

## **APPLICATION REPORT – 21/01052/FUL**

**Validation Date: 31 August 2021**

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

**Type of Application: Full Planning**

**Proposal: Erection of dwellinghouse**

**Location: The Post Office The Straits Hoghton Preston PR5 0DA**

**Case Officer: Mr Iain Crossland**

**Applicant: Lanley Developments Limited**

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

**Consultation expiry: 1 October 2021**

**Decision due by: 12 November 2021**

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### **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 landscaped area resembling a garden to the west of The Post Office, which is situated on The Straits, at the end of a terraced row facing onto the highway. The application site is bound by The Straits to the south, Quaker Brook Lane to the north, The Post Office to the east and a small parcel of what appears to be public amenity space to the west. As such it occupies a prominent position within the village. 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. The Post Office and terrace to the east are stone buildings of a simple traditional form and appearance typical of an upland village of agrarian origins.
3. It is noted that planning permission (ref. 19/00943/FUL) was granted for the erection of a detached dwelling and that this consent remains extant.

### **Description of Proposed Development**

4. This application seeks full planning permission for the erection of a detached dwellinghouse. The proposed dwelling is a two storey building of traditional design style, and it is proposed that a vehicular access would be gained from Quaker Brook Lane. It is proposed that the dwelling would be faced in stone and would include a gable to the front elevation and balcony to the west elevation.
5. Some minor amendments have been made to the proposed dwelling to include stone facing to the three elevations that would be visible, window openings have been altered to provide a more vertical emphasis and a chimney has been included.

## Representations

6. Representations have been received from the occupiers of 5no. addresses citing the following grounds of objection:
- Overdevelopment of a small site
  - Not in keeping with the character of the area.
  - Taller than the previously approved building and includes more modern elements
  - Impact on highway safety
  - No need for further housing in Hoghton
  - Dangerous parking practices already take place along Quaker Brook Lane
  - There would be a danger to highway safety during the construction period
  - Overlooking and loss of privacy.
  - The 1.8m screen fence shown on the plan to the west side of the plot is too high and should be replaced with wild-life friendly hedging

## Consultations

7. Hoghton Parish Council: Have reiterated their previous observations as follows;
- A. The developments would set a precedent for further development in the area.
  - B. They are over developments.
  - C. There are highway health and safety issues resulting from another access to the busy Blackburn Old Road with increased traffic from the site and access is a short distance from Quaker Brook Lane where there are significant highway problems.
  - D. 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.
8. Greater Manchester Ecology Unit: Have no objection subject to conditions.
9. Waste & Contaminated Land: Have no objection.
10. Lancashire County Council Highway Services: Have no objection subject to conditions.
11. United Utilities: Have no objection subject to condition.
12. Lancashire County Council Historic Environment Team: Have no objection subject to a condition.

## Planning Considerations

### Principle of development

13. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
14. The application site is located in the settlement area of the village of Hoghton and falls to be considered as an 'other place' when considering the location of development in relation to Policy 1 of the Core Strategy. Policy 1(f) of Core Strategy Policy 1 reads as follows:  
*"In other places – smaller villages, substantially built up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes."*
15. The 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, whilst the development of a single dwelling would be commensurate with the scale of the village. The proposed development would infill a small site within the settlement area of the village that is between two highways with a clear line of

development to the east side and development on opposite sides of both The Straits and Quaker Brook Lane.

16. In addition to this 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.

17. The application site has the appearance of a domestic garden and, therefore, the application is assessed on this basis. Policy HS3 of the Chorley Local Plan 2012 - 2026 deals with development within residential gardens. Policy HS3 states that development within private residential gardens on sites not allocated for housing will only be permitted for:

- (a) appropriately designed and located replacement dwellings where there is no more than one for one replacement;*
- (b) the conversion and extension of domestic buildings, and;*
- (c) infill development on gardens which is classified as the filling of a small gap in an otherwise built up street frontage which is typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage.*

*When assessing applications for garden sites, the Council will also have regard to;*

*1) Sustainability, such as access to public transport, schools, businesses and local services and facilities.*

*Proposals which significantly undermine amenity and harm the distinctive character of an area will be refused.*

18. The proposed dwelling would be positioned between The Post Office to the east and Quaker Brook Lane to the west, beyond which the line of development continues along The Straits. The application site measures approximately 20m in width, which represents a small gap. There is a very clearly identifiable built up street frontage to the east of the site along The Straits. To the west this line of development is broken only by the application site, a small area of amenity space and the highway at Quaker Brook Lane, beyond which the built up frontage is clearly identifiable. As the highway at Quaker Brook Lane forms part of a developed frontage the application site forms an obvious gap along this part of The Straits and is, therefore, considered to be an infill development in line with Policy HS3 criterion c).

