

## **APPLICATION REPORT – 21/01104/FUL**

**Validation Date: 13 September 2021**

**Ward: Croston, Mawdesley And Euxton South**

**Type of Application: Full Planning**

**Proposal: Conversion of existing building (with partial demolition) to form a single dwellinghouse and erection of 4no. dwellinghouses with associated/ancillary works (Resubmission of 20/00987/FUL)**

**Location: Mediterranean At Robin Hood Blue Stone Lane Mawdesley Ormskirk L40 2RG**

**Case Officer: Mr Iain Crossland**

**Applicant: TRHM Ltd**

**Agent: Housemartin Design**

**Consultation expiry: 8 October 2021**

**Decision due by: 4 February 2022 (Extension of time requested)**

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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 Green Belt at Mawdesley, approximately 1.8 miles to the north of the settlement of Mawdesley and 1.2 miles from Eccleston. It is occupied by the Mediterranean at the Robin Hood restaurant building and associated car parking areas. The site is bound by Blue Stone Lane and Syd Brook Lane to the east with some dwellings beyond. There is open land to the west and a dwelling at Sherwood to the south. The surrounding area is characterised by open agricultural land and clusters of dwellings and sporadic agricultural buildings
3. The application building is of a traditional design style reflective of its age and former use as a public house. The building is faced in painted render and has a roof laid in clay tiles. A number of unsympathetic extensions have been added to the building over time, and following a period of vacancy the building is in a poor and deteriorating state of repair. There is a hard surfaced parking area to the front, which opens out onto the highway and a larger more enclosed parking area to the rear. The rear part of the site is enclosed by trees and landscaping along the eastern and northern boundaries of the site. The building is not listed nor locally listed, however, it is a local landmark and has been in existence for a significant period of time. The applicant has previously submitted information in support of the application that demonstrates the lawful use of the building to be that of a restaurant.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

4. This application seeks planning permission for the conversion of the existing restaurant building, alongside partial demolition of more recent additions, to form a single dwellinghouse and the erection of 4no. dwellinghouses with associated/ancillary works in the area of the rear car park. The new build dwellings would be of a traditional cottage style and would be accessed via the existing car park access.

5. It is noted that the application is the resubmission of a previous application, and has been amended through the omission of garage and car port buildings, a substantial reduction in the scale and mass of the proposed dwellings and amendments to the site access.

## REPRESENTATIONS

6. Representations have been received from the occupiers of 2no. addresses citing the following grounds of objection:
  - Adverse impact on the character of the area.
7. One representation in support has been received.

## CONSULTATIONS

8. Mawdesley Parish Council: No comments have been received.
9. Greater Manchester Ecology Unit: Have no objection.
10. Waste & Contaminated Land: Have confirmed that they have no comments to make.
11. Lancashire County Council Highway Services (LCC Highway Services): Have confirmed that they considered the development proposal is acceptable on the basis of amendments to the site access, and no objections are raised subject to a number of highway related planning conditions being imposed.
12. United Utilities: Have no objections subject to conditions.

## PLANNING CONSIDERATIONS

### Principle of the development in the Green Belt

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

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

*138. Green Belt serves five purposes:*

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

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

*148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances'*

*will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*

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

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

*150. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*

- a) mineral extraction;*
- b) engineering operations;*
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

15. The Central Lancashire Core Strategy Policy 1: Locating Growth, criteria f) states that development 'in other places' – will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need. Mawdesley is considered to be an 'other place'. As the proposal involves a small scale development and the conversion of a building it is considered to be in line with this policy.
16. The proposal comprises two distinct elements that would result in the formation of a residential development scheme. The conversion of the public house to a dwelling and the erection of 4no. new build dwellings following the partial demolition of the existing building.
17. Dealing first with the conversion it is noted that paragraph 150.d) allows for the re-use of buildings provided that they are of permanent and substantial construction and provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
18. The proposed development involves the conversion of a building of permanent and substantial construction, which engages with paragraph 150.d) above. Some alterations and additions are proposed in addition to the removal of previously extended parts of the building, which are located predominantly to the rear.

