

## **APPLICATION REPORT – 22/00983/OUTMAJ**

**Validation Date: 13 September 2022**

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

**Type of Application: Major Outline Planning**

**Proposal: Outline application for erection of 11no. self-build / custom-build houses and associated development (with all matters reserved save for access)**

**Location: Land To The West Of Gleadhill House Gardens Dawbers Lane Euxton**

**Case Officer: Mr Iain Crossland**

**Applicant: Metacre Ltd**

**Agent: Mr Alexis De Pol, De Pol Associates Ltd**

**Consultation expiry: 26 October 2022**

**Decision due by: 10 February 2023 (Extension of time agreed)**

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### **RECOMMENDATION**

1. It is recommended that planning permission is refused for the following reason:

The proposed development would be located within the Green Belt as defined by the Chorley Local Plan 2012 – 2026. The proposed development would be inappropriate development in the Green Belt and, therefore, harmful by definition. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt and additional harm caused through a contribution to the unrestricted sprawl and encroachment. The proposal is, therefore, contrary to the National Planning Policy Framework.

### **SITE DESCRIPTION**

2. The application site is located in the Green Belt at Euxton, to the north of the A581 Dawbers Lane and to the west of Gleadhill House Gardens. It comprises grassland pasture, which is framed by woodland to the north and west with a belt of trees to the south of the site. There is an access track to a field access with Dawbers Lane in the south east corner of the site. Beyond the site there is a residential housing development of suburban character at Gleadhill House Gardens that lies immediately to the east adjacent to the site, and from which access would be sought to the proposed development. There is woodland and an equestrian facility to the north, woodland and pasture to the west and the highway at Dawbers Lane to the south with some residential dwellings, their associated gardens and woodland to the south of this.
3. The site is located in an area of rural fringe where there is open pasture land interspersed with woodlands, clusters of dwellings and other isolated buildings. The boundary to the settlement area of Euxton is located approximately 240m to the east of the site at its nearest point. Nearby geographical features include the River Yarrow to the south, M6 motorway to the west and A49 trunk road and west coast mainline railway to the east.

## DESCRIPTION OF PROPOSED DEVELOPMENT

4. This application seeks outline planning permission for the erection of 11no. self-build / custom-build houses and associated development, with all matters reserved save for access. Access is sought via the existing estate road at Gleadhill House Gardens.

## REPRESENTATIONS

5. Representations have been received from the occupiers of 24no. addresses citing the following grounds of objection:
  - Impact on the Green Belt and availability of alternative sites
  - Adverse impact on highway safety and capacity
  - Lack of supporting infrastructure and amenities
  - Adverse impacts on ecology and wildlife
  - No need / demand for further housing in this area
  - Impact on the character of the area through light pollution
  - Increase flood risk through surface water drainage
  - Absence of community benefits
  - Loss of land for recreation
  - Development is only for developer profit
6. Representations in support have been received from the occupiers of 2 no. addresses.
7. The Lancashire Badger Group have commented as follows: Please note our database holds records of 3 badger setts within a 2 km radius of this site and we would, therefore, request that RAMMS are put in place to protect any inquisitive badgers that may cross the site during the construction phase.

## CONSULTATIONS

8. **Euxton Parish Council:** objects for reasons which are summarised as:  
The applicant's parent company, when responding to a nearby planning proposal in 2015 demonstrated appropriate respect and concern for the wellbeing of Euxton's Green Belt.  
This has not subsequently been the case and the attitude now appears to be that if an area of Green Belt is small and not very visible, then it's OK to develop it. The previous development at Gleadhill demonstrates quite clearly, for all to see, that assurances given about the visibility of the development were wrong and suburbia has replaced countryside. No similar assurances can be accepted by the new proposal, which would only inject a further piece of suburbia into Euxton's rural Green Belt.  
The new development would also effectively fragment the Green Belt and trap an "island" of undeveloped land rendering it vulnerable to future development. There is evidence to suggest that the market for high-end, self-build properties is not strong and that the VSCs necessary to justify development in the Green Belt do not exist.  
The application should be refused
9. Environment Agency: No comments have been received.
10. Greater Manchester Ecology Unit: Have no objection subject to no development of the woodland and provision of scheme for Biodiversity Enhancement Measures.
11. Lancashire County Council Highway Services (LCC Highway Services): Have no objection subject to the provision of appropriate pedestrian access.
12. Lead Local Flood Authority: Have no objection subject to conditions, including the requirement for the provision of a Final Surface Water Sustainable Drainage Strategy.
13. United Utilities: Have no objection subject to conditions.

