

## **APPLICATION REPORT – 21/00965/FUL**

**Validation Date: 6 August 2021**

**Ward: Clayton East, Brindle And Hoghton**

**Type of Application: Full Planning**

**Proposal: Erection of five dwellings and garages**

**Location: Straits Farm The Straits Hoghton Preston PR5 0DA**

**Case Officer: Mr Iain Crossland**

**Applicant: Lanley Developments Ltd.**

**Agent: Mr Daniel Hughes, PWA Planning**

**Consultation expiry: 2 September 2021**

**Decision due by: 1 October 2021**

---

### **RECOMMENDATION**

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

### **SITE DESCRIPTION**

2. The application site is located in the Village of Hoghton, within the settlement area that is excluded from the Green Belt. It comprises a small agricultural field associated with Straits Farm. The application site is bound by residential development to the south and west, with dwellings to the north separated by a narrow area of open land and agricultural land to the east. The character of the area is that of a rural village with a mixture of traditional and more contemporary buildings surrounded by open agricultural land. Planning permission has been previously granted for four dwellings on the site.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

3. This application seeks planning permission for the erection of five detached dwelling houses and associated detached garages. Vehicular access would be taken from The Straits in a similar position to the existing farm access. The dwellings would comprise a mixture of differing house types in a traditional design style faced in stone and brick.

### **REPRESENTATIONS**

4. Representations have been received from the occupiers no. 4 addresses citing the following grounds of objection:
  - Increase in traffic and resultant impact on highway safety.
  - Increase in traffic and resultant impact on amenity through noise and disturbance.
  - Impact on privacy.
  - Impact on the character of the area.
  - Loss of open rural views.
  - No need for more houses in Hoghton.
  - Overdevelopment of the site.
  - Development would result in the loss of one of the only green spaces in the village.

- Pollution from more vehicles.
- The development would set a precedent for other development.
- Impact on wildlife.
- Drainage could be damaged by the development.
- Legal boundaries cannot be altered through the development and trees and hedges in the ownership / part ownership of other private owners must not be altered without consent of owners.

## CONSULTATIONS

5. Hoghton Parish Council: Have commented as follows:
  1. If approved the development would set a precedent for further development in the area.
  2. This is an over development of the site.
  3. There are highway health and safety issues resulting from another access to the busy Blackburn Old Road with increased traffic from the site. This access is a short distance from Quaker Brook Lane where there are significant highway problems.
  4. A new access is to be constructed as a result of development at Wise Mary`s Farm which will add to the number of accesses to Blackburn Old Road.
6. Greater Manchester Ecology Unit: Recommend conditions.
7. Waste & Contaminated Land: Have no objection.
8. Lancashire County Council Highway Services: Have no objection subject to conditions.
9. United Utilities: Have no objection subject to condition.

## PLANNING CONSIDERATIONS

### Principle of development

10. One of the core principles of the 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 relatively sustainable location with some access to public transport, some limited local amenities such as a local shop, community centre, church, sports club and public houses, and the means to access other nearby amenities, such as schools, relatively easily. The Framework also states that development in sustainable locations should be approved without delay.
11. Hoghton is not specified as an area for growth within Central Lancashire Core Strategy policy 1, which seeks to guide development at a strategic level, 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."*
12. The preamble to the policy provides some limited context to the policy wording stating that growth and investment should be confined here (in other places) to small scale infill, in the interests of sustainable development. The proposed development is small scale, being classified as minor development as it would not fall to be defined as major development by the Town and Country Planning (Development Management Procedure) (England) Order 2010. The development of five dwellings would be commensurate with the scale of the village, whilst the site itself represents one of only a very limited number of opportunities for development within the settlement area of the village. The proposed development would infill an area of the settlement with the site being well contained by existing development with residential property on three sides of the site resulting in an almost landlocked pocket of undeveloped land.
13. In addition to this, and as set out above, the location does have some sustainability credentials being located within the village that comprises, a number of amenities within

walking distance and the means to access other more distant amenities via a regular bus service. On this basis the site is considered to represent an infill opportunity within the village, in a strategic sense, and the development would be small scale and commensurate with the size of the settlement. The site and proposal are, therefore, considered to be in line with policy 1 of the Core Strategy, and would not be contrary to the aim of achieving sustainable development.