19. There is no prevailing design character when considering The Straits as a whole. To the immediate east of the site the buildings are simple stone terraces of traditional design style. To the west the dwellings comprise stone cottages and red brick semi-detached houses. The dwellings located along Quaker Brook Lane are of a more varied design style with a range of more contemporary semi-detached and detached dwellings that include dormer bungalows. The proposed dwelling would be a detached property in the style of a traditional stone cottage. There would be a front gable feature and front porch, chimney stack, and other details contributing to a traditional design style including quoins, sills and lintols. The use of stone would ensure that the building provides some continuity with those nearby. It is noted that the proposed dwelling would include a small projection and balcony of more contemporary appearance to the west side of the dwelling.

20. Although the proposed dwelling does not exactly replicate the scale and appearance of those nearest dwellings, the range of properties in the locality is such that a traditional style dwelling of lesser height faced in similar materials to those adjacent would not be out of character with the street frontage when considered in its entirety.

21. Policy HS3 includes additional sustainability criteria detailed above. 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 and public houses, and the means to access other nearby amenities relatively easily.

22. Overall, it is considered that the proposed development complies with policy HS3 of the Chorley Local Plan 2012 - 2026. It is also noted that there is an extant planning permission (ref. 19/00620/FUL) for the erection of a detached dwelling on this site, which is a material consideration in the determination of this application given that the acceptability of the principle of development that has already been established.

#### Impact on character and appearance of the locality

23. The proposed development comprises a detached dwelling set within an open plot of land that is bound by The Straits to the south, Quaker Brook Lane to the north and amenity land to the west. As such the application site is prominent in the streetscene and would be clearly visible on three sides. As set out above there is no predominant design style in the village with a range of dwelling types, styles and materials used, although the nearest properties to the east are stone terraces of traditional appearance and character.
24. The proposed dwelling would be a detached property in the style of a traditional stone cottage. There would be a front gable feature and open front porch, chimney stack, and some simple window detailing. The dwelling has been designed to display features characteristic to the area including stone quoins, sills and lintols and is a simple stone faced building, which is an appropriate design response to the site, and its open aspect. A small projection and balcony with larger window openings and a more contemporary appearance would be included to the west side of the dwelling. Although this would introduce a more contemporary feature its scale is such that it would not detract from the overall traditional effect of the design, whilst the continued use of stone would enable this element to be included with a suitable degree of harmony.
25. The height of the proposed dwelling has been kept lower than the building immediately to the east, which reflects the varied building height along the terrace to the east and reduces the visual impact. The use of stone would help the proposed dwelling to blend in with its immediate surroundings, whilst the positioning is broadly consistent with that of the nearest properties along The Straits. The roofing materials have not yet been specified though it is noted that the properties to the east are roofed with slates. Given the prominence of the site and distinctiveness of the frontages along The Straits in this locality it is considered necessary to provide materials details to ensure an adequate match with the properties to the east and to provide details of window and door fittings to ensure that a suitably high quality of development is achieved. As such a number of conditions are recommended requiring the approval of further details and to ensure a suitably high quality finish.
26. It is proposed that the driveway and parking would be located to the rear with gardens to the front and site. This would help to frame the property and provide an adequate degree of amenity space. The dwelling to plot ratio is relatively tight in the context of the large curtilages of many other dwellings in Hoghton. There would, however, be adequate space around the dwelling such that it would not appear disproportionate.
27. Overall, it is considered that the proposed dwelling would result in a harmonious addition to the streetscene along The Straits and would be an unobtrusive feature when viewed from Quaker Brook Lane. The gable end of the dwelling would be clearly visible on approach from the west, however, the current aspect is that of a blank gable elevation to the Post Office and therefore it would not be harmful to the appearance of the streetscene.

#### Impact on neighbour amenity

28. The proposed dwelling would be located immediately adjacent to The Post Office and would not be visible from this property.
29. The proposed dwelling would face the side elevation of no.4 The Straits, which is located on the opposite side of The Straits to the south. It is noted that there are windows to habitable rooms in the side elevation of no.4 The Straits facing the application site, and that there is a separation distance of approximately 14m. The proposed dwelling is located to the north of

this property and would have no impact on direct light to these windows. There would be windows to habitable rooms at first floor level in the proposed dwelling facing first floor windows to no.4 The Straits. Although these would be positioned less than the 21m interface guideline applied to facing windows a reduced interface is not uncommon in instances where there is an intervening highway and is not, therefore, considered to result in an unacceptably harmful impact on privacy in this instance given the already reduced privacy levels due to the presence of the highway.

