

## **APPLICATION REPORT – 22/00081/FUL**

**Validation Date: 24 January 2022**

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

**Type of Application: Full Planning**

**Proposal: Erection of two storey building containing seven self contained supported living units, staff living unit and communal areas, and one individual detached bungalow, along with associated driveway and parking following demolition of existing buildings**

**Location: Higher Morris Farm 595 Preston Road Clayton-Le-Woods Chorley PR6 7EB**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr Mally Irving, Progress Housing Group**

**Agent: Ms Marlena Swiatkowska, Halsall Lloyd Partnership**

**Consultation expiry: 18 February 2022**

**Decision due by: 27 May 2022 (Extension of time agreed)**

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### **RECOMMENDATION**

1. It is recommended that planning permission is granted subject to conditions and a s106 agreement to secure an off-site contribution towards public open space provision.

### **SITE DESCRIPTION**

2. The application site is located in the settlement area of Clayton le Woods to the west side of the A6 Preston Road, which is north of Chorley. It comprises a building and land providing a residential institution, offering accommodation and training for young adults with learning disabilities (Use Class C2).
3. The site is a corner plot on the junction of Preston Road and Clayton Green Road. Preston Road is a key arterial route connecting local villages and housing to nearby motorways (M65 and M6) and Chorley town centre. Immediately surrounding the site there are a number of amenities, which are all within walking distance including; supermarkets - both ASDA and Lidl - Clayton Green Library, St Bede's Church and Clayton Green Sports Centre.
4. Currently the application site comprises a two storey building with a smaller single storey out-building to the rear, both of which are vacant. These buildings are set back from Preston Road, with parking to the front and high hedges forming the front boundary onto the street.
5. There is a mixture of traditional housing and contemporary development surrounding the site. It is noted that there are three grade II listed buildings in the vicinity of the development site; St Bede's Church, St Bede's RC Primary School and 588 Preston Road. These are also set back from the road and have high hedges as a principal boundary treatment. To the north and north west of the site the housing stock is modern and has been completed within the last ten years. The modern housing is simple in design and displays limited architectural features. There is a library of modern design immediately to the west of the site, beyond which is a two storey business village that provides office space to its tenants.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

6. This application seeks planning permission for the erection of a two storey building containing seven self contained supported living units, staff living unit and communal areas, and one individual detached bungalow, along with associated driveway and parking following the demolition of existing buildings. The proposed buildings are of a simple modern design with the main apartment building sited in the general position of the existing buildings and the bungalow located on the land to the south.
7. The applicant has set out that the proposal is to develop the site to create two buildings. The first, fronting onto Preston Road will be a two storey building providing eight self-contained supported living units along with communal kitchen, lounge and seating area. The second building will be a 2 bedroom self-contained bungalow building, which has been specifically designed to accommodate persons with a high level of autism.

## **REPRESENTATIONS**

8. One letter in support of the proposal has been received. This letter does refer to concerns about overlooking and scale.
9. One letter raising concerns about working hours and overhanging vegetation has been received.

## **CONSULTATIONS**

10. Greater Manchester Ecology Unit: Have no objection subject to conditions.
11. Lancashire County Council Highway Services (LCC Highway Services): Have no objection.
12. United Utilities: Have no objection subject to condition.
13. Clayton le Woods Parish Council: No comments have been received.

## **PLANNING CONSIDERATIONS**

### Principle of development

14. 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. One of the core principles of the Framework is that development should be focussed in locations that are sustainable. It is considered that the site is located in a highly sustainable location with good access to public transport, a range of local amenities including schools, supermarkets, library, churches, sports centre and public houses amongst other things, and the means to access other nearby amenities relatively easily.
15. Policy 1(d) of the Central Lancashire Core Strategy states that some growth and investment will be encouraged in Urban Local Service Centres to help meet housing and employment needs. Clayton Green is identified as one of the Urban Local Service Centres and therefore the proposed development is in line with this policy.
16. The application site is not designated within the local plan and its lawful use is as a residential institution. The application site forms part of land designated by policy V2 of the Chorley Local Plan 2012-2026. 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.
17. The proposed development comprises a two storey building containing seven self contained supported living units, staff living unit and communal areas, and one individual detached

bungalow in the settlement area of Clayton le Woods, which is a sustainable location where some growth and investment is encouraged. 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.

