary adjusted	26.04.23
C	Red line boundary adjusted	22.06.23
D	Red line boundary adjusted	27.06.23

Project Title
Wood Lane, Mawdesley

Client
Leveldale Ltd.

Drawing Title
Site Location Plan - New Houses

DAVID COX ARCHITECTS



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 Lancashire, PR1 3NA
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- Project Status**
- PLANNING
 - PRELIMINARY
 - TENDER
 - CONSTRUCTION

Scale 1:1250
 Paper Size A3
 Date 27/06/2023
 Drawn by AN /SG /DC
 Checked by JB
 Drawing No.

2016 | 1.1D

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APPLICATION REPORT – 23/00114/REM

Validation Date: 8 February 2023

Ward: Eccleston, Heskin And Charnock Richard

Type of Application: Reserved Matters

Proposal: Reserved matters application pursuant to outline planning permission ref: 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) seeking approval of landscaping details and details reserved by conditions nos. 6 (preliminary risk assessment - site investigation), 9 (construction environmental management plan), 10 (lighting design strategy), 11 (invasive non native species protocol), 12 (ecological design strategy), 13 (demolition statement) and 14 (landscaping scheme) attached to outline planning permission ref:18/00416/OUT

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

Case Officer: Mr Iain Crossland

Applicant: Gareth Jones, Stocks Hall Care Homes 2

Agent: Martin Boote, D&B Design Works Ltd

Consultation expiry: 20 March 2023

Decision due by: 14 July 2023 (Extension of time agreed)

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. A public right of way crosses part of the site at its eastern end.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks reserved matters consent for the landscaping 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).

5. Details have also been submitted to satisfy the requirements of some of the conditions attached to the outline planning permission as follows:
- Condition 6 deals with the risks associated with contamination of the site.
 - Condition 9 requires the submission of a construction environmental management plan that promotes biodiversity.
 - Condition 10 requires a lighting design strategy for biodiversity.
 - Condition 11 requires an invasive non-native species protocol detailing the containment, control and removal of invasive plant species on site
 - Condition 12 requires an ecological design strategy detailing measure to protect the interest value of Syd Brook Biological Heritage Site (BHS)
 - Condition 13 requires a demolition statement.
 - Condition 14 requires a detailed landscaping scheme.

REPRESENTATIONS

6. One representation has been received which considers the scale of development suitable for the area and that the development has the potential to enhance the area.

CONSULTATIONS

7. Greater Manchester Ecology Unit: Have confirmed that the conditions details are satisfactory.
8. Waste & Contaminated Land: Have advised that the applicant should complete a programme of ground investigation works to fully characterise the ground/groundwater conditions below the site.
9. Charnock Richard Parish Council: Have confirmed that they have no objection.

PLANNING CONSIDERATIONS

Principle of the development

10. 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).

Impact on character and appearance of the locality

11. *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 layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area.*
12. The application site is currently occupied by a large modern dwelling faced in white render that has a linear form. The dwelling has suffered fire damage and vandalism and is in a state of severe disrepair. The stables are of timber construction and typical of domestic stables buildings, whilst there are large areas of hardstanding and dense vegetation as the site has become overgrown due to a lack of maintenance. The site is not particularly visible from public areas due to mature landscaping within the site and around the periphery, however, its current appearance contributes negatively to the character of the area.
13. The proposed development would introduce six dwellings set out in an arc radiating off the existing access drive. The majority of mature trees that exist on the site would be retained and supplemented by a number of new native trees planted around the access drive and in the open space between the houses and the highway at Park Hall Road. Wildflower seeding would be carried out to the northern side of the site nearest the highway, whilst a native hedgerow would be planted adjacent to the highway itself. Ornamental trees, shrubs and formal hedge planting would be carried out to the front garden areas at each dwelling plot.

14. The proposed landscaping is comprehensive and would provide a strong buffer with the main highway at Park Hall Road, whilst creating an attractive and verdant entry to the development. The communal open space to the north would provide a sense of parkland, whilst the more formal planting around the dwellings themselves would result in a more formal garden aesthetic. The proposed landscaping would build on some of the existing characteristics of the site, maintaining the higher quality trees, and would provide an attractive high quality setting to the development.
15. Overall, the proposed landscaping would provide a suitable approach to the strategic landscaping of the site and would help to frame the approved housing development. It is, therefore, considered that proposed landscaping adequately reflects the character of the area and would contribute to a high quality development that would improve the appearance of the site.

Ecology

16. The site is dominated by habitats of limited value to wildlife at present, with areas of hard standing, derelict structures and a prevalence of invasive plant species. The proposed landscaping, along with the implementation of the invasive non-native species protocol, would enable higher quality trees to be retained alongside new tree planting, new hedgerow planting and the sowing of a wildflower meadow. Native plant species would be used in the strategic landscaping of the site, which would enhance its long-term ecological interest and provide new opportunities for protected and notable species to thrive. The proposed landscaping would help to restore a more natural habitat that would support and encourage greater biodiversity across the site and is in line with policy BNE9 of the Chorley Local Plan 2012-2026. The proposed landscaping plan is considered to be acceptable both as a reserved matter and in relation to the terms of condition 14.
17. The construction environmental management plan (condition 9), lighting design strategy for biodiversity (condition 10), invasive non-native species protocol (condition 11) and ecological design strategy (condition 12) that have been submitted in support of the development have been assessed by the Council's ecology advisors, Greater Manchester Ecology Unit, who consider that the details are satisfactory following on from some minor amendments.
18. Condition 13 required a licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 (as amended) authorising the specified activity/development to go ahead; or a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence, as a bat roost had been found previously at the site. An activity survey was undertaken in summer 2022, under suitable conditions, and found that the roost was no longer in use and the Ecologist concluded that the roost was no longer active. As there is no current bat roosting at the site, the proposed demolition of the dwelling and garage would not require a European Protected Species licence, and one cannot be issued given the absence of bats. Condition no.13 can, therefore, be discharged on this basis.

Ground conditions

19. A Phase 1: Desk Top Study Report (Preliminary Risk Assessment) has been submitted in response to condition no.6 of the outline planning permission. The report identifies the following:
 - The site is currently considered to pose a high geotechnical risk (proposed structures).
 - The site is currently considered to pose a low to moderate risk to the proposed end users (ground contamination).
 - The site is currently considered to pose a very low risk to adjacent sites (the surrounding environment) and controlled waters with respect to potential ground/groundwater contamination.
 - A very low risk is currently considered present in respect of ground gas.
 - No radon protection measures are required.

20. On this basis it is recommended to complete a programme of ground investigation works to fully characterise the ground/groundwater conditions below the site. In order to carry out the phase 2 site investigations so that the ground conditions can be fully understood, any necessary mitigation measures set out and remediation reports produced it is clear that the existing structures will need to be demolished first. Condition no.6 can be partially discharged at this stage and provides sufficient detail at this stage such that demolition of the existing buildings can proceed. Condition no.6 cannot be fully discharged, however, until the results of the site investigation and detailed risk assessment have been provided in a report setting out a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action will also be required.

CONCLUSION

21. The details submitted in relation to the reserved matter applied for under this application, namely landscape, are acceptable. The details submitted in relation to conditions attached to the outline planning permission namely conditions nos.6 (preliminary risk assessment - site investigation), 9 (construction environmental management plan), 10 (lighting design strategy), 11 (invasive non native species protocol), 12 (ecological design strategy), 13 (demolition statement) and 14 (landscaping scheme) are also acceptable subject to the provision of a programme of ground investigation works to fully characterise the ground/groundwater conditions, details of necessary mitigation and a verification report. Therefore, it is recommended that the reserved matters consent is granted subject to conditions.

RELEVANT HISTORY OF THE SITE

Ref: 13/00219/FULMAJ **Decision:** WDN **Decision Date:** 2 July 2013
Description: Demolition of existing buildings and erection of a residential rehabilitation centre

Ref: 14/00178/FULMAJ **Decision:** REFFPP **Decision Date:** 16 May 2014
Description: Demolition of existing buildings and erection of a residential rehabilitation and therapy centre at Pemberton House Farm (resubmission of withdrawn application 13/00219/FULMAJ)

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

Ref: 21/01331/REM **Decision:** PERRES **Decision Date:** 4 February 2022
Description: 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)

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.