14. Lancashire County Council (Education): Have advised that an education contribution is not required at this stage in regards to this development.

## **PLANNING CONSIDERATIONS**

### Principle of development

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for any determination then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
16. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012- 2026.
17. 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.*

18. The application site is located outside the settlement area of Euxton 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."* The proposed development would comprise major development and so there would need to be exceptional reasons so support this.

19. The application site is open undeveloped greenfield land with no buildings or development in situ. The proposed development would fail to engage with any of the exceptions to inappropriate development set out at paragraph 149 of the Framework and constitutes inappropriate development in the Green Belt, which is harmful by definition. The development of 11 no. houses would inevitably have a spatial impact on the openness of the Green Belt in this location, whilst there would also be a visual impact on openness. Although the site is framed by trees and woodland the proposed new dwellings would be clearly visible from the highway at Gleadhill House Gardens, whilst there would also be filtered views of the dwellings from Dawbers Lane. The proposed development would, therefore, significantly diminish the openness of the Green Belt both spatially and visually from public vantage points.
20. Substantial weight should be attached to the harm to the Green Belt by reason of inappropriateness as set out at paragraph 148 of the Framework. As the proposed development is considered to be inappropriate development the tests of paragraph 148 of the Framework are engaged. This sets out 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. The proposal must be considered in its entirety in order to properly consider the harms, benefits and other considerations in the Green Belt balance.
21. As already established there is harm to the Green Belt by reason of inappropriateness, to which substantial weight is attached. The harm to the purposes of the Green Belt are set out below in relation to paragraph 138 of the Framework, which identifies five purposes of the Green Belt.
22. Purpose 1: Check the unrestricted sprawl of large built up areas. The proposed development would continue the suburban character and spread of the development at Gleadhill House Gardens to the east, the edge of which lies just 110m from the settlement area boundary. Any resultant development of the application site would, therefore, contribute to an element of sprawl from the built up area of Euxton into open countryside. As such there would be some conflict with this purpose and, therefore, an element of harm.
23. Purpose 2: Prevent neighbouring towns merging into one another. Development of the site would not lead to the coalescence of neighbouring villages. The site is located close to the settlement area boundary of Euxton, which lies to the east, though any further settlements to the west are located some distance away and the proposed development would not, therefore, connect or merge settlements. It is, therefore, considered that the proposed development would not have a significant impact on the merging of neighbouring towns.
24. Purpose 3: Assist in safeguarding the countryside from encroachment. The site comprises undeveloped grassland. This would be encroached upon by buildings, roads and hard surfacing with garden curtilages established, within which development may take place. As

a result there would be clear encroachment into the countryside and, therefore, conflict with this purpose of the Green Belt, resulting in some harm.

25. Purpose 4: Preserve the setting and special character of historic towns. This does not apply as the site is not located near a historical town.
26. Purpose 5: Assist in urban regeneration, by encouraging the recycling of derelict and other urban land. There is a need for housing within the borough and currently it has been established that there is an undersupply. The local plan review is at an early stage, however, it is clear that there is limited scope to supply new housing through the recycling of derelict and other urban land due to the limited availability of sites on such land. It is, therefore, considered that the proposed development would not undermine this policy purpose.
27. On the basis of the above it is considered that there would be other harm to the Green Belt caused by the harm to purposes 1 and 3 of including land in the Green Belt, as the proposed development would make some contribution to the unrestricted sprawl of large built up areas and would result in encroachment into the countryside.
28. As the proposed development would result in definitional harm to the Green Belt and other harm through the contribution to the unrestricted sprawl and encroachment there would have to be very special circumstances to justify the grant of planning permission that would outweigh this harm.