Impact on designated and non-designated heritage assets

18. The application site is located within the setting of the following heritage assets:  
Church of St Bede and attached Presbytery, Preston Road, Grade II (no.1281404)  
School circa 50 metres east of Church of St Bede, Preston Road, Grade II (no. 1072447)  
Stable building circa 20 metres north of Church of St Bede, Preston Road, Grade II (no. 1072448) 586 AND 588, PRESTON ROAD, Grade II (no. 1204065).
19. The Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) sets out the principal duty that a Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Great weight and importance is attached to this duty.
20. The National Planning Policy Framework 2021 (The Framework) at Chapter 16 deals with conserving and enhancing the historic environment. It recognises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The following paragraphs contained therein are considered to be pertinent in this case:
21. The Framework at paragraph 197 states that in determining applications, local planning authorities should take account of:
  - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
22. At paragraph 199 the Framework provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
23. At paragraph 200 the Framework confirms that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
24. Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
  - a) the nature of the heritage asset prevents all reasonable uses of the site; and
  - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

- d) the harm or loss is outweighed by the benefit of bringing the site back into use.
25. At paragraph 202 the Framework provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
26. The adopted Central Lancashire Core Strategy (2012) policy 16 (Heritage Assets) states: Protect and seek opportunities to enhance the historic environment, heritage assets and their settings by:
- a) Safeguarding heritage assets from inappropriate development that would cause harm to their significances.
  - b) Supporting development or other initiatives where they protect and enhance the local character, setting, management and historic significance of heritage assets, with particular support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk.
  - c) Identifying and adopting a local list of heritage assets for each Authority.
27. Chorley Local Plan 2012 - 2026 policy BNE8 (Protection and Enhancement of Heritage Assets) states that:
- a) Applications affecting a Heritage Asset or its setting will be granted where it:
    - i. Is in accordance with the Framework and relevant Historic England guidance;
    - ii. Where appropriate, takes full account of the findings and recommendations in the Council's Conservation Area Appraisals and Management Proposals;
    - iii. Is accompanied by a satisfactory Heritage Statement (as defined by Chorley Council's advice on Heritage Statements) and;
  - b) Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following:
    - i. The conservation of features and elements that contribute to the heritage asset's significance and character. This may include: chimneys, windows and doors, boundary treatments, original roof coverings, earthworks or buried remains, shop fronts or elements of shop fronts in conservation areas, as well as internal features such as fireplaces, plaster cornices, doors, architraves, panelling and any walls in listed buildings;
    - ii. The reinstatement of features and elements that contribute to the heritage asset's significance which have been lost or damaged;
    - iii. The conservation and, where appropriate, the enhancement of the setting of heritage assets;
    - iv. The removal of additions or modifications that are considered harmful to the significance of any heritage asset. This may include the removal of pebbledash, paint from brickwork, non-original style windows, doors, satellite dishes or other equipment;
    - v. The use of the Heritage Asset should be compatible with the conservation of its significance. Whilst the original use of a building is usually the most appropriate one it is recognised that continuance of this use is not always possible. Sensitive and creative adaptation to enable an alternative use can be achieved and innovative design solutions will be positively encouraged;
    - vi. Historical information discovered during the application process shall be submitted to the Lancashire Historic Environment Record.
28. The policy also states that development involving the demolition or removal of significant heritage assets or parts thereof will be granted only in exceptional circumstances which have been clearly and convincingly demonstrated to be in accordance with the requirements of the Framework.
29. The Framework Glossary defines the setting of a heritage asset as "the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset

and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”.