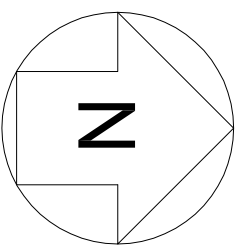
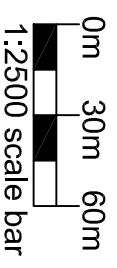
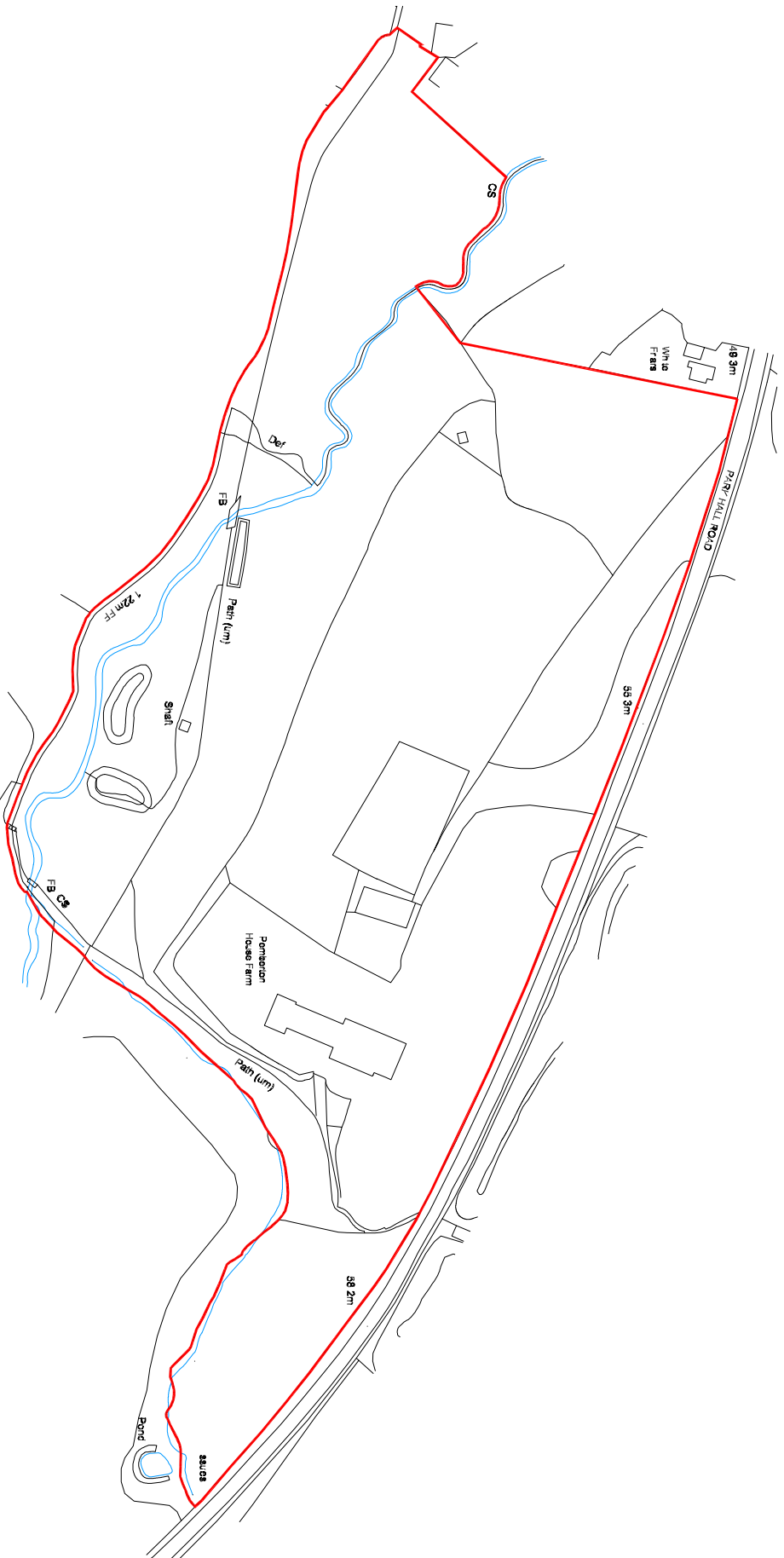
Suggested conditions

1. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Landscape Layout	P.1599.22.03 Rev. B	27 June 2023
Planting Plan (Sheet 1 of 2)	P.1599.22.04 Rev. A	02 May 2023
Planting Plan (Sheet 2 of 2)	P.1599.22.04 Rev. A	02 May 2023

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

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Do Not Scale.

All dimensions and conditions are to be checked on site prior to preparing drawings or commencing any work.

IF IN DOUBT, ASK!

CONTACT US:

Tel: 07702117902 / 07850880427
 Mail: info@dbdesignworks.co.uk
 Web: www.dbdesignworks.co.uk

client	STOCKS HALL CARE HOMES		
project	PEMBERTON HOUSE FARM PARK HALL ROAD CHARNOCK RICHARD, PR7 5LP		
drawn	01.11.2020	by	MB
scale	1:2500@A3		

drawing title
LOCATION PLAN



drawing number	DB1054 - 001	rev	
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APPLICATION REPORT – 23/00424/FUL

Validation Date: 15 May 2023

Ward: Croston, Mawdesley And Euxton South

Type of Application: Full Planning

Proposal: Erection of two detached dwellings and garages (resubmission)

Location: Mayfield Blue Stone Lane Mawdesley Ormskirk L40 2RH

Case Officer: Mr Iain Crossland

Applicant: Mr Max Halsall

Agent: Miss Courtney Evason, Steven Abbott Associates

Consultation expiry: 9 June 2023

Decision due by: 14 July 2023 (Extension of time agreed)

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located in the Green Belt and comprises an open area of garden land previously belonging to a property known as Mayholm, which was recently demolished and redeveloped with a pair of semi-detached dwellings. The land is located between the residential dwelling at Mayfield to the north and the garden area of Bluestone Barn to the south. The site is bound by Blue Stone Lane to the west and there is open agricultural land to the east. The site is occupied in part by a brick outbuilding located to the south west corner of the site that is immediately adjacent to the highway.
3. The area is rural in character and the topography generally flat with clusters of dwellings and agricultural buildings, whilst there is a more built up area of ribbon development to the south west along Dark Lane, Ridley Lane and Bradshaw Lane. The character of the buildings in the locality is mixed with traditional agricultural style buildings and dwellings of both modern and traditional design style in evidence close to the site.
4. It is noted that two separate permission in principle applications for the development of two dwellings and a single dwelling at the site were refused by Chorley Council in 2021. The decision to refuse application reference 21/00999/PIP, which was for the erection of one dwelling, was the subject of an appeal that was allowed by a Planning Inspector. This decision established that the site is an infill site in the Green Belt.
5. More recently an application for the erection of two detached dwellings and garages was refused by the Planning Committee in March 2023 for the following reason:

The proposed dwellings would be of such design, scale and massing that they would be out of keeping with the character of the street frontage and significantly detrimental to the character of the surrounding area contrary to policy HS7 and BNE1 of the Chorley Local Plan 2012-2026.

DESCRIPTION OF PROPOSED DEVELOPMENT

6. This application seeks planning permission for the erection of two detached dwellings and garages, and is a resubmission of the previous application. The dwellings would be of a traditional design style and would be positioned to face Blue Stone Lane, from which each dwelling would gain access. The dwelling at plot 2 would include a gatehouse feature in place of the existing brick outbuilding to the south west of the site. Access to this block would pass through the gatehouse. The double garage at plot 1 would be positioned to the front of the dwelling adjacent to the boundary with plot 2.
7. The proposal has been altered through a reduction in the ridge height of the dwellings by 0.62m resulting in a shallower roof pitch and a ridge height of 7.9m. A streetscene drawing has also been provided to demonstrate the relationship with the recently developed dwellings to the north on Blue Stone Lane.

