

## **APPLICATION REPORT – 19/00564/OUT**

**Validation Date: 14 June 2019**

**Ward: Eccleston And Mawdesley**

**Type of Application: Outline Planning**

**Proposal: Outline application for the erection of 4no. dwellings and associated garages and parking following demolition of the existing commercial building (with all matters reserved save for access)**

**Location: 18 New Street Mawdesley L40 2QP**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr Steve Counce**

**Agent: Mr Robert Harrison, P Wilson & Company LLP**

**Consultation expiry: 6 February 2020**

**Decision due by: 6 March 2020**

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### **RECOMMENDATION**

1. It is recommended that this application is approved subject to conditions and a Section 106 obligation to secure improvements to public open space.

### **SITE DESCRIPTION**

2. The application site is located within the settlement area of Mawdesley that is inset from the Green Belt and is allocated for employment under policy EP1.17 the Chorley Local Plan 2012 – 2026. The site comprises a vehicle repairs garage and workshop and the associated outdoor storage and manoeuvring areas. The garage building itself is a large shed of functional design and appearance and there are large areas of hardstanding to the front of the building. The site has been unoccupied for some time.
3. The site is set behind dwellings fronting New Street located to the north west, with an existing access to the side of 20 New Street. There is an industrial site to the south west and a major residential development is under construction to the south east, where there are mature trees along the periphery. There are gardens and open land to the north east. The character of the area is that of a rural village surrounding by open agricultural land with more dispersed development.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

4. The application seeks outline planning permission, with all matters reserved save for access, for the erection of 4no. dwellings and associated garages and parking following the demolition of the existing commercial building. Therefore, details of appearance, landscape, layout, and scale are reserved and are not for consideration at this time. Only the acceptability of the principle of providing four residential dwellings on the site and the access is for consideration.
5. An indicative layout has been submitted showing the four dwellings set in a courtyard arrangement that would be accessed from New Street. This demonstrates how four

properties could be set out on the site, and that it is possible to accommodate four dwellings on the site, however, the indicative layout is not for consideration at this stage.

## REPRESENTATIONS

6. Representations have been received from the occupiers of 3no. addresses citing the following grounds of objection:
- Impact on light, privacy and outlook of neighbouring occupiers.
  - No need for more housing.
  - Impact on highway safety.
  - Lack of amenities in the village to support more houses.
  - The site has not been used for many years and should be returned to Green Belt.
  - Concern over drainage arrangements.
  - Ecological impact.
  - The site is more appropriate for bungalows.
  - Planning committee site visit requested.

## CONSULTATIONS

7. Mawdesley Parish Council: The Parish Council strongly objects to closing a potential employment site to create housing and comment that this is a significant development in an area where the infrastructure is at its capacity, it is not in sympathy with existing village life. Their specific objections are detailed below:-
- 1) Mawdesley is a dispersed settlement where development proposals should be considered very carefully: this development is not infilling and could ruin the character of the village. Mawdesley Parish Council believes that should this application be successful the result would cause irreversible significant harm to the character, charm, heritage, tourism and community of one of Lancashire's last iconic rural villages as in paragraph 64 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
  - 2) The outline planning application does not provide sufficient information to determine the suitability of the access and egress to the site. As no details have been provided then the Parish Council believe the application should be refused until such a time as the application could be brought forward with a detailed plan that can be commented on by the Local Highways Authority clearly demonstrating the suitability of the single entrance / exit from New Street. At present the attached sketch does not provide ample space for a vehicle to exit the site on to the highway as one is entering and as such the Parish Council strongly objects to the application on the following grounds; Local Plan, Policy G17(c) – this development would prejudice highway safety, pedestrian safety, the free flow of traffic.
  - 3) The NPPF and CLCS clearly states the proposed developments should not only be sustainable but also viable. Mawdesley Parish Council does not believe the current application fulfils either criteria. (The National Planning Policy Framework paragraph 118).