#### Other material considerations

29. The Framework is a key material consideration. The purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). There are three objectives to sustainable development set out at paragraph 8 and it is fundamental that development strikes the correct balance between:  
Environmental - the protection of our natural, built and historic environment  
Economic - the contribution to building a strong and competitive economy  
Social - supporting strong, vibrant and healthy communities
30. Paragraph 10 of the Framework states that; so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).
31. Paragraph 11 of the Framework states for decision-taking this means:
  - c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - a) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - b) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
32. The Footnote (6) to paragraph 11 sets out examples of the type of policies that may indicate development should be refused. Footnote 7 makes clear that the tilted presumption in favour of sustainable development will apply where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.
33. Paragraph 59 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
34. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.

35. Paragraph 73 of the Framework requires Local Planning Authorities to maintain a supply of deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategies or against their local housing need where the strategic policies are more than five years old. Footnote 37 states in circumstances where strategic policies are more than five years old, five year housing land supply should be calculated against Local Housing Need calculated using the Government standard methodology, unless those strategic policies have been reviewed and found not to need updating.

Housing land supply

36. At 1st April 2022 there was a total supply of 1,890 (net) deliverable dwellings which is a 3.3 year deliverable housing supply over the period 2022 – 2027 based on the annual housing requirement of 569 dwellings which includes a 5% buffer.
37. Recent appeal decisions concluded that it is appropriate to calculate the housing requirement against local housing need using the standard method, as such the Council can no longer demonstrate a 5-year supply of housing land meaning that the tilted balance, and presumption in favour of sustainable development is, therefore, engaged under paragraph 11(d) of the Framework.
38. The Statement of Common Ground (SoCG) sets out the housing requirement to be consulted on in the Central Lancashire Local Plan and is informed by the Central Lancashire Housing Need Assessment. It has been signed by the portfolio holders responsible for the Local Plan across the three Councils for Chorley, Preston and South Ribble following endorsement by the Joint Advisory Committee on 25th July 2022.
39. Chorley Council adopted the SoCG as a material consideration for use in decision making at the General Purposes Committee on 7th September 2022. The weight to be attached to the SOCG in making decisions on planning proposals is for the decision maker to consider.
40. The SoCG sets out a housing requirement of 334 for Chorley for the first five year period of the Local Plan (2023-2028). The housing supply against this requirement is 5.4 years.
41. Chorley Council is working with Preston and South Ribble Councils to produce a Central Lancashire Local Plan (CLLP). Once adopted, this will replace the existing joint Core Strategy and Chorley Local Plan. The CLLP is at an early stage of preparation and consultation on Issues and Options closed in February 2020.
42. The application site, including additional land to the east, was submitted for consideration as part of the Local Plan process and is identified in Annex 5 of the Issues and Options Consultation (ref. 19C092). However, it was not included in Annex 1 of this same consultation, which showed all the site suggestions being taken forward by Chorley Council as a result of an initial review of all sites submitted during the Call for Sites consultation following detailed assessment in the SHELAA.
43. The emerging CLLP will look at the distribution of new homes and the CLLP will be informed by an evidence base including a Housing Need and Demand Study, the results of which will also help to inform the future distribution of housing across the Plan area.