14. The application site forms part of land designated by policy V2 of the Chorley Local Plan 2012-2026 as within the Settlement Area of Hoghton. 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.
15. Policy 31 of the Core Strategy seeks to protect the best and most versatile agricultural land (Grades 1, 2 and 3a) that occurs to the west of Central Lancashire. The application site does not fall within this area and is not of an appropriate grade. In addition to this, the field that comprises the application site is small, surrounded by housing on three sides and is of limited functional value in terms of its capacity to support the production of food using modern farming methods.
16. The proposed development comprises five dwellings in the settlement area of the village, on a site that is contained within a developed part of the village, and would be small scale development. It is, therefore, considered that the 'principle' of the proposed development is acceptable in compliance with the Framework, Core Strategy policy 1 and Chorley Local Plan policy V2.
17. It is also noted that there is an extant planning permission (ref. 19/00943/FUL) for the site for the erection of four dwellings.

#### Impact on character and appearance of locality

18. Policy BNE1 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.
19. The proposed development comprises five detached dwellings with associated detached garages set within an area of land to the north of Straits Farm and behind houses that face The Straits. There are houses backing onto to the site to the south and west. As such the application site is relatively well screened from public views and is not prominent other than the point of access to The Straits. The site would be most visible from the access road to Rock Gardens east of the site, which is not a through road or a public right of way and so conveys only limited patronage resulting in limited public views of the site. As set out above there is no predominant design style in the village with a range of dwelling types, styles and materials in evidence. The nearest buildings along The Straits comprise stone terraces, agricultural buildings, bungalows in buff brick and render and other houses of red brick and render in both traditional and modern design styles. Similarly the houses along Quaker Brook Lane are a mixture of house types and materials.
20. The proposed dwellings would be detached and of a traditional design style, with more contemporary features such as balconies and full length window openings confined to the rear of the buildings, whilst three of the dwellings would have large areas of glazing to the front gables. There would be front porches to two of the dwellings, gable and pediment features, chimney stacks, stone quoins and some simple window detailing. The dwellings have been designed to display features and characteristics that would provide interest and are of an appropriate design response to the character of the locality. The heights of the proposed dwellings are relatively modest and would be appropriate to the site and commensurate with surrounding development. The use of stone, red brick and slate

materials would help the proposed dwellings to blend into the agrarian character of the traditional farm buildings to the west of the site and would contribute to a characterful form of development.

21. The proposed dwellings would be served by an access drive that would pass through the old farm yard and two of the dwellings would face onto it, whilst three of the dwellings would be perpendicular to it. Each property would have front and rear gardens, driveway parking and double garages. There would be a good level of outdoor amenity space and the layout of the proposed development results in a low density that reflects the character of the location. The access would connect with The Straits to the east side of the farm buildings and in a similar position to the existing site access. It is noted that there is a large oak tree to the east of the proposed access, which would be retained and protected during the formation of the access. As a result the access itself would have a limited impact on the streetscene along The Straits, and the character of The Straits would be maintained through the retention of the tree.
22. The proposed dwellings include detail and features of interest to all elevations. Given the proposed design and the scale of the proposed dwellings they would not be obtrusive when viewed from Rock Gardens.
23. Overall, it is considered that the proposed dwellings would result in a harmonious addition to the village, would be an appropriate design response to the site and character of the locality and overall would contribute positively to the character of the area. This complies with policy BNE1 of the Chorley Local Plan 2012 - 2026.

#### Neighbour amenity

24. Policy BNE1 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.
25. The nearest dwellings to the application site are located along The Straits to the south. The proposed dwellings at plot 1 and plot 5 are positioned such that they are perpendicular to the gardens to properties along The Straits. There would be no windows to habitable rooms in the first floor side elevations of these plots facing towards the properties on The Straits, and as such would have no adverse impact on privacy. Plot 1 would be positioned approximately 9m from the garden boundary with Dunsford and at least 20m from the main rear elevation to this dwelling, whilst plot 5 would be positioned approximately 8m from the garden boundary with Eagley Bank and at least 20m from the main rear elevation of this dwelling. As a result there would be no adverse impact on light or outlook by virtue of the positioning to the north, the degree of separation and scale of the proposed buildings.
26. Plot 3 and plot 4 would have front elevations facing towards the rear gardens of properties along The Straits. Plot 4 would be positioned approximately 13m from the garden boundary with Lenwade and at least 22m from the main rear elevation to this dwelling, which meets with the Council's interface guidelines, and is, therefore, considered to result in an acceptable relationship, whilst plot 3 is further distanced from these properties. As such the proposed dwellings meet with the Council's interface standards and would have no adverse impact on the amenity of occupiers of dwellings along The Straits in this regard.
27. In relation to the dwellings along Quaker Brook Lane, it is noted that the properties that back onto the site benefit from large rear garden areas. The dwelling at plot 2 has a rear elevation facing towards St Edmunds and Heatherdale, whilst plot 1 faces towards Heatherdale and White Croft, although it is noted that the positioning of the proposed dwellings would be at an angle to the existing dwellings. Plot 2 is positioned approximately 10m from the garden boundary to Heatherdale, and is at least 35m from this dwelling and further from St Edmunds, whilst plot 1 is approximately 10m from the garden boundary, and is at least 35m from the dwellings at Heatherdale and White Croft. The positioning of plots 1 and 2 meet