30. The key heritage issue for the Local Planning Authority to consider is the impact of the proposal on the setting of the adjacent heritage assets. Shown on the first OS map of 1846, the existing farmhouse is part of an early 19th century small rural settlement comprising the grade II listed St Bede's church and the cottages opposite, including the listed No.586 and 588 to the south west. The buildings themselves have been little altered, but their setting has significantly changed. Indeed, with the modern Clayton Green Road to the south and development on all sides of the large junction, today the area has a suburban residential character.
31. The farmhouse itself has a plain or simple architectural style, with little detailing apart from its corbelled brick chimneys, as modern render may have obscured any wall detailing. It is however of the *Longhouse* type, common in northern England, and is likely a late example. It is not known whether there are any internal features of interest. Notwithstanding the lack of information, whilst the building retains some sense of historic character, it is unlikely that the building could be considered, of special interest, on its own merit.
32. The outbuilding to the rear of the farmhouse is of the 20th century and does not appear to have any particular heritage value. However, the current property reflects the former agricultural function of the area, and is perhaps one of the few remaining vestiges of the rural origins of the settlement. The former farmhouse and those stone cottages opposite, St Bedes Church and the school behind have a collective 'group' value. This setting is further enhanced by the enclosure provided by the mature trees and hedges. In this context the existing building contributes positively to the wider setting of those surrounding designated heritage assets and its demolition would result in some (low level) harm occurring. However, the intervisibility between the heritage assets is somewhat limited and that as such the value that can be attributed to this collective or group value is low. In this context, given that the existing setting has already been heavily degraded by modern development, the loss of the farmhouse from the group would cause only a negligible level of harm to those designated assets.
33. The proposed new two storey building is of a larger scale and massing than the existing farmhouse and would be taller/larger than the modern housing, which lies immediately to the north of the site. In this respect the building would be more noticeable, within the streetscene, than the existing on to be demolished.
34. It is noted that St Bede's Church is relatively modest as are the adjacent stone cottages on the south side. The visual relationship between the buildings is, however, greatly reduced by the landscaping across the frontage of the Church site and this is reinforced by the mature trees on the southern portion/boundary of the application site, which limits views travelling northwards along Preston Road.
35. The proposed design with two front bays and hipped roof attempts to reduce the massing. In this sub-urban context the impact on the setting is somewhat limited. The proposed bungalow, due its small scale and being set back, would have no visual impact on the immediate setting. The proposed materials, whilst modern, would have a restrained palette within the tones of the local stone used in the heritage assets and as such are considered acceptable.
36. Therefore, it can be concluded that the proposal would cause only negligible levels of harm to those designated heritage assets highlighted. The very limited impact to the contribution made by the setting to the significance of those heritage assets is as a direct result of the proposed demolition of the existing building and the erection of the larger more bulky new replacement building.
37. Under the duty imposed by s.66(1) of the P(LBCA) Act 1990 it is considered that the proposed development would have a negligible or very low impact on the contribution made

by the setting to the significance of the grade II Listed St Bede's Church and to a lesser extent the presbytery, adjacent stable, St Bede's School as well as Nos. 586 and 588 Preston Road.

38. Under the Framework the negligible level of harm is '*less than substantial*' and as such should be assessed under P.202 of the Framework. It is for the Local Planning Authority to consider the very low level of harm in its planning balance considering also any public benefits generated by the scheme. In this instance there is a significant social benefit in providing supported living units to a part of the community with particular housing needs, whilst the applicant justifies the demolition of the existing farmhouse due to the accessibility and service requirements of the target residential population making the reuse of the building impractical. This is considered to outweigh the limited harm identified and therefore meets the statutory test to 'preserve' and be in conformity with Chapter 16 of the Framework, policy 16 of the Central Lancashire Core Strategy and policy BNE8 of the Chorley Local Plan 2012 - 2026.

#### Impact on character and appearance of locality

39. The application site is fairly prominent in nature occupying a frontage position adjacent to the A6 Preston Road and Clayton Green Road, although it is noted that much of the frontage is characterised by mature landscaping and is separated from the highway by an area of public open space comprising mature trees and vegetation to the southern portion. The main building is of a simple traditional design typical of an agrarian farmhouse and is now somewhat at odds with the development that has evolved around it. The building has also suffered from more recent physical decline and detracts from the appearance of the site.
40. The proposed development would introduce two buildings. The main and most prominent building would be a two storey building containing seven self contained supported living units, a staff living unit and communal areas. It would be positioned generally on the footprint of the existing building though it would have a larger footprint, would be taller and of greater mass and scale. It would be of a fairly simple modern design though would include a Dutch hipped roof, and two story gable bays to front and rear adding a degree of interest. It would be taller than the dwellings to the north, however, it would be set in line with them to carry through the prevailing building line and given that the building occupies a corner plot and is visually separate from surrounding development it would not appear at odds with the surroundings and would provide an element of presence that is appropriate in this position. The modern design style would reflect that of the dwellings immediately to the north and the library and commercial buildings to the west and is appropriate in this context.
41. The inclusion of hedges and landscaping to the frontage would soften the appearance of the development, which reflects the current soft frontage and would allow the development to blend more harmoniously with the streetscene. The trees to the south would be retained though some trees on site would be lost in order to facilitate the two storey building. However, given the degree of retention and the fact that the trees are not protected this would not be unacceptably harmful to the character of the area.
42. The proposed bungalow would be of modest scale and simple modern design. It would be set within the southern part of the site at least 20m from the highway and would be surrounded by retained trees and vegetation, which would heavily filter views. Given the scale of this building, its positioning and surrounding features it would be largely screened from view and would have little impact on the character of the area. Its design would share similar materials and features with the proposed two storey building and would be a subservient part of the development that is appropriately designed.
43. Overall, it is considered that the proposed buildings would result in an acceptable relationship with the streetscene, would be an appropriate design response to the site and would have no unacceptably detrimental impact on the character of the locality. This complies with policy BNE1 of the Chorley Local Plan 2012 - 2026.

