

APPLICATION REPORT – 20/00556/FUL

Validation Date: 11 June 2020

Ward: Eccleston And Mawdesley

Type of Application: Full Planning

Proposal: Erection of 3no. detached dwellinghouses with associated detached garages and extension to retained stable block, following the demolition of an existing stable block and storage building

Location: South View Back Lane Mawdesley Ormskirk L40 3SY

Case Officer: Amy Aspinall

Applicant: Mr Paul Bailey

Agent: Mr Chris Weetman, CW Planning Solutions Ltd

Consultation expiry: 13 July 2020

Decision due by: 5 February 2021 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that the application is approved, subject to conditions.

SITE DESCRIPTION

2. The application site comprised of land associated with South View and includes its private equestrian facilities. The site falls wholly within the Green Belt, as defined the Chorley Local Plan Policies Map. The land to be developed constitutes previously developed land, having regard to the definition set out in the National Planning Policy Framework (the Framework) at Annex 2: Glossary which states:

“Previously developed land: 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”.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks full planning permission for the erection of 3no. detached dwellings and associated detached garages, following the demolition of an existing stable block and storage building. One existing stable block would be retained and extended by an additional bay.
4. The site would be accessed via the existing access off Back Lane.

REPRESENTATIONS

5. 3no. representations have been received citing the following grounds of objection:

- Amenity - Overlooking / loss of privacy to 78 Gorsey Lane / Loss of aspect / open views from 78 Gorsey Lane
- Highway safety - Located on a dangerous corner at the junction of Gorsey Lane and Back Lane / The access is in a dangerous location on a blind bend and on a junction/ Exit from 78 Gorsey Lane would be difficult / Exit from the houses would be difficult / Lancashire County Council Highways object to the proposed development / Acute bend with no pavement and popular with walkers / impact on Public Right of Way
- Design - Back Lane has character - built houses of farmhouse style - modern houses would detract from the beauty of this area of Mawdesely
- Would set a precedent for further development
- Development on Green Belt
- Central Lancashire Core Strategy quota has already been exceeded and completions exceed the Council's housing targets
- Water pressure concerns
- Drainage / sewage concerns
- Peace and quiet of countryside would be spoilt

CONSULTATIONS

6. Mawdesley Parish Council: Have commented as follows:

The additional homes are in the Green Belt. The policy aims to prevent the urban sprawl which is reducing quality of life in rural villages. This unsustainable form of development swallows up farmland and wildlife habitats while increasing air pollution, flood risk and car dependency.

The size and physical scale of the buildings means they will have a visual impact on the local environment. They are so large they will be out of keeping and change the character of the village.

The development is on a bad bend and the additional traffic will have an impact on the narrow country lane.

A large development just down the road from this has already impacted the sewerage and drainage systems in the village there is no capacity for further development.

The Parish Council would ask Planning to carefully review allowing people to build new houses in the Green Belt

7. CIL Officers: Comment that the development is subject to the CIL Charge for Dwelling Houses as listed in Chorley Council's CIL Charging Schedule

8. Lancashire County Council Highway Services: Have raised no objection to the proposed development following the receipt of amended plans.

9. Greater Manchester Ecology Unit: Have recommended conditions and informatives.

10. United Utilities: Have no objection.

PLANNING CONSIDERATIONS

Principle of development in the Green Belt

11. The application site is located within the Green Belt and falls within the definition of previously developed land provided within the Framework. Section 13 of the Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping

land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

12. Development will only be permitted within the Green Belt, in accordance with the Framework, if it is considered appropriate development or where very special circumstances can be demonstrated. The Framework confirms that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

13. Paragraph 145 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt but lists a number of exceptions. One exception listed at paragraph 145 of the Framework of development that need not be considered inappropriate development in the Green Belt is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

14. Whilst the test for sites such as this relates to the impact on openness, the Framework does not contain a specific definition of 'openness'. It is a subjective judgment which is considered further below, along with objective criteria of making that assessment. It is considered that in respect of the Framework, the existing site currently has an impact on the openness of the Green Belt. However, it is important to note that merely the presence of an existing building on the site currently does not justify any new buildings. The new buildings must also not "have a greater impact on the openness of the Green Belt".

