

## APPLICATION REPORT – 21/00793/FUL

**Validation Date: 16 July 2021**

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

**Type of Application: Full Planning**

**Proposal: 1) Erection of 5no. detached dwellinghouses, including associated new access to Sandy Lane 2) Demolition of existing buildings**

**Location: Springfields Sandy Lane Mawdesley Ormskirk L40 2QB**

**Case Officer: Amy Aspinall**

**Applicant: Mr Markus Wierenga, 4 Ventures Developments Ltd**

**Agent: Mr Chris Weetman, CW Planning Solutions Ltd**

**Consultation expiry: 30 November 2021**

**Decision due by: 10 September 2021**

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### RECOMMENDATION

1. It is recommended that planning permission is granted subject to conditions and a legal agreement.

### SITE DESCRIPTION

2. The application site is occupied by several buildings, including 2no. dwellings, hardstanding areas and overgrown land. Access to the site is from Sandy Lane. Previously a number of glasshouses occupied the site which was used for the purposes of horticulture. Horticulture itself falls within the definition of 'agriculture' as set out in the Town and Country Planning Act 1990.

3. The application site has a complex planning history and it has been established, through appeal, that there is a lawful B2 industrial use at the site. The site is a mixed use planning unit, and case law has established that this falls to be considered as previously developed land, having regard to the definition set out in the National Planning Policy Framework 2021 (the Framework) at Annex 2: Glossary which states:

4. *"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape".*

### DESCRIPTION OF PROPOSED DEVELOPMENT

5. The application seeks planning permission for the erection of 5no. detached dwellinghouses with associated new access points to Sandy Lane. The proposal also includes the demolition of existing buildings on site.

## REPRESENTATIONS

6. 3no. representations have been received citing the following grounds of objection:

- Over development of a rural green belt area.
- HT1 and HT2 proposed on current open land
- HT1 and HT2 too close to existing neighbours' gardens and properties impacting on their privacy and peaceful enjoyment of their homes.
- HT2 and HT2 would be built on virgin Green Belt Land and not on the footprint of the dwellings
- Development in cramped in
- Impact on the number of vehicles using the lane and wildlife that reside there.
- Excessive noise to Brookfield House from access immediately on the boundary with Brookfield from the build and use of the driveway
- Overlooking to Brookfield from first floor balcony
- The area of unspoiled beauty will be urbanised and lose its natural aspect
- Impact on views
- Impact on wildlife
- The land does need developing as it is currently an eyesore, but it should be on a smaller scale (3 houses max) and more in keeping with the nature of the area.

7. 4no. objections were received as part of the initial notification procedure on the original plans. These are summarised below:

- Not in-keeping with the with the rural location
- 3 large houses with large gardens would be more than sufficient in this location
- For the last 20 plus the land has returned to a natural wild habitat / will negatively impact the natural environment
- Sightings include bats, owls, newts, foxes and deer
- The development is in the Green Belt / agricultural conservation area
- The Green Belt in Mawdesley is now being eroded at an alarming rate and this development only adds to the problem
- HT1 and HT2 (plots 1 and 2) are on Green Belt agricultural land – this land was used to graze a pony
- The development does not follow the original footprint of the present buildings
- House types HT1 and HT2 (plots 1 and 2) each include two balconies to the rear of the at first floor level, which will overlook the garden of Brookfield House (adjacent to the site) and severely impact on privacy and peaceful enjoyment of our home
- The development of three large houses nearest to Brookfield House would be overpowering and not in-keeping with the rural aspect
- The three houses nearest Brookfield House would be set back from the present building line and, therefore, vehicles entering the drives of those properties will impact on the peaceful enjoyment of the garden (of Brookfield House) due to noise of cars and doors
- Loss of privacy Ardvark Cottage
- Noise and disturbance for a long period due to construction works
- No garages are included and it is feared that these will be added at a later date thus increasing the overall building footprint further
- Currently only 4 houses located along the road, to add 5 more would be excessive – impact on traffic on the small single track
- Increase in traffic on a single track with ditches along it and no pulling/passing places provided by the Council will become dangerous risking cars leaving the road and ending in a ditch, but will also wear away the grass verges currently in situ for the public to walk along
- Lane already clogged up with parked cars because walkers use it as a starting point for walks
- Newly opened Spud Shed has increased volume of traffic along the lane of visitors traveling there
- Passing places should be provided along Sandy Lane
- Sandy Lane is in a poor state
- The lane is currently used intensively by walkers, families with young children and prams, dog walkers and horse riders and an increase in traffic using the lane will be a risk to them as it is likely the existing grass verges will be eroded by cars trying to pass one another
- Extra 10 cars would make it difficult for emergency vehicles to get through