30. There would be windows at ground floor that would face no.4 The Straits, however, the inclusion of a front hedge at the proposed dwelling would help to filter direct views. In addition to this it is noted that the windows in the side elevation of no.4 The Straits face directly onto the highway at The Straits. As such the degree of private amenity available from these windows already is less than may otherwise be anticipated, and the impact of the proposed dwelling would not exacerbate this to any harmful extent. It is, however, recommended that a condition is attached to any grant of planning permission requiring the retention of the hedge and its maintenance to the minimum height.
31. There would be some impact on outlook from the windows in the side elevation at no.4 The Straits as the proposed development would take place on an open site opposite. The scale of the proposed dwelling and degree of separation are such, however, that it is not considered the impact would be unacceptably harmful.
32. The proposed dwelling would be located at least 22m from the nearest dwellings on Quaker Brook Lane, namely Oak Lea and Wayside. Given the scale of the proposed dwelling, its positioning and degree of separation it is not considered that there would be any detrimental impact on the amenity of the occupiers of these dwellings.
33. The proposed balcony would be located approximately 15m from the rear garden to no.4 The Straits and approximately 18m from the side garden to no.301 Hoghton Lane with intervening highway between both. This represents an adequate degree of separation for what is a small balcony area, such that there would be no unacceptably harmful impact on the privacy of the occupiers of these properties.
34. Overall, it is considered that the proposed dwelling would not result in any unacceptable detrimental impact on the amenity of neighbouring occupiers.

#### Highway safety

35. The application site is located between two highways, The Straits and Quaker Brook Lane, and it is noted that a number of concerns have been raised with regards to the impact of the development on highway safety and current highway safety issues.
36. Lancashire County Council Highway Services acknowledge that there is a lack of full and adequate pedestrian facilities on Quaker Brook Lane and it is suggested that the applicant provides a 2m wide footway across the full frontage of the site on Quaker Brook Lane, which could lead to an upgrade of the existing path that runs through the adjacent amenity land, where the Parish Council have a notice board and bench.
37. The upgrade of this footpath and the new footway on Quaker Brook Lane would also be of benefit to other residents and road users on Quaker Brook Lane and provide a direct link to the bus stops and the footways on The Straits. The applicant would be requested to enter into a s278 agreement for the formation of the footway and vehicle crossing on Quaker Brook Lane.
38. It is requested that the applicant makes provision for the construction/contractor parking and the loading and storage of deliveries off the highway associated with the construction of the development. This is to ensure that Quaker Brook Lane and The Straits are not obstructed by parking and the safe passage of all road users is maintained. A condition requiring a construction method statement is, therefore, recommended.

39. Adequate off street car parking provision would be provided that complies with the parking standards specified in policy ST4 of the Chorley Local Plan 2012 – 2026.
40. Overall, LCC Highways do not have any objections regarding the proposed erection of a detached dwellinghouse on land west of the Post Office 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 impacts

41. 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 (GMEU) who advise that no significant ecological issues were identified by the developer's ecological consultant. Issues relating to bats, nesting birds, invasive species and landscaping can be resolved via conditions and informatives.
42. The buildings on the site were assessed as having negligible bat roosting potential. GMEU have no reason to doubt the findings of the report, carried out by an experienced bat consultancy. As bats can arrive in unexpected locations it is recommended that an informative is attached reminding any developer of the Habitat Regulations.
43. No other protected species were assessed as likely on the site and GMEU have no reason to doubt these conclusions, given the nature of the development site and distance from suitable habitat.
44. Japanese knotweed is recorded within the development site. Japanese knotweed is 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 Japanese knotweed be attached to any grant of planning permission.
45. Section 174 of the Framework states that the planning system should contribute to and enhance the natural and local environment. The site is generally of low ecological value consisting of amenity grassland ornamental planting and short sections of hedgerow. Short sections of hawthorn hedge are to be replaced with beech hedges with some tree and shrub planting. The soft landscape proposals would adequately mitigate for loss of existing vegetation.

#### Flood risk and drainage

46. 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.
47. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. As such the developer should consider the following drainage options in the following order of priority:
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.
48. It is recommended that the applicant provides details of a surface water drainage scheme, that is in accordance with the surface water drainage hierarchy outlined above.

#### Sustainability

49. 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.”*

50. 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.

#### Public open space

51. 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.
52. 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.
53. 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.
54. 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.
55. 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 1 or 2 dwellings.
56. It is considered that the benefit of securing a public open space contribution on the basis of one dwelling would not be sufficient or carry significant weight to outweigh the national policy position. The benefit to the Council is the delivery of improvements to play space, however the cost of managing the end to end process of delivering those improvements is high and not commensurate to the benefit.

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

Community Infrastructure Levy (CIL)

58. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

**CONCLUSION**

59. It is considered that the principle of a new dwelling on this site is acceptable and that the proposed dwelling would not cause undue harm to the appearance and character of the area or neighbour amenity. In addition, it is considered that adequate parking would be provided and that there would be no unacceptable harm to highway safety. On the basis of the above, it is recommended that planning permission be granted.

**RELEVANT HISTORY OF THE SITE**

**Ref:** 19/00620/FUL      **Decision:** PERFPP      **Decision Date:** 13 September 2019  
**Description:** Erection of detached dwellinghouse on land west of the Post Office

**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.