

Planning Committee

Tuesday, 15th August 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)	23/00430/FUL Euxton Mills Hotel Wigan Road Euxton Chorley PR7 6JD	(Pages 7 - 12)
b)	23/00038/FUL Lower House Fold Farm Trigg Lane Heapey Chorley PR6 9BZ	(Pages 13 - 30)
c)	23/00126/OUT Wood Lane Farm Wood Lane Mawdesley Ormskirk L40 2RL	(Pages 31 - 42)
d)	23/00114/REM Latvian Consulate Pemberton House Farm Park Hall Road Charnock Richard	(Pages 43 - 50)
e)	23/00424/FUL Mayfield Blue Stone Lane Mawdesley Ormskirk	(Pages 51 - 68)
f)	23/00463/FUL Mediterranean At Robin Hood Blue Stone Lane Mawdesley	(Pages 69 - 84)
g)	23/00073/FULMAJ Coppull Enterprise Centre Mill Lane Coppull Chorley PR7 5AN	(Pages 85 - 94)

Chris Sinnott
Chief Executive

Electronic agendas sent to Members of the Planning Committee

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Meeting contact Matthew Pawlyszyn on 01257 515034 or email matthew.pawlyszyn@chorley.gov.uk

Published Tuesday, 08 August 2023

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: 18 August 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:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
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:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

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 to in terms 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 i 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 issues*Hazards*

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.

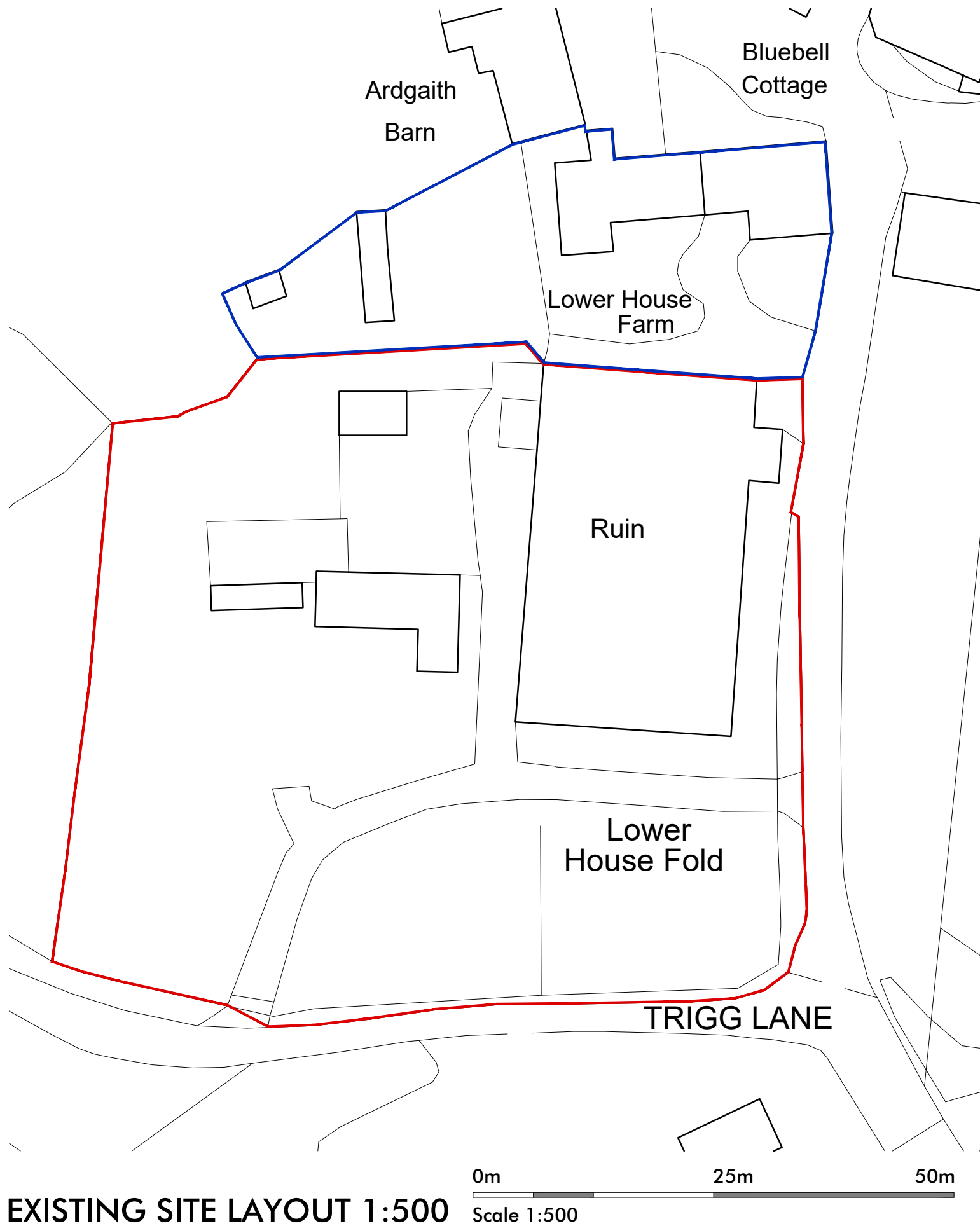
12. The private car parking and manoeuvring areas to be marked out in accordance with the approved plans, before occupation of the associated dwelling and permanently maintained thereafter.

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 the road 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.

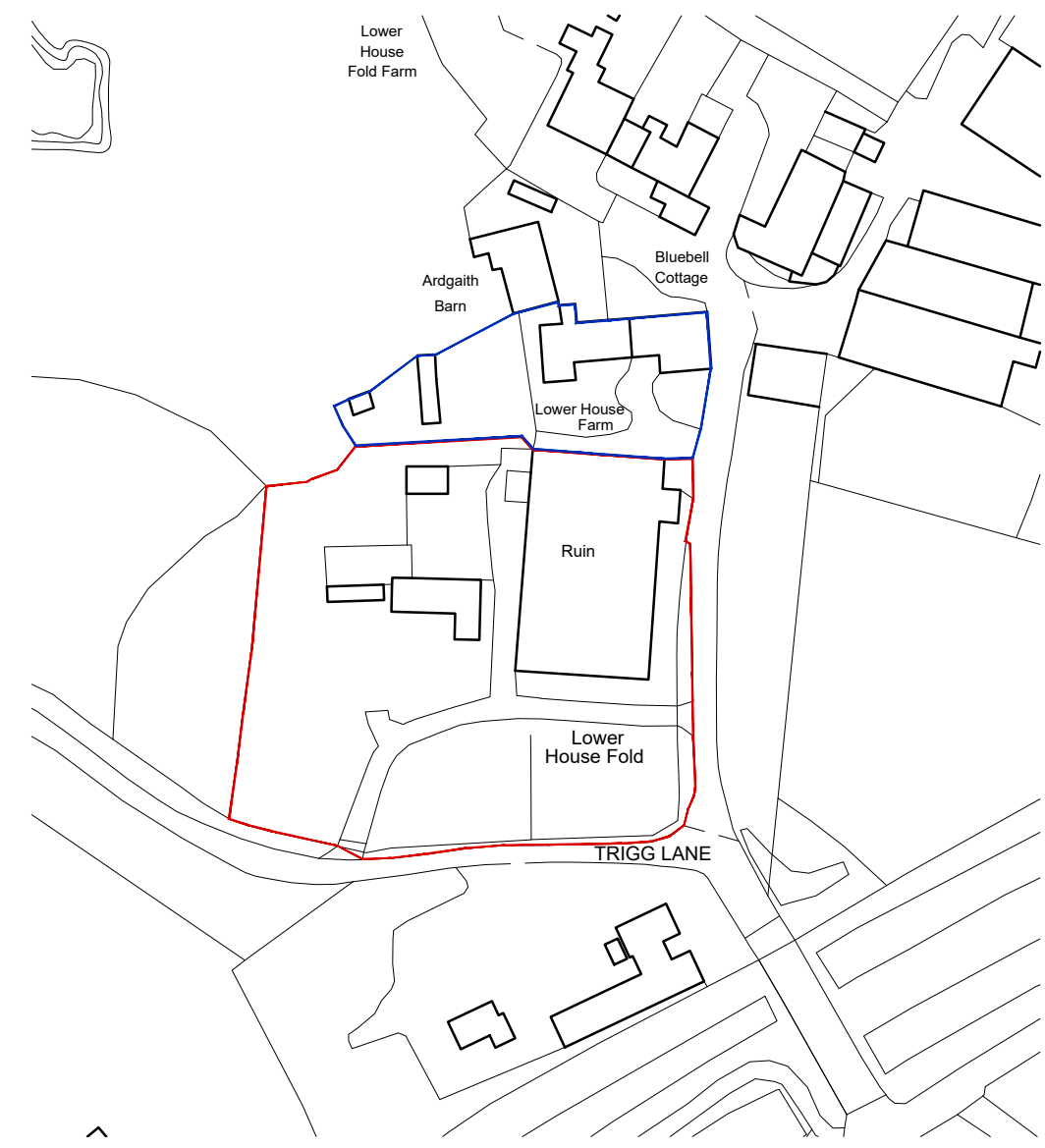
Reason: To maintain the construction of the adopted highway in the interest of highway safety.