**The case for Very Special Circumstances**

44. The case for very special circumstances presented by the applicant is set out in summary below with an associated weight attributed to each of them;

Contribution towards housing supply	Significant weight
Contribution towards a specific need for self-build properties	Moderate weight
Contribution to affordable housing supply in the borough	Significant weight

through an off-site contribution	
Increasing supply on small to medium sized sites - NPPF para 69 Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should: [...] c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.	Limited weight
Economic benefits, e.g. benefits during construction and investment in the area by future residents.	Limited weight

45. In considering the benefits of the proposal that have been advanced, the provision of 11 no. dwellings in the context of an under supply of housing is a significant benefit.
46. The nature of the scheme in seeking to provide plots for self build development reflects the Framework intention to enable more people to build their own homes and make this form of housing a mainstream housing option. Paragraph 62 of the Framework requires the Council to assess and reflect in planning policies the size, type and tenure of housing needed for different groups in the community. This includes people wishing to commission or build their own homes.
47. Footnote 28 - Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing.
48. The Council maintains a self and custom build register as required by the Self-build and Custom Housebuilding Act 2015. The latest register is dated June 2022 and is available on the Council's website - [Chorley\\_Custom\\_and\\_Self\\_Build\\_Register\\_13\\_June\\_20221.pdf](#)
49. There are currently 17 households on the self-build register for Chorley Borough. The dwelling type preferences are summarised below. All applicants stated they wanted a home and small/large garden. Applicants could state multiple settlement/parish areas where they would consider living and most settlement/parish areas were mentioned.
50. The Nation Planning Policy Guidance (NPPG) states that relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority's register during a base period. (Paragraph: 023 Reference ID: 57-023-201760728)
51. The following sites are known to have permission for self build plots - 15/00162/OUTMAJ (8 self build plots and subsequent permissions. At 31st March 2022, 2 were completed, 3 under construction and 3 not started); and 19/00654/OUTMAJ and 22/00792/REMAJ (18 self build plots).
52. The current Core Strategy and Local Plan pre-date the self and custom build requirements set out in the Framework. NPPG on self and custom build confirms that authorities should consider self and custom build as part of work on Strategic Housing Market Assessments.

*Local planning authorities should use the demand data from the registers in their area, supported as necessary by additional data from secondary sources (as outlined in the housing and economic development needs guidance), to understand and consider future need for this type of housing in their area. Secondary sources can include data from*

*building plot search websites, enquiries for building plots recorded by local estate agents and surveys of local residents. Demand assessment tools can also be utilised. (Paragraph: 011 Reference ID: 57-011-20210208)*

53. The Council is working with Preston City and South Ribble Borough Councils to prepare a new Central Lancashire Local Plan. This will look at the need for self and custom build plots as part of overall housing need and demand.
54. A Housing Need and Demand study (HNDS) has been prepared to inform development of the Central Lancashire Local Plan. According to the HNDS, a review of plot searches on the buildstore website in August 2022 identified 2 plots available in Eccleston and 5 in Chorley.
55. As part of the HNDS, Developers and housebuilders were asked if there is any demand for custom or self-build homes in the area. The following comments were mentioned:
  - Demand will be negligible, specific locations, small development sites.
  - There is demand for custom or self-build homes in more rural locations which are likely to offer a highly attractive living environment within a self-contained community.
56. The provision of 11no. units as self-build house building plots should, therefore, attract moderate weight in favour of the proposal, given that there is some demand for self-build as a sector of housing need in Chorley, and that the nature and location of the site are such that they are likely to reflect the requirements of those expressing an interest in self build development in Chorley. This is, however, balanced against a supply of at least 18 plots, which is greater than the number of households on the Council's register.
57. The inclusion of a commitment to make an off-site contribution towards the provision of affordable housing would help towards meeting a significant shortfall in the supply of such homes across the Borough and represents a significant benefit in its own right.
58. In relation to increasing the supply of housing on small to medium sized sites paragraph 69 of the Framework states that *small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should: [...] c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.*
59. The application site is not within an existing settlement boundary and, therefore, the weight that can be attributed to this benefit in the context of a site in the Green Belt is limited.
60. The proposed development would create construction jobs, which have acknowledged economic benefits along the supply chain. At a national level the Framework confirms that the Government is committed to securing economic growth in order to create jobs and prosperity. Indeed paragraph 81 goes on to confirm that *Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.* The construction jobs and supply chain benefits associated with a development of 11no. dwellings would, however, be relatively modest providing only a temporary economic benefit. This benefit is, therefore, attributed limited weight.