REPRESENTATIONS

8. Representations in objection have been received from 3no. individuals raising the following issues:
 - Out of character with the rural location and type of development nearby
 - The site would be overdeveloped due to the dwelling to plot ratio
 - Adverse impact on the Green Belt
 - Adverse impact on highway safety
 - This application is not pursuant to a permission in principle and must be considered on its merits in relation to both principle and detail
 - Wildlife and ecology impacts including loss of trees
 - Lack of available school places to accommodate new residents

CONSULTATIONS

9. Lancashire County Council Highway Services: Have no objections subject to conditions, and specifically the provision of a construction traffic management plan (CTMP) prior to commencement of the development.
10. Greater Manchester Ecology Unit: Have no objections subject to conditions and specifically the provision of a construction environmental management plan and landscaping scheme for the biodiversity enhancement of the site.
11. United Utilities: Have confirmed that the proposal is acceptable in principle to United Utilities subject to a condition requiring that the development is carried out in accordance with the principles set out in the submitted Foul & Surface Water Drainage Design.
12. Mawdesley Parish Council: Wish to strongly object. They have many concerns regarding the development, which are detailed as follows:

Whilst it is acknowledged the developer has sought to deal with some of the objections raised by the planning committee as reasons for refusal, the Parish Council wish to reiterate previous objections.

Firstly, the developer submitted a 'permission in principle' application for two dwellings on this site in February 2021 - 21/00160/PIP which was refused by Chorley Borough Council and who quoted in their refusal - "The proposed development would be located within the Green Belt as defined by the Chorley Local Plan 2012 - 2026. The proposed development is not considered to represent limited infilling and would be inappropriate development in the Green Belt and, therefore, harmful. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt and additional harm caused through encroachment. The proposal is, therefore, contrary to the National Planning Policy Framework and policy HS7 of the Chorley Local Plan 2012 - 2026."

The Parish Council wishes to reiterate its original comments which objected on the basis that the limited infill has already been used; the site is on a sharp bend in a dangerous location and the proposed development would be over development of Greenbelt.

Further to our original comments about the issues around access and traffic, one of the entrances to the proposed site is immediately after a dangerous blind bend, just in front of the building used to house the gas valves - this is a huge concern should there be an accident there. The other entrance is on the crown of the bend, where there have been accidents in the past, hence the large buttress constructed in front of Bluestone Barn.

The developer then applied for permission in principle on the same site for one dwelling in August 2021 - 21/00999/PIP which was again refused by Chorley Borough Council but was taken to appeal by the applicant and subsequently the PIP for one dwelling was granted by the Secretary of State.

The application for two dwellings on this same site has total disregard for the planning process, the plot is far too small for two dwellings. The developer has culled the tree and used the space for building materials and general waste resulting in an eyesore for local neighbours and a potential environmental hazard as it could be toxic.

The owners/developers have acted with total disregard to their direct neighbours and the villages naturally beautiful landscape.

The Parish Council wish to reiterate its original comments and remind Chorley Borough Council of its response to the PIP application.

In closing it should also be noted that the site in question also does not feature in Chorley's own list of 'Preferred Options' in relation to the Local Plan consultation document.

PLANNING CONSIDERATIONS

13. The application site is located within the Green Belt. National guidance on Green Belt is contained in Chapter 13 of the National Planning Policy Framework (The Framework), which states:

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.*
14. The application site is located outside the settlement area of Mawdesley and falls to be considered as an 'other place' when considering the location of development in relation to Policy 1 of the Central Lancashire Core Strategy. Policy 1(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."
15. The application site is open land with no buildings or development in situ, other than a brick outbuilding to the south west corner of the site adjacent to the highway at Bluestone Lane. The supporting statement submitted with the application seeks to engage with paragraph 149.e) of the Framework, the contention being that the development would represent limited infilling in a village, which is an exception to inappropriate development. Policy 1(f) of the Core Strategy reflects this exception and allows for 'appropriate infilling' in 'smaller villages' and within 'substantially built up frontages'. This raises the question of whether the site can be considered to be within a smaller village or substantially built up frontage.
16. Mawdesley is a small village surrounded by countryside. The centre of the village has a number of services including a shop, pub, church and school. For the purposes of the development plan there is a settlement boundary that defines the extent of the village, and the application site is located some distance from this. In consideration of whether or not the site is within a village it is recognised that the definition of a village is not limited to that of the defined settlement area and that the wider functional area must be considered. It is also recognised that the functional area of Mawdesley, in which people live and carry out daily activities, is somewhat dispersed, which is typical of a community that has evolved from its origins in agriculture and the working of land.
17. The application site is close to a well established area of linear development that extends along both sides of Dark Lane, Ridley Lane, and Bradshaw Lane and is referred to on local maps as Towngate. This reference may be derived from the Towngate Works site located to the west of Dark Lane. This area of linear development comprises in excess of 200 property addresses of mainly dwellings but also incorporating businesses at Towngate Works.
18. Aside from the amount of residential development in the locality, there are also a number of amenities that are normally associated with a village in and around this developed area. Towngate Works itself forms part of the developed area to the west of the site, which comprises a range of businesses and some services. Beyond this on Hall Lane are some services such as a barbers and podiatrist in addition to the Black Bull public house, which is currently closed. Beyond these St Peter And St Pauls R C Church and SS Peter & Paul's

Catholic Primary School lie at the south east extremity of the linear development branching down Ridley Lane. These amenities can be accessed on foot from the development site with relative ease.

19. These factors demonstrate the dispersed nature of this rural village, whilst demonstrating that the Towngate area is a distinct area of development. Given the extent of this nearby development and the presence of nearby amenities commonly associated with a village, in addition to the sprawling nature of Mawdesley village and the Towngate area it is considered that the application site does form part of the functional area of a village.
20. Turning to the matter of infill, policy HS7 of the Chorley Local Plan 2012 - 2026 deals specifically with rural infilling and provides a definition of infill development, which states as follows:

Within smaller villages limited infilling for housing will be permitted providing the applicant can demonstrate that the following criteria are met:

- a) The existing buildings form a clearly identifiable built-up frontage;*
- b) The site lies within the frontage, with buildings on either side, and its development does not extend the frontage;*
- c) The proposal would complement the character and setting of the existing buildings.*

Infill is the filling of a small gap in an otherwise built-up street frontage, e.g. typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage.

When assessing applications for rural infill sites, the Council will also have regard to site sustainability, including access to public transport, schools, businesses and local services and facilities.

21. In considering the matter of infill it is material to this case that permission in principle for the erection of one dwelling was granted on appeal by a Planning Inspector on behalf of the Secretary of State in July 2022. The decision sets out the following assessment in relation to the matter of infill:

“The appeal site is a parcel of land, located adjacent to a bend in the road between the side garden of 2 Bluestone Barn and the garden of the southern most property of a pair of semi detached dwellings. A detached outbuilding is located on the south western edge of the appeal site, positioned perpendicular to Bluestone Barn. Whilst this is orientated at a slightly different angle to the semi-detached dwellings to the north, it still faces onto the bend in the road and gives the impression of development continuing around the bend. Further along the road and beyond the bend is a sub-station. This is located within the verge between the appeal site and the road. Beyond 1 and 2 Bluestone Barn there is a further dwelling known as the Owls.

There is a gap between the Owls and the dwelling to the west, however this is small with dwellings positioned tight to the boundary on either side. Nevertheless, the prevailing character comprises a clearly identifiable built-up frontage located along this side of the road. The appeal site lies within this frontage, with buildings to either side. The site does not extend this frontage.

The depth of the appeal site is reflective of its neighbours to either side. The width of the site, between 2 Bluestone Barn and the boundary with the semi-detached dwelling to the north is similar to that of Bluestone Farm opposite, as well as that of 2 Bluestone Barn. However, I accept that due to the position of the latter, adjacent to the bend, much of this width does not bound the road edge. Nevertheless, a dwelling located within the appeal site would not appear to be sited on an overly large plot in comparison to the surrounding properties. Having regard to the site’s surroundings and notwithstanding the limitations of the first stage of the permission in principle route, I see no reason why a single dwelling of an appropriate design would not complement the character and setting of the existing buildings, in accordance with CLP Policy HS7.

