

APPLICATION REPORT – 21/01329/FUL

Validation Date: 15 November 2021

Ward: Clayton East, Brindle And Hoghton

Type of Application: Full Planning

Proposal: Application for technical details consent for the demolition of existing buildings and erection of four dwelling houses and associated development pursuant to permission in principle 20/01048/PIP

Location: Wise Marys Farm 263 Hoghton Lane Hoghton Preston PR5 0JD

Case Officer: Mr Iain Crossland

Applicant: Mr Colin Cadwallader, Abbie Homes Ltd

Agent: Mr Craig Buck, The Intelligent Design Centre

Consultation expiry: 4 March 2022

Decision due by: 15 July 2022 (Extension of time agreed)

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site comprises a motor vehicle repair workshop and a residential dwelling in the settlement area of Hoghton, close to the administrative border of Chorley and South Ribble. The site is irregular in shape, extending to approximately 0.2 hectares and includes a two storey elongated brick building that is sited at an angle with the main carriageway. This building contains the workshop and residential dwelling. To the immediate east of the main building is a single storey garage and yard area, which also forms part of the vehicle repair operation. The land to the north and west of the site appears to be more domestic in nature. The site is contained as a whole by a variety of boundary treatments including hedgerows and trees, together with a low stone wall on the carriageway boundary. The site is currently served from an existing vehicular access off Hoghton Lane to the immediate east of the application site.
3. The character of the area is that of a rural village with mainly linear development surrounded by open agricultural land, whilst the site itself is located between dwellings within a ribbon of residential development.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. This application seeks technical details consent for the demolition of existing buildings and erection of four detached dwellinghouses and associated development pursuant to permission in principle ref: 20/01048/PIP.
5. The proposed dwellings would be of a traditional design style with some contemporary features and would be faced in stone to the front elevations. All four dwellings would be arranged to face the highway at Hoghton Lane and there would be a single access to serve all four dwellings, following significant amendments to the design and layout of the scheme

that have been negotiated and agreed through the process. An existing field access to the east side of the site would be retained.

REPRESENTATIONS

6. Representations in objection have been received from the occupiers of 9no. addresses. These raise the following issues:
- Loss of a heritage asset
 - Impact on the character of the locality as proposed dwellings not in keeping
 - Intensification of development
 - Loss of privacy to neighbouring occupiers
 - Loss of light to neighbouring occupiers
 - Increased traffic movements and impact on highway safety
 - Concern over separate accesses to dwellings
 - Lack of parking
 - Bats are present in the vicinity of the site
 - Surface water run off causing flooding to nearby properties
 - The area is not identified for growth in the Local Plan and the scheme would be of no benefit to the area
 - The site is not in any agricultural use and the vehicle repair shop is not in commercial use but is a private concern, therefore the site is not brownfield
 - Impact on access arrangements to land at the rear

CONSULTATIONS

7. Houghton Parish Council: Have commented that they support the views of local residents as set out below:

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Dear neighbour,

You will have received a letter from Chorley Council about the above notification. I have 3 main concerns which I would like to share with you and have attached a copy of the proposed site plan to explain these issues.

Instead of one access onto Houghton Lane there will now be five. The visibility splay looks ok on the plan but in effect it will be diminished with cars parking on their drives, waiting to turn out, or even deliveries or visitors parking on the pavement. Vehicles parked outside 261 are a good current example. Also, vehicles turning right into their drives from the opposite carriageway will cause a similar problem to our own access road.

The new access road to the rear fields. This is 5.5metres wide, with a grass verge on the right hand side. This seems excessive for agricultural access to a 3 metre wide field gate. It is not stated who will maintain the road surface or the grass verge and if there will be a gated and locked entry as there is at present. This may not be too much of an issue now but pave over the grass verge, install a road surface and there`s the access to a potential housing development at the rear.

The 4 detached houses. These are two and a half storey 5 bedroom houses. Not particularly in keeping with the adjacent properties and adding considerably to the traffic and footfall in the immediate vicinity.

When Planning in Principle was granted in October last year it was considered that it was possible to accommodate 4 dwellings on the site in consideration of the character of the area and the impact on neighbour amenity. That is four dwellings across the frontage and involve semi-detached or terraced dwellings with adequate off street parking.