### **Green Belt balancing exercise**

61. Paragraph 11. d) ii. of the Framework indicates that, where the most important development plan policies for determining the application are out-of-date, planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; the tilted balance.
62. The adverse impacts of the development relate primarily to its conflict with national Green Belt policy. It has been established that there is definitional harm to the Green Belt as the

proposal is inappropriate development in the Green Belt and to which substantial weight must be attached. Other harm would be presented in the form of a contribution to the unrestricted sprawl of large built up areas and encroachment into the countryside.

63. In terms of the benefits, these are detailed above and include the significant weight attached to the provision of new houses and an affordable housing contribution in the context of an established under supply of new homes, thereby, engaging the tilted balance. There is also moderate weight attached to the provision of self build housing plots in an area where there is likely to be demand, albeit in the context of some local supply. There are also some limited benefits associated with supporting construction jobs and the development of a small site.
64. When assessing if there are very special circumstances a number of factors, while ordinary in themselves, can combine to create something very special. These benefits have to be considered and an assessment made as to whether these clearly outweigh the substantial harm to the Green Belt so as to amount to very special circumstances.
65. The need for the development of this specific Green Belt location to service a housing supply need must also be considered in the context of other land designations across the Borough. There is currently undeveloped land within settlement areas across the Borough in addition to land that has been safeguarded for future development under policy BNE3 of the Chorley Local Plan. Sites within these areas are reflected in the Central Lancashire Local Plan, which is at preferred options stage, and demonstrates that there is enough land that may be developed to meet housing needs without the need to allocate undeveloped greenfield land in the Green Belt.
66. In consideration of the benefits of the development when taken together these are not considered to provide the very special circumstances that, on balance, outweigh the substantial harm to the Green Belt and other harm as identified above. The proposal is, therefore, contrary to paragraphs 147 and 148 of the Framework.

## **Technical matters**

### Design and impact on the character of the area

67. The application seeks outline planning permission including only matters of access. A parameters plan has been submitted with the application that sets out a development pattern reflective of the existing development at Gleadhill House Gardens and would in effect be a continuation of this development. In that sense the layout and density of any development of the site could reflect the suburban low density development of the adjacent site, which would be appropriate. The dwellings at Gleadhill House Gardens provide a guide as to the scale and appearance of dwellings characteristic to the area.
68. The parameters plan suggests that the peripheral woodland areas would be protected and enhanced, which would be appropriate. Vehicular access would be taken from the existing estate road at Gleadhill House Gardens, which would influence the form of development on the site, whilst a pedestrian access to the south with Dawbers Lane would be included, which would improve integration and movement.
69. The site is framed by tree belts and woodland, whilst being a flat site in a relatively flat landscape setting. The site is currently open and free from development providing a typically rural character that reflects the majority of the surrounding landscape. There are no footpaths across the site, however, there are clear views of the site from Gleadhill House Gardens and more filtered views from Dawbers Lane.
70. The construction of 11 no. detached dwellings would result in a permanent change to the character of the site from agricultural land to urban development, causing harm to the landscape. However, in part this could be mitigated by the retention and protection of the existing trees and hedgerows on the edge of the site, which could be secured by condition, helping to soften the visual impact of the development, particularly in views from Dawbers Lane. As the site is well contained by the surrounding landscape from more distant views,

the visual impact of the proposed development on the wider rural landscape would not be significant.

71. Whilst no details have been provided in respect of appearance, scale, layout and landscaping it is considered that the development of 11 no. dwellings could be accommodated on the application site without causing significantly adverse harm to the character and appearance of the locality.