For a housing development to be sustainable there has to be an identified need for those built properties within the direct area.

In order to drive a need for these new homes employment must be taken in to account. The current proposal seeks to diminish an employment site within the village by removing a light industrial building, perfectly positioned and constructed to provide employment for many of Mawdsley's past, current and future residents, in effect reducing industrial and commercial buildings and damaging the current village economy.

Mawdesley Parish Council believe the current owners of the site, since acquisition, have actively sought to diminish employment on the site and underutilise the existing building

in order to question the viability of the current site allocation. There have been several businesses enquiring about renting the site. The Parish Council can provide names and address details of the businesses and individuals who have requested a viewing and further details of the site from the appointed agent without success.

- 4) The allocated site has not apparently been subject to a robust marketing exercise (Chorley Borough Council's SPD on Controlling the Re-Use of Employment Premises)

Therefore, its contended non-deliverability is not supported by robust evidence, if it were, at least part of the site could potentially come forward as a windfall housing site subject to it satisfying all other relevant policies of the development plan. In the absence of such evidence I conclude that the allocation is sound.

- 5) The proposed development is inappropriate as it is in flood risk area. The village has a main surface water culvert that runs under New St to the West of the development. The culvert is already unable to cope with the amount of water which in the recent past has resulted in the flooding of homes on New St. The increase in surface water produced by this development will only exacerbate the problem
8. Greater Manchester Ecology Unit: Have no objection subject to conditions.
9. Waste & Contaminated Land: Have no objection subject to a condition.
10. Lancashire County Council Highway Services: Have no objection subject to condition.
11. United Utilities: Have no objection.
12. Lancashire Fire And Rescue Service: Standing advice provided.

## **PLANNING CONSIDERATIONS**

### Principle of development

13. The application site forms part of land designated by policy V2 of the Chorley Local Plan 2012 - 2026 as within the Settlement Area of Mawdesley. Within these areas there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and compliance with other Development Plan policies.
14. Mawdesley is not specified as an area for growth within Core Strategy policy 1 and falls to be considered as an 'other place'. Criterion (f) of Core Strategy policy 1 reads as follows: "In other places – smaller villages, substantially built up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes."
15. The proposed development is small scale and is therefore considered to be in line with policy 1 of the Core Strategy, which seeks to direct growth and investment. The proposed development is of a suitably small scale for the village of Mawdesley and would make use of a previously developed site, whilst being well contained by existing development with residential development on two sides of the site.
16. One of the core principles of National Planning Policy Framework (the Framework) is that development should be focussed in locations that are sustainable. It is considered that the site is located in a reasonably sustainable location with access to local amenities including two primary schools, two public houses, a village hall, a convenience store, sports facilities, churches and some other services. The Framework also states that development in sustainable locations should be approved without delay. This presumption in favour of sustainable development is reflected in policy V2 of the Chorley Local Plan.
17. The proposed development is for four dwellings in the settlement area of the village, on a site that is contained within a developed part of the village. It is, therefore, considered that

the 'principle' of the proposed development is acceptable in compliance with Chorley Local Plan policy V2 and Core Strategy policy 1 and the Framework.