8. Lancashire County Council Archaeology Service: Have no objection subject to a condition.
9. Greater Manchester Ecology Unit: Have no objection subject to conditions.
10. Waste & Contaminated Land: Have no comments to make.
11. Lancashire County Council Highway Services: Have indicated that the development is acceptable subject to amendments to the access. These have been provided and the final response of LCC Highway Services is to follow.
12. United Utilities: Conditions recommended as the applicant has not demonstrated robust evidence that the drainage hierarchy has been thoroughly investigated and the proposals are not, therefore, in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems.

PLANNING CONSIDERATIONS

Principle of development

13. The acceptability of the principle of residential development for up to four dwellinghouses on the site has been established through the grant of permission in principle 20/01048/PIP.

Impact on character and appearance of locality

14. The application site is located on a parcel of land between dwellings and with a frontage along Hoghton Lane. As such the site is prominent from the public highway. There is currently an historic building on the site that is positioned at an angle relative to the highway, with a further building set back some distance from the highway facing the vehicular access point. This results in a quirky site layout that is characterful through its difference and distinctiveness, though does not reflect the linear pattern of development that has evolved along Hoghton Lane, and disrupts the general building line that does exist.
15. The proposed development comprises four detached dwellings of a relatively traditional design style that would incorporate some more contemporary features, mainly restricted to the rear window openings and balconies. There would be front gable features, front canopies and defined heads and cills, whilst the dwellings would be faced in sandstone to the front. These features would add some degree of interest and distinctiveness to the development, whilst the use of stone would reflect building materials common to the area. It is, however, recognised that there are examples of both sandstone and red brick buildings along Hoghton Lane, whilst there are rendered properties further to the east on Quaker Brook Lane reflecting a range of design styles.
16. The design of existing dwellings along Hoghton Lane varies quite significantly with stone cottages to the west and more suburban style interwar era red brick housing beyond. To the west is a more recent dwelling of traditional red brick, with Edwardian red brick properties beyond giving way to stone cottages. These display a range of materials, building heights and differences in position relative to the highway, although all face onto the highway.
17. The proposed dwellings would be set back within the site, thereby enabling off street parking and manoeuvring, and would be more in line with dwellings at 243 to 247 Hoghton Lane to the west. They would face the highway resulting in an active street frontage and given the random positioning of the existing development on the site would represent an appropriate siting in this context. This arrangement has been altered from the original proposal whereby one of the dwellings would have been situated to the rear of 251 Hoghton Lane. It is noted that the existing low stone wall to the frontage would be retained where possible, which would be a positive aspect of the development and would help to retain a degree of character.
18. The scale of the proposed dwellings would be similar to that of the Edwardian properties along the lane. The eaves heights would not be dissimilar to that of the neighbouring properties, whilst the ridge heights would be slightly taller. Given the degree of set back within the site the scale of the proposed dwellings would be acceptable without causing

significant harm to the appearance of the streetscene. The dwelling types themselves would add a new design style to an already eclectic frontage along Hoghton Lane, however, the use of sandstone and a simple traditional design style would help to harmonise the development to some extent within its locality.

19. There would be a suitable dwelling to plot ratio similar to that of nearby properties. On the basis of the above, the proposed development is appropriate in the context of the site and surrounding development and would not be significantly detrimental to the character of the locality given the design and positioning of the dwellings. The development, therefore, complies with policy BNE1 of the Chorley Local Plan 2012 - 2026.