19. Policy HS9 of the Chorley Local Plan 2012 – 2026 covers the Conversion of Rural Buildings in the Green Belt. This provides more detailed guidance as to the way in which buildings can be converted and states that proposals for the re-use of buildings in the Green Belt will be allowed provided that all of the following criteria are met:
- a) *The proposal does not have a materially greater impact on the openness of the Green Belt and the purposes of including land in it;*
  - b) *The proposal would not harm the character or quality of the countryside or landscape;*
  - c) *The re-use of the building must not be likely to result in additional farm buildings which would have a harmful effect on the openness of the Green Belt;*
  - d) *If an agricultural building, it is not one substantially completed within ten years of the date of the application;*
  - e) *The building is of permanent and substantial construction and capable of conversion without more than 30% reconstruction;*
  - f) *The building must be capable of conversion without the need for additions or alterations which would change its existing form and character. Particular attention will be given to curtilage formation which should be drawn tightly around the building footprint and the requirement for outbuildings, which should be minimal;*
  - g) *The building must already have, or there exists the capability of creating, a reasonable vehicular access to a public highway that is available for use without creating traffic hazards and without the need for road improvements which would have an undue environmental impact;*
  - h) *The development would not result in the loss of or damage to any important wildlife habitat or protected species.*
20. The proposal to convert the existing building, involves removing a large extension to the rear, adding a new chimney stack and porch, whilst carrying out the necessary remedial works and internal alterations. As such there would be a reduction in the impact on openness of the Green Belt over and above the existing building. The building itself is of permanent and substantial construction and of sound structural integrity. The scheme would sympathetically convert the building, improving its appearance and form in a way that is more in keeping with its original character through the removal of poor quality extensions and additions. As such the character of the existing building would be retained and revived with no impact on the openness of the Green Belt.
21. The curtilage boundary would be drawn in a logical fashion around the southern part of the site allowing for a reasonable degree of amenity space without resulting in any encroachment into the Green Belt, and reflects the extent and form of boundaries at nearby and neighbouring dwellings and property.
22. An ecological survey has been submitted in support of the application. The surveys do not identify the presence of any protected species. The Greater Manchester Ecology Unit have assessed the survey and agree with the findings and have confirmed that the building has negligible bat roosting potential, whilst the roof has been repaired since the original assessment. It is, therefore, considered that the overall risk to bats is very low.
23. On the basis of the above, it is considered that overall this element of the proposal would not result in any inappropriate development, or other harm to the Green Belt.
24. In considering the erection of four new dwellings, it is noted that this part of the site forms the rear car park area and falls within the established curtilage of the restaurant. As such the site is considered to fall within the definition of previously developed land and, therefore, has the potential to engage with paragraph 149.g) of the Framework and policy BNE5 of Chorley Local Plan 2012 – 2026.
25. Policy BNE5 of Chorley Local Plan 2012 – 2026 relates to previously developed land within the Green Belt and reflects guidance contained within the Framework as follows:
- The reuse, infilling or redevelopment of previously developed sites in the Green Belt, will be permitted providing the following criteria are met:*