15. To engage with the exceptions of paragraph 145 of the Framework, which is reflected in policy BNE5 of the Chorley Local Plan 2012 – 2026, the test relates to the existing development. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the site.

16. Policy BNE5 relates to the redevelopment of previously developed sites in the Green Belt and states that redevelopment of previously developed sites in the Green Belt will be permitted providing that the appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.

17. Whether harm is caused to openness depends on a variety of factors such as the scale of the development, its locational context and its spatial and/or visual implications. At present, the site is occupied by a large storage building and equestrian facilities including stables, hardstanding areas and manege. The buildings are concentrated to two specific areas of the site: the storage building is to the north of the existing dwellinghouse, with the equestrian buildings along the site frontage of Back Lane. The presence of this existing development already causes harm to openness by its mere existence; and case law has established that for there to be a greater impact, there must be something more than merely a change.

18. The proposal involves the demolition of most buildings on site, excluding one existing stable block which would be retained, in order to offset the harm caused to openness which would arise from the proposed development.

19. Plots 2 and 3 are proposed in the area currently occupied by the equestrian facilities, but would be set further back into the site, with an internal driveway running parallel with Back Lane in place of the existing stables. The volume of the proposed dwellings Plots 2 and 3 combined would be greater than the volume of the stables, and would be of two storey height, whereas the existing stables are single storey. These proposed dwellings would be more visually prominent than the existing development, particularly when viewed from Back Lane and Gorsey Lane. The proposal does, however, need to be considered as a whole.

20. Plot 1 would be sited in the location of the large existing storage building which has a footprint of 714.88m², a height of just under 7 metres and a volume of approximately 3874.74m³.

21. The proposed dwelling on Plot 1 would also be two storeys in height and would be 8.9 metres at its maximum height to the ridge and comprised of both two storey and single storey elements. The volume of the proposed dwelling would be approximately 1776.2m³ which is significantly less than the building it would essentially replace, with significantly reduced bulk and massing. The remaining volume would, therefore, offset the proposed dwellings on Plots 2 and 3 and a proposed garage to South View.

22. When considering the site as a whole, the proposed development would offer a reduction of built form and approximately 24% in volume across the site. In respect of the proposed dwellings on Plots 2 and 3, as previously mentioned, they would be more visually prominent than the existing stables in this location, however, the proposed scheme does focus the built form along the road frontage in a clearly defined area of the site, providing a linear pattern of development which can also be found nearby along Gorse Lane. Built form would be reduced to the north of the site and the site would benefit from soft landscaping and a reduction of hardstanding.

23. Whilst the proposal would result in a clear change to how the site looks, taking into account all of the above factors, and the site as a whole, it is not considered that the proposed development would have a greater impact on the openness of the Green Belt than the existing development and meets exception (g) of paragraph 145. It is not, therefore, inappropriate development in the Green Belt.

24. It should be noted that the exception of paragraph 145 (g) is not subject to a test of whether or not the proposed development conflicts with purposes of the Green Belt.

25. In relation to the scale of development in an 'other area' as identified by policy 1(f) of the Central Lancashire Core Strategy the proposed development is not major development and, therefore, falls to be considered small scale. As such it is considered that the proposed development is compliant with policy 1(f) of the Central Lancashire Core Strategy.

26. Paragraph 59 of The Framework is clear that that Government's objective is to significantly boosting the supply of homes.

Impact on the character and appearance of the area

27. 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.

28. The proposed residential development would clearly result in a domestic appearance to the site compared to the existing arrangements, and particularly when viewed from the streetscene. The proposed dwellings on Plots 2 and 3 would be the same house type and would be two storeys in height, which would provide a consistent design approach to the frontage of the development. The proposed dwelling on Plot 1 would have similar design features to the proposed dwellings on Plots 2 and 3 such as the gable with glazing at first floor, and the dormers, which provides a visual design link across the development. The proposed dwelling on Plot 1 would be a larger detached dwelling, however, its design is such that the bulk and mass is broken up with the variation of two storey and single storey elements. It would also have a considerable set-back from the road and would be seen as a backdrop to the existing dwelling of South View.