- Drains are at maximum capacity
- The development will hinder the natural ability of the land to soak away
- The land already floods
- The existing fence blocks access to the boundary ditch which will have to be taken down so that the new owners can maintain and keep the ditch free flowing.

## **CONSULTATIONS**

8. Mawdesley Parish Council make the following comments:

*Following consultation with the Parish Council I been asked to write to you to object to the above planning applications. Please note two Parish Councillors declared an interest and did not comment, two Parish Councillors had no objection however asked for a more sympathetic plan and three Parish Councillors objected*

*The additional homes are in the Green Belt. The policy aims to prevent the urban sprawl which is reducing quality of life in rural villages. This unsustainable form of development swallows up farmland and wildlife habitats while increasing air pollution, flood risk and car dependency. The Parish Council does not agree that if it is an unused site so it automatically benefits from houses in Green Belt.*

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

*The additional traffic from the development will have an impact on the narrow country lane. Sandy lane is a single-track road and passing of two cars is not possible for much of its length. Sandy Lane itself is a lovely quiet country lane much used by walkers/strollers; joggers; cyclists, many of them very young as a safe place to learn; dog walkers and horse riders.*

*A large development just down the road from this has already impacted the sewerage and drainage systems in the village there is no capacity for further development. There is evidence of waste, spoil on the ground.*

*An existing property opposite is likely to suffer loss of light and outlook. For that reason, a development of bungalows would be less detrimental to the view from neighbouring properties.*

*The development is on the boundary of the housing within Mawdesley and the properties would be visible*

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

9. Lead Local Flood Authority – In their most recent comments they advise that their standing advice note should be applied.

10. Environment Agency - No response has been received.

11. Lancashire County Council Highway Services (LCC Highway Services) - Advise that they have no objection and recommend a number of conditions.

12. Greater Manchester Ecology Unit – Advise that they have no objection and recommend a number of conditions

13. United Utilities – Drainage conditions advised.

14. CIL Officers - Advise that the development is subject to the CIL Charge for Dwelling Houses as listed in Chorley Council's CIL Charging Schedule.

## PLANNING CONSIDERATIONS

### Principle of development within the Green Belt

15. The application site is located within the Green Belt and falls within the definition of previously developed land provided within the National Planning Policy Framework 2021 (The Framework). Section 13 of the Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

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

17. Paragraph 149 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt but lists a number of exceptions. One exception listed at paragraph 149 of the Framework of development that need not be considered inappropriate development in the Green Belt is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development. As the site constitutes previously developed land exception G is, therefore, engaged.

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

19. To engage with the exceptions of paragraph 149 of the Framework, which is reflected in policy BNE5 of the Chorley Local Plan 2012 – 2026, the test relates to the existing development. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the site.

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

21. Whether harm is caused to openness depends on a variety of factors such as the scale of the development, its locational context and its spatial and/or visual implications. At present site is occupied by various large buildings which provide a frontage to Sandy Lane. The dwellings and single storey outbuildings are relatively grouped together toward the south east of the site and the larger building is set away from them, further north. Areas of hardstanding remain across extensive areas of the site, whilst parts appear overgrown. The presence of this existing development already causes harm to openness by its mere existence; and case law has established that for there to be a greater impact, there must be something more than merely a change.

22. The proposal involves the demolition of all existing buildings which occupy the site, in order to offset the harm caused to openness which would arise from the proposed development. In volumetric terms, the proposed dwellings would have an uplift of approximately 28% in volume compared to the existing volumes.

