

APPLICATION REPORT – 21/00232/OUT

Validation Date: 26 February 2021

Ward: Croston, Mawdesley And Euxton South

Type of Application: Outline Planning

Proposal: Outline application for the erection of one detached dwelling including details of access and layout, with matters of appearance, landscaping and scale reserved

Location: Land West Of 1The Owls Blue Stone Lane Mawdesley

Case Officer: Mr Iain Crossland

Applicant: Mr Andrew Mawdesley

Agent: Mr Chris Weetman, CW Planning Solutions Ltd

Consultation expiry: 29 April 2021

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

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located in the Green Belt at Mawdesley and comprises an open area of grassland, to the south side of Blue Stone Lane between 1 The Owls to the east and three residential properties, Chase Cottage, Monsol and Brook House, to the west. There is a stone wall bounding the site edge with Blue Stone Lane to the north, other than which the site is open.
3. The locality is rural in character beyond the more built up area of ribbon development along Blue Stone Lane that extends to the south west along Dark Lane, Ridley Lane and Bradshaw Lane. The character of the buildings in the locality is mixed with traditional agricultural style buildings and more modern dwellings in evidence close to the site.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. This application seeks outline planning permission for the erection of one detached dwelling including details of access and layout, with matters of appearance, landscaping and scale reserved. Access to the site would be taken from Blue Stone Lane with parking and manoeuvring areas provided within the site. The access arrangements have been amended during the assessment of the application in response to the requirements of the Local Highway Authority and matters raised by local residents concerning sightlines.

REPRESENTATIONS

5. Representations in objection have been received from the occupiers of 7no. addresses. These raise the following issues:
 - Green Belt impact
 - Highway safety concerns to the highway alignment and access details

- Drainage impacts from the introduction of hard surfacing and capacity of the nearby watercourse to accept surface water run off generated
- The local drainage network is at capacity
- Out of keeping with local character
- Lack of on site parking
- Residential amenity impacts through loss of privacy
- Loss of views from nearby properties.
- The dwelling would be within 30m of a public sewer therefore foul drains to a septic tank are not necessary

CONSULTATIONS

6. Mawdesley Parish Council: Have commented that they strongly objects to the planning application and comment that the proposal would be a new dwelling in the Green Belt, which would be inappropriate development and represents an intrusion/encroachment into the countryside which would conflict with one of the main purposes of the Green Belt. Specific comments are as follows:

Non-Compliant with Green belt policy.

The proposed development lies within the green belt. The application does not meet the criteria and tests for development or change of use as noted in the policy:

- (1) The form and design would be materially different from the surrounding buildings and the historic building opposite.

Drainage and Flood Risk.

The application site is in an area of high surface water flood risk. There is an issue of inadequate drainage and the history of flooding of the area the latest being October 2020 when a neighbours garden was under 4ft of water.

In addition, there is an issue with foul water drainage flood water seeps up into the road from the manhole covers

Non-Compliant with Special Landscape Area.

The development affects landscape quality and should not be permitted, with special attention being paid to conserving visual quality, etc. The proposed development fails this test as it would bring substantial change, e.g. the mature hedge and historic dry stone wall. Hedges may support up to 80 per cent of our woodland birds, 50 per cent of our mammals and 30 per cent of our butterflies.

Loss of visual amenity.

The proposed development would have a detrimental impact on visual amenity (pleasantness or attractiveness of a place) The proposed additional property would specifically encroach into the gap, would represent an incongruous and unsympathetic addition.

Increase traffic and detrimental impact on road safety.

The proposed development would significantly increase traffic movements. The entrance to development will be on dangerous/blind bend which is liable to cause accidents with traffic both entering and exiting the proposed development. The creation of additional traffic using an already dangerous road (Bluestone Lane). The danger to pedestrians caused by the creation additional traffic. The Cottage next to the development has no driveway and the owners need to park on the road. This would create a significant risk to vehicles entering and leaving the new proposed site.

7. United Utilities: Have no objection subject to condition requiring details of a sustainable surface water drainage scheme and a foul water drainage scheme.
8. Lead Local Flood Authority: Have confirmed that they have no comment to make on the application.
9. Lancashire County Council Highway Services: Have no objection subject to conditions.
10. Greater Manchester Ecology Unit: Have no objection subject to conditions.