I therefore conclude that the proposed development of a single dwelling on the appeal site can be regarded as 'limited infilling in villages', meeting the exception listed at paragraph 149. e) of the Framework."

22. The surrounding conditions have not altered materially since this appeal decision was issued, other than outline planning permission having been granted for a dwelling on land to the west of 1 The Owls, which would not alter the outcome of the Inspector's assessment. It must, therefore, be concluded that the application site does present the opportunity for limited infilling of the village. The appeal decision confirms that a single dwelling on this site (no details of which were provided) can be regarded as 'limited infilling in villages'. This application seeks permission for two dwellings, the details of which have been provided and, therefore, the assessment of development on this site is concerned with whether or not the development is of a type in keeping with the character of the street frontage.
23. The dwellings would fit within the same frontage and on the same plot of land as the appeal site, whilst they would be positioned to face onto the highway reflecting the positioning of other dwellings along Blue Stone Lane. They would be set within plots that would be of similar proportions to others in the locality. This would reflect the prevailing pattern and density of development along this part of Blue Stone Lane. The scale and height of the proposed dwellings would not be disproportionate with others along this part of Blue Stone Lane, which displays a variety building styles of different scale. The appearance of the dwellings is of a traditional nature, and although they are not directly reflective of those adjacent to the site the mixed character of the locality is such that there is no predominant design style, whilst the positioning of the dwellings from the highway and presence of landscaping would reduce their visual prominence. Within this context the two dwellings can be accommodated within the plot without harm to the character and setting of the existing buildings.
24. The proposal is, therefore, not considered to be inappropriate development within the Green Belt and is, therefore, in accordance with the Framework, Policy 1(f) of the Central Lancashire Core Strategy and Policy HS7 of the Chorley Local Plan 2012 - 2026. As the proposal is considered to comply with paragraph 149. e) of the Framework then it is not necessary to consider the effect of the proposed development on Green Belt openness.

Impact on character and appearance of locality

25. The application site is a rectangular parcel of land, located adjacent to a bend in the road between the side garden of 2 Bluestone Barn and the garden of the southern most property of a pair of semi detached dwellings located to the north. A detached outbuilding is located on the south western edge of the site, positioned perpendicular to Bluestone Barn. Although there is a wedge of land between the carriageway at Blue Stone Lane and the application site the dwellings would be visible in the streetscene.
26. The proposed dwellings are positioned to face the highway and would be set back within the site a similar distance from the highway as the dwellings to the north of the site. They would be set within plots that are of similar size to other plots in the locality, whilst the dwelling to plot ratio would be acceptable with adequate space for parking and private amenity. As a result they would form a continual line of development in a logical pattern that reflects the pattern of development in the vicinity of the site, whilst creating an element of active frontage in this location.
27. Space for landscaping would exist along the site frontage, which would allow for a soft edge to be created reflective of local character. No details of landscaping have been provided at present, however, this will be an important element in determining the final details of the scheme to ensure that the development blends in with the rural character of the location, where native hedgerows and trees to frontages are characteristic. It would be expected that existing trees and hedgerow species are retained where possible to help the development to blend into the surroundings. It is, therefore, recommended that a condition be attached to any grant of planning permission requiring a detailed landscape scheme to be submitted.

28. The dwellings themselves would be detached two storey properties with accommodation in the roof space. They would be of a height reflective of the dwellings to the north of the site and other such examples in the wider locality, where a range of dwelling types and design styles are evident. As the dwellings would be set back within the site approximately 10m from the highway they would not be overly imposing, whilst landscaping would help to filter views of the site. The dwellings would be faced in brick with roofs laid in slates or grey tile. This would reflect local character and would provide a suitable finish subject to the provision of final details. The dwellings would comprise front gables, canopy porches, chimney stacks, stone heads and cills and brickwork detailing. These features would add interest and would reflect some local design characteristics. Whilst they would not replicate the design of the adjacent dwellings on either side of the site, they would add further variety to an already eclectic street scene in this location. Their appearance would, therefore, be appropriate in the context of the site.
29. The existing outbuilding to the south west of the site would be converted to form a gatehouse with vehicular access passing through the centre. This would provide storage serving plot 2. The gatehouse would be converted using the existing materials and would incorporate gates and a decorative clock tower. This would provide an entrance feature and sense of arrival to the dwelling a plot 2. It would be a focal point on Blue Stone Lane travelling east and would result in a feature of interest within the street scape. A new garage would be added to the front of plot 1. This would be a simple design with materials and some features that match the dwelling, which is appropriate. The position to the front is not uncommon in this area, and it would significantly less prominent than the gatehouse as it would be set behind the landscaped frontage.
30. Overall, the proposed development would 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 in line with policy BNE1 of the Chorley Local Plan 2012-2026.

Neighbour amenity

31. Policy BNE1 of the Chorley Local Plan 2012-2026 states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
32. The proposed dwellings would be located between residential properties, with a dwelling on the opposite side of Blue Stone Lane. The dwelling at plot 2 would be located to the north of 2 Bluestone Barn. It would be positioned adjacent to a garden area at this property and the proposed dwelling would be approximately 9m from the garden boundary at its nearest point. The windows at first floor in the side elevation of the proposed dwelling facing the garden at 2 Bluestone Barn would not serve habitable rooms, whilst those in the ground floor would be screened by boundary treatment, therefore, no impact on privacy would occur. The dwelling would not face any windows at 2 Bluestone Barn and would be positioned approximately 22m from it at its nearest point. Given the positioning of the proposed dwelling relative to 2 Bluestone Barn and the degree of separation it is not considered that there would be any unacceptably adverse impact on the amenity of the occupiers of 2 Bluestone Barn.
33. The dwelling at plot 1 would be located to the south of the nearest dwelling at Mayfield. It would have a side elevation facing the side elevation at Mayfield and would be positioned approximately 4m from the garden boundary and 11m from the dwelling itself at the nearest points. The windows at first floor in the side elevation of the proposed dwelling facing Mayfield would not serve habitable rooms, whilst those in the ground floor would be screened by boundary treatment, therefore, no impact on privacy would occur. The positioning of the proposed dwelling relative to Mayfield and the degree of separation is such that it is not considered that there would be any unacceptably adverse impact on the amenity of the occupiers of this property.
34. The proposed dwelling would be located over 20m from the boundary with Bluestone Farm on the opposite side of Blue Stone Lane, and at further distance from the property itself. As

such there would be no unacceptable impact on the amenity of the occupiers of this dwelling by virtue of the degree of separation. The relationship between the proposed dwellings themselves is considered acceptable such that future occupiers would enjoy an adequate level of amenity.

35. On the basis of the above it is considered that the proposed development would have no unacceptably adverse impact on the amenity of the occupiers of any existing or future occupiers and complies with policy BNE1 of the Chorley Local Plan 2012-2026.

Highway safety

36. The proposed development has been considered by Lancashire County Council (LCC) as local highway authority for the area and advisors to the local planning authority. Blue Stone Lane at this location changes to a 30mph limit from 40mph and is on a sharp bend. Therefore, any parking on the highway at this location is a highway safety concern as it would obstruct the free flow of vehicles and pedestrians as part parking on the footway is likely. It is proposed that both dwellings have their own separate private access from the highway with off street parking and manoeuvring areas, whilst there would be turning within curtilage to allow for vehicles to enter and exit in forward gear, which would address this issue and is acceptable.
37. For the installation of the access at plot 1 the applicant would need to enter into the appropriate legal agreement with LCC for the vehicle crossing. The material for the driveway is not detailed and it is requested to be appropriately paved in tarmac, concrete, block paviours, or other approved materials. This is to prevent loose surface material from being carried on to the public highway and causing a potential source of danger to other road users.
38. The gatehouse would have a height restriction, which allows for smaller rigid LGVs to gain access but not larger vehicles or construction vehicles. LCC did raise a highway safety concern at large HGVs being unable to access this dwelling thereby parking on the bend and forcing vehicles to overtake and into oncoming vehicles in the opposing lane. However, it is not considered that single dwellinghouses should make provision for HGV access, and the occasions for such a need would be infrequent.
39. Given the nature of the highway in this location and restricted level of access and parking, it is considered that the applicant should provide a construction traffic management plan (CTMP) prior to commencement of the development, which details the access from plot 1 being formed in the first instance. It is requested that all vehicles and deliveries are accommodated within the site and that there be no loading or unloading in the highway and no parking on the highway.
40. It is recommended that the CTMP is required by condition attached to any grant of planning permission. The access for plot 1 is to be used for the construction of plot 2 even if they are in different ownership. This is to enable plot 2 to be built without parking or un/loading from the highway. This is requested to be conditioned. There is also a concern with the bend and debris on the highway, therefore a wheel wash is requested along with car parking for construction / contractor vehicles to sub-base and turning within curtilage to be created and maintained to enable all construction vehicles to access and egress in forward gear.
41. LCC Highway Services do not have any objections in principle to the proposed erection of two detached dwellings and garages.