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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	-

LMP ARCHITECTS

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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: 18 August 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.

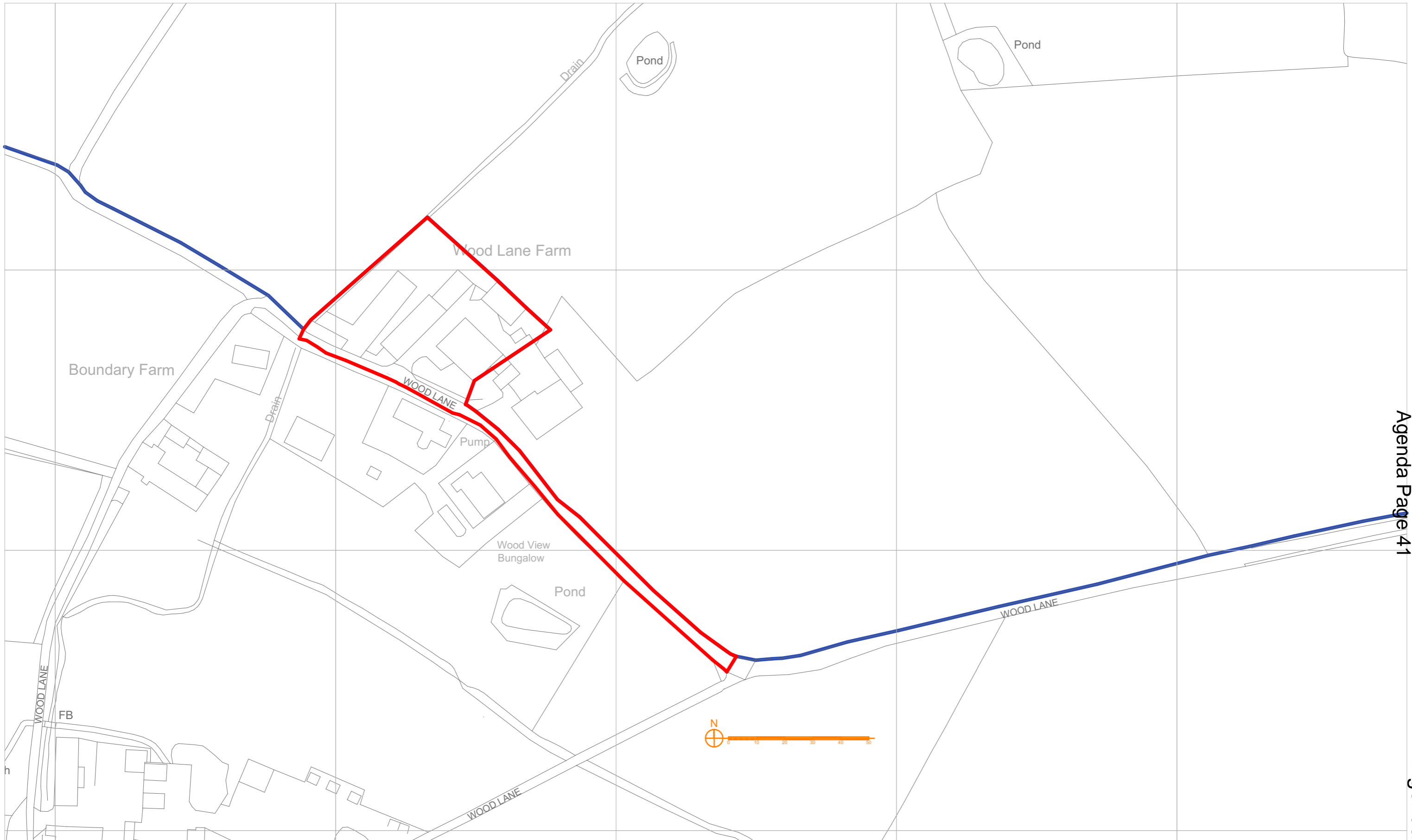
Reason: To safeguard a protected species.

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

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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.

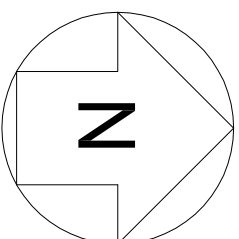
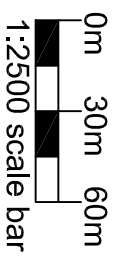
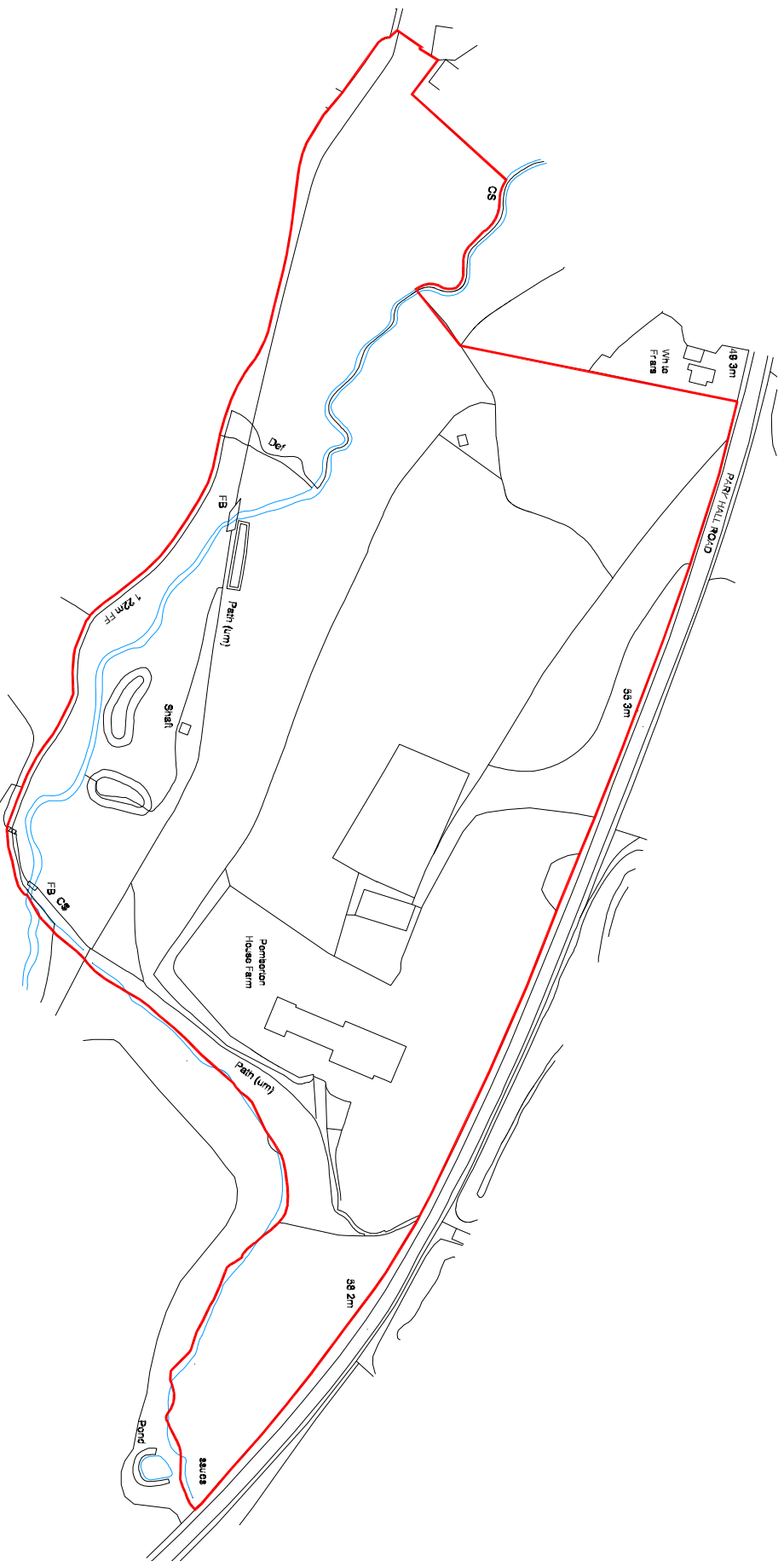
2. No development approved by this planning permission, other than demolition, shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- A site investigation scheme, based on the findings of the Phase 1: Desk Top Study Report (Preliminary Environmental Risk Assessment) (Ref. 2012-5085) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- The results of the site investigation and detailed risk assessment referred to above 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.
- 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.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved and a verification report shall be provided to the local planning authority prior to the occupation of the first dwelling.