#### Impact on neighbour amenity

44. Policy BNE1 of the Chorley Local Plan 2012-2026 states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
45. The nearest dwellings to the application site are situated to the north at 597 Preston Road and 6 Lime Tree Close, which share a boundary with the site. The two storey building would be positioned adjacent to the dwelling and rear garden at 597 Preston Road. This dwelling would have a blank gable end facing the application site and would be located approximately 7m from the proposed building. As a result there would be no impact on privacy or outlook from the dwelling. There would be a limited impact on light to the rear elevation, however, this would not be so severe that it would result in an unacceptable impact. The building would be offset from the rear garden to this dwelling by approximately 6m. It would be visible from the garden and would have some impact on light during the late mornings. The impact would not, however, be so severe that it would result in an unacceptable impact. There would be windows to habitable rooms at first and ground floor in the proposed building facing towards the garden at 597 Preston Road. Although the ground floor windows would be screened by boundary fencing those at first floor would provide views over the garden area that would be harmful to privacy given the degree of separation. It is, therefore, recommended that a condition be attached to any grant of planning permission to require that these windows are obscurely glazed. The impact on the amenity of the occupiers of 597 Preston Road is considered to be acceptable on this basis.
46. The proposed two storey building would be offset from 6 Lime Tree Close, which has a rear elevation facing the site. There would be no parallel facing windows between the two and no windows overlooking the garden area to this dwelling in the proposed building. The building would not be in the direct line of sight from the dwelling at 6 Lime Tree Close and would have no unacceptable impact on outlook as a result. There may be some impact on light to the rear garden and rear facing windows during the mornings, however, this would not be so severe that it would result in an unacceptable impact, given existing light levels and the light levels that would be maintained. As a result there would be no unacceptably detrimental impact on the occupiers of 6 Lime Tree Close.
47. Other dwellings are sited further away and those on the opposite side of Preston Road are over 28m distant. As a result there are no other dwellings that would be impacted.
48. The internal accommodation proposed would be of an appropriate scale so as to provide adequate amenity to future occupiers and the relationship between the proposed buildings themselves would comply with the Council's interface standards.

#### Highway safety

49. The proposed development would result in the construction of a building comprising seven one bedroomed self contained supported living units, a one bedroomed staff living unit and communal areas, and one individual two bedroomed detached bungalow. There would be on-site parking provision for 10 cars, which complies with the parking standards specified for dwellings in policy ST4 of the Chorley Local Plan 2012 – 2026, whilst the site is located in a sustainable location with good access to a high frequency bus network.
50. Vehicular access would be taken from Preston Road as it is currently and this arrangement would not alter. LCC Highway Services have considered the proposal and have confirmed that they do not have any objections and it is, therefore, considered that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

#### Ecology

51. The application is accompanied by an ecology report (Extended Phase 1 Habitat Survey and Daytime Bat Survey, Rachel Hacking Ecology. 2020) and a bat survey results report (Bat Emergence Surveys, Rachel Hacking Ecology 2021). These have 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, subject to the provision of a further survey of the garage building. This was subsequently provided and found no evidence of bats and negligible potential for the garage to support bats. No further survey work in relation to this building was, therefore, required and satisfied the point made in relation to the garage.