*In the case of re-use*

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

*In the case of infill:*

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

*In the case of redevelopment:*

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

26. Whilst the test for the development of sites such as this relates to the impact on openness it is important to note that the Framework contains no specific definition of 'openness'. It is acknowledged that the site is a previously developed site, the majority of which is covered by hardsurfacing, however, other than the restaurant building there are no other buildings or structures. The restaurant building would be partially demolished as part of the proposal, which must be considered in the assessment of the development and its resultant impact on openness. It is also acknowledged that there are some temporary impacts from the periodic parking of cars associated with a restaurant use.
27. When considering the impact of a proposed development on a previously developed site it is important to note that any new buildings must not "have a greater impact on the openness of the Green Belt" than the existing development.
28. Whether the proposed development would have a greater impact on openness is a subjective judgment, which is considered further below. Objective criteria could include the volume of any existing buildings although it is important to note that the Framework does not include such an allowance or capacity test. To engage with the exceptions of paragraph 149.g) of the Framework, which is reflected in Policy BNE5 of the Chorley Local Plan, the test relates to the existing development. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the application site, and in this respect it is noted that the conversion of the public house would involve the removal of existing built form.
29. Other than the public house, the application site does not comprise any other buildings. The proposal seeks to partially demolish the existing restaurant building retaining the older original part for conversion. The proposed dwellings would be of a traditional cottage style and of modest scale. These would have a greater cumulative volume than the volume of extensions and additions to be removed through the conversion of the existing building. They would also extend into an area of the site in which there is currently no built form. This would result in a greater spatial impact on openness than the existing development. The visual impact would be limited to some extent due to the screening provided by the retained building to the south of the site obstructing views from the south along Blue Stone Lane and by the presence of mature landscaping to the boundaries providing some filtering of views from the east along Syd Brook Lane. Overall, however, there would be an impact on the openness of the Green Belt that is greater than the existing development proposed to be removed.
30. Given that it has been established, that there is harm to the openness of the Green Belt and, therefore, harm to the Green Belt by definition, any other harm caused by the development must also be considered and added to the definitional harm.
31. There are five purposes of the Green Belt as set out in the Framework and detailed above:

32. Considering each in turn:

- Purpose 1 (to check the unrestricted sprawl of large built-up areas)  
The application site is located in a rural area which is separated from any large built up areas. It is not considered the application proposal represents unrestricted urban sprawl of a large built-up area.
- Purpose 2 (to prevent neighbouring towns merging into one another)  
The development of the site would not result in neighbouring towns merging into one another.
- Purpose 3 (to assist in safeguarding the countryside from encroachment)  
The proposed development would be contained within the previously developed area of the site and would not encroach into other open land.
- Purpose 4 (preserve the setting and special character of historic towns)  
The site is not located within or near to a historic town, and the proposed building would not be located within the setting of any listed buildings.
- Purpose 5 (to assist in urban regeneration by encouraging the recycling of derelict and other urban land)  
There would be no material impact on this purpose given that the proposed development is small scale development.

33. On the basis of the above, it is considered that there would be no other harm to the purposes of including land within the Green Belt.

34. As the proposed development would result in definitional harm and harm to the openness of the Green Belt there would have to be very special circumstances to justify the grant of planning permission that would outweigh this harm. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

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

35. The application site is located in a prominent location at the junction of Blue Stone Lane and Syd Brook Lane in a rural part of the Borough at Mawdesley. Development is sparse in this area, but that which does exist is varied in appearance and largely of a traditional rural design style.

36. The proposed development involves conversion of the public house building into a dwelling, and in doing so removal of the previous extensions of poor quality and incongruous appearance, with the addition of some domestic features such as a porch and chimney, alongside necessary remedial works and minor alterations. The overall impact would be to improve the appearance of the building in comparison to its present appearance and to return it to a closer resemblance of its original character. A dry stone wall and landscaped frontage would be provided to the front of the building facing Blue Stone Lane, which would add to the quality of the scheme and provide a suitably domestic appearance with an appropriate level of enclosure. This conversion element of the proposal would be the most visually prominent and overall would result in a positive impact on the appearance of the site and character of the area.

37. The new build element proposed to the northern part of the site, currently occupied by the car park, would continue the rustic agrarian style of design carrying through a distinctive character in a mixture of house types. The dwellings would display many features of interest and would differ from one another creating a high degree of distinctiveness and character. Car parking would be set out in a linear form adjacent to Syd Brook Lane, and screened from it by retained landscaping. The proposed development would be commensurate with the size of the site providing an appropriate level of amenity space for residents, whilst making good use of the available space. The existing landscaped buffer to the east of the

site would be maintained and reinforced, which would soften the appearance and filter views from the lane.