Ecology

42. The information submitted with the application includes an ecology assessment. This has been reviewed by Greater Manchester Ecology Unit (GMEU) who have confirmed that the assessment has been undertaken by a licensed and experienced ecological consultancy whose work is known to the Ecology Unit. The assessment found the site to have some limited ecological value appearing to be part of a former garden or allotment.

43. The Assessment found that one of the buildings on site, identified as Building 1 and described as a double garage, to have some potential to support bats. The Assessment states that this building would not be affected by the proposal but this differs from the submitted plans that show this building being renovated with the roof slates and ridge tiles being stripped amongst other works. The Assessment does recommend that if works are required to this roof then all works should be undertaken between November and February inclusive. To ensure that this recommendation is followed, it is recommended that condition be attached to any grant of planning permission requiring a construction environmental management plan (CEMP: biodiversity) to be submitted prior to any development taking place.
44. The ecology assessment was undertaken outside the bird breeding season but does identify that common bird species may be using the site. As wild birds their nest and eggs are protected under the Wildlife and Countryside Act (1981) as amended, it is recommended that a condition be attached to any grant of planning permission requiring no removal of, or works to, any hedgerows, trees or shrubs, or works to or demolition of buildings or structures that may be used by breeding birds during the main bird breeding season 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation and structures for active birds' nests immediately before the vegetation is cleared or works commence. Alternatively, this requirement could be incorporated into the CEMP.
45. The proposed development should include measures to enhance biodiversity at the site in line with the provisions of policy BNE9 of the Chorley Local Plan 2012 – 2026. As no such measures or landscaping appear to have been included in the proposal and it is recommended that a condition be attached to any grant of planning permission requiring a scheme for biodiversity enhancement measures to be submitted, which should be reflected in a detailed landscaping scheme for the site. On the basis that impacts on protected species are mitigated and landscaping details for the site and associated biodiversity enhancement measures are provided the proposed development is considered to be in line with policy BNE9 of the Chorley Local Plan 2012 – 2026.

Impact upon heritage assets

46. The application site is located approximately 18m to the east of the grade II listed building of Bluestone Farm at its nearest point. The proposed dwellings themselves would be located over 30m away from Bluestone Farm, whilst Blue Stone Lane lies between with some intervening vegetation. It is considered that the degree of visual separation between the proposed housing to Bluestone Farm, and the presence of the intervening highway is such that the proposed development would not harm the contribution made by the current setting. It is concluded, therefore, that the proposed development would not have any impact on the significance of Bluestone Farm, which includes the contribution made by its setting.
47. As there would be no harm to the heritage asset or its setting, there would be no conflict with S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, policy 16 of the Core Strategy and policy BNE8 of the Chorley Local Plan 2012-2026.

Flood risk and drainage

48. The application site is not located in an area that is at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the Framework 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.
49. A drainage strategy has been submitted in support of the proposed development. This demonstrates that surface water will be directed to soakaways positioned within the driveway of each plot, whilst hard surfacing is to be permeable material such as preformed honeycomb celled panels or self draining precast concrete pavers. United Utilities have reviewed the drainage strategy and confirm that it is acceptable subject to a condition requiring the implementation of drainage scheme.

Sustainability

50. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015, which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent.”

“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”

51. Given this change, instead of meeting the code level, the Local Planning Authority required that dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the transitional provisions. Building Regulations 2022 have now been brought into force and under Part L require a 31% improvement above 2013 Building Regulations. This exceeds the Council’s previous requirement and now supersedes the requirement for a planning condition.

Public open space (POS)

52. 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.

53. However, the National Planning Practice Guidance (NPPG) post-dates the adoption of the Local Plan and states 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.

54. In the determination of planning applications, the effect of the national policy is that although 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 as compared with the new national policy.

55. 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.

56. Notwithstanding this, the Council must also decide how much weight to give to the benefit of receiving a payment for 1 or 2 dwellings. It is, therefore, considered that the benefit of securing a public open space contribution on the basis of a two dwellinghouses in this case,

would not outweigh the high cost of managing the end to end process of delivering those improvements, and would not be commensurate to the benefit.

57. Therefore, a public open space commuted sum is not requested for this scheme.

Community Infrastructure Levy

58. 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 will be a chargeable development and the charge is subject to indexation in accordance with the Council’s Charging Schedule.

Other matters

59. Lack of available school places to accommodate new residents: It is not considered that the addition of two dwellings would have a material impact on the provision of available school places within the Borough.

CONCLUSION

60. The proposed development would not be inappropriate development in the Green Belt and there would be no unacceptable detrimental impact on the character and appearance of the area or the amenity of neighbouring occupiers. In addition, the proposed development would not have an unacceptable impact on highway safety, ecology, drainage or any heritage assets. On the basis of the above, it is recommended that planning permission be granted.

RELEVANT HISTORY OF THE SITE

Ref: 21/00160/PIP **Decision:** REFPIP **Decision Date:** 30 March 2021
Description: Permission in principle application for the erection of two dwellings

Ref: 21/00999/PIP **Decision:** REFPIP **Decision Date:** 19 October 2021
Description: Permission in principle application for the erection of one dwelling

Ref: 22/01315/FUL **Decision:** REFFPP **Decision Date:** 30 March 2023
Description: Erection of two detached dwellings and garages

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.	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 following approved plans:

Title	Drawing Reference	Received date
Location Plan	2022-84-01.1	15 May 2023
Proposed Block Plan	2022-84-02 Rev.C	15 May 2023
House Type 1 - Proposed Floor Plans	2022-84-03.1 Rev.D	15 May 2023
House Type 1 - Proposed Elevations	2022-84-03.2 Rev.D	15 May 2023
House Type 2 - Proposed Floor Plans	2022-84-04.1 Rev.D	15 May 2023
House Type 2 - Proposed Elevations	2022-84-04.2 Rev.D	15 May 2023
Proposed Garage (House Type 1)	2022-84-05.1	15 May 2023
Proposed Gatehouse	2022-84-05.3 Rev.A	15 May 2023

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

3. Prior to the construction of the superstructure of any of the dwellings hereby permitted, 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.

Reason: To ensure that the materials used are visually appropriate to the locality.

4. No dwelling shall 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.

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

5. Prior to the construction of the superstructure of any of the dwellings hereby permitted, 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.