Impact on neighbour amenity

20. 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.
21. There are no existing dwellings to the front and rear of the site, however, there are dwellings to each side to the east and west. The dwelling to the west side at no.251 Hoghton Lane would be nearest to the proposed dwellings, with the dwelling at plot 1 positioned approximately 1m from the common boundary with no.251 Hoghton Lane and approximately 5m from the dwellinghouse itself. Plot 1 would be set back from the frontage of this dwelling such that it would extend beyond the rear elevation of no.251 Hoghton Lane. Although the side elevation of plot 1 would be visible from the windows in the rear elevation of the dwelling at no.251 Hoghton Lane and the associated garden area, the impact on outlook would not be unacceptably harmful given the degree of separation from those windows. Due to this positioning the development would result in some loss of light to the rear garden and rear of the dwelling in the mornings, however, such an impact would not be unacceptably harmful to the amenity of the occupiers.
22. There would be no windows serving habitable rooms in the side elevations of the proposed dwellings, whilst the rear balcony to plot 1 would incorporate a 1.8m high privacy screen to the west side. In addition to this, suitable boundary treatment would be required by condition and would need to provide an adequate level of privacy between plots and neighbouring properties. On this basis, there would be no unacceptable impacts on the privacy of the occupiers of no.251 Hoghton Lane and overall, it is considered that an acceptable level of amenity would be retained.
23. The dwelling to the east side of the site at no.281 Hoghton Lane is located approximately 2m from the site boundary and would be approximately 14m from the proposed dwelling at plot 4. It is noted that there are windows to habitable rooms in the side elevation of no.281 Hoghton Lane that would directly face the side elevation of plot 4. The degree of separation is, however, acceptable and in line with the Council's interface guidelines. The positioning and degree of separation are such that there would be no unacceptable impacts on light or outlook, whilst there would be no impact on privacy as there would be no windows to habitable rooms in the side elevations of plot 4. It is noted that at the request of the occupier of no.281 Hoghton Lane, the applicant has agreed to incorporate a 1.8m high privacy screen to the east side of the balcony that faces towards this neighbouring property. On this basis, there would be no unacceptable impacts on the privacy of the occupiers of no.281 Hoghton Lane and overall, it is considered that an acceptable level of amenity would be retained.
24. It is not considered that there would be any detrimental impact on the occupiers of any other nearby residential dwellings, which are further distant from the site. The development, therefore, is considered to comply with policy BNE1 of the Chorley Local Plan 2012 - 2026.

Highway safety

25. Based on the car parking standards set out in policy ST4 of the Chorley Local Plan 2012 – 2026 and appendix A, it is clear from the proposed layout that off-road parking provision for at least three vehicles can be achieved in line with the Council's adopted standard. LCC Highway Services have assessed the proposal and considered that a single point of access, rather than multiple access points to each property should be provided. In response the

layout and access has been amended to provide a single access in line with the requirements of LCC Highway Services. Although the retained field access was requested to be straightened this reflects the existing arrangement and has been retained in relation to historic rights of access, as opposed to serving any particular operational requirement. LCC Highway Services have indicated that the amended access is acceptable, and their final formal comments will be reported on the Addendum prior to the Committee meeting.

Impact on non-designated heritage asset

26. A heritage statement has been submitted in support of the application in relation to the existing building on the application site, which is not listed but has been in existence for a significant period of time and is of local interest. This has been provided by Stephen Haigh (Building Archaeologist) dated October 2021 and assessed by the Council's heritage advisors.
27. Wise Mary's Farm is described in the Heritage Statement as a former farmhouse and attached barn, which likely dates from the mid to late C18. However, it does not appear to have been constructed in one single phase and like so many rural buildings has been extended and altered throughout its history.
28. The property is constructed from brick, with some stone dressing, with a grey slate roof covering and has in part rendered and painted elevations. It is angled away from the road with the house element at the rear and an open service yard to the side. It is noted that the character of the area is defined by sporadic, linear residential development being a mix of traditional stone cottages and later brick houses, including late C19 brick semis.
29. For the purposes of this assessment the current building is regarded as being of some heritage value and as such could be regarded as being a non-designated heritage asset (NDHA) by the Local Planning Authority (LPA).
30. In determining planning applications LPA's 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.
31. Paragraph 203 of the National Planning Policy Framework (The Framework) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
32. In terms of the development plan policies Chorley Local Plan 2012-26 – Policy BNE 8 Protection and Enhancement of Heritage Assets and Central Lancashire Core Strategy – Policy 16 Heritage Assets are of relevance.
33. The key heritage issue for the LPA to consider is:

Whether the proposed development will result in any undue loss of heritage significance with the proposed demolition of the non-designated heritage asset (NDHA).
34. Non-designated heritage assets are identified as being buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.
35. The Statement of Significance (SoS) identifies the linear farmstead as being mid C18. However, the built form has seen numerous alterations, including internally, which has

resulted in the original farmhouse losing its integrity. It is noted, from the photographs, that a substantial part of the original roof has survived the changes.