23. When considering the increase in volume, national policy allows for the replacement of a building provided, among other things, that they are not materially larger. The Council considers that a volume increase of up to 30% is not 'materially larger'. Accordingly, when applying this approach, the proposed volume increase of approximately 28% above existing volumes would not be a material increase, when considering the impact on the openness of the Green Belt.

24. The proposed dwellings would spread out beyond the existing cluster of buildings, taking a more linear form, parallel with Sandy Lane. The overall scale of the dwellings would be two storeys in height, although over a metre taller than the existing two storey dwelling on the site. The proposal would result in a decrease in footprint of buildings by approximately 8% with a significant reduction in hardstanding areas. An extensive part of the site to the west which was previously occupied by glasshouses, but where the hardstanding and piles of material remain, would become formal gardens which would be appropriately landscaped as part of a comprehensive scheme across the site which would result in an overall enhancement of the site. The increase in height of the proposed dwellings compared to the existing heights is considered to be satisfactorily balanced against the reduction in the amount of development across the site, and the visual improvements that this would deliver. Whilst there would be a clear change in how the site looks, overall it is not considered that the proposal would have a greater impact on the openness of the Green Belt than the existing development.

25. The proposal is considered to accord with exception (g) of paragraph 149 and is not, therefore, inappropriate development in the Green Belt.

26. The proposed development is not major development and, therefore, falls to be considered small scale. As such it is considered that the proposed development is compliant with policy 1(f) of the Central Lancashire Core Strategy.

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

27. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; and that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area.

28. The application proposes 5no. detached dwellings in a linear layout, parallel to Sandy Lane, which is a typical arrangement found within the area, where pockets of linear development are commonplace. Each dwellinghouse would have a separate access to Sandy Lane, with driveway parking and large front gardens which provide opportunities for landscaping and would enhance the site frontage.

29. House types 2 and 3 are very similar in their design, with house types 1 and 4 having a slightly different appearance, but with the same key design features being incorporated into the house types to provide a consistent, modern design approach. Plot 5 would have a different house type (house type 5) which has a more agrarian appearance. This would be the most prominent plot on the site, being the end plot, adjacent to the proposed ecological habitat and where most wide-ranging views can be gauged. The design of this house type would appear similar to a barn conversion, with two distinct 'barns' one being two storeys in height, and the other being single storey, linked together with a simple low-profile flat roof construction. The varying heights and staggered footprint assist to reduce the overall bulk and mass of the dwelling and plot 5 is considered to be an acceptable design approach in this location.

30. The area itself is characterised by a mix of housing styles and types, and the contemporary appearance of the development, in addition to the simple agrarian approach to plot 5, and the overall scale is considered to be acceptable and would not be harmful to the character and appearance of the surrounding area. It is considered that betterment would be achieved through the visual enhancement of the site as a whole.

31. The submitted plans indicate a 1.8-metre-high closed boarded fence to the boundaries of each plot. Whilst this may be acceptable between plots, it is not an appropriate treatment to the perimeter of the development as it would result in a hard edge to the countryside and is a more urbanised feature. Nonetheless, details of appropriate boundary treatments could be secured by way of a planning condition. A landscaping scheme would also be secured by way of condition, in the interests of the appearance of the development.

32. The proposal is acceptable in design terms, in accordance with Chorley Local Plan policy BNE1.

#### Impact on neighbouring amenity

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

34. The nearest residential property to the application site is Brookfield House, which borders the site to the south. There would be a separation distance well in excess of 21 metres between the side elevation of the dwellinghouse of plot 1 and Brookfield House, which ensures that an acceptable relationship is achieved between the two properties. No habitable room windows are proposed to the side facing elevation of plot 1 at first floor, and the house type (house type 3) shows that the rear balcony would be enclosed within the gable, therefore, meaning that any impact would be the same as a window i.e. a direct view, rather than a wide ranging view that could be achieved with a standard open-sided balcony. The view from the balcony would be to the west and would overlook its own private rear garden, with no direct views to the neighbouring garden of Brookfield House. The proposed dwellinghouse would be set in from the boundary by approximately 8 metres and would not result in a visually obtrusive or overbearing form of development to Brookfield House, given the aforementioned separation distances which are achieved. Plot 1 is also positioned to the north of Brookfield House and would not give rise to loss of light or overshadowing impacts to this neighbouring property.