18. The application site forms part of an employment allocation under policy EP1.17 of the Chorley Local Plan 2012 - 2026 and was most recently used as a vehicle repairs garage and workshop, which falls to be considered as an employment use. The site is, therefore, defined as an employment site and must be assessed against Policy 10 of the Core Strategy. This sets out that all existing employment premises and sites last used for employment will be protected for employment use. There will be a presumption that "Best Urban" and "Good Urban" sites will be retained for B use class employment use. This policy covers and protects B1, B2 and B8 employment uses. Proposals on all employment sites/premises for re-use or redevelopment other than B use class employment uses will be assessed under criteria (a) to (f).
19. Policy 10 also states that proposals for residential use on employment sites/premises will also be subject to criteria (g) and (h).
20. The Controlling Re-use of Employment Premises Supplementary Planning Document (SPD) is relevant to this application and develops upon Policy 10 of the Core Strategy. The SPD emphasises the Council's starting point that employment sites should be retained unless an applicant wishing to change the use can demonstrate that the criteria set out in Policy 10 have been satisfied. Additional information is provided on each of the criteria (a) – (h), as well as a flow chart of the approach to be taken. Of particular relevance to this application is the information on what an applicant should provide to satisfy criterion (g) and (h).
21. The principle of development is therefore dependent upon an assessment of Policy 10 criteria a) to h). An assessment against these criteria is set out below.
22. *(a) there would not be an unacceptable reduction on the type, quality or quantity of employment land supply;*  
The adjoining Goodyear site was put forward as an alternative site for the Chorley Local Plan but not taken forward. Paragraph 97 of the Inspector's Partial Report October 2013 explains that two alternative sites for housing in Mawdesley were looked at and this included Site AL22 – Land at Gorse Lane which also included the southern employment site of EP1.17. The Inspector concluded that AL22 should not be allocated for housing because this would conflict with Core Strategy Policy 1 however, the employment element could be permitted in accordance with allocation EP1.17. The Inspector identified the entire employment site as suitable for B1 use as this is acceptable in a residential area. Furthermore, Local Plan Policy EP4 allows for new, small scale employment development in residential areas provided there would be no detriment to the amenity of the area. During 2013/14 an application for 56 dwellings on part of the Goodyear site was determined, which demonstrated overcoming Core Strategy Policy 10 criteria and was approved. As such the current application site and allocation would be positioned between residential properties and is no longer suitable for such uses.
23. *(b) the provision and need for the proposed use;*  
The proposed development would contribute towards meeting the identified housing need within the Borough on previously developed land that is in a sustainable location.
24. *(c) the relative suitability of the site for employment and for the alternative use;*  
Following on from the approval and subsequent development of residential development on the Goodyear site to the south east the application site has become less suitable for employment use as it is now flanked by residential properties on the north west and south east sides. As such the proposed use for residential is more suitable than the existing and allocated use, particularly when considering that the site can be used lawfully for any use falling within the General Industry classification.

25. *(d) the location of the site and its relationship to other uses;*  
The surrounding area of the application site has evolved since it was allocated to include a major residential development to the south east that is at an advanced stage of construction. As such the proposed use of the site complements the surrounding land uses more than the current lawful use and allocation. The Employment Site Proforma for the allocation (Appendix 7) that forms part of the Central Lancashire Employment Land Study (ELS) – Technical Report - November 2017 does not make it clear that the two sections of the wider site have two separate access points, and that the one for this site is shared by a residential property. It states that access can be taken from Gorse Lane, which is not possible due to the site being in a separate ownership. It identifies the site as being attractive to advanced manufacturing, transport, storage and construction. This is wholly unrealistic due to the site access and surrounding residential uses.
26. *(e) whether the ability to accommodate smaller scale requirements would be compromised;*  
The application site could readily accommodate smaller business spaces if a developer were minded to configure the site in this way. Vehicular access is not ideal, however, for several businesses to occupy the site. Nevertheless the ability to accommodate smaller scale requirements in the area would be compromised by the proposal.
27. *(f) there would be a net improvement in amenity.*  
Given that the lawful use of the site falls within the General Industry use class and could be used in such as way at any time or the intensity of employment uses on the site could increase it is considered that the proposed use for a small housing development would result in a net improvement in amenity.
28. *(g) convincing evidence of lack of demand through a rigorous and active 12 month marketing period for employment re-use and employment redevelopment;*  
The applicant has provided marketing information that is appropriate in relation to the site and location.
29. *(h) an assessment of the viability of employment development including employment re-use and employment redevelopment.*  
Due to the constraints identified it is considered unlikely that the site will come forward for employment use. The Central Lancashire Employment Land Study (ELS) – Technical Report - November 2017 scores the site 36 out of 100, with a market led score of 13 (Appendix 6). The market led score is the worst of all the allocated site throughout the entire Central Lancashire district. The report in 10.23 states, ‘Overall, EP1.17: Rear of New Street, Mawdesley scores by far the lowest though reflecting its small size, backland nature and position in Chorley Borough’s rural west.’
30. Further to the above it is noted that the site in question, along with the adjacent land to the south, has been proposed for housing in the Issues and Options Consultation on the Central Lancashire Local Plan (Reference 19C275x, Rear of New Street).
31. As a consequence of the above assessment, and in consideration of the evolving nature of the surrounding land, the need to protect residential amenity and prevent the possibility of a statutory nuisance the proposed residential development is considered to be in general compliance with the development plan as a whole and is considered to be acceptable in principle.