36. In this context, and from the evidence provided, it is clear that whilst the property should be regarded as being a NDHA it should be regarded as only having low value/significance. In this respect the conclusions in the submitted Heritage Statement that the coherence of the property has been degraded and that it should be regarded as being of local interest only are valid.
37. In this respect it is considered that the requirements under Paragraph 194 of the Framework have been met as the level of detail provided is sufficient to understand the potential loss of significance.
38. It is important to stress that in the national context as a NDHA, the building should only be afforded low weight in the LPA decision. Non-designated buildings cannot be assessed in the same way as for designated buildings/sites, which are afforded statutory protection under the P(LBCA) Act. The assessment under Paragraph 203 of the Framework requires the LPA to take a balanced judgement having regard to the scale of harm and the significance of the asset.
39. Paragraph 203 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining any application. In this instance as the proposal involves total demolition of the NDHA, the loss of significance should be considered to being low.
40. Whilst unlikely, the low level of loss of significance could be simply mitigated by seeking to renovate and retain the existing building, however, this could not be insisted upon given the low value / significance of the building, despite this being a desirable alternative. Furthermore, the viability of retention has not been explored and may be a factor.
41. As Paragraph 197 of the Framework still requires LPA's to consider the desirability of sustaining the significance of heritage assets (whether they are designated or not) the low level of harm must be given weight in the planning decision (as per P.203). If that balance can be achieved then the proposal would meet the requirements of Chapter 16 of the Framework and the Local Plan.
42. In this instance the low level harm resulting from the loss of a building of low value/significance is not considered to outweigh the provision of four dwellings in a part of the Borough where new housing provision is constrained by Green Belt and other policy designations. It is recommended that a recording condition should be applied to any grant of planning permission.

Ecology

43. The developer's ecological consultant identified no significant ecological issues, which has been considered and assessed by the Council's ecology advisors the Greater Manchester Ecology Unit (GMEU). It is considered that issues relating to nesting birds, invasive species and biodiversity enhancement measures can be resolved via condition and or informatives.
44. The initial ecology survey identified that the building had low level potential to support roosting bats. Despite the potential being low the possibility could not be discounted without a further emergence survey being carried out. A bat activity survey was subsequently carried out and the results provided to the Council and GMEU. This survey found no bats emerging from any of the potential roosting features and concluded that the works can go ahead. The findings are accepted and the potential for significant effects on any such species can, therefore, be reasonably discounted.
45. The survey did find evidence of bat foraging at the site and makes recommendations relating to any new lighting on the site. It is, therefore, recommended that a condition be attached to any permission to ensure that a lighting design strategy for biodiversity for areas to be lit shall be submitted to and approved in writing by the Local Planning Authority.

46. The original draft Preliminary Ecological Appraisal identified that the site may be used by nesting birds. As all British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended as a precaution it is recommended that a condition be attached to any grant of planning permission preventing works to trees or shrubs between 1 March and 31 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.
47. Section 174 of the Framework states that the planning policies and decisions should contribute to and enhance the natural and local environment. The site is generally of low ecological value, however, a scheme to include measures to enhance biodiversity at the site and to provide a net gain for biodiversity, in line with the requirements of the National Planning Policy Framework should be provided and it is recommended that this be secured by condition.

Flood risk and drainage

48. 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 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.
49. 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.
50. The applicant has not demonstrated robust evidence that the drainage hierarchy has been thoroughly investigated at this stage. It is therefore recommended that a condition be attached to any grant of planning permission requiring a surface water drainage scheme to be submitted that provides an investigation of the hierarchy of drainage options in the National Planning Practice Guidance.

Sustainability

51. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 4 which increases to Level 6 on 1st January 2016. However 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:
52. *“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.”*
53. *“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.”*

54. As such, there is a requirement for the proposed dwellings to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by conditions.

Public open space (POS)

55. 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.

56. However, the National Planning Practice Guidance (NPPG) post-dates the adoption of the Local Plan and states 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.

57. In the determination of planning applications, the effect of the national policy is that although 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 as compared with the new national policy.

58. 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.

59. There is currently a deficit of provision in Hoghton in relation to this standard. However, a financial contribution for off-site provision can only be requested if there is an identified scheme for new provision and at present there are none identified in the settlement and, therefore, no contribution can be sought.

Community Infrastructure Levy

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

Other matters

61. Impact on rights of access: This is a civil matter that cannot be taken into consideration in the assessment of this application.

CONCLUSION

62. The acceptability of the principle of residential development of the site has already been established through the grant of permission in principle. It is also considered that the proposed development would have no detrimental impact on the character of the area or neighbour amenity and would not give rise to undue harm to heritage assets, ecology, drainage or highway safety.

RELEVANT HISTORY OF THE SITE

Ref: 20/01048/PIP **Decision:** PERPIP **Decision Date:** 27 November 2020
Description: Permission in principle application for the erection of up to four dwellinghouses and associated development

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.