Reason: National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

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<p>Do Not Scale.</p> <p>All dimensions and conditions are to be checked on site prior to preparing drawings or commencing any work.</p> <p>IF IN DOUBT, ASK!</p>		<p>client STOCKS HALL CARE HOMES</p>		<p>drawing title LOCATION PLAN</p>	
<p>CONTACT US: Tel: 07702117902 / 07850880427 Mail: info@dbdesignworks.co.uk Web: www.dbdesignworks.co.uk</p>		<p>project PEMBERTON HOUSE FARM PARK HALL ROAD CHARNOCK RICHARD, PR7 5LP</p>		<p>drawing number DB1054 - 001</p>	
<p>drawn 01.11.2020</p>		<p>by MB</p>		<p>scale 1:2500@A3</p>	
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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 a 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 on 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 no accommodation in the roof space following the reduction in ridge height from the previously submitted scheme. 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. This is demonstrated on a Street View drawing submitted in support of the application. 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 tarmacadam, concrete, block pavements, 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.

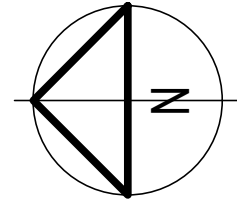
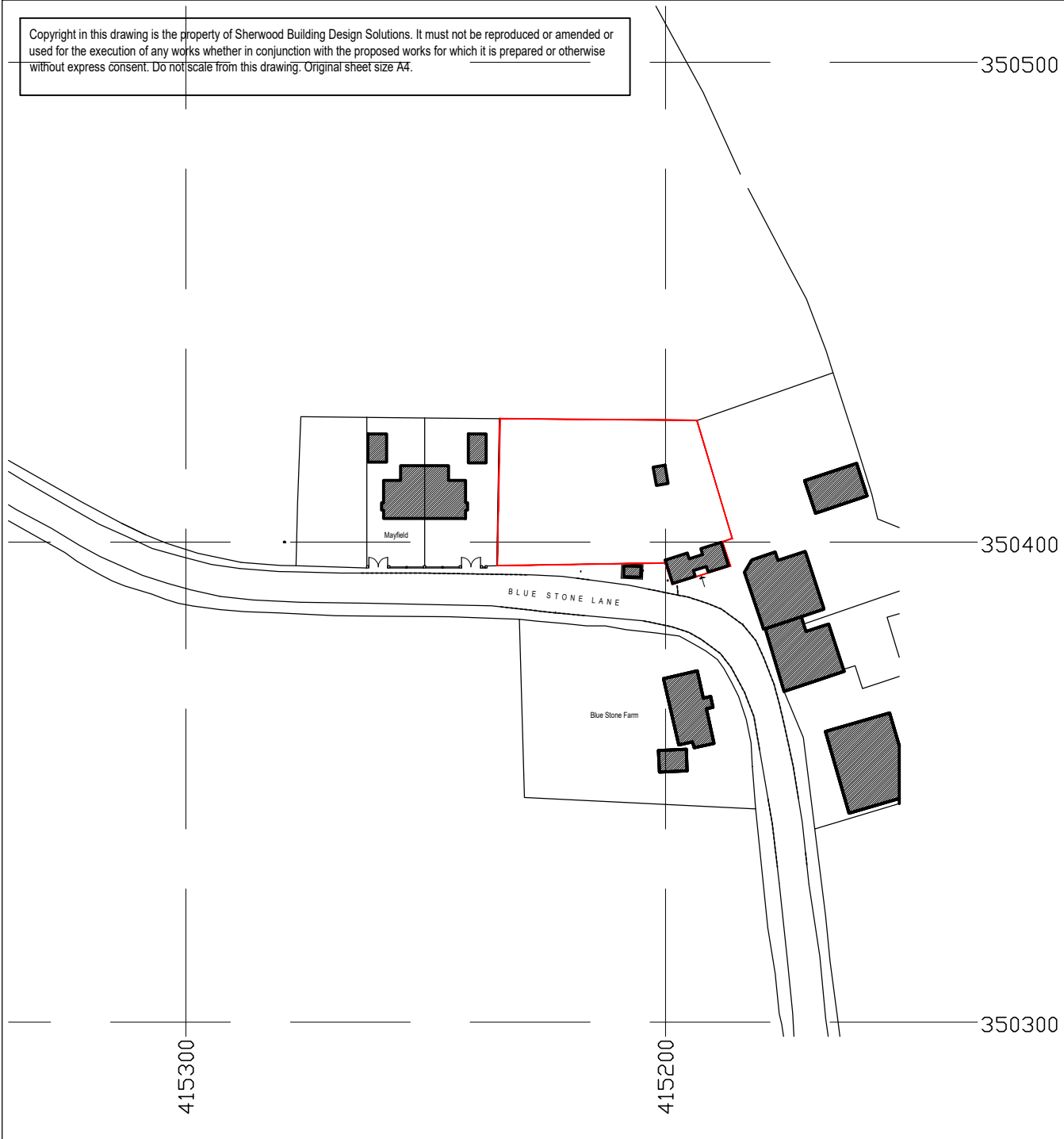
<p>2.</p>	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="352 344 1335 817"> <thead> <tr> <th data-bbox="352 344 746 376">Title</th> <th data-bbox="746 344 1035 376">Drawing Reference</th> <th data-bbox="1035 344 1335 376">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="352 376 746 407">Location Plan</td> <td data-bbox="746 376 1035 407">2022-84-01.1</td> <td data-bbox="1035 376 1335 407">15 May 2023</td> </tr> <tr> <td data-bbox="352 407 746 439">Proposed Block Plan</td> <td data-bbox="746 407 1035 439">2022-84-02 Rev.C</td> <td data-bbox="1035 407 1335 439">15 May 2023</td> </tr> <tr> <td data-bbox="352 439 746 501">House Type 1 - Proposed Floor Plans</td> <td data-bbox="746 439 1035 501">2022-84-03.1 Rev.D</td> <td data-bbox="1035 439 1335 501">15 May 2023</td> </tr> <tr> <td data-bbox="352 501 746 564">House Type 1 - Proposed Elevations</td> <td data-bbox="746 501 1035 564">2022-84-03.2 Rev.D</td> <td data-bbox="1035 501 1335 564">15 May 2023</td> </tr> <tr> <td data-bbox="352 564 746 627">House Type 2 - Proposed Floor Plans</td> <td data-bbox="746 564 1035 627">2022-84-04.1 Rev.D</td> <td data-bbox="1035 564 1335 627">15 May 2023</td> </tr> <tr> <td data-bbox="352 627 746 689">House Type 2 - Proposed Elevations</td> <td data-bbox="746 627 1035 689">2022-84-04.2 Rev.D</td> <td data-bbox="1035 627 1335 689">15 May 2023</td> </tr> <tr> <td data-bbox="352 689 746 752">Proposed Garage (House Type 1)</td> <td data-bbox="746 689 1035 752">2022-84-05.1</td> <td data-bbox="1035 689 1335 752">15 May 2023</td> </tr> <tr> <td data-bbox="352 752 746 817">Proposed Gatehouse</td> <td data-bbox="746 752 1035 817">2022-84-05.3 Rev.A</td> <td data-bbox="1035 752 1335 817">15 May 2023</td> </tr> </tbody> </table> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>	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
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<p>3.</p>	<p>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.</p> <p>Reason: To ensure that the materials used are visually appropriate to the locality.</p>																											
<p>4.</p>	<p>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.</p> <p>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</p>																											
<p>5.</p>	<p>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.</p> <p>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</p>																											
<p>6.</p>	<p>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.</p> <ul style="list-style-type: none"> 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. 																											

	<p>e) The times during construction when specialist ecologists need to be present on site to oversee works.</p> <p>f) Responsible persons and lines of communication.</p> <p>g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.</p> <p>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</p>

	<p>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> <p>Reason: In the interests of highway safety and to prevent flooding.</p>
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 pavements, 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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Building Design Solutions