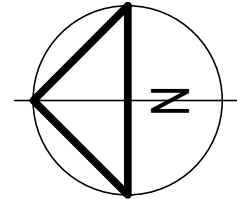
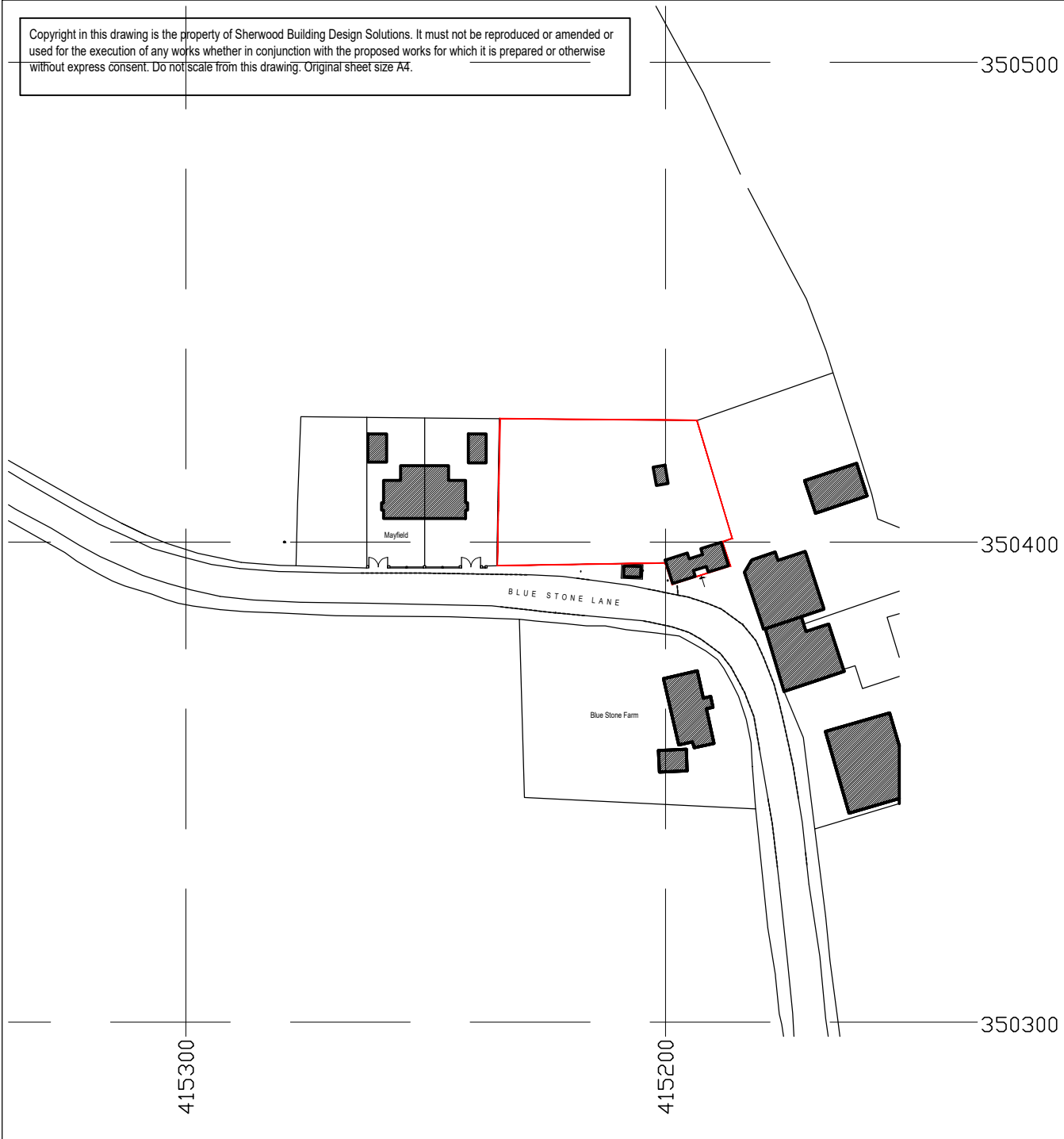
6. No works to the Gatehouse identified on drawing 2022-84-02 Rev.B shall take place until a construction environmental management plan (CEMP: biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW)

	<p>or similarly competent person. h) Use of protective fences, exclusion barriers and warning signs.</p> <p>The approved CEMP shall be adhered to and implemented throughout the works to the Gatehouse strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: Due to the potential for the existing building to support bats.</p>
<p>7.</p>	<p>A scheme for the landscaping of the development and biodiversity enhancement measures shall be submitted prior to the construction of the superstructure of any of the dwellings hereby permitted. 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 bird and bat box provision, 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>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.</p>
<p>8.</p>	<p>No removal of or works to any hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place during the main bird breeding season 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.</p> <p>Reason: Nesting birds are a protected species.</p>
<p>9.</p>	<p>The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Proposed Drainage Layout (ref. 2022-84-06, Dated Oct 2022), which was prepared by Sherwood BDS. For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. 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>Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.</p>
<p>10.</p>	<p>Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.</p>

	Reason: In the interests of highway safety and to prevent flooding.
11.	<p>The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use prior to first occupation and a suitable turning area is to be maintained thereafter.</p> <p>Reason: Vehicles reversing to and from the highway are a hazard to other road users, for residents and construction vehicles.</p>
12.	<p>The dropped crossing connecting the site access with the highway shall be constructed prior to commencement of development.</p> <p>Reason: In order to enable all construction and end user traffic to enter and leave the premises in a safe manner without causing a hazard to other road users or damage to the existing highway.</p>
13.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent Orders or statutory provision re-enacting the provisions of the Order, all garages shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority in consultation with the Highway Authority.</p> <p>Reason: To allow for the effective use of the parking areas.</p>
14.	<p>Before the accesses are used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block paviments, or other approved materials.</p> <p>Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.</p>
15.	<p>Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The CTMP shall include and specify the provisions to be made for the following:-</p> <ul style="list-style-type: none"> • The parking of vehicles of site operatives and visitors; • Loading and unloading of plant and materials used in the construction of the development; • Storage of such plant and materials; • Wheel washing facilities; • Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties. <p>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.</p>

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Status: **Planning & Building Regulations**

Client: **M & P Projects Ltd**

Project: **Mayfield, Blue Stone Lane, Mawdesley**

Title: **Location Plan**

Scale: 1/1250 @ A4	Date: December 2022	Drawn: Rob Sherwood
Drawing Number: 2022-84-01.1		Revision:

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APPLICATION REPORT – 23/00486/P3PAO

Validation Date: 6 June 2023

Ward: Clayton West And Cuerden

Type of Application: Prior Approval from Agr to Residential

Proposal: Prior approval application under Schedule 2, Part 3, Class Q (a and b) of The Town and Country Planning (General Permitted Development) (England) Order 2015 for the proposed change of use of 2no. agricultural buildings to 5no. dwellinghouses and associated building operations

Location: Lower Wood End Farm Back Lane Clayton-Le-Woods Chorley PR6 7EX

Case Officer: Chris Smith

Applicant: Mr Andrew Suter, Cuerden Valley Park Trust

Agent: Mr Thomas Smith, Peter Dickinson Architects

Consultation expiry: 3 July 2023

Decision due by: 31 July 2023

RECOMMENDATION

1. It is recommended that prior approval is refused for the following reason:

The proposed works do not reasonably constitute conversion and do not amount to the partial demolition allowed under paragraph Q.1(i) of Schedule 2, Part 3, Class Q (a and b) of The Town and Country Planning (General Permitted Development) (England) Order 2015. Accordingly, it is considered that the proposed development does not accord with the requirements of paragraph Q.1(i) and does not, therefore, amount to permitted development.

SITE DESCRIPTION

2. The application site is located within the Green Belt as defined by the Chorley Local Plan 2012-2026 Policies Map immediately to the west of the settlement boundary of Clayton le Woods. The site is located at the end of an approximately 160m long private access track that leads from Back Lane.
3. The site contains 4no. detached rectangular agricultural buildings. It is surrounded by housing to the east and north beyond a dense belt of vegetation, and there is open agricultural land on all other sides. A public footpath (path no. 8) runs along the access road from Back Lane and passes along the front (north) and side (west) boundaries of the site.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks prior approval under the provisions of Schedule 2, Part 3, Class Q (a) and (b) of The Town and Country (General Permitted Development) (England) Order 2015 (as amended) (GPDO) to convert 2no. existing agricultural buildings into 5no. dwellinghouses including the building operations necessary to facilitate the conversion.

REPRESENTATIONS

5. No representations have been received.

CONSULTATIONS

6. Chorley Council's Waste & Contaminated Land Officer - Has stated that based on the available information, the Council currently has no concerns over ground contamination in relation to this site. The site is unlikely to be determined as Contaminated Land.
7. Clayton le Woods Parish Council – No comments have been received.
8. Lancashire Highway Services (LCC Highways) – Have stated that they do not have any objections in principle to the proposed development. However, they also stated that they have some concerns in relation to cars exiting the track onto Back Lane due to vegetation obstructing sight lines and they also requested more information regarding passing places along the private access track used to access the site. The land upon which the vegetation is located is owned by Chorley Council and so it would be unreasonable to require the applicant to maintain this.