35. Several residential properties are situated opposite the site, to the east of Sandy lane. There would be a separation in excess of 50 metres between these existing and proposed dwellings and, therefore, the amenity afforded to these neighbouring properties would not be adversely affected as a result of the proposed development. Other neighbouring properties are sufficiently well separated to avoid any amenity impacts.

36. In land use terms, the proposal is a small-scale residential development of 5no. dwellings, (but with a net gain of 3no. dwellings (as there are already 2no. on site, although currently vacant) and would result in an overall amenity improvement compared to the lawful use of the site, which is able to operate a B2 use in close proximity to residential properties. The nature and scale of the domestic use associated with the proposed development would be compatible with neighbouring land uses.

37. Whilst the proposal would introduce a vehicular access and driveway adjacent to the boundary of Brookfield House, this access would serve a domestic dwellinghouse, with its associated comings and goings. It is acknowledged that this would be a change from the current situation as the application site is currently vacant, however, it would not be an adverse change as the residential nature of the proposal is low impact. Furthermore, consideration must be given to the lawful use of the site previously referred to in this report, and there are no restrictions on traffic movements or hours of use associated with this lawful use at the site.

38. The relationships achieved between each plot would be satisfactory and there would be ample private amenity space for future occupiers to carry out day-to-day domestic activities. Plots 2, 3 and 4 could be subject to overlooking from each other given that open balconies are proposed at first floor in close proximity to the garden boundaries. However, buyers/future

occupiers would be aware of this situation and it is not a reason to warrant refusal of the application given that there would be no impact on existing neighbours.

#### Highway safety

39. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.

40. The application proposes separate access points onto Sandy Lane for each plot. The parking requirement for each dwellinghouse is 3no. parking spaces which would be provided on-site and, therefore, adequate off-road parking provision for the proposed development / each individual property is provided. As there would be sufficient parking provision, in line with the Council's standards, it is unlikely that the proposed development would generate on-street parking demand along Sandy Lane. It is also clear from the submitted plan that the layout for each plot would be able to accommodate parking in excess of the standards, which would cater for visitors, etc.

41. Neighbour objections have raised concerns regarding the impact of increased traffic as a result of the development, and in combination with other developments nearby, on Sandy Lane which is a single track and has no passing places. One objection also requests that passing places are provided and concern is raised regarding the safety of other road users and the risk of cars driving into the ditch along the roadside.

42. LCC Highway Services have, however, assessed the application and advise that they do not have any objections to the proposal and are of the opinion the proposed development would not have a detrimental impact on highway safety, capacity or amenity in the immediate vicinity of the site. It should also be noted that there is a lawful B2 use on this site and this is unrestricted, meaning that traffic movements and types of vehicles which are able to enter the site are uncontrolled.

43. In the absence of any objection from LCC Highway Services it is not considered that a refusal on highway safety grounds could be sustained. Based on the advice from LCC Highway Services it is considered that the proposed development satisfactorily accords with Chorley Local Plan policy BNE1 (d).

#### Impact on ecological interests

44. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species. In addition, the policy states that development must adhere to the provisions which includes: where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs.

45. Policy BNE11 (Species Protection) of the Chorley Local Plan 2012 – 2026 stipulates that planning permission will not be granted for development which would have an adverse effect on a priority species unless the benefits of the development outweigh the need to maintain the population of the species in situ. Should development be permitted that might have an effect on a priority species planning conditions or agreements will be used to:

- a. Facilitate the survival of the individual species affected;
- b. Reduce the disturbance to a minimum; and

c. Provide adequate alternative habitats to sustain the viability of the local population of that species.

46. The application is accompanied by an Ecological Impact Assessment, informed by several surveys, and Biodiversity Strategy and Mitigation for Bats. The assessment identifies that the site supports a number of species.