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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 – 23/00463/FUL**Validation Date: 1 June 2023****Ward: Croston, Mawdesley And Euxton South****Type of Application: Full Planning****Proposal: Demolition of existing building and erection of 5no. dwellinghouses with associated/ancillary works****Location: Mediterranean At Robin Hood Blue Stone Lane Mawdesley Ormskirk L40 2RG****Case Officer: Mr Iain Crossland****Applicant: Notre Homes Limited****Agent: Mrs Claire Wilkinson Steven Abbott Associates LLP****Consultation expiry: 28 June 2023****Decision due by: 21 August 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 at Mawdesley, approximately 1.8 miles to the north of the settlement of Mawdesley and 1.2miles from Eccleston. It is occupied by the Mediterranean at the Robin Hood restaurant building and associated car parking areas. The site is bound by Blue Stone Lane and Syd Brook Lane to the east with some dwellings beyond. There is open land to the west and a dwelling at Sherwood to the south. The surrounding area is characterised by open agricultural land and clusters of dwellings and sporadic agricultural buildings. This results in a characterful rural landscape, whilst the site represents a prominent position within the landscape in this area.
3. The application building is of a traditional design style reflective of its age and former use as a public house. The building is faced in painted render and has a roof laid in clay tiles. A number of unsympathetic extensions have been added to the building over time, and following a period of vacancy the building is in a poor and deteriorating state of repair. There is a hard surfaced parking area to the front, which opens out onto the highway and a larger more enclosed parking area to the rear. The rear part of the site is enclosed by trees and landscaping along the eastern and northern boundaries of the site. The building is not listed nor locally listed, however, it is a local landmark and has been in existence for a significant period of time. Although traditionally a public house it has previously been demonstrated that the lawful use of the building is that of a restaurant.
4. It is noted that planning permission was granted in March 2022 for the conversion of the existing building (with partial demolition) to form a single dwellinghouse and erection of 4no. dwellinghouses with associated/ancillary works under planning permission 21/01104/FUL. This planning permission remains extant.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. This application seeks planning permission for the demolition of the existing building and erection of 5no. dwellinghouses with associated/ancillary works. It is noted that the access, scale and layout of the development would reflect the previously approved development (ref. 21/01104/FUL), the main difference being that the existing building would be rebuilt rather than converted and the appearance of the four dwellings to the rear of the site would differ through a more simplified design.
6. Since the site has been sold the applicant has carried out intrusive investigations in preparation for the conversion of the former public houses to a dwelling. This has revealed a number of issues that impact on the practicality and viability of converting the building. The applicant has submitted a technical assessment detailing the structural condition of the existing building, which demonstrates that the building has been substantially added to and altered through poor quality additions in the past and that a lack of general maintenance has resulted in major structural defects to the building. The report sets out that conversion to habitable use would be incredibly difficult and cost prohibitive, and would ultimately result in any conversion appearing as an entirely new building with only hidden elements of the structure retained. As such the applicant is seeking to replicate the existing building with a replacement of the same scale, form and design as the parts of the building that were to be retained.

REPRESENTATIONS

7. One representation has been received raising concerns about drainage but stating broad support in favour of the development.

CONSULTATIONS

8. Mawdesley Parish Council: No comments have been received.
9. Greater Manchester Ecology Unit: Have no objection subject to appropriate landscaping of the site.
10. Waste & Contaminated Land: Have no objection.
11. Lancashire County Council (LCC) Highway Services: Have no objection.
12. United Utilities: Have identified the likely existence of water and wastewater infrastructure within the red line boundary. These must not be built over, or access compromised in any way. A condition is recommended requiring a fully detailed sustainable surface water drainage scheme.

PLANNING CONSIDERATIONS

Principle of the development in the Green Belt

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

137. *The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*

138. *Green Belt serves five purposes:*

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

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

148. *When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*

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

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

15. The Central Lancashire Core Strategy Policy 1: Locating Growth, criteria f) states that development 'in other places' – will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need. Mawdesley is considered to be an 'other place'. As the proposal involves a small scale development it is considered to be in line with this policy.

16. The proposal involves the demolition of the existing building and the erection of five new build dwellings, one of which would replicate the original parts of the former public house building. In considering the erection of five new dwellings at the site, it is noted that the site comprises the restaurant building that has been extended significantly over time and the associated car parking areas to the front and rear, which are hard surfaced and fall within the established curtilage of the restaurant. As such the site is considered to fall within the definition of previously developed land and, therefore, has the potential to engage with paragraph 149.g) of the Framework and policy BNE5 of Chorley Local Plan 2012 – 2026.

17. Policy BNE5 of Chorley Local Plan 2012 – 2026 relates to previously developed land within the Green Belt and reflects guidance contained within the Framework as follows:

The reuse, infilling or redevelopment of previously developed sites in the Green Belt, will be permitted providing the following criteria are met:

In the case of re-use

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

In the case of infill:

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

In the case of redevelopment:

- d) *The appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.*

18. Whilst the test for the development of sites such as this relates to the impact on openness it is important to note that the Framework contains no specific definition of 'openness'. It is acknowledged that the site is a previously developed site, the majority of which is covered by hardsurfacing, however, the existing building occupies the portion of the land nearest to the highway and, therefore, displays a high degree of visual prominence and an obvious impact on openness. The building has been extended over time and sprawls outward to the rear. The building would be demolished in its entirety, which must be considered in the assessment of the development. It is also acknowledged that there are other impacts on openness through the presence of moveable structures and the periodic parking of cars.
19. When considering the impact of a proposed development on a previously developed site it is important to note that any new buildings must not "have a greater impact on the openness of the Green Belt" than the existing development.
20. Whether the proposed development would have a greater impact on openness is a subjective judgment, which is considered further below. Objective criteria could include the volume of any existing buildings although it is important to note that the Framework does not include such an allowance or capacity test. To engage with the exceptions of paragraph 149.g) of the Framework, which is reflected in policy BNE5 of the Chorley Local Plan, the test relates to the existing development. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the application site, and in this respect it is noted that the existing building would be demolished in its entirety and all movable structures removed.
21. Other than the existing restaurant building, the application site does not comprise any other buildings. The proposal seeks to demolish the existing restaurant building and build five dwellings across the site. The original parts of the existing building would be replicated through a new dwelling on the same footprint, albeit repositioned slightly to the west, and would be of a much reduced volume in comparison with the existing structure. The remaining proposed dwellings would be of a cottage style design and of modest scale.
22. When considering the development as a whole a volume of development that is not materially larger than the existing development would be considered to not have a greater impact on the openness of the Green Belt in consideration of a previously developed site. The Council has no specific guideline in relation to previously developed sites. It does however, set out a more specific policy in relation to replacement dwellings at policy HW6,

which states that increases of up to 30% (volume) are not considered to be materially larger. It is, therefore, reasonable to apply the same guideline to the redevelopment of a previously developed site in the absence of any specific figure, and such an approach has become custom and practice in Chorley. In the instance of a redevelopment of this site the proposed development would result in a uplift in volume of approximately 30%. Furthermore, moveable structures would be removed, in addition to the removal of the ability to park a large number of vehicles.

23. The proposed development would be contained within the previously developed area of the site, where openness has already been compromised. The visual impact would be limited to some extent due to the presence of mature landscaping to the boundaries providing some filtering of views from the east along Syd Brook Lane, whilst plot 1 would replicate the positioning of the original public house, which provides the most prominent element and would screen the dwelling to the north.
24. The overall visual impact from the development would, therefore, be no greater than the existing development, albeit the effect would be altered, as development would be spread through the site rather than concentrated in a single mass with disparate impacts through parked vehicles and movable structures removed. As such the impact on openness when considering the site as whole would not be materially greater than that which exists currently.
25. When assessing the principle of development it must also be considered that there is an extant planning permission (ref. 21/01104/FUL) for the conversion of the existing building (with partial demolition) to form a single dwellinghouse and erection of 4no. dwellinghouses with associated/ancillary works under planning permission. The proposed development essentially replicates the scale and layout of the previously approved development, replacing the converted element with a rebuilt version of the same scale. As such there would be no greater impact on the openness of the Green Belt than the previously approved development, and the development would not therefore constitute inappropriate development in the Green Belt.

Impact on character and appearance of the locality

26. The application site is located in a prominent location at the junction of Blue Stone Lane and Syd Brook Lane in a rural part of the Borough at Mawdesley. Development is sparse in this area, but that which does exist is varied in appearance and largely of a traditional rural design style.
27. The proposed development involves demolishing the former public house building, which comprises previous extensions of poor quality and incongruous appearance. A new dwelling would be built on the footprint that replicates the original form of the public house, with the addition of some domestic features such as a porch. The overall impact would be to improve the appearance of the site in comparison to its present appearance and to return it to a closer resemblance of its original character. A red brick dwarf wall and landscaped frontage would be provided to the front of the building facing Blue Stone Lane, which would add to the quality of the scheme and provide a suitably domestic appearance with an appropriate level of enclosure. This element of the proposal would be the most visually prominent and overall would result in a positive impact on the appearance of the site and character of the area.
28. The four dwellings proposed to the northern part of the site, currently occupied by the car park, would continue the mixed character of the area through the development of four bespoke house types. The dwellings would display features of interest including gables, dormers, and canopies and would differ from one another creating a high degree of distinctiveness and character. They would be laid out in a linear pattern to the rear of the dwelling that would face Blue Stone Lane, which would reflect patterns of development in the locality.
29. It is proposed that all of the dwellings would be finished with high quality roof tiles and cement verges, to provide a traditional high quality finish that reflects the character of the

existing building and historic development in the area. The replacement of the former public house would be finished in render to reflect the current building, whilst the other dwellings would be faced in red brick to reflect local character, the details of which are recommended to be secured by condition.

30. Car parking would be set out in a linear form adjacent to Syd Brook Lane, and screened from it by retained landscaping. The proposed development would be commensurate with the size of the site providing an appropriate level of amenity space for residents, whilst making good use of the available space. The existing landscaped buffer to the east of the site would be maintained and reinforced, which would soften the appearance and filter views from the lane.
31. Overall, the development would enhance the existing qualities of the site and would reflect the rural character of the locality making a positive contribution to the area. As such the proposal would be an appropriate design response in the context of the site and locality. The development is, therefore, considered to be in accordance with Policy BNE1 of the Chorley Local Plan 2012 – 2026 in respect of design considerations.