PLANNING CONSIDERATIONS

Principle of development

11. The application site is located within the Green Belt. National guidance on Green Belt is contained in Chapter 13 of the National Planning Policy Framework (The Framework) which states:

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

138. Green Belt serves five purposes:

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

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

148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

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

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

 - not have a greater impact on the openness of the Green Belt than the existing development; or**

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

12. The application site is located outside the settlement area of Mawdesley and falls to be considered as an 'other place' when considering the location of development in relation to Policy 1 of the Central Lancashire Core Strategy. Policy 1(f) of Core Strategy Policy 1 reads as follows:

"In other places – smaller villages, substantially built up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes."

13. The application site is open land with no buildings or development in situ. The supporting statement submitted with the application seeks to engage with paragraph 149.e) of the Framework, the contention being that the site would represent limited infilling in a village, which is an exception to inappropriate development. Policy 1(f) of the Core Strategy reflects this exception and allows for 'appropriate infilling' in 'smaller villages' and within 'substantially built up frontages'. This raises the question of whether the site can be considered to be within a smaller village.
14. Mawdesley is a small village surrounded by countryside. The centre of the village has a number of services including a shop, pub, church and school. For the purposes of the development plan there is a settlement boundary that defines the extent of the village, and the application site is located some distance from this. In consideration of whether or not the site is within a village it is recognised that the definition of a village is not limited to that of the defined settlement area and that the wider functional area must be considered. It is also recognised that the functional area of Mawdesley, in which people live and carry out daily activities, is somewhat dispersed, which is typical of a community that has evolved from its origins in agriculture and the working of land.
15. The application site forms part of a well established area of linear development that extends from the south side of Blue Stone Lane and along both sides of Ridley Lane, Dark Lane and Bradshaw Lane, which is referred to on local maps as Towngate. This reference may be derived from the Towngate Works site to the west of Dark Lane. This area of linear development comprises in excess of 200 property addresses of mainly dwellings but also incorporating businesses at Towngate Works.
16. Aside from the amount of residential development in the locality, there are also a number of amenities that are normally associated with a village in and around this developed area. Towngate Works itself forms part of the developed area to the west of the site, which comprises a range of businesses and some services. Beyond this on Hall Lane are some services such as a barbers and podiatrist in addition to the Black Bull public house, which is currently closed. In addition to these St Peter and St Pauls R C Church and SS Peter and Paul's Catholic Primary School lie at the south east extremity of the development that branches along Ridley Lane.
17. These factors illustrate the dispersed nature of this rural village, whilst demonstrating that the Towngate area is a distinct area of development. Given the extent of this nearby development and the presence of nearby amenities commonly associated with a village, the sprawling nature of Mawdesley village and the extent of development in the Towngate area it is considered that the application site does form part of the functional area of a village.
18. Turning to the matter of infill, policy HS7 of the Chorley Local Plan 2012 - 2026 deals specifically with rural infilling and provides a definition of infill development, which states as follows:
- Within smaller villages limited infilling for housing will be permitted providing the applicant can demonstrate that the following criteria are met:*

- a) *The existing buildings form a clearly identifiable built-up frontage;*
- b) *The site lies within the frontage, with buildings on either side, and its development does not extend the frontage;*
- c) *The proposal would complement the character and setting of the existing buildings.*

Infill is the filling of a small gap in an otherwise built-up street frontage, e.g. typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage.

When assessing applications for rural infill sites, the Council will also have regard to site sustainability, including access to public transport, schools, businesses and local services and facilities.

19. The application site has a frontage with Blue Stone Lane that has a width of approximately 20m. There are buildings to the east of the site in the form of a converted barn comprising two dwellings and a low level building comprising two live work units, which is immediately adjacent to the site. These are readily discernible from the public realm and create a built-up frontage. To the immediate west of the site is Chase Cottage beyond which is Towngate Farmhouse and Stocks Hall Care home, which are visible from the highway and comprise a substantial built up frontage. Dark Lane meets Blue Stone Lane between Chase Cottage and Towngate Farmhouse and extends southwards dividing to form Ridley Lane and Bradshaw Lane. Development is well established and extensive along these roads as described above. Therefore, in the immediate locality there is a strong presence of built form and thus a clearly identifiable built-up frontage within which the application site forms a small gap.
20. The development of the site would not extend the frontage and clearly lies within the frontage along the south side of Blue Stone Lane due to the presence of buildings on either side of the site. Taking this into account, the proposal would logically be seen as completing the prevailing pattern of development and the site is of a size that is commensurate with the plot sizes of nearby dwellings.
21. The proposed development would, therefore, meet the definition of infill development for the purposes of policy HS7 of the Local Plan. As such it is considered that the proposed development constitutes infill development, which is not inappropriate development within this Green Belt location. The proposal is, therefore, considered to be in accordance with the Framework, Policy 1(f) of the Central Lancashire Core Strategy and policy HS7 of the Chorley Local Plan.