47. A maternity roost of brown long-eared bats was identified in building number 2 (as illustrated in the ecological assessment), including a day roost of Common Pipistrelle. In building number 3 two day roosts for Common Pipistrelle were also evidenced. The proposed development would result in the loss of these roosts and a mitigation strategy has been provided which includes a dedicated bat barn and roosting provision.

48. The Habitats Directive is imposed through the Conservation of Habitats and Species Regulations 2017 (and as amended) and all species of bats are European Protected Species under these regulations. The Regulations protect individual bats from killing, injury or disturbance and also protects their habitats, in this case the roost, even if the bat is not present in it at the time.

49. If a protected species is known to be present on site and impacted upon by the proposed development, which is the case here, a European Protected Species licence from Natural England would be required. Under the Habitats Directive a derogation licence may be applied for if certain criteria relating to maintenance of favourable conservation status, no satisfactory alternative and reasons of overriding public interest are satisfied.

50. This sets out the three derogation tests which must be considered, in particular having regard to the likelihood of Natural England granting a licence.

51. Test 1 - Regulation 53(2) (e) states: a licence can be granted for the purposes of "preserving public health or public safety or other imperative reasons of overriding public interest (IROPI) including those of a social or economic nature and beneficial consequences of primary importance for the environment".

52. Test 2 - Regulation 53(9) (a) states: the appropriate authority shall not grant a licence unless they are satisfied "that there is no satisfactory alternative",

53. Test 3 - Regulation 53(9) (b) states: the appropriate authority shall not grant a licence unless they are satisfied "that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range."

54. In respect of the first test, the proposed development would secure enhancements by improving the appearance of the site as a whole through the removal of some aesthetically poor buildings and the landscaping of unkempt land. Other benefits include the creation of a habitat area to the north of the site and enhancements to the open mosaic habitat which is a UK Biodiversity Priority Habitat. The delivery of housing, a contribution towards the provision of affordable housing and creation of jobs during construction are also socio-economic benefits. It is considered that the first test is satisfied.

55. The site is previously developed land in the Green Belt and contains a number of buildings. The alternative is to leave the site as it currently exists including the operation of a lawful B2 use and associated traffic and activity, in relatively close proximity to residential neighbours. The site is also unmanaged and contains non-native invasive species. It is considered that the second test is reasonably satisfied.

56. In terms of the third test, a mitigation strategy and method statement for the works has been submitted and the Council's appointed ecologists at Greater Manchester Ecology Unit (GMEU) advise that this contains sufficient detail. Subject to the mitigation being implemented and a Natural England licence being granted, there should not be a detrimental impact on the favourable conservation status of bats in this area, as a result of the works proposed in this



application. The mitigation strategy and licence could be secured by way of condition. It is considered that the third test is passed.

57. The site supports breeding bird species which includes swallow and snipe, which appear to nest in the northern area of the site. A mitigation strategy for breeding birds is proposed which focuses on the habitat area to the north of the site. GMEU are satisfied with the measures and also advise that works should take place outside of bird breeding season.

58. The assessment also found the site to be suitable to support common toad and common frog and the submitted mitigation strategy addresses these species with hibernacula creation to the habitat area to the north of the site. Surveys of nearby off-site ponds were carried out, although their suitability to support great crested newts was deemed to be poor and no effects on this protected species are identified.

59. Invasive species (Japanese Knotweed and Variegated Yellow Archangel) were found on site and, therefore, GMEU advise that a method statement is required prior to any works commencing. This could be secured by way of a planning condition.

60. Subject to conditions to secure the habitat area to the north of the site and mitigation / enhancement proposals, it is not considered that the proposed development would be detrimental to nature conservation or protected species interests and the proposal accords with policies BNE9 and BNE11 of the Chorley Local Plan 2012 – 2026.

#### 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 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, however, currently a surplus of provision in Eccleston and Mawdelsey in relation to this standard, and a contribution towards new provision in the ward is not, therefore, required from this development. The site is also not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Study and a contribution towards improvements cannot be required.