Impact on neighbour amenity

32. The dwelling at plot 1 would be located over 30m from the nearest property to the south at Sherwood and would have no impact over and above that which currently exists. The nearest property to the north east would be at Syd Brook Cottage. This property would be located over 20m from the nearest proposed dwelling at plot 5, which would be positioned at an angle relative to Syd Brook Cottage. Given the degree of separation and positioning there would be no adverse impact on the amenity of the occupiers as a result of the proposed development.
33. Other properties are further away from the site and the degree of separation is such that there would be no impact on the amenity of the occupiers of any other property.
34. The relationship between the proposed dwellings would be such that future occupants would enjoy an appropriate degree of amenity with space between dwellings and extensive floorspace and outdoor amenity areas.

Highway safety

35. There is an existing vehicular access to the site from Blue Stone Lane, and an open parking area that runs across the site frontage. The vehicular access would be retained and adapted to provide direct access to four dwellings at the rear of the site, whilst a new access would be constructed to serve the dwelling built in replacement of the existing building.
36. The access to the single dwelling at the front would be narrowed to an appropriate width by a boundary wall as opposed to the open frontage that exists at present, whilst a pedestrian footway would be extended across the frontage. The access to the four remaining dwellings would consist of a shared driveway connecting with Blue Stone Lane close to the junction with Syd Brook Lane. This would involve constructing a highway build out to deflect traffic travelling into Syd Brook Lane from the south and would provide a footway into the development on one side of the access road.
37. The existing access arrangement results in vehicles entering and exiting the car park in a manner that was considered to be unsafe by LCC Highway Services. LCC Highway Services consider that providing a small degree of separation at the junction between Blue Stone Lane and Syd Brook Lane has significant road safety benefits in that the manoeuvring of vehicles would become more conventional, as vehicles would need to make a deliberate left turn manoeuvre rather than taking a straight line from Blue Stone Lane into Syd Brook Lane. The proposed highway works would result in a narrowing of Syd Brook Lane at its junction with Blue Stone Lane, which would lead to lower entry speeds, and a safer highway environment at the junction.

38. The development proposal would also incorporate a footway for the full frontage of the site along Blue Stone Lane. This footway at 2m wide would ensure that the appropriate sightlines for the access are provided, and would be an important refuge for pedestrians.
39. The proposed dwelling that would replace the existing building would be positioned slightly to the west by approximately 1m than the existing building on the recommendation of LCC Highway Services. This is to allow for a wider footway into the site without the gable end of the building being on the boundary, and would result in a safer arrangement for pedestrians than the approved and extant permission.
40. The site plan demonstrates that off street parking of sufficient size to accommodate at least three cars per dwelling would be provided. On this basis, the scheme complies with the parking standards specified in policy ST4 of the Chorley Local Plan 2012 – 2026.
41. LCC Highway Services have confirmed that the applicant is in discussions with the s278 officer and that they do not have any objections regarding the proposed demolition of existing building and erection of five dwellinghouses with associated/ancillary works, and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Ecology

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

Flood risk and drainage

46. The application site is not identified as being at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the 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.
47. 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:
 - i. into the ground (infiltration);
 - ii. to a surface water body;
 - iii. to a surface water sewer, highway drain, or another drainage system;
 - iv. to a combined sewer.

48. It is proposed that surface water flows from the application site are to be collected via a network of rainwater down pipes and gullies before discharging into a drainage ditch at the north west of the site, which in turn discharges into Syd Brook. Flows would be restricted to no more than 5l/s up to and including the 100 year + 50% climate change event, via means of a vortex flow control chamber. Flows in excess of this rate would be attenuated within a geo-cellular attenuation tank located car parking area to the east of the site.
49. The surface water details are not sufficiently detailed at this stage and, therefore, it is recommended that a condition be attached to any grant of planning permission requiring a surface water drainage scheme for the site that has been designed in consideration and in accordance with the surface water drainage hierarchy outlined above.
50. It is noted that United Utilities have identified the likely existence of water and wastewater infrastructure within the red line boundary. They have advised that these must not be built over, or access compromised in any way. To resolve this matter, and to avoid any unnecessary costs or delays to either the applicant or any future developer, United Utilities have requested that the applicant should confirm the exact location of the infrastructure (and associated easement widths) to demonstrate that any new buildings proposed are not directly over the infrastructure. It is advised that this be provided prior to determination of the application as it could have a bearing on the siting of the dwellings, which could result in the scheme being unimplementable.
51. The applicant has since provided details of the location of the water and wastewater infrastructure within the red line boundary. This demonstrates that the existing building is the only building within proximity of the water and waste water assets, and whilst it is acknowledged that the current application seeks to remove the existing building and construct a new replacement dwelling, the new building would be located approximately 1m further away from those assets, and as such, would be an improvement on the current situation in terms of easement widths. Concerning the rising main crossing the site this would be located predominantly in the proposed footpath and although it appears to be in close proximity to the existing building, this is to be relocated 1m to the west and so would not be impacted upon by the proposed replacement building. The applicant is fully aware of the need to locate the United Utilities assets, including the rising main, and their responsibility to ensure that this is undisturbed, protected, not built over and afforded suitable easement widths for maintenance/replacement.

Sustainability

52. 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.”

53. 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 necessity for a planning condition requiring dwelling emission rate details.

Public open space

54. 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.
55. 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.
56. 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.
57. Consequently, the Council must determine what lower thresholds are appropriate based on local circumstances as an exception to national policies. The Council has agreed to only seek contributions towards provision for children/young people on developments of 10 dwellings or less.
58. There is currently a surplus of provision in Eccleston and Mawdesley in relation to this standard, whilst the site is not within the accessibility catchment of an area of provision for children/young people. A contribution towards new provision in the accessibility catchment would normally be required from this development. However, there are no identified schemes for new provision in the accessibility catchment therefore a contribution towards new provision is not required.

Community Infrastructure Levy (CIL)

59. 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

60. It is considered that the proposed development would have no greater impact on the openness of the Green Belt than the existing development or previously approved extant planning permission. The development would not, therefore, be inappropriate development in the Green Belt. It is also considered that the development would not be harmful to the character of the area and that the impact on neighbour amenity is considered to be acceptable. In addition no cumulative adverse impact on highway safety has been identified and any ecological impacts would be adequately mitigated.

RELEVANT HISTORY OF THE SITE

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

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

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

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

Ref: 21/01104/FUL **Decision:** PERFPP **Decision Date:** 2 March 2022
Description: Conversion of existing building (with partial demolition) to form a single dwellinghouse and erection of 4no. dwellinghouses with associated/ancillary works (Resubmission of 20/00987/FUL)

Ref: 23/00373/DIS **Decision:** PCO **Decision Date:** Pending
Description: Application to discharge conditions nos.4 (drainage scheme), 5 (facing materials), 6 (boundary details), 7 (levels), 8 (landscaping), 11 (dwelling emission rate details), 12 (site access and off-site highway improvements) and 14 (construction management plan) attached to planning permission ref:21/01104/FUL (Conversion of existing building (with partial demolition) to form a single dwellinghouse and erection of 4no. dwellinghouses with associated/ancillary works (Resubmission of 20/00987/FUL))