Impact on character and appearance of the locality

22. The site is positioned to the south side of Blue Stone Lane and between existing detached buildings at Chase Cottage and The Owls. The Owls to the east is a single storey red brick building with dual pitched roof of steel sheeting and is of a simple design style. Beyond this is a characterful red brick former barn that has been converted into two dwellings with a more recent annexe building to the rear that was converted from an outbuilding, and has the character of a small barn. To the west Chase Cottage is a white rendered dormer bungalow of traditional design style with a two storey outbuilding of traditional design immediately adjacent to the site. In terms of the actual site itself the only feature of interest is a low stone wall along the frontage and hedgerow along the western boundary.
23. Although the proposed development is in outline at this stage, matters of layout are sought. There is no consistent building line along this part of Blue Stone Lane, and it is proposed that the dwelling would have a front elevation in line with The Owls, which is an appropriate siting in this context. The footprint of the building would be reflective of other properties in the area and would result in a suitable plot to dwelling ratio, with an adequate private amenity area to the rear, and space for parking to the front and side.
24. As regards the eventual appearance of a dwelling the existing development in the locality is rather mixed, although a traditional form is most in evidence. Nearby buildings provide

design cues in terms of the eventual scale and appearance of a dwelling on the site. The stone wall to the frontage is the most defining physical feature of the site, and should be retained as far as is possible, the details of which should be set out in any future reserved matters application. The presence and retention of the hedgerow to the west is also a critical factor that should be considered in the eventual design of any proposed development of the site. This provides a high degree of biodiversity and also some level of public amenity and character that it adds to the streetscene and should, therefore, be protected and retained during any development of the site.

25. The proposed dwelling would be set within a linear pattern of development along Blue Stone Lane and could fit comfortably within this context without causing harm to the character of the area. Overall, it is anticipated that an appropriately designed dwelling could be accommodated on this site in the layout proposed, without detriment to the appearance of the site and character of the locality.

Impact on neighbour amenity

26. The proposed site plan identifies a layout and dwelling footprint that would provide an appropriate degree of separation in relation to the neighbouring dwellings at 1 The Owls to the east and the three residential properties, Chase Cottage, Monsol and Brook House. It would be positioned approximately 3m to the west of The Owls in line with the side elevation, approximately 8m to the east of the annexe/outbuilding at Chase Cottage, approximately 11m to the east of Monsol, and over 30m from the dwelling at Brook House. Given the degree of separation and proposed positioning relative to other nearby properties it is considered that a dwelling could be designed so as not to harm the amenity of the occupiers of these neighbouring dwellings, however, the impact on these properties would need to be carefully considered in any subsequent reserved matters application, and could only be assessed on the basis of detailed designs.

Highway safety

27. The application site is located to the south of Blue Stone Lane, to the west of an approximate 90 degree bend in the road and to the east of the junction with Dark Lane. It is noted that a number of concerns have been raised with regards to the impact of the development on highway safety in relation to current highway safety conditions.
28. Lancashire County Council Highway Services have considered the proposal and following requests for more detailed drawings and amendments consider that the sightlines drawn to the centreline of the carriageway to be acceptable.
29. The applicant is requested to accommodate the construction contractor parking within the site as much as possible. This is to protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network. The applicant is also requested to enter into a s184 agreement for the formation of the vehicle access in the adopted highway, whilst the carriageway of the driveway should have a desirable maximum gradient of 6%. (Manual for Streets 2 8.401 and 8.4.2)
30. Adequate space for off street car parking provision would be provided within the site that complies with the parking standards specified in policy ST4 of the Chorley Local Plan 2012 – 2026.
31. Overall, LCC Highway Services have confirmed that they do not have any objections regarding the proposed outline application for the erection of one detached dwelling including details of access and layout, with matters of appearance, landscaping and scale reserved and are of the opinion that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Ecology impacts