38. The new build dwellings themselves would be laid out in a linear pattern to the rear of the building to be converted, which would reflect patterns of development in the locality, and would also ensure that the setting of the original building is not competed with or compromised on approach from the south. The development would be of high quality and would contribute positively to the character of the area.
39. Overall, the development would enhance the existing qualities of the site and would reflect the rural character of the locality. As such the proposal would be an appropriate design response in the context of the site and locality. The development is, therefore, considered to be in accordance with Policy BNE1 of the Chorley Local Plan 2012 – 2026 in respect of design considerations.

#### Impact on neighbour amenity

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

#### Highway safety

43. There is an existing vehicular access to the site from Blue Stone Lane, which runs across the site frontage. This would be used to provide direct access to the site. It is considered that the creation of five dwellings would have a limited impact on the highway network in this location, which would not result in a severe cumulative impact, particularly when considered in relation to the current lawful use of the site as a restaurant.
44. Although the development was considered to be acceptable in principle by LCC Highway Services, there were a number of issues regarding the site layout and access that resulted in highway safety concerns originating from the existing poor access arrangements that needed to be addressed in light of a change in the way that it would be used. A revised layout plan was subsequently submitted in response to the concerns raised by LCC Highway Services.
45. LCC Highway Services have noted that the developer is proposing two points of access to the development. The access to the single dwelling resulting from the conversion of the restaurant would be direct from Blue Stone Lane. This access would be narrowed to an appropriate width by a boundary wall as opposed to the open frontage that exists at present, whilst a pedestrian footway would be extended across the frontage.
46. The access to the remainder of the development would consist of a shared driveway connecting with Blue Stone Lane close to the junction with Syd Brook Lane. This would involve constructing a highway build out to deflect traffic travelling into Syd Brook Lane from the south and would provide a footway into the development on one side of the access driveway. The existing access arrangement that it was originally intended to be retained resulted in vehicles entering and exiting the development in a manner that was considered to be unsafe. LCC Highway Services consider that providing a small degree of separation at the junction between Blue Stone Lane and Syd Brook Lane has significant road safety benefits in that the manoeuvring of vehicles would become more conventional.

47. The proposed highway works would also result in a narrowing of Syd Brook Lane at its junction with Blue Stone Lane, which would lead to lower entry speeds, and a safer highway environment at the junction.
48. The proposed layout would need to undergo a Road Safety Audit to acquire technical approval, however, the layout plan proposed now illustrates the scope of the amended highway arrangements that are necessary to satisfy LCC Highway Services.
49. The development proposal would also incorporate a footway for the full frontage of the site along Blue Stone Lane. This footway at 2m wide would ensure that the appropriate sightlines for the access are provided, and would be an important refuge for pedestrians.
50. The applicant has demonstrated that a refuse vehicle can enter the site and that adequate manoeuvring space within the site is available. The internal layout is not suitable for it to be offered to LCC for adoption and as such would remain private.
51. On the basis of the above, the developer would be required to enter into a s278 agreement with LCC to provide the following:
  - Amendment to the junction of Blue Stone Lane and Syd Brook Lane
  - Creation of 2 access points to Blue Stone Lane
  - Provision of 2m wide footway along the frontage to Blue Stone Lane
52. The development proposal is now considered to be acceptable in highway safety terms, subject to conditions requiring a scheme for the construction of the site access and off-site improvements and a Construction Management Plan (CMP).
53. The site plan demonstrates that off street parking of sufficient size to accommodate at least three cars per dwelling would be provided. On this basis, the scheme complies with the parking standards specified in policy ST4 of the Adopted Chorley Local Plan 2012 – 2026.