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

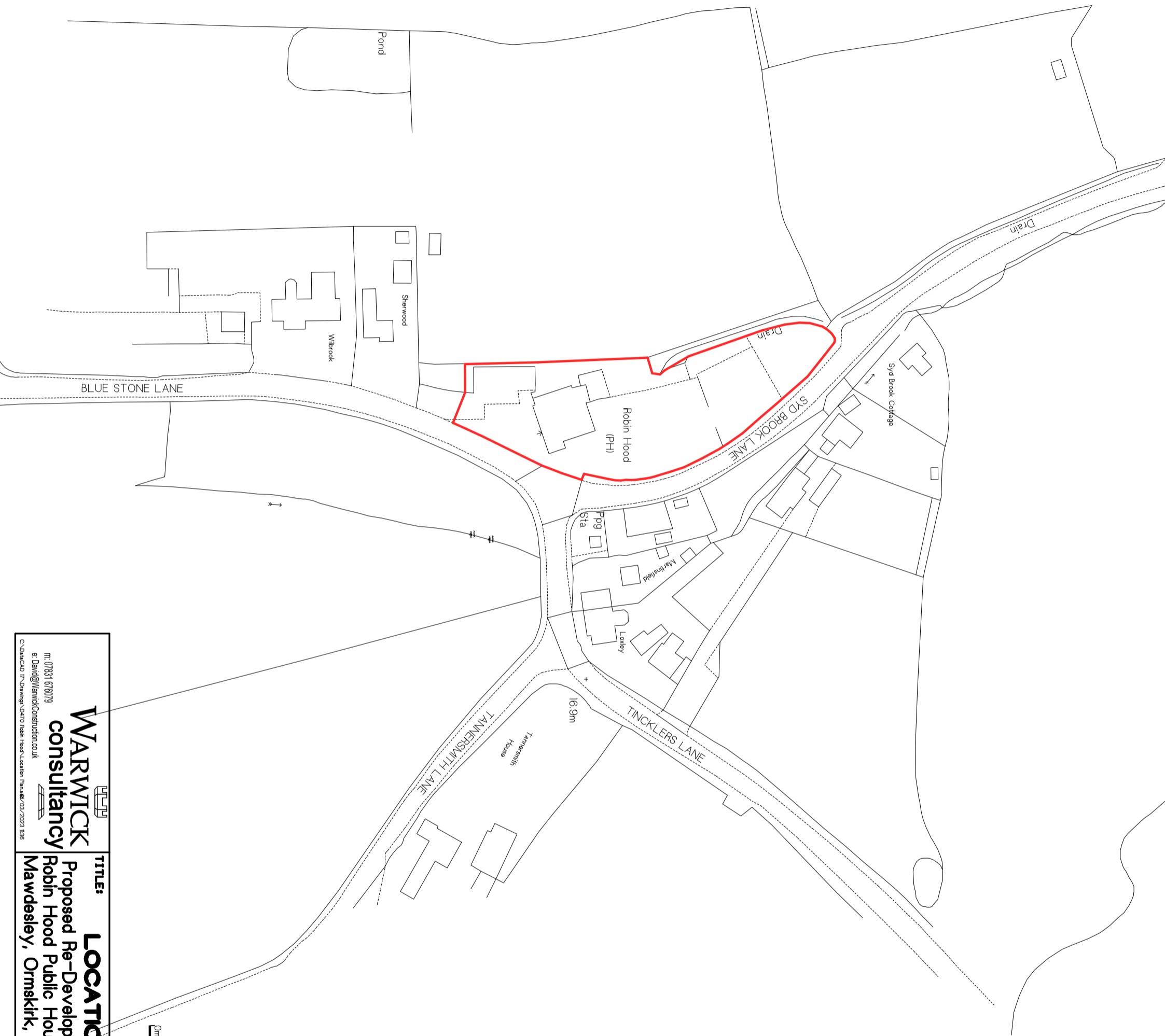
No.	Condition																					
1.	The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>																					
2.	The development shall be carried out in accordance with the following plans: <table border="1" data-bbox="343 1630 1337 2033"> <thead> <tr> <th>Title</th> <th>Drawing Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td>D4701/P01</td> <td>01 June 2023</td> </tr> <tr> <td>Proposed Site Block Plan</td> <td>D470/P07 A</td> <td>28 July 2023</td> </tr> <tr> <td>Proposed Site Plan</td> <td>D470/P08 A</td> <td>28 July 2023</td> </tr> <tr> <td>Proposed Highway Works Site Plan</td> <td>D470/P17 B</td> <td>28 July 2023</td> </tr> <tr> <td>Proposed Floor and Roof Plans</td> <td>D470/P10 B</td> <td>28 July 2023</td> </tr> <tr> <td>Proposed Elevations - Plot 1</td> <td>D470/P11 B</td> <td>28 July 2023</td> </tr> </tbody> </table>	Title	Drawing Reference	Received date	Location Plan	D4701/P01	01 June 2023	Proposed Site Block Plan	D470/P07 A	28 July 2023	Proposed Site Plan	D470/P08 A	28 July 2023	Proposed Highway Works Site Plan	D470/P17 B	28 July 2023	Proposed Floor and Roof Plans	D470/P10 B	28 July 2023	Proposed Elevations - Plot 1	D470/P11 B	28 July 2023
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	Proposed Floor Plans and Elevations – Plot 2	D470/P12 A	28 July 2023
	Proposed Floor Plans and Elevations – Plot 3	D470/P14 A	28 July 2023
	Proposed Floor Plans and Elevations – Plot 4	D470/P15 A	28 July 2023
	Proposed Floor Plans and Elevations – Plot 5	D470/P16 A	28 July 2023
	Proposed Site Landscaping Plan	D470/P19 B	28 July 2023
	Proposed Site Plan – Levels	D470/P17 B	31 July 2023
	<i>Reason: For the avoidance of doubt and in the interests of proper planning.</i>		
3.	<p>Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:</p> <ul style="list-style-type: none"> (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 in accordance with BRE365; (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); (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD; (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and (v) Foul and surface water shall drain on separate systems. <p>The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.</p> <p>Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.</p> <p><i>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.</i></p>		
4.	<p>Prior to the erection of the superstructure of the new build dwellings hereby approved samples of all external facing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>		
5.	<p>The roofing materials and verge treatment detailed on the approved plans, shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>		
6.	<p>Prior to the erection of the superstructure of the new build dwellings hereby approved, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on</p>		

	<p>previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>
<p>7.</p>	<p>The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>
<p>8.</p>	<p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species..</p> <p><i>Reason: In the interest of the appearance of the locality.</i></p>
<p>9.</p>	<p>No works to trees or hedgerows shall occur or building works commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.</p> <p><i>Reason: Nesting birds are a protected species.</i></p>
<p>10.</p>	<p>No part of the development hereby approved shall be occupied until the approved scheme for the associated site access, sight lines and off-site highway works has been constructed and completed in accordance with the approved scheme details, without prior agreement from the Local Planning Authority.</p> <p><i>Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users. To allow for the effective use of desirable sustainable transport and aid social inclusion.</i></p>
<p>11.</p>	<p>Prior to the commencement of the development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The CMP shall include and specify the provisions to be made for the following:-</p> <ul style="list-style-type: none"> a) The parking of vehicles of site operatives and visitors; b) Loading and unloading of plant and materials used in the construction of the development; c) Storage of such plant and materials; d) Wheel washing and/or power wash and hardstanding area with road sweeping facilities, including details of how, when and where the facilities are to be used; e) Periods when plant and materials trips should not be made to and from the site (mainly school peak hours but the developer to identify times when trips of this nature should not be made);

	<p>f) Routes to be used by vehicles carrying plant and materials to and from the site;</p> <p>g) Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.</p> <p><i>Reason: To protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network.</i></p>
<p>12.</p>	<p>Prior to the erection of the superstructure of any dwelling hereby approved all existing buildings within the site edged red on the Location Plan (ref. D4701/P01) shall have been demolished and all resultant materials removed from the site.</p> <p><i>Reason: To protect the openness of the Green Belt.</i></p>

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 WARWICK consultancy <small>m: 07831 676079 e: David@WarwickConstruction.co.uk C:\Data\CAD 17\Drawings\0470 Robin Hood\Location Plan.dwg/03/2023 1838</small>	TITLE:	DRAWING No.
	LOCATION PLAN Proposed Re-Development of the Robin Hood Public House, Blue Stone Lane, Mawdesley, Ormskirk, Lancs. L40 2RG.	D4701/PO1
	REVISION:	SCALE:
		1:1250

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APPLICATION REPORT – 23/00073/FULMAJ

Validation Date: 27 January 2023

Ward: Coppull

Type of Application: Major Full Planning

Proposal: Installation of external staircase to northern elevation, widening of existing ground floor fire doors on northern elevation, erection of security fence around site, creation of new car parking spaces and erection of sliding access gates

Location: Coppull Enterprise Centre Mill Lane Coppull Chorley PR7 5AN

Case Officer: Chris Smith

Applicant: The Lowry Partnership

Agent: The JS Design Partnership

Consultation expiry: 22 February 2023

Decision due by: 17 August 2023

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located within the settlement area of Coppull as defined by the Chorley Local Plan 2012-2026 towards the northern end of Mill Lane. The site contains a Grade II Listed Building, which was historically named Coppull Ring Mill, but which is now known as Coppull Enterprise Centre. The mill which was originally used for cotton spinning is an early C20 three-storey height red and yellow brick building with a very large rectangular plan, tower on its eastern side and engine house on its western side.
3. Immediately to the west of the building there is an unmarked loose surfaced car park for users and visitors of the mill. Beyond this to the west and north of the site there are neighbouring residential properties. The Red Herring public houses is immediately to the south of the site, which itself is also a Grade II Listed Building. To the east the site bounds with a railway line.
4. It should be noted that the proposed development has been amended since being first received by the Council at the request of the case officer. An amended site plan has been submitted showing that the proposed fence would be 2m away from the adjacent carriageway to the south of the site and that the proposed gate would be more than 5m away from the carriageway, in order to maintain adequate sightlines from the vehicular access to the site.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. The application seeks planning permission for various external works and alterations to the building as follows:
 - The widening of existing ground floor fire doors on the northern elevation

- The installation of an external staircase to the northern elevation
- The erection of an approximately 2.5m high security fence along the southern site boundary facing towards Mill Lane and along the eastern site boundary
- Erection of a sliding access gate
- Creation of new car parking spaces and formation of new car park hard standing

REPRESENTATIONS

6. 1no. representation has been received citing the following grounds of objection to the proposed development:

- The existing car park is just rubble and dust
- Weeds
- Rubbish and general lack of care of the site
- On-road parking issues
- Noise

CONSULTATIONS

7. Chorley Council's Heritage Advisor – is of the opinion that the proposal would meet the statutory test of the Act 'to preserve' and is acceptable in design terms.
8. Coppull Parish Council – Have stated that the submitted plans are appropriate and proportionate and would have minimal impact on the visual aspect of the mill.
9. Lancashire Highway Services (LCC Highways) – Have stated that they do not have any objections to the proposed development and are of the opinion that it would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
10. Network Rail – Have no objections but stated that no works are to commence until they have been agreed with Network Rail.