with the Council's interface guidelines, however, it is noted that the proximity to the garden boundaries only marginally meets the standard, whilst the proposal seeks to include balcony areas to the first floor rear elevations of the dwellings. Balconies promote a greater level of use and panorama than would normally be expected from standard bedroom windows, and, therefore, generate greater potential for overlooking. Plot 1 and plot 2 have, therefore, been amended to remove the balconies to the rear elevations and replace these with standard glazed window openings. Given the removal of the balconies from plot 1 and plot 2 it is considered that there would be no adverse impact on the amenity of the occupiers of any of the dwellings at Quaker Brook Lane.

28. The existing dwellings at Rock Gardens to the north face onto the site and are located over 30m from the site boundary. Given this degree of separation there would be no adverse impact on the amenity of the occupiers of these dwellings, and the development would be well in excess of the Council's interface guidelines in relation to these properties.
29. In relation to the potential for disturbance from vehicles accessing the site, which is a concern that has been raised in representations received, it is noted that the access drive would run directly to the rear of properties facing along The Straits and Quaker Brook Lane. Given that the driveway would serve only five dwellings, the vehicular traffic movements passing along the road would be limited and the associated speeds would be low. As such the level of noise and disturbance generated would be typical of domestic residential levels and would be limited and not considered harmful to amenity. This is particularly so when considered in comparison to the movement of agricultural machinery, as per the lawful situation at the site.
30. No boundary treatment details have been provided at this time. In the interests of privacy and domestic security it is recommended that a condition be attached to any grant of planning permission requiring full details of the position, heights, and types of boundaries to be erected on the site. It is recommended that those boundaries that adjoin the rear gardens of existing and proposed dwellings be a minimum of 1.8m in height and that boundary hedges are retained and incorporated where possible.
31. The relationships between the proposed dwellings themselves comply with the Council's interface standards and would have no unacceptable detrimental impact on residential amenity.

#### Highway safety

32. The proposed development would result in the construction of five dwellings with four bedrooms each. Each property would have a detached double garage in addition to driveway parking resulting in on-site parking provision for at least three cars per plot, which complies with the parking standards specified in policy ST4 of the Chorley Local Plan 2012 – 2026.
33. Vehicular access would be taken from The Straits in a similar position to the existing farm access. This is from the A675 which is a main distributor road and the diversion route for the M65. The speed limit has been reduced from 50mph to 40mph in April 2018 due to the high number of collisions on this road. The site access has been shown in drawing number 20/089/P24, which Lancashire County Council (LCC) Highway Services have assessed and consider to be acceptable. This includes a 2m wide footway to the west of the access for 10m into the site. LCC Highway Services are of the opinion that the highway layout conforms with the philosophy of the Manual for Streets; Creating Civilised Streets; policy ST4 of the Chorley Local Plan 2012 – 2024 and appendix A. It is noted, however, that the layout would not meet with the standards required for the estate road to be adopted by Lancashire County Council as the Local Highway Authority.
34. LCC Highway Services have requested that the two bus stops on The Straits are improved with quality bus stops and the provision of a shelter on the north side of The Straits. This is to promote sustainable forms of transport and aid social inclusion. The new site access and any bus stop upgrades would be required to be constructed under a s278 agreement of the 1980 Highways Act.

35. LCC Highway Services have confirmed that they do not have any objections regarding the proposed erection of five dwelling houses and garages 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.