PLANNING CONSIDERATIONS

Procedure

9. The application is submitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 which came into force on 15 April 2015. More specifically the application is made under Class Q of the Regulations.
10. Class Q makes provision for:
 - (a) change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or
 - (b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.
11. This application seeks prior approval under Class Q (a) and Class Q (b) as detailed above.

Assessment

12. Under the provisions of the Regulations development under Class Q is not permitted where (assessment in bold):
 - (a) the site was not used solely for an agricultural use as part of an established agricultural unit—
 - (i) on 20th March 2013, or
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;

The planning history of the planning unit within which the buildings are located is relatively limited. The Council did, however, receive a planning application in September 2022 for Lower Wood End Farm proposing the demolition of the existing farmhouse and the erection of a replacement dwelling as well as the conversion of two barns to form three dwellings and other associated works (ref. 22/01001/FUL). In their comments on the planning application Lancashire County Council Archaeology Service referred to the farmstead (at Lower Wood End Farm) and stated that:

“it is noted on the Lancashire Historic Environment Record, where it is suggested that it may well appear on William Yates' map of Lancashire, dated 1786, and thus, be of 18th century or earlier origin. Within the farmstead itself are three traditional buildings, the farmhouse itself, a stone-built barn to its north and a brick-built barn range to its east. Of these the brick-built range is probably the earliest, being clearly identifiable on the OS 1:10,560 mapping of 1848 (sheet Lancashire 69, surveyed 1844-6)”.

This indicates that the site has been used for agricultural purposes for some considerable time as an agricultural farmstead and it is acknowledged, therefore, that the planning unit has historically been used for agricultural purposes. The regulations state that development is not permitted if the site was not used solely for an agricultural use as part of an established agriculture unit. For the purposes of this part of the General Permitted Development Order “site” means the building and any land within its curtilage. A determination, therefore, needs to be made as to whether or not the application site (the buildings subject of this application and their curtilage) would have been used solely for agriculture as part of a wider agricultural unit within the applicable time frames, i.e. that on 20th March 2013 the buildings were used solely for agriculture.

The design and access statement submitted with the application states that the existing site is a conventional farm with a mix of traditional buildings and modern agricultural structures surrounded by farm land and the existing buildings include a farmhouse, two traditional barn buildings and a collection of steel and timber agricultural buildings, which have been used to house various forms of farm plant and machinery, hay bales and general farm apparatus. It also describes the site as a well-established working agricultural farmyard.

The applicant's agent has also confirmed on the application form that the site was used solely for agricultural activities on the 20 March 2013. Taking this into account along with the historic agricultural use and given the lack of any evidence to demonstrate any intervening non-agricultural use of the application site, it is considered that the site has been used solely for agricultural purposes as part of an established agricultural unit within the required time frames.

(b) in the case of—

(i) a larger dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or

(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;

(ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;

(aa) The proposal would involve the creation of 3no. larger dwellinghouses (i.e. between 100sqm and 465sqm) and no other buildings within the application site have been converted for residential use.

(bb) The cumulative floorspace of the existing buildings changing use to larger dwellinghouses is less than 465 square metres.

(ba) The proposed development would lead to the creation of 3no. larger dwellinghouses each of which would have a floorspace of less than 465 square metres.

(c) in the case of—

(i) a smaller dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or (bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

(aa) The proposal would involve the creation of 2no. smaller dwellinghouses (i.e. less than 100 sqm).

(bb) The floorspace of each of the smaller dwellinghouses would be 89 square metres.

(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—
 (i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;
 (ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

(i) The proposal involves the creation of 3no. larger dwellinghouses, however, no individual larger dwellinghouse would have more than 465 square metres of floor space.

(ii) Cumulatively the proposal involves the creation of 5no. dwellinghouses with no other buildings within the application site converted for residential use under class Q.

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

The site is currently occupied under an agricultural tenancy; however, the applicant's agent has confirmed that an agreement has been reached between the landlord and tenant and consent has been granted by both parties. The agreement between both parties confirms that the existing buildings are no longer required for the existing agricultural use.

(f) less than 1 year before the date development begins—
 (i) an agricultural tenancy over the site has been terminated, and
 (ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

N/A see above.

(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—
 (i) since 20th March 2013; or
 (ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;

No development under Class A or Class B of Schedule 2, Part 6 of the General Permitted Development Order has been carried out post 20th March 2013.

(h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

The proposed development would not result in the external dimensions of the buildings extending beyond the external dimensions of the existing buildings.

(i) the development under Class Q(b) would consist of building operations other than—

- (i) the installation or replacement of—
(aa) windows, doors, roofs, or exterior walls, or
(bb) water, drainage, electricity, gas or other services,
to the extent reasonably necessary for the building to function as a dwellinghouse; and
(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);

Paragraph 105 of the National Planning Practice Guidance (NPPG) states that:

'Building works are allowed under the change to residential use. The permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. However, it recognises that for the building to function as a dwelling some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. The right allows for the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and the partial demolition of the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore, it is only where the existing building is structurally strong enough to take the loading which comes from the external works to provide for residential use that the building would be considered to have the permitted development right'

This is supported by the judgement made between Hibbitt and Another and the SSCLG and Rushcliffe Borough Council (dated 09/11/2016), which concluded that for the purposes of Part Q a legitimate planning judgement must be made in defining the magnitude of development to enable the building to be converted for residential purposes. In this case, the barn was completely open sided with a corrugated mono-pitched fibre sheet roof. Mr Justice Green upheld the decision made by the Inspector in that the level of alteration reasonably necessary (the construction of four external walls) did not constitute conversion; rather it embodied a fresh build given the extent of works to transform the skeletal structure into a fully functioning dwellinghouse.

In this case the proposed development relates to two barns. The barns are steel framed structures with corrugated metal roofs. Barn 1 is located in the northern portion of the site and barn 2, the more elongated and slightly narrower of the two barns, is located in the southern portion of the site. Barn 1 does not have any external elevations and is open on all sides and whilst barn 2 does have some external elevations, this is lightweight timber boarding and the design and access statement submitted with the application states that the proposed works would involve the installation of new exterior walls. Given the open and skeletal nature of the existing buildings, it is considered that the installation of new external walls to all elevations of both buildings along with the other works required including the installation of new doors, window, roofs and removal of timber boarding, would amount to works which would be so extensive that they would go beyond what could be considered to be a conversion and would in effect amount to a 'fresh build' or rebuild of the existing buildings.

The building operations required to carry out the development would, therefore, be extensive and would involve rebuilding all elevations with the steel frames being the only existing features that would be retained, and it is uncertain as to whether they would be capable of supporting the fabric required of a residential property to meet current building regulations in its current state. In any event the level of building operations required would amount to the substantial reconstruction of the buildings, with very little of the original buildings remaining and the construction of entirely new elevations and roof.

This goes beyond what could reasonably be described as conversion, and even if the existing frames were capable of being used as the main structural element for the

buildings, the works, requiring the removal of the existing boarding and blockwork and the building up of all the external and internal walls and laying of a new roofs, would be so extensive as to comprise rebuilding. As such it is considered that the proposed works do not reasonably constitute conversion and do not amount to the partial demolition allowed under paragraph Q.1(i) of the GPDO.

(j) the site is on article 2(3) land;

The site is not in a Conservation Area.

(k) the site is, or forms part of—

(i) a site of special scientific interest;

(ii) a safety hazard area;

(iii) a military explosives storage area;

(l) the site is, or contains, a scheduled monument; or

(m) the building is a listed building.

None of the above considerations apply.

Further assessment required by paragraph Q.2- (1)

13. Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport and highways impact of the development,

(b) noise impacts of the development,

(c) contamination risks on the site,

(d) flooding risks on the site,

(e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order,

(f) the design or external appearance of the building, and

(g) the provision of adequate natural light in all habitable rooms of the dwellinghouse

14. Considering each of the above in turn:

(a) Transport and highways impact of the development

LCC Highways have stated that they do not have any objections in principle to the proposed development. They also stated that they have some concerns in relation to cars exiting the track onto Back Lane due to vegetation obstructing sight lines and they also requested more information regarding passing places along the private access track. However, the land upon which the vegetation is located is owned by Chorley Council and so it would be unreasonable to require the applicant to maintain this. This approach was taken in the determination of planning application 22/01001/FUL which was approved by the Council's Planning Committee on 28 March 2023. It is also noted that in their comments for planning application 22/01001/FUL LCC Highways did not request the provision of any passing points. It is considered, therefore, that it would be unreasonable to require the applicant to provide this now.