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

### Affordable housing

68. The Framework at paragraph 64 provides that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).

69. The site does not fall within a designated area as defined by the Framework (National Parks, Areas of Outstanding Natural Beauty and areas designated as 'rural' under Section 157 of the Housing Act 1985).

70. The definition of 'major development', for the purposes of affordable housing, is set out in the Framework at Annex 2: Glossary:

*"For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m<sup>2</sup> or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015".*

71. The site has an area in excess of 0.5 hectares and is, therefore, a major development for the purposes of affordable housing. An affordable housing contribution of 35% is required in accordance with Core Strategy Policy 7. This site is not considered to be a suitable location for affordable housing and, therefore, a commuted sum for off-site provision is deemed more appropriate in this case.

72. Paragraph 64 also states:

*"To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount".*

73. A vacant building credit would be applied, and the total amount required towards affordable housing in the Borough would be £182,473. This would be secured by way of a legal agreement.

### Sustainability

74. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015, which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

75. "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."

76. "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."

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

#### Flood risk and drainage

78. A Flood Risk Assessment has been prepared as the application site exceeds 1 hectare. The site is, however, located in flood zone 1 (as defined by the Environment Agency Flood Maps for Planning) which has a low probability of flooding. The far northern area of the wider site which is proposed as a habitat area is identified as being intermediately susceptible to surface water flooding. The site itself is at low risk.

79. An initial drainage strategy has been submitted, which includes options for SUDs such as permeable paving for storage and geocellular storage with discharge being restricted to greenfield run off rates. The FRA identifies that the preferred option is to discharge into the existing ditch which runs along the boundary of the site.

80. Detailed drainage design would be secured by way of a planning condition, in accordance with the drainage hierarchy as set out National Planning Practice Guidance.

81. It should be noted that any maintenance of ditches and ensuring that they are free-flowing is the responsibility of the riparian owner.

#### Community Infrastructure Levy

82. 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**

83. The application satisfies exception g of paragraph 149 of the Framework and is not, therefore, inappropriate development in the Green Belt. The proposal would not be harmful to the character and appearance of the area, nor would it be detrimental to the residential amenity afforded to neighbouring properties, or to highway safety. Subject to conditions, the proposed development would not be detrimental to the favourable conservation status of bats in the area and would result in an improvement to nature conservation through enhancements of a dedicated ecological habitat area to the north of the site. Drainage of the site would be secured by way of a condition, and affordable housing infrastructure would be delivered through a commuted sum which would be secured by way of a legal agreement.

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

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

**Ref:** 77/00020/OUT      **Decision:** REFOPP      **Decision Date:** 29 March 1977  
**Description:** Outline application for agricultural workers dwelling

**Ref:** 77/00401/OUT      **Decision:** REFOPP      **Decision Date:** 2 August 1977  
**Description:** Outline application for agricultural workers dwelling

**Ref:** 78/00895/OUT      **Decision:** REFOPP      **Decision Date:** 4 December 1978  
**Description:** Outline application for house

**Ref:** 80/00038/FUL      **Decision:** PERFPP      **Decision Date:** 25 February 1980  
**Description:** Extension (bedrooms/bathroom/porch/kitchen/sitting room)

**Ref:** 94/00622/FUL      **Decision:** PERFPP      **Decision Date:** 15 June 1995  
**Description:** Extension to existing building for the purposes of processing, packaging and distribution of vegetables

**Ref:** 00/00058/FUL      **Decision:** PERFPP      **Decision Date:** 14 March 2000  
**Description:** Erection of polytunnel

**Ref:** 03/01234/FUL      **Decision:** PERFPP      **Decision Date:** 21 January 2004  
**Description:** Erection of polytunnel,

**Ref:** 03/01235/COU      **Decision:** REFFPP      **Decision Date:** 29 March 2004  
**Description:** Change of use of land for the storage of a caravan (retrospective),

**Ref:** 10/00504/FUL      **Decision:** REFFPP      **Decision Date:** 13 August 2010  
**Description:** Retrospective application for the retention of: - gate, wall and wooden fencing together with soft landscaping

Suggested conditions

To follow.