#### Impact on character and appearance of locality

32. The application seeks outline planning permission with all matters reserved save for access. Therefore, no details of the design of the proposed dwellings has been provided. An indicative layout has been provided to demonstrate that four dwellings could be accommodated within the site, however, details of layout are not sought and this would not, therefore, be an approved drawing should planning permission be granted.
33. From the information submitted with the application this suggests that the applicant’s intention is to develop four detached properties, which are likely to accommodate 3 or 4 bedrooms each, in a courtyard style layout. The prevailing dwelling types within the vicinity

of the application site are detached two storey houses, bungalows and dormer bungalows. However, elsewhere in Mawdesley, a wide range of dwelling types and design styles exist from the traditional to the modern.

34. It is considered that four detached properties in this location can assimilate with the built form of Mawdesley, particularly given that a residential development is being implemented to the south east of the site, and the house adjacent to the site entrance is a two storey detached house. The position of the dwellings themselves would be largely concealed from public view in any event given the position of the site, and the addition of four dwellings would have a negligible impact in terms of the character of the village.
35. Should this application be approved it is considered that the siting of the proposed dwellings would require careful consideration as part of a subsequent reserved matters application, in consideration of the site levels and mature trees and vegetation to the periphery.
36. Whilst no details have been provided in respect of appearance, layout, scale and landscaping it is considered that four dwellings could be accommodated on the application site without causing harm to the character and appearance of the locality. The development therefore complies with policy BNE1 of the Chorley Local Plan 2012 - 2026.

#### Impact on neighbour amenity

37. 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.
38. Consent is not sought for matters of layout at this stage and the final position of the dwellings may change from that which is demonstrated on the indicative plan. Any development of the site must consider the difference in levels around the site and potential impact on the amenity of neighbouring occupiers at numbers 20 to 28 New Street through the impact on privacy, outlook and light in relation to both the impact on facing habitable room windows at these properties and the impact on their rear garden areas.
39. Having regard to the indicative layout the positioning of the dwellings as shown may need to be revised in order to avoid any adverse impact on amenity and the relative levels would need to be demonstrated in order to make a fully informed assessment of this impact. Detailed levels and sections should, therefore, be provided with any application for reserved matters. Given the area of the application site it is considered that a development of four dwellings could be laid out and designed in a way that would not cause undue harm to neighbour amenity.
40. Given that the lawful use of the site is for vehicles repairs within the General Industry use classification the proposed development of a residential development would be far more compatible with the adjacent residential land uses and would not generate the levels of noise and disturbance that could currently take place under the existing use. It is, therefore, considered that the development could be delivered without adversely affecting the amenity of any existing or future occupiers and would result in an overall improvement in amenity levels in comparison with the existing lawful use.

#### Highway safety

41. LCC Highways have assessed the proposal and have confirmed that they do not have any objections regarding the proposed outline application for the erection of 4 dwellings and associated garages and parking following demolition of the existing commercial building and are of the opinion that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
42. The site has had a commercial use as a vehicle repairs garage and workshop for a significant period of time with vehicle movements occurring on a regular basis. It is appropriate to take into account the impact of the extant use when considering this proposal. Given the extant use the width of the access is not considered unacceptable.