32. The application is accompanied by an ecology assessment of the site. This has been reviewed by the Council's ecology advisors Greater Manchester Ecology Unit (GMEU) who advise that there are no significant ecological issues. Issues relating to great crested newts, bats, nesting birds, protection of a hedgerow and biodiversity enhancement measures can be resolved via condition and / or as part of a reserved matters application.
33. The assessment noted two ponds within 250m of the development site, located on the other side of Blue Stone Lane to the north. The assessment considered the ponds close enough that further information is required based on Natural England Rapid Risk Assessment tool, which has given an amber warning. However, they have assumed the ponds are within 100m, which does not appear to be the case, both being in excess of 160m from the development. When these figures are put through the Rapid Risk Assessment the risk of an offence becomes unlikely even if great crested newts were present. It is, therefore, considered that given this is an outline application no further information is required at this time. As part of a reserved matters application a review of previous findings should be provided, however.
34. No roosting opportunities were identified, though foraging along boundary features may occur. These are however, very unlikely to be significant for maintaining the conservation status of the local bat population, given the length of hedgerow present on site and proximity to a tree lined watercourse to the south, which will provide a much more important foraging and commuting habitat. External lighting should avoid illuminating the hedgerow. If any such lighting is proposed it can, however, be dealt with at the reserved matters stage via a condition requiring details of any external lighting.
35. The western boundary hedge, and potentially the drystone wall, provide bird nesting habitat. It is unclear, given this is an outline application, what impact the development would have on the hedge and similarly the level of impact on the drystone wall. At this stage, therefore, it would be premature to apply the standard bird nesting condition, which can be applied if necessary as part of any reserved matters permission. As noted earlier in the report, however, it is considered necessary that the hedgerow should be retained in its entirety and the stone wall also retained as far as possible in order to add character to the development. This should also be required to support the retention of habitat and biodiversity. Given the high value habitat provided by the hedge this shall be identified for retention as part of the soft landscaping scheme and its retention and protection during construction shall be conditioned.
36. The hedgerow provides potential habitat for hedgehog and there would be risks during construction across the wider site. Again, however, as the level of impact on the hedge etc is not yet known, further information at this time would be premature, and can be provided at the reserved matters stage.
37. Section 170 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment. The ecological impacts of the development appear to be restricted to the loss of a small area of low ecological value grassland and likely a section of drystone wall. Given the scale of the development, mitigation should be achievable on site through appropriate native planting and provision of bird boxes etc. The details of which can be provided as part of a reserved matters application through the provision of an ecological mitigation and enhancement plan for the loss of any habitats and associated species interests on site.
38. On the basis that further information is provided at reserved matters stage it is considered that the proposed development complies with policies BNE9 and BNE10 of the Chorley Local Plan 2012 – 2026.

Flood risk and drainage

39. 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.

40. 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.
41. United Utilities have considered the scheme and it is recommended that the applicant provides details of a sustainable surface water drainage scheme, that is in accordance with the surface water drainage hierarchy outlined above. The nearby water courses are the responsibility of Lancashire County Council as Lead Local Flood Authority (LLFA). Given the minor nature of the application and associated small scale impacts on surface water run off, the LLFA are unable to provide comment on the planning application. Any surface water drainage scheme that seeks to discharge directly to these watercourses would, however, require land drainage consent from the LLFA. The suitability of such drainage arrangements would be considered as part of that process.
42. It is recommended that a condition be attached to any grant of planning permission requiring a sustainable surface water drainage scheme and a foul water drainage scheme to be submitted to the Council for assessment. These details would then be studied by United Utilities, who would advise as to their effectiveness and acceptability in consideration of the surface water drainage hierarchy, local drainage conditions, sewer capacity and proximity of United Utilities assets.

Sustainability

43. 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:
44. *“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.”*
45. *“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.”*
46. Given this change, instead of meeting the code level, the dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a condition.

Public open space

47. 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.
48. 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.
49. 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.
50. 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. However, the Council must determine how much weight to give to the benefit of requiring a payment for 1 or 2 dwellings.
51. It is considered that the benefit of securing a public open space contribution on the basis of one dwelling would not be sufficient or carry significant weight to outweigh the national policy position. The benefit to the Council is the delivery of improvements to play space, however the cost of managing the end to end process of delivering those improvements is high and not commensurate to the benefit.
52. Therefore, a public open space commuted sum is not requested for this scheme.

Community Infrastructure Levy (CIL)

53. 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

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

RELEVANT HISTORY OF THE SITE

Ref: 13/00800/FUL **Decision:** PERFPP **Decision Date:** 20 June 2014
Description: Proposed conversion of existing storage outbuilding to 2 no. live-work units, including associated parking and servicing area to the rear.

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