#### Impact on neighbour amenity

72. Policy BNE1 (Design Criteria for New Development) 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.
73. The application site is relatively isolated from existing dwellings, apart from those at Gleadhill House Gardens, the nearest of which would be approximately 13m away at 6 Gleadhill House Gardens. This dwelling has a side elevation facing the application site and given the scale of the application site it is considered that a layout could be designed so as not to result in any significant adverse impacts on the occupiers of this property. Other dwellings at 3, 4 and 5 6 Gleadhill House Gardens are further distant, as are those to the south at Gleadhill Farm and Gleadhill Coach House. The size of the site and distance to nearby dwellings is such that it is likely that a detailed scheme could be designed that would have no adverse impact on the amenity of any existing or future occupiers by virtue of the positioning and layout of the proposed dwellings.

#### Highway safety

74. Lancashire County Council (LCC) as the Local Highway Authority (LHA) is responsible for providing and maintaining a safe and reliable highway network. With this in mind, the present and proposed highway systems have been considered by them in advising the local planning authority as to the highway and access matters.
75. The proposed development would be accessed by means of vehicles and pedestrians, through an extension to the existing estate road at Gleadhill House Gardens to the east of the application site.
76. Dawbers Lane (A581) has a poor safety record and as a result funding has been secured to introduce average speed cameras with associated lining and signing. An assessment of the safety record at the existing junction was carried out on the 2<sup>nd</sup> November 2022. This was done using LCC's internal mapping system "Mapzone" and "CrashMap". From the assessment, no collisions were identified on the A581 that could be attributed to the existing junction.
77. As the A581 is currently having average speed cameras introduced, LCC Highway Services consider that no mitigation works would be necessary from the proposed development.
78. It was originally proposed that pedestrians would access the site by using the existing priority junction from Dawbers Lane. This allows for access to the neighbouring residential development to the east via a shared pedestrian and vehicle access road. LCC Highway Services consider that in its current use, the existing shared access road serves the maximum number of dwellings without pedestrian footway provision. As proposed LCC Highways would object to the site access for pedestrians.
79. LCC Highway Services would, however, accept the introduction of a 2 metre wide footpath from the existing site access through the existing residential development and into the proposed residential development. Alternatively, LCC Highway Services would accept a pedestrian access to be introduced at the south east corner of the proposed development, which is currently used as a field access. The creation of a pedestrian access at the location of the existing field access would require the existing vehicle crossing to be removed and reinstated as a pedestrian footway. The removal of the vehicle crossing would impact pedestrian access to the residential properties directly opposite the field access on Dawbers Lane. A new footway and uncontrolled crossing would be required to allow for

pedestrian access for the residential properties on the south side of Dawbers Lane. The applicant's agent has confirmed that the footpath link onto Dawber's Lane could be provided from the south west corner of the site and has indicated this on an illustrate layout plan.

80. The new pedestrian site access and associated off-site works would need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works.
81. It is a requirement of all developments to promote sustainable development as set out in the Framework. As currently proposed the development does not meet this requirement by failing to sufficiently promote sustainable transport. To promote sustainable transport, it is requested that a pedestrian access to the site from Dawbers Lane is introduced as outlined in the above section. Additionally, it is requested that a link to the Public Right of Way (PROW) network north of the site is provided.
82. Due to the nature of Dawbers Lane and the wider connectivity that the PROW network to the north of the site provides a site access onto this network is required to promote sustainable transport. From discussions with LCC's PROW team a section 106 agreement would be necessary to ensure appropriate monies are provided to link the existing PROW routes to the proposed development. As these works would require Third party agreement, the monies would only be required if this agreement can be made with the relevant 3rd party.
83. Although providing a link from the development to the PROW to the north of the site would be an obvious benefit to any future residents, and the existing residents at Gleadhill House Gardens, both in terms of improving levels of integration and supporting healthier lifestyles and sustainable transport options, given the limited extent of the right of way network there would be limited access benefits provided by such direct access, and, therefore, the none provision of this footpath link is not considered to be a reason for refusal in this instance.
84. LCC Highway Services does not have any objections in principle to the proposed outline application for erection of 11 no. self-build / custom-build houses and associated development (with all matters reserved save for access), subject to further details being secured including the provision of suitable pedestrian access. The proposed development is, therefore, considered to be acceptable in relation to highway safety and capacity and access.