43. Based on the car parking standards set out in Policy ST4 and appendix A of the Chorley Local Plan 2012 - 2026, LCC Highways is of the opinion that the applicant has provided adequate evidence to demonstrate that the off-road parking provision necessary for each individual property can be achieved. This is demonstrated on drawing 18-165 SK01 Rev A, dated July 2019.

#### Ecology

44. The application is accompanied by an ecological appraisal of the site. No significant ecological issues were identified by the developer's ecological consultant. Greater Manchester Ecology Unit consider that issues relating to great crested newts, bats, nesting birds and landscaping can be resolved via condition and or appropriate informative.
45. There are records of newts in some of the nearby ponds but the report concludes that newts are unlikely to be on the application site. It is, however, recommended that the appropriate informative be placed on any permission, if granted, as a precautionary measure.
46. The site does not have any potential to support any bat roosts. However, the tree lines along the boundaries of the site may be used by foraging/commuting bats. Currently the plans show these trees as being largely retained. The ecology report does recommend that a lighting plan be produced to ensure light spillage does not affect this activity. It is, therefore, recommended that a condition be attached to any grant of permission to require a lighting design strategy.
47. The proposed development would result in the loss of potential bird nesting habitat particularly along the southern boundary. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. It is, therefore, recommended that a condition is attached to any grant of planning permission preventing works to buildings, trees and hedges during the bird nesting season.
48. In line with the requirements of the Framework, any reserved matters application should include full details of measures for biodiversity enhancement (biodiversity net gain) on the site as part of the landscaping arrangements.

#### Flood risk and drainage

49. 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.
50. 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.
51. It is recommended that the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

#### Public open space (POS)

52. Policy HS4 of the Chorley Local 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. 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.

53. 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.
54. 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.
55. There is currently a surplus of provision in Mawdesley in relation to this standard and the site is within the accessibility catchment (800m) of an area of provision for children/young people. A contribution towards new provision in the settlement is, therefore, not required from this development. However, there are areas of provision for children/young people within the accessibility catchment that are identified as being low quality and/or low value in the Open Space Study (site ref 1610.2 Millennium Green Play Area). A contribution towards improvements to these sites is therefore required from this development.

#### Sustainability

56. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 4 which increases to Level 6 on 1st January 2016. However 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.”*

57. As such, there is a requirement for the proposed dwellings to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by conditions.

#### Other matters

58. *No need for more housing:* Although the Council has a 5 year housing supply, there is an ongoing need to supply housing within the borough, and part of this supply is anticipated to be delivered through windfall sites, which this is. In addition, the provision of family sized housing within a village is considered to be a benefit.

59. *Insufficient information:* The planning application is in outline only with all matters reserved save for access. An application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted subject to conditions requiring the subsequent approval of one or more 'reserved matters', at which stage greater detail would be submitted for the Council's consideration. Only information about the proposed use or uses, and the amount of development proposed for each use is necessary to allow consideration of an application for outline planning permission. It is considered that in this instance adequate information has been submitted in support of the application to determine the general principles of the proposed development on the site in question, and the details of any potential development can be properly assessed at reserved matters stage.
60. *Lack of amenities in the village to support more houses:* There are a reasonable range of amenities in the village, it is not isolated and there are opportunities for a broader range of amenities within a short driving distance.
61. *The site has not been used for many years and should be returned to Green Belt:* The site is isolated from the Green Belt severed from it by the settlement area of the Village. The site is also previously developed land is, therefore, suitable for development.

#### Community Infrastructure Levy

49. 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**

62. It is considered that the proposed development would have no harmful impact on the supply of employment land within the borough and 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.

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

**Ref:** 80/00143/FUL      **Decision:** PERFPP      **Decision Date:** 19 May 1980  
**Description:** M.O.T. Test Garage and Workshop

**Ref:** 74/00591/FUL      **Decision:** PERFPP      **Decision Date:** 6 November 1974  
**Description:** Extension to storage building

**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

To follow