52. Initial survey work in 2020 to assess the suitability of the buildings to support roosting bats judged the main building to have moderate potential to support roosting bats. Two activity surveys were subsequently undertaken in June and July 2021. The surveys were undertaken within the optimal season and spaced appropriately through the months, therefore, sufficient survey effort appears to have been undertaken on the main dwelling building on the site. None of the trees surveyed had any potential to support roosting bats.
53. The activity surveys confirmed the presence of an individual roosting common pipistrelle bat located in a gap on the northern gable of the dwelling. It is, therefore, considered that the main dwelling supports a bat roost for one species of bat (common pipistrelle) under the definition of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.
54. Given the low number of bats observed emerging (1 bat) the roost is judged to be a day roost and of low conservation significance. An indicative mitigation plan to undertake the works to preserve the conservation status of the species is provided, which would need to take place under a Natural England licence (either a low impact class licence or full EPS licence).
55. Although the mitigation provided is not a full detailed mitigation statement, GMEU consider that the mitigation proposed in the ecology report would be sufficient to maintain the conservation status of common pipistrelle bats in Chorley, as it proposes alternate roost provision in the form of a bat box to be located in a retained tree prior to building demolition, supervised removal of the roof by an ecologist and provision of a bat box on one of the newly constructed buildings.
56. It is, therefore, recommended that a condition is attached to any grant of planning permission requiring a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations (Amendments) (EU Exit) 2019 authorizing the specified activity/development to go ahead; or a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence, in which can a Reasonable Avoidance Method Statement for bats will be required.
57. Works (building works and any tree felling) must be timed to avoid the main bird nesting season (March – August inclusive) unless it can otherwise be demonstrated that no active bird nests are present, and it is recommended that a condition be attached to any grant of planning permission to secure this.
58. The plans for the site indicate that a number of existing trees are proposed for removal to accommodate the scheme. Only limited landscape plans have been submitted at this stage and it is, therefore, recommended that a condition is attached to any grant of planning permission requiring a fully detailed landscaping scheme that seeks to compensate for the loss of these trees. Without adequate compensatory planting there is likely to be a net loss in the biodiversity value of this site as a result of the proposals. Additionally all retained trees should be protected from adverse impacts of the proposals, in line with best practice planting arboricultural guidelines and, therefore, a condition is recommended to ensure this.
59. In addition to the mitigation and compensation recommendations, enhancements for biodiversity should be encouraged within the development, in line with best practice guidelines and policies of the Framework. Measures are suggested in section 5.4 of the ecology report such as the provision of bats and bird boxes and the use of nectar rich and wildlife friendly species in the landscape scheme. As such it is recommended that a biodiversity enhancement plan should be secured via a condition as part of the landscaping scheme.



60. On the basis of the above assessment and recommended conditions it is considered that on balance the proposed development would be acceptable within the terms of policies BNE9 and BNE10 given the social benefit of providing supported living units through the scheme.

#### Flood risk and drainage

61. 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.
62. A Drainage Strategy has been submitted in support of the application, which has been reviewed by United Utilities, who confirm that the proposals are acceptable in principle subject to a condition being attached to the grant of planning permission to ensure that the development be carried out in accordance with principles set out in the submitted Foul and Surface Water Drainage Design. The only option is to drain surface water to the sewer in this particular case, however, the discharge rate will be limited by the provision of attenuation water storage to be installed beneath the driveway.

#### Sustainability

63. 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:
64. *“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.”*
65. *“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.”*
66. Given this change, instead of meeting the code level, the bungalow dwelling 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 (POS)

67. 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.
68. 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.

69. 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
70. 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.
71. 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. There is currently a deficit of provision in Clayton East, Brindle & Hoghton in relation to this standard. A contribution towards new provision in the ward is, therefore, required from this development. The amount required is £134 per dwelling. The Chorley Open Space, Sports and Recreation Strategy (OSSR) Action Plan 2020 to 2036 identifies KKP ref 1339.2 Gough Lane as an appropriate and available site for new provision and a s106 agreement is required to secure this.

#### Community Infrastructure Levy

72. 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**

73. 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 ecology, heritage assets, highway safety or drainage.

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

**Ref:** 89/00066/COU                      **Decision:** PERFPP                      **Decision Date:** 14 March 1989  
**Description:** Change of use to private garden

**Ref:** 20/00228/CLEUD                      **Decision:** PEREUD                      **Decision Date:** 22 October 2020  
**Description:** Application for a certificate of lawfulness for an existing use as a residential institution, offering accommodation and training for young adults with learning disabilities (Use Class C2).

**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.