#### Ecology and trees

85. Due to the nature of the application site, the application is supported by a Baseline Ecological Impact Assessment. This has been reviewed by the Council's ecology advisors Greater Manchester Ecology Unit (GMEU).
86. The Baseline Ecological Impact Assessment found the grassland on site to be of low ecological value but the adjacent habitats were of higher value. There is also a band of woodland along the lane in the south of the site, which is described as young planted trees. While the proposal appears to avoid harm to the woodland in the north and west of the site, the initial indicative layout plan suggested that the woodland adjacent to Dawbers Lane would be incorporated into the gardens of the proposed dwellings. This could result in this woodland being lost as it would be within private gardens. It is, therefore, advised that the woodland be taken out of the boundaries of the properties or else a legal covenant be placed on each property to retain and appropriately manage the woodland. A revised indicative layout has since been received that suggest the trees would not be included within garden areas, which would be a more suitable form of development in terms of maintain ecological value.
87. The habitats around the boundaries of the site are used by foraging bats and it is, therefore, important that the lighting design of the site does not result in light pollution to these

habitats. It is, therefore, recommended that a condition be attached to any permission requiring a "lighting design strategy for biodiversity" to be submitted and implemented prior to the occupation of each property.

88. No information has been submitted in relation to biodiversity net gain or any ecological enhancements, beyond a few broad recommendations in the ecology report. Experience from the adjacent site has shown that each application for the individual properties is highly unlikely to include such measures. This matter, therefore, needs to be addressed at the outline stage. It is, therefore, recommended that a condition be attached to any permission requiring a scheme for the Biodiversity Enhancement Measures.

#### Drainage

89. The applicant has provided a flood risk assessment (FRA) and drainage strategy with the planning submission. This demonstrates that the site is at low risk of flooding from all sources.
90. The flood risk assessment submitted in support of the application demonstrates that the EA Flood Map for Planning (see Appendix A) along with additional flood risk information has been reviewed to provide assessment of the level of flood risk for this site. The information shows that the site lies within Flood Zone 1 having less than a 0.1% (1 in 1000yr) AEP of flooding from rivers or sea.
91. The proposed development comprises the construction of 11no. substantial detached dwellings together with integral or detached garages, private drives and gardens and adoptable highways extensions to the existing adopted highway from the first phase of development.
92. It is determined as More Vulnerable and, therefore, compatible with a location in Flood Zone 1. In the event that local constraints and ground conditions prove unsuitable for surface water disposal by SuDS infiltration, surface water from new roof and paved areas would be directed to the local unnamed watercourse at a rate of 10 litres/second, not exceeding the mean annual flood flow from the undeveloped site, QBAR.
93. The site is considered to be at low risk of flooding from all assessed sources, therefore, no special flood mitigation measures are considered necessary for reduction of flood risk in the proposed development, beyond incorporation of good practice in the setting of building extension floor levels and in the design of new surface water drainage.
94. The Lead Local Flood Authority have reviewed the drainage proposals and considered them to be acceptable subject to them being fully implemented prior to occupation of the development and in accordance with the timing / phasing arrangements embodied within the proposed drainage scheme. Conditions requiring final details, a Construction Surface Water Management Plan and management details would be required.