#### Ecology

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

### Flood risk and drainage

58. The application site is not identified as being at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the National Planning Policy Framework (NPPF) 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.
59. 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.
60. It is recommended that a condition be attached to any grant of planning permission requiring a surface water drainage scheme for the site that has been designed in consideration and in accordance with the surface water drainage hierarchy outlined above.

### Public open space

61. 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.
62. 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.
63. Specifically the guidance as of last year 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
64. 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.
65. 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.
66. There is currently a surplus of provision in Eccleston and Mawdesley in relation to this standard, whilst the site is not within the accessibility catchment of an area of provision for children/young people. A contribution towards new provision in the accessibility catchment would normally be required from this development. However, there are no identified schemes for new provision in the accessibility catchment therefore a contribution towards new provision is not required.

### Sustainability

67. 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.”*

68. Given this change, instead of meeting the code level, the new build 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.

#### Green Belt balancing exercise

69. It has been established that there is definitional harm to the Green Belt as the proposal is inappropriate development in the Green Belt. It is considered that there would not be any further harm. Development of this type should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
70. With a view to demonstrating very special circumstances the applicant has set out a number of factors in support of their proposal.
71. The applicant has set out a case whereby an alternative scenario would be to redevelop the whole of the site, including the demolition of the existing building rather than its retention. In the case of such a scenario an assessment would be carried out as the impact on openness in relation to the existing development to be replaced. This is typically considered on the basis of an assessment of volume, although there is no such allowance or capacity test in the Framework. When considering a volume of development that is not materially larger than an existing development the Council has no specific guideline in relation to previously developed sites. It does however, set out a more specific policy in relation to replacement dwellings at policy HW6, which states that increases of up to 30% (volume) are not considered to be materially larger. It is, therefore, logical to apply the same guideline to the redevelopment of a previously developed site in the absence of any specific figure, and such an approach has become custom and practice in Chorley.
72. In the instance of a redevelopment of this site the applicant has calculated that the volume of the existing buildings is 1399 cubic metres, and that this could provide a development volume of 1819 cubic metres, on the basis of the 30% uplift. This amounts to the same volume of development to that which is proposed as part of this current application. Therefore, if the proposed development were to be an entirely new build redevelopment scheme, rather than involving the retention of the original part of the existing building, then it is likely that it would be supported in policy terms and not considered inappropriate.

73. The building was previously the Robin Hood public house and is not listed, nor is it locally listed. It is, however, an historic building that has been in situ as a boarding house since the 1800s and is a local landmark and focal point. As such the retention and restoration of the original part of the building, alongside the removal of incongruous later additions, would be of benefit in relation to the character of the area and would be a positive outcome as part of any development scheme.
74. The scenario set out by the applicant is a realistic proposition that would be an acceptable approach in planning policy terms, and would result in the loss of the original public house building, which is of some value as a local landmark and in relation to the character of the locality. Therefore, the retention of the original part of the existing building is a positive benefit and would result in no greater eventual volume of development than if the site were redeveloped in its entirety. These factors are considered to carry significant weight in the planning balance.
75. The proposed development would also result in improvements to the site access and highway layout at the junction of Blue Stone Lane and Syd Brook Lane. LCC Highway Services have confirmed that the existing access arrangement is not to current standards and is considered to be unsafe. Vehicles also travel at speed directly from Blue Stone Lane into Syd Brook Lane when travelling from the south due to the highway arrangement. LCC Highway Services consider that by providing a small degree of separation at the junction between Blue Stone Lane and Syd Brook Lane this has significant road safety benefits in that the manoeuvring of vehicles would become more conventional. The proposed highway works would also result in a narrowing of Syd Brook Lane at its junction with Blue Stone Lane, which would lead to lower entry speeds, and a safer highway environment at the junction.
76. The highway improvement works would not be initiated or funded without the scale of the proposed development, or if the site were to remain as a restaurant. As the development would result in a safer highway arrangement and is considered to carry significant weight in the planning balance.
77. There is significant case law that supports the conclusion that a number of factors, none of them "very special" when considered in isolation, may when combined together amount to very special circumstances.
78. The factors set out above when considered cumulatively clearly amount to very special circumstances that carry significant weight and amount to the very special circumstances required to overcome the definitional harm to the Green Belt, which must be accorded substantial weight in line with the Framework.