PLANNING CONSIDERATIONS

Principle of the development

11. The National Planning Policy Framework (The Framework) states that plans and decisions should apply a presumption in favour of sustainable development and for decision making this means approving development proposals that accord with an up-to-date development plan without delay, or 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 the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
12. The application site is located in the settlement area of Coppull. Policy V2 of the Chorley Local Plan 2012 - 2026 states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.
13. The principle of the proposed development is, therefore, considered to be an acceptable one, subject to material planning considerations.

Design and impact on the character of the area

14. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.

15. Whilst it is acknowledged the proposed door alterations and fire escape would alter the external appearance of the building, they would be contained to the northern facing elevation of the building which is not a prominently visible part of the building. Consequently, these elements of the proposal would be well screened from public vantage points to the south of the site by the existing building. Direct and uninterrupted intervisibility between the proposed development and public vantage points at Mill Lane to the north of the site would be prevented by the residential properties which bound with the site to the north. Although the proposed staircase would be of more modern design relative to the traditionally designed mill building, it would have a functional aesthetic which would not appear entirely out of keeping with the existing building which does have a somewhat utilitarian and industrial appearance.
16. It is acknowledged that the proposed security fencing and access gate would be discernible within the adjacent streetscenes from numerous public vantage points to the south located along Mill Lane. However, it is noted that the streetscene immediately to the south of the site lacks any overall prevailing character and is viewed more as a transitional area between the mill site and the residential housing estate to the west of the site. The boundary along the south of the site facing towards Mill Lane is completely open and therefore the proposed boundary treatments would provide a clear visual demarcation between the site and the adjacent public highway. In this respect they would make a positive visual contribution to the character of the immediate locality as would the resurfacing of the car park which is currently in a poor state of repair with uneven cracked surfacing which appears unsightly and detracts from the character of the area and the mill building.
17. The proposal is considered to be acceptable in design terms and accords with Chorley Local Plan policy BNE1.

Impact on the amenity of neighbouring occupiers

18. Policy BNE1 of the Chorley Local Plan 2012-2026 states that planning permission will be granted for new development, including extensions, conversions and free-standing structures, provided that, the development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or by creating overbearing impacts.
19. The proposed doorway alterations would be very minor changes to the configuration of the northern elevation of the building and they would not be of such size and scale that they would have any unacceptable adverse impacts on neighbour amenity. The proposed staircase would be approximately 13.5m to the south west of the nearest neighbouring residential property at no. 194 Mill Lane. Due to this degree of separation, it is not considered that it would have any unacceptable adverse impacts on the amenity of the occupiers of this property as a result of light loss or a loss of outlook. Nor is it considered that the development would have a significantly greater or more adverse impact on the amenity of neighbouring properties than that which currently occurs as a result of the existing already very sizeable mill building. The staircase would not contain any windows and, therefore, there would be no unacceptable adverse impacts on neighbour amenity from loss of privacy.
20. The proposed fence would be built along the southern and eastern site boundaries and would not run parallel to the rear gardens of any neighbouring residential properties. However, the westernmost end of the fence would be approximately 4m to the south east of the residential property no. 111 Mill Lane and approximately 1.5m away from the side elevation of no. 194 Mill Lane. Despite this degree of proximity, the fence would benefit from a light weight permeable mesh design and as a consequence it is not considered that it would have any unacceptable adverse impacts on neighbour amenity as a result of light loss or a loss of outlook.
21. It is noted that a representation of objection has been received which draws attention to the poor condition of the existing car parking surface and the noise which occurs as a result of vehicles driving over the surface. The re-surfacing of the car park would, therefore, result in an overall benefit to neighbour amenity as the improved surfacing would reduce this noise.

22. The proposal accords with Chorley Local Plan policy BNE1 in respect of amenity considerations.

Impact on a designated heritage asset

23. The Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) sets out the primary duty that a Local Planning Authority 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. Great weight and importance is attached to this duty.
24. The National Planning Policy Framework (The Framework) at Chapter 16 deals with conserving and enhancing the historic environment. It sets out that in determining planning applications LPAs 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.
25. Paragraph 199 states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.
26. Paragraph 200 states that any harm or loss of significance to a designated heritage asset (from alteration or destruction or from development within its setting) should require clear and convincing justification.
27. Paragraph 202 states that where a development will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.
28. 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.
29. Chorley Local Plan 2012 - 2026 policy BNE8 (Protection and Enhancement of Heritage Assets) states that:
- a) Applications affecting a Heritage Asset or its setting will be granted where it:
 - i. Is in accordance with the Framework and relevant Historic England guidance;
 - ii. Where appropriate, takes full account of the findings and recommendations in the Council's Conservation Area Appraisals and Management Proposals;
 - iii. Is accompanied by a satisfactory Heritage Statement (as defined by Chorley Council's advice on Heritage Statements) and;
 - b) Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following:

- i. The conservation of features and elements that contribute to the heritage asset's significance and character. This may include: chimneys, windows and doors, boundary treatments, original roof coverings, earthworks or buried remains, shop fronts or elements of shop fronts in conservation areas, as well as internal features such as fireplaces, plaster cornices, doors, architraves, panelling and any walls in listed buildings;
- ii. The reinstatement of features and elements that contribute to the heritage asset's significance which have been lost or damaged;
- iii. The conservation and, where appropriate, the enhancement of the setting of heritage assets;
- iv. The removal of additions or modifications that are considered harmful to the significance of any heritage asset. This may include the removal of pebbledash, paint from brickwork, non-original 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.

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.

Assessment

30. The key considerations in respect of the impact of the proposal on the heritage asset are:
 1. Whether the proposed development would harm the significance of the Grade II Listed Building (Coppull Mill) and its setting.
 2. Whether the proposal would harm the contribution made by the setting of the nearby Grade II Listed Building (Red Herring).
31. The main issue from a conservation perspective is whether the proposal would cause any harm to the significance of the listed buildings. The significance of Coppull Mill lies in its aesthetic and historic context; primarily evidenced in the building's fabric and architectural form and appearance. In this regard, as a Grade II Listed Building it can be attributed as having high significance.
32. With regards to the proposal to widen the ground level door, this is located on the north elevation of the building with the most limited views and it is considered that this would be a minor alteration in an appropriate location which would be justified. The proposed external staircase would also be located on the north elevation of the building and visually it is considered that it would be a noticeable addition to the building. However, as mentioned above, views of the north elevation of the building are relatively limited and it is noted that it overlooks a narrow access road which sits between the site and a modern recently built housing estate which reduces intervisibility between the building and public vantage points. Furthermore, the proposed would be built between an existing lift shaft and the protruding north east corner of the building and whilst it would be of modern design, it would be clearly identified as a modern addition when viewed against the more historic fabric of the existing building.
33. The proposed works for the external staircase would also involve some alterations to the fabric of the existing building. Former openings that have been infilled on the side of the lift shaft structure, would be reopened and widened to provide access to the stairway area and small areas of stud walls would be erected to provide new doorways to access the lift and proposed new staircase across all the upper floors. As former openings would be reused, it is considered that these would be only minor alterations. However, it is also noted that existing windows which face towards the area of the proposed staircase would need to be blocked up. An updated heritage design and access statement states that:

“The existing windows that overlook the area proposed for the external staircase would be retained. To prevent fire within the building shattering the glazing and compromising the fire safety integrity of the staircase, it is proposed to construct a fire rated ‘screen’ within the window reveals to give the required fire resistance. This would comprise metal or timber framework with layers of gypsum fireline board and skim. The shape of the window openings would be visible. It is clearly a modern intervention and could if required be removed in the future”.

34. Whilst it would be preferable that the windows are left unblocked, it is accepted that there is a clear need for the proposed works for the purposes of fire safety and in order to ensure that the 2nd and 3rd floors of the building are suitable for modern day uses. Given that the shape of the window openings would remain, and the works would be reversible it is accepted that this element of the proposed development has been suitably justified.
35. The Red Herring Public House was once the office block to Coppull Ring Mill and, therefore, it contributes positively to the group interest and general historic setting of the site. Notwithstanding this, the immediate setting and wider setting has drastically changed throughout the 20th century and the once large mill site was substantially altered following the demolition of Mavis Mill which was a similarly sized mill building located immediately to the west of the existing mill. This facilitated the formation of the existing car park and neighbouring housing development which resulted in physical changes to the immediate setting of the listed buildings.
36. These cumulative changes have overtime contributed to the gradual erosion of the historic setting and have impacted on how the listed buildings are experienced, therefore, reducing the contribution made by the setting to the significance of the listed buildings. Nevertheless, it is considered that the application site contributes to the significance of the listed buildings and can be considered, for the basis of this assessment, to be of a neutral value. Coppull Mill is already encompassed by poorly surfaced car parks and has differing metal fencing that runs adjacent to the railway line and access road. Given the already eroded nature of the setting to the listed building and its limited or neutral importance, it is considered that the car park and fencing proposals would have no impact on the contribution made by the setting on the significance of the heritage assets.
37. It is considered that the proposal would meet the statutory test of the Act ‘to preserve’ and is acceptable in design terms. The proposed development accords with the objectives of Chapter 16 of the Framework, policies and BNE8 of the Chorley Local Plan and Policy 16 of the Central Lancashire Core Strategy.