29. The layout of the proposed development extends from an access point off Back Lane with a proposed internal driveway running parallel with Back Lane. This provides a setback from the road and allows for the existing hedgerow frontage to be retained, which makes a positive contribution to the character of Back Lane. Its retention could be conditioned accordingly. Plot 1 would be served by an existing driveway which extends from the access and to the side of South View. No details of landscaping have been submitted, however, such details could be secured by way of condition, in the interest of the appearance of the development in the locality.

30. The site is already developed and is situated adjacent South View which is a large detached property, and other properties close by vary widely from large detached dwellings to more modest bungalows, of varying styles and appearance. It is not considered that the overall design of the proposed development would be detrimental to the character and appearance of the area, taking into account the design criteria of policy BNE1 of the Chorley Local Plan 2012 – 2026.

Impact on neighbouring amenity

31. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.

32. Each proposed dwelling would be sufficiently separated from South View, well in excess of the Council's separation standard of 21 metres for directly facing principal windows. The separation distance seeks to ensure that satisfactory relationships are maintained between existing and proposed development.

33. The nearest neighbouring property to the proposed development is no.78 Gorsey Lane and an objection has been received from the occupiers of this property who consider that the proposed development would impinge on the privacy /overlook of their home and spoil the open aspect / views. No.78 Gorsey Lane is situated on the opposite side of the road to the proposed dwelling on Plot 3. A separation in excess of 21 metres would be achieved between the side elevation of the proposed dwelling on Plot 3 and this neighbouring property. This separation distance would ensure that occupiers of no.78 Gorsey Lane are not unduly affected by loss of privacy, overlooking or visual intrusion. Whilst the outlook and view from this property would obviously change from the existing arrangements, this is not a sufficient reason for refusal in planning terms.

34. Each proposed dwelling would have sufficient garden space to carry out day-to-day activities and would be afforded acceptable living conditions. The proposed dwelling on Plot 2 would be situated around 11 metres from the stables to be retained, however, these are small-scale, and it is a rural area where such activities are located. In addition, any future occupier would be aware of the situation.

35. The proposed residential use is considered to be a compatible form of development with neighbouring land uses and is of a small-scale nature which would not give rise to adverse impacts of noise and disturbance.

36. The proposed development is considered to accord with policy BNE1 of the Chorley Local Plan 2012 – 2026 in respect of amenity.

Impact on ecological interests

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 application is accompanied by an ecological survey which provides an inspection in relation to bats and birds.

39. The survey does not provide an assessment of great crested newts, although there is a pond located within 100 metres of proposed Plot 1. The Council's appointed ecologists at Greater Manchester Ecological Unit (GMEU) advise that this pond has recently been assessed as having low great crested newt breeding potential. Based on this information, the submission of reasonable avoidance measures would be acceptable.

40. In terms of bats, all buildings to be demolished were recorded as having negligible bat roosting potential and no trees were noted with any potential. GMEU do not dispute these findings and advise that a precautionary informative is attached to any planning permission.

41. The ecological assessment found evidence of birds having nested in the buildings and vegetation along Back Lane. As all British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended a condition to prevent demolition of the buildings or removal of vegetation during nesting season would be appropriate.

42. A landscaping scheme of the site would secure biodiversity gains.

43. In consideration of the above, and the advice from GMEU, it is not considered that the proposed development would be detrimental to nature conservation or protected species interests, having regard to policy BNE9 of the Chorley Local Plan 2012 - 2026.

Highway safety

44. 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.

45. The proposed dwelling on Plot 1 would be a 4/5 bedroom dwelling and there is sufficient space to accommodate parking provision for 3no cars which is the Council's parking requirement. The proposed dwellings on Plots 2 and 3 would benefit from parking for 2no. cars, in addition to a garage space for 1no. car. Accordingly, the Council's parking standards would be met within the site.

46. A number of the objections received raise concerns regarding highway safety of the development and the access. The objections also highlight the original comments (24/06/2020) from Lancashire County Council Highways which considered that the proposal was unacceptable for a number of reasons. The plans have since been amended to provide more clarity and to demonstrate that the Public Right of Way (PROW) would not be obstructed. Notwithstanding this, the grant of planning permission does not provide consent to obstruct a PROW, as this is covered under separate legislation.