#### Ecology

36. Policy BNE9 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.
37. The application is accompanied by an ecology assessment of the site. This has been reviewed by the Council's ecology advisors (Greater Manchester Ecology Unit) who advise that the ecological consultants appear to have undertaken a detailed survey of the site and carried out an appropriate level of survey. No significant ecological issues were identified by the developer's ecological consultant. GMEU consider that issues relating to nesting birds, hedgehog, invasive species and landscaping can be resolved via condition and or appropriate informative.
38. The site was assessed for all likely protected species. No evidence of any such species was found and all reasonably discounted. GMEU have no reason to doubt the findings of the report. No potential bat roosting habitat is present and the nearest pond, nearly 200m to the east, was assessed as poor quality, which when combined with the scale of the development reduces the risk further. It is not considered that any further information or measures are required.
39. 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.
40. Cotoneaster and monbretia were both identified within the southern boundary of the site. Both species are included within Schedule 9 part 2 of the Wildlife & Countryside Act 1981, as amended. It is an offence to introduce or cause to grow wild any plant listed under this schedule. It is, therefore, recommended that a condition requiring a method statement detailing eradication and/or control and/or avoidance measures for rhododendron and monbretia be attached to any grant of planning permission.
41. A hedgehog was identified on an adjacent plot as part of a 2018 study. The hedgehog is a Species of Principal Importance under Section 41 of the Natural Environment and Rural Communities Act (2006), therefore, they must be taken into consideration by a public body when performing any of its functions with a view to conserving biodiversity. Whilst not protected under wildlife legislation they are protected under animal welfare legislation. It is, therefore, recommended that an informative reminding the applicant of their duties under the Wild Mammal (Protection) Act 1996 is applied to any permission.
42. The Framework states that the planning system should contribute to and enhance the natural and local environment. The proposed development would result in the replacement of improved grassland of low value ecological habitat with housing and gardens. The development would also result in the clearance of scrub along the southern boundary and the associated bird nesting potential and habitat for hedgehog. A new native hedge is proposed along the northern, southern and western boundaries and screen planting along the southern boundary with some tree, shrub and hedge planting within the site. Overall GMEU are satisfied with the landscaping proposals. It is recommended that a condition requiring the implementation of the landscaping plan is attached to any grant of planning permission in order to ensure adequate mitigation.

#### Flood risk and drainage

43. 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.
44. 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.
45. In the absence of a detailed foul and surface water drainage scheme at this stage it is recommended that the applicant submits details of a sustainable surface water drainage scheme and a foul water drainage scheme that is designed in accordance with the surface water drainage hierarchy outlined above. It is recommended that a condition be attached to any grant of planning permission requiring such details prior to the commencement of development.

#### Public open space

46. 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.
47. 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.
48. 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
49. 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.
50. 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.
51. There is currently a deficit of provision in Hoghton in relation to this standard, a contribution towards new provision in the settlement is, therefore, required from this development. The amount required is £134 per dwelling. However, a financial contribution for off-site provision can only be requested if there is an identified scheme for new provision due to pooling restrictions and at present there are none identified and therefore no contribution can be sought.

#### 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 1<sup>st</sup> January 2016. It also

requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015, which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

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

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

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

#### Community Infrastructure Levy

54. 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

55. The setting of a precedent: All planning applications must be determined on their individual merits and any development of this site would not compromise the Council’s ability to assess future applications against the development plan.
56. Loss of a green space provided by the field: The application site is an agricultural field and does not serve a purpose as public amenity land. There is no public access and no open space designation covering the site.
57. Loss of views: This is not a material planning consideration.
58. Alteration to hedges and boundaries: This is a civil matter between the applicant and any adjoining land owners.
59. No need for more houses in Hoghton; There is no limit on the number of houses to be provided in an area or across the Borough. The provision of housing is a benefit.
60. Pollution from more vehicles: There is no evidence of poor air quality in this location, and no evidence that the development would lead to a harmful impact on air quality.
61. Drainage could be damaged by the development: It is recommended that a surface water drainage scheme is provided prior to any commencement of development. This should identify a suitable method for draining the site that would not lead to surface water run off that exceeds current rates.

## CONCLUSION

62. It is considered that the proposed development would have no detrimental impact on the character of the area and accords with the aims of policies within the Framework, Central Lancashire Core Strategy and Chorley Local Plan 2012 – 2026 that seek to achieve sustainable development. It is also considered that the proposed development would not give rise to undue harm to the amenities of neighbouring residents or result in any unacceptable impact on highway safety.

63. Suggested conditions

To follow.

## RELEVANT HISTORY OF THE SITE

**Ref:** 19/00943/FUL                      **Decision:** PERFPP                      **Decision Date:** 7 February 2020

**Description:** Erection of four dwelling houses 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.