Highway safety

38. Policy BNE1 of the Chorley Local Plan 2012-2026 states that developments must not cause severe residual cumulative highways impact or prejudice highway safety, pedestrian safety, the free flow of traffic, or reduce the number of on-site parking spaces.
39. Initially, LCC Highways stated that they had concerns regarding highway safety and in order to support the application, requested that the proposed fence be set back a minimum of 2m from the edge of the carriageway to maintain sightlines. They also requested the gate be set back a minimum of 5m from the back edge of the carriageway to permit vehicles to pull clear of the carriageway when entering and exiting the site and to ensure the swing of the gate does not affect the availability for a car to wait off road. Sight lines of 2.4 x 25m would also need to be provided in both directions from the centre of the access onto Mill Lane.
40. In response to this, an amended site plan has been submitted showing that the proposed fence would be 2m away from the adjacent carriageway to the south of the site and that the proposed gate would be more than 5m away from the carriageway, in order to maintain adequate sightlines from the vehicular access to the site.

41. LCC Highways have reviewed the amended plans and stated that they do not have any objections to the proposed development and are of the opinion that it would not have a significant impact on highway safety, capacity, or amenity in the immediate vicinity of the site. They also advised that the car parking layout (ref: 80880-12 revision D) is acceptable.

CONCLUSION

42. The proposed development is acceptable in principle and would not have an unacceptable adverse impact on the character and appearance of the existing site or the surrounding area, nor would it cause any significant harm to the amenity of neighbouring residents or highway safety and it would not harm the significance of the identified heritage assets. The statutory duty to preserve is met and the application accords with the Framework at Chapter 16, Central Lancashire Core Strategy policy 16 and policies BNE1 and BNE8 of the Chorley Local Plan 2012 – 2026. Consequently, it is recommended that the application is approved, subject to conditions.

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

RELEVANT HISTORY OF THE SITE

Ref: 23/00074/LBC **Decision:** PCO **Decision Date:**
Description: Application for listed building consent for the installation of external staircase to northern elevation, widen existing ground floor fire doors on northern elevation, erection of security fence around site, creation of new car parking spaces, erection of sliding access gates and installation of new internal fire escape stairs on the second and third floors

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 external facing materials, detailed on the approved plans, shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.

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

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

Title	Plan Ref	Received On
Proposed First Floorplan	8080-07	12 July 2023
Proposed Second Floorplan	8080-C 8	12 July 2023
Proposed Third Floorplan	8080-O 9	12 July 2023
Site Location Plan	8080-SLP	27 January 2023
Proposed Elevations	8080.11	27 January 2023
Proposed Car Park Layout	8080.12 Rev D	24 February 2023

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

4. No building (or use hereby permitted) shall be occupied (or use commenced) until visibility splays 2.4 metres back from the centre line of the access and extending 25 metres on the

nearside carriageway edge in both directions have been provided at the access, as shown on the approved plans. Nothing shall be erected, retained, planted and / or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splay. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

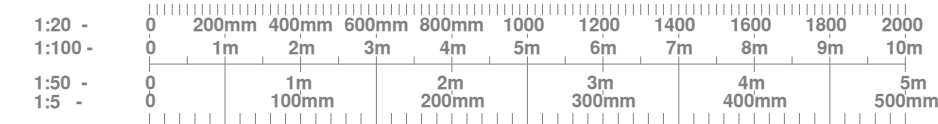
Reason: To ensure adequate inter-visibility between highway users at the site access, in the interests of highway safety.

5. Before the access is used for vehicular purposes, any gateposts erected at the access shall be positioned 5m behind the nearside edge of the highway. The gates shall open away from the highway.

Reason: To permit vehicles to pull clear of the carriageway when entering the site, in the interests of highway safety.

6. Before the development hereby permitted becomes operative, the existing highway frontage of the site to adjacent to Mill Lane shall be reduced to and be permanently maintained henceforth at a height not greater than 1m above the crown level of the carriageway of Mill Lane. The land within 2m of the rear of the carriageway shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 0.9 metres in height above the height at the centre line of the adjacent carriageway.

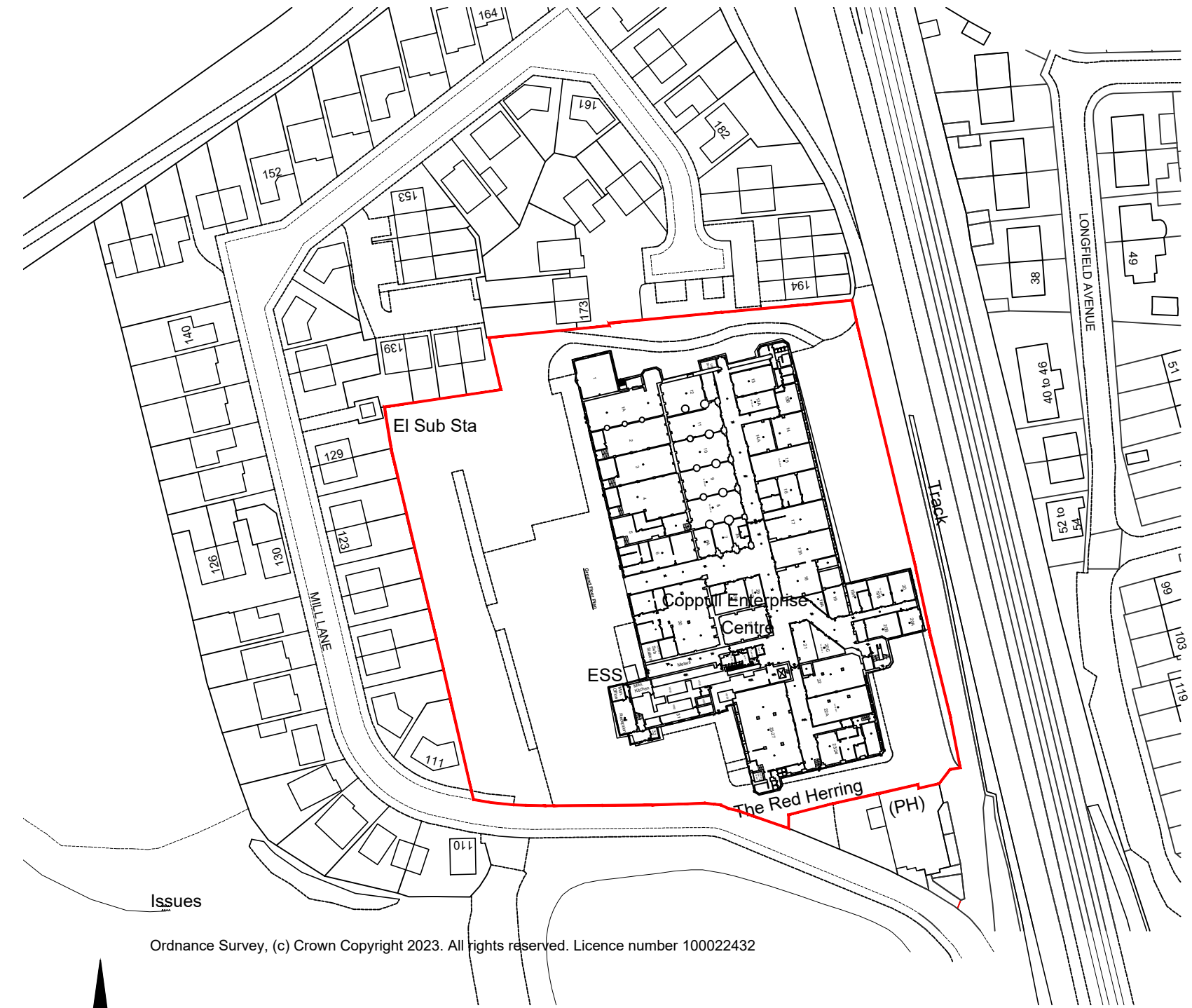
Reason: To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Quality of Development Policy and Transport Policy in the Local Plan.



NOTE: Do not scale dimensions from this drawing. If in doubt refer to JS Design.

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Rev:	Description:	Date:



Issues

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SITE LOCATION PLAN
SCALE - 1:1250 @A3

CDM 2015:
Under the CDM regulations there are no significant design risks.



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Client:
LOWRY PARTNERSHIP

Project:
**COPPULL RING MILL
MILL LANE
COPPULL
CHORLEY
PR7 5AN**

Title:
SITE LOCATION PLAN

Drawing No:	Rev:	Date:	Drawn By:	Checked:	Scale @ A3
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