47. The access to the site would be via the existing access which is situated along Back Lane and adjacent to the access of South View. It is not the field access at the junction of Gorsey lane and Back Lane, which may have been unclear on the originally submitted plan. It is acknowledged that a footpath is not present along the road, however, this is not uncommon for rural areas and Lancashire County Council Highways have made no request for footpath provision.

48. Whilst the objections received are noted, Lancashire County Council advise that the proposal is acceptable and, therefore, a reason for refusal on highways safety grounds could not be sustained.

49. Having regard to the comments from LCC Highways, the proposed development is considered to be acceptable in highways safety terms and accords with policy BNE1 of the Chorley Local Plan 2012 - 2026 in respect of highway matters.

Public open space

50. 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.

51. Until recently the National Planning Practice Guidance (NPPG) previously set out a threshold for tariff-style contributions, stating that planning obligations should not be sought from developments of 10 or less dwellings and which have a maximum combined floorspace of no more than 1000 square metres. This guidance has been removed from the latest NPPG and has been replaced with a requirement that planning obligations for affordable housing should only be sought for residential developments that are major developments.

52. Specifically, the guidance was derived from the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 which has not been withdrawn and which should, therefore, clearly still be taken into account as a material consideration in the assessment of planning applications.

53. To this end whilst it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances.

54. 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.

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

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

Sustainability

57. 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."

58. Given this change, instead of meeting the code level, the dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the above provisions. This could be controlled by a condition.

Drainage

59. United Utilities have raised no objection but advise that the development is drained in the most sustainable way.

Community Infrastructure Levy

60. 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.

Other matters

Setting a precedent – each application is considered against the relevant policies of the Development Plan and material considerations.

CONCLUSION

61. The proposal accords with the exception of paragraph 145 (g) of the National Planning Policy Framework and is not, therefore, inappropriate development in the Green Belt. The proposal would not be detrimental to the character and appearance of the area, nor would it adversely affect the amenity afforded to neighbouring residential properties. The proposed development would not prejudice highway safety and would not be detrimental to nature conservation interests or European protected species. The proposed development would make a contribution to the Council's housing land supply and this is a clear benefit of the scheme. The application is considered to accord with the relevant policies of the Development Plan and is recommended for approval, subject to conditions

Suggested conditions

62. To follow.

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: 77/01063/FUL **Decision:** REFFPP **Decision Date:** 14 February 1978

Description: Addition of Granny Flat to existing house

Ref: 91/00005/FUL **Decision:** PERFPP **Decision Date:** 25 February 1991
Description: Single-storey rear extension

Ref: 08/00736/FUL **Decision:** PERFPP **Decision Date:** 18 August 2008
Description: Demolition of existing detached house and erection of 2 1/2 storey dwelling (incorporating room in the roof space) in its place

Ref: 08/01264/FUL **Decision:** PERFPP **Decision Date:** 23 February 2009
Description: Erection of a replacement garage

Ref: 09/00292/FUL **Decision:** PERFPP **Decision Date:** 15 June 2009
Description: Substitution of house type approved by 08/00736/FUL to now include single storey rear addition housing a utility room and WC

Ref: 09/00653/DIS **Decision:** PEDISZ **Decision Date:** 28 September 2009
Description: Application to discharge condition nos. 3 and 6 of planning permission no. 09/00292/FUL

Ref: 09/00655/DIS **Decision:** PEDISZ **Decision Date:** 1 October 2009
Description: Application to discharge condition 3 attached to planning approval 08/01264/FUL

Ref: 15/00267/FUL **Decision:** PERFPP **Decision Date:** 14 August 2015
Description: Erection of a part single/part two storey rear extension incorporating single storey glazed covered link walkway and ancillary living accommodation (with accommodation at first floor level) (part retrospective) and the erection of a single storey side extension

Ref: 17/00142/FULHH **Decision:** PERFPP **Decision Date:** 13 April 2017
Description: Erection of a single storey glazed covered link walkway and the erection of a single storey side extension with dormer bedroom above to replace the original approved link walkway and side extension (amendment to previous permission reference 15/00267/FUL)