#### Community Infrastructure Levy (CIL)

79. 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**

80. It is considered that the proposed conversion and alteration of the public house would not have a greater impact on the openness of the Green Belt or conflict with the Green Belt purposes. The proposed erection of the new build dwellings would have a greater impact on openness than the existing development to be replaced and would result in inappropriate development in the Green Belt. It is, however, considered that in this instance there are very special circumstances to overcome the definitional harm to the Green Belt, in consideration of a possible alternative redevelopment scheme for the site and the retention of the original public house building in addition to the highway safety improvements that would be implemented as a result of the scheme.

81. The impact on the character and appearance of the area is considered to be acceptable and there would be no adverse impact on neighbour amenity, highway safety or ecology. It is, therefore, recommended that the application be approved subject to conditions.

**RELEVANT HISTORY OF THE SITE**

- Ref:** 74/00854/ADV      **Decision:** PERADV      **Decision Date:** 18 December 1974  
**Description:** Illuminated sign
- Ref:** 84/00575/FUL      **Decision:** PERFPP      **Decision Date:** 13 November 1984  
**Description:** Front entrance porch and side extension to form bottle store
- Ref:** 87/00839/FUL      **Decision:** PERFPP      **Decision Date:** 2 February 1988  
**Description:** Extensions and alterations to public house
- Ref:** 89/00728/FUL      **Decision:** PERFPP      **Decision Date:** 31 August 1989  
**Description:** Construction of a freezer store to rear
- Ref:** 90/00636/FUL      **Decision:** PERFPP      **Decision Date:** 18 December 1990  
**Description:** Construction of overflow car park
- Ref:** 94/00211/ADV      **Decision:** PERFPP      **Decision Date:** 28 April 1994  
**Description:** Display of various externally illuminated advertisement signs
- Ref:** 96/00646/FUL      **Decision:** PERFPP      **Decision Date:** 22 January 1997  
**Description:** Extension of existing car park to provide 15 additional spaces
- Ref:** 00/00170/ADV      **Decision:** PERADV      **Decision Date:** 28 April 2000  
**Description:** Display of illuminated post, projecting and fascia signs
- Ref:** 20/00987/FUL      **Decision:** WDN      **Decision Date:** 9 July 2021  
**Description:** Conversion of existing building (with partial demolition) to form a single dwellinghouse and erection of 4no. dwellinghouses with associated/ancillary works
- Ref:** 21/00880/FUL      **Decision:** PERFPP      **Decision Date:** 10 September 2021  
**Description:** Erection of single storey rear extension (retrospective)