The 3no. larger dwellinghouses would each contain four bedrooms and the 2no. smaller dwellinghouses would each contain three bedrooms generating a requirement for thirteen car parking spaces under *Policy ST4 'Parking Standards' of the Chorley Local Plan 2012-2026*.

The site layout plan demonstrates that there would be a shared car parking courtyard within the curtilage of the proposed dwellings, which would provide a total of sixteen car parking spaces and the proposed development would, therefore, be in accordance with the parking standards specified in policy ST4 of the Chorley Local Plan 2012 – 2026.

(b) Noise impacts of the development

The proposed development would be located approximately 21m to the west of the nearest neighbouring residential property at no. 43 Blackthorn Croft and it is considered that this degree of separation would be adequate to ensure that the proposed development would have no unacceptable adverse impacts on the amenity of the occupiers of this neighbouring property or any other neighbouring properties as a result of noise. It is also noted that Blackthorn Croft is located within a well-established and sizeable residential housing estate where a degree of noise associated with domestic activities is already commonplace and to be expected.

(c) Contamination risks on the site

The contamination risks on the site, based on the currently available information, are such that the site is unlikely to be determined as contaminated land as described in Part 2A of the Environmental Protection Act 1990.

(d) Flooding risks on the site

In terms of the flooding risks on the site, in accordance with criteria (6) of Paragraph W of Part 3 the site is not in Flood Zone 2 or 3.

(e) Location and siting

Is there a sustainability prior approval for the change to residential use?

The permitted development right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. Instead, the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change use to a house.

Impractical or undesirable are not defined in the regulations, and the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would “not be sensible or realistic”, and undesirable reflects that it would be “harmful or objectionable”.

When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.

What is meant by impractical or undesirable for the change to residential use?

There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally, the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.

When a local authority considers location and siting it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the

subject matter of the prior approval. So, for example, factors such as whether the property is for a rural worker, or whether the design is of exceptional quality or innovative, are unlikely to be relevant.

The buildings have road access that is sufficient for vehicles and as such is suitable for the additional dwellinghouses. It is not considered there are factors in this case that would make the change of use undesirable taking into account the advice in the NPPG.

(f) the design or external appearance of the building

It is considered that the design and external appearance of the buildings would be acceptable as they would display a functional appearance comprising timber and corrugated cladding and an overall form that would reflect the design style of functional agricultural buildings common to the area and therefore enabling the buildings to remain in keeping with the character of the locality. The site is well screened along its eastern boundary from the neighbouring housing estate by dense vegetation.

Overall, it is considered that the proposed development would have no adverse impact on the character of the area.

(g) the provision of adequate natural light in all habitable rooms of the dwellinghouse

It is considered that the habitable rooms would receive adequate levels of natural light as shown on the plans submitted with the application titled: 'Steel Barn Conversion - 2 Dwellings' (ref: 4117-23-06) and 'Steel Barn Conversion – 3 Dwellings (ref: 4117-23-05).

CONCLUSION

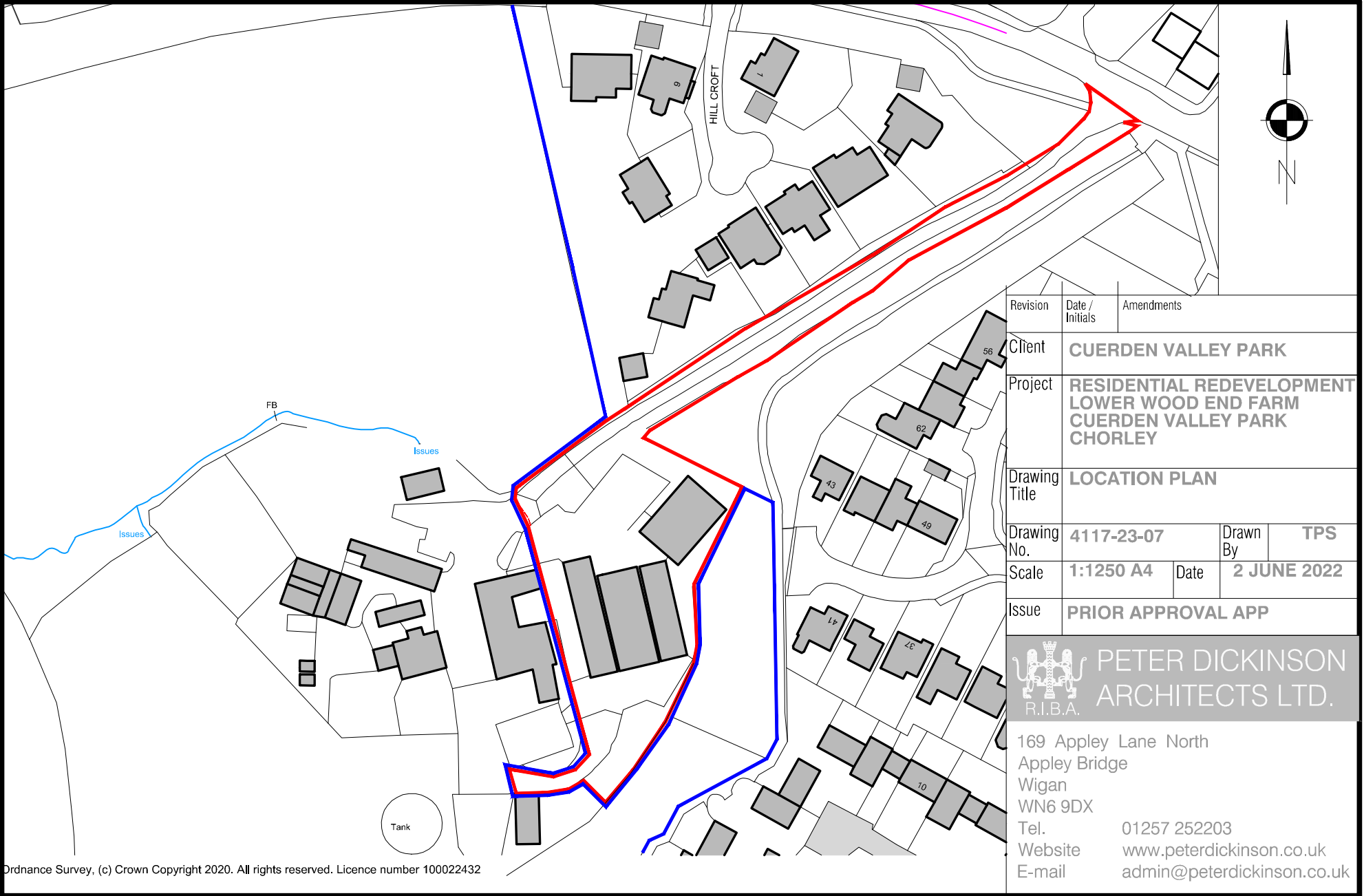
15. It is recommended that prior approval is required and is refused.

RELEVANT POLICIES: Schedule 2, Part 3, Class Q (a) and (b) of The Town and Country (General Permitted Development) (England) Order 2015 (as amended)

RELEVANT HISTORY OF THE SITE

Ref: 79/01107/OHL **Decision:** PEROHL **Decision Date:** 17 March 1980
Description: Overhead line

Ref: 22/01001/FUL **Decision:** PDE **Decision Date:** Pending
Description: Demolition of existing farmhouse and erection of a replacement dwelling, conversion of two barns to form three dwellings and other associated works



Revision	Date / Initials	Amendments
Client	CUERDEN VALLEY PARK	
Project	RESIDENTIAL REDEVELOPMENT LOWER WOOD END FARM CUERDEN VALLEY PARK CHORLEY	
Drawing Title	LOCATION PLAN	
Drawing No.	4117-23-07	Drawn By TPS
Scale	1:1250 A4	Date 2 JUNE 2022
Issue	PRIOR APPROVAL APP	


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