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

Suggested conditions

No.	Condition									
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>									
2.	<p>The development shall be carried out in accordance with the following plans:</p> <table border="1"> <thead> <tr> <th>Title</th> <th>Drawing Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td>N/A</td> <td>11 January 2022</td> </tr> <tr> <td>Site Layout Plan</td> <td>HMD/PD/0438/01</td> <td>10 January 2022</td> </tr> </tbody> </table>	Title	Drawing Reference	Received date	Location Plan	N/A	11 January 2022	Site Layout Plan	HMD/PD/0438/01	10 January 2022
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		Rev. G	
	Proposed Floor Plans and Elevations (Unit No.3a)	HMD/PD/0438/04 Rev. A	13 September 2021
	Proposed Floor Plans and Elevations (Unit No.4a)	HMD/PD/0438/05 Rev. A	13 September 2021
	Proposed Floor Plans and Elevations (Unit No.5a)	HMD/PD/0438/06 Rev. A	13 September 2021
	Proposed Floor Plans and Elevations (Unit No.2a)	HMD/PD/0438/03 Rev. A	13 September 2021
	Robin Hood PH Conversion Scheme. Proposed Floor Plans and Elevations (Unit No.1)	HMD/PD/0438/02	13 September 2021
	<i>Reason: For the avoidance of doubt and in the interests of proper planning.</i>		
3.	<p>Prior to the commencement of development (excluding demolition and conversion works) details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:</p> <p>(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions, the potential for infiltration of surface water in accordance with BRE365;</p> <p>(ii) A restricted rate of discharge of surface water agreed with the Local Planning Authority (if it is agreed that infiltration is discounted by the investigations). In the event of surface water discharging to the public surface water sewer, the rate of discharge shall be restricted to 5 l/s;</p> <p>(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;</p> <p>(iv) Incorporate mitigation measures to manage the risk of sewer surcharge; and</p> <p>(v) Foul and surface water shall drain on separate systems within the site.</p> <p>The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.</p> <p>Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.</p> <p><i>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.</i></p>		
4.	<p>Prior to the erection of the superstructure of the new build dwellings hereby approved samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>		
5.	<p>Prior to the erection of the superstructure of the new build dwellings hereby approved, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved</p>		

	<p>details prior to substantial completion of the development.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>
6.	<p>Prior to the erection of the superstructure of the new build dwellings hereby approved full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>
7.	<p>A scheme for the landscaping of the development and its surroundings shall be submitted prior to the erection of the superstructure of the new build dwellings hereby approved. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures. Landscaping proposals should comprise only native plant communities appropriate to the natural area.</p> <p>All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p><i>Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.</i></p>
8.	<p>No works to trees or hedgerows shall occur or building works commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.</p> <p><i>Reason: Nesting birds are a protected species.</i></p>
9.	<p>The dwellings hereby approved are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>
10.	<p>Prior to the erection of the superstructures of the dwellings hereby approved details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with</p>

	<p>the approved details.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.</i></p>
11.	<p>No part of the development hereby approved shall commence until a scheme for the construction of the site access and off-site improvements has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980. The scope of the scheme shall be as set out on Site Layout Plan HMD/PD/0438/01 Rev G submitted 10 January 2022.</p> <p><i>Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.</i></p>
12.	<p>No part of the development hereby approved shall be occupied until the approved scheme for the associated site access, sight lines and off-site highway works has been constructed and completed in accordance with the approved scheme details, without prior agreement from the Local Planning Authority.</p> <p><i>Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users. To allow for the effective use of desirable sustainable transport and aid social inclusion.</i></p>
13.	<p>Prior to the commencement of the development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The CMP shall include and specify the provisions to be made for the following:-</p> <ol style="list-style-type: none"> <li>a) The parking of vehicles of site operatives and visitors;</li> <li>b) Loading and unloading of plant and materials used in the construction of the development;</li> <li>c) Storage of such plant and materials;</li> <li>d) Wheel washing and/or power wash and hardstanding area with road sweeping facilities, including details of how, when and where the facilities are to be used;</li> <li>e) Periods when plant and materials trips should not be made to and from the site (mainly school peak hours but the developer to identify times when trips of this nature should not be made);</li> <li>f) Routes to be used by vehicles carrying plant and materials to and from the site;</li> <li>g) Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.</li> </ol> <p><i>Reason: To protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network.</i></p>
14.	<p>Prior to the erection of the superstructure of the new build dwellings hereby approved all demolition works as identified on the Demolition of Existing Building Floor Plans (Ref. HMD/PD/0438/10) and Demolition of Existing Building Elevations (Ref. HMD/PD/0438/11) submitted on 13 September 2021 shall have been carried out and all resultant materials removed from the site.</p>

	<i>Reason: To protect the openness of the Green Belt.</i>
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