#### Affordable housing

95. Paragraph 64 of the Framework states that where major housing development is proposed, planning policies and decisions should expect at least 10% of the homes to be made available for affordable home ownership. The affordable housing threshold in rural areas of 5 dwellings in Core Strategy Policy 7 has, therefore, now been replaced by the NPPF threshold of 10 dwellings.
96. As this development is a major development an affordable housing contribution of 35% is required in accordance with Core Strategy Policy 7 and the Framework. This equates to 4no. affordable dwellings. The expectation is that affordable housing would be provided on site, however, as this proposal is for self-build homes, a financial contribution for off-site provision would be more suitable and is required. In this instance the off site contribution has been calculated at £1,059,020.
97. The applicant has indicated that they would be agreeable to meeting this requirement. This commitment would need to be secured through a Section 106 legal agreement.

### Public open space

98. Central Lancashire Core Strategy policy 24 seeks to ensure that all communities have access to sports facilities. Chorley Local Plan 2012 – 2026 policy HS4A stipulates that all new housing developments will be required to make provision for open space, and recreation facilities where there is an identified deficiency in the area. Where there is an identified local deficiency in quantity and/or accessibility, open space provision will be required on-site. Where on-site provision is not appropriate, off-site financial contributions are required. Chorley Local Plan 2012 – 2026 policy HS4B stipulates that all new housing development will be required to pay financial contributions towards new playing pitch provision.
99. The proposed development would generate a requirement for the provision of public open space in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026 and the Open Space and Playing Pitch SPD.
100. In relation to policy HS4a there is currently a deficit of provision in Euxton in relation to amenity greenspace, provision for children and young people and natural and semi natural greenspace. Therefore, a contribution towards new provision in the ward is required from this development. As the development is 10 or more dwellings the required amenity greenspace should be provided on-site. The amount required is 0.01927 hectares. The site is of a scale that it could support this level of provision.
101. In relation to policy HS4b a Playing Pitch Strategy was published in June 2012, which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is, therefore, required from this development. The Playing Pitch Strategy includes an Action Plan, which identifies sites that need improvements. The amount required from the development is £1,599 per dwelling.
102. The applicant has agreed to enter into a Section 106 agreement to secure the provision of the public open space and contribution towards the requirement for the provision of playing pitches in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026.

### Education

103. Lancashire County Council have carried out an education contribution assessment and have identified that an education contribution is not required at this stage in regards to this development.

### Sustainability

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

*“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent.”*

*“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”*

105. Given this change, instead of meeting the code level, the Local Planning Authority required that dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the transitional provisions. Building Regulations 2022 have now been brought into force and under Part L require a 31% improvement above 2013 Building Regulations. This exceeds the Council's previous requirement and now supersedes the requirement for a planning condition.

#### Community Infrastructure Levy (CIL)

106. 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.

#### **OVERALL CONCLUSION**

107. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

108. The development is considered to be inappropriate development within the Green Belt and as such can only be considered acceptable if there are very special circumstances, which clearly outweigh the substantial harm to the Green Belt (by reason of inappropriateness) and any other harm.

109. As set out above it is considered that there are no very special circumstances either individually or cumulatively that exist in the case of the benefits associated with the proposal. The benefits advanced are not considered to outweigh the substantial harm to the Green Belt (by reason of inappropriateness) and any other harm (particularised in the sections set out above). It is, therefore, recommended that the application is refused.

#### **RELEVANT HISTORY OF THE SITE AND ADJACENT LAND**

**Ref:** 16/00633/OUTMAJ      **Decision:** PEROPP      **Decision Date:** 31 March 2017  
**Description:** Demolition of existing buildings and erection of up to 12 detached self-build houses with double garages and associated infrastructure

**Ref:** 17/00806/REMAJ      **Decision:** PERRES      **Decision Date:** 8 November 2017  
**Description:** Reserved matters application pursuant to outline planning permission 16/00633/OUTMAJ for the demolition of existing buildings and erection of up to 12 detached self-build houses with double garages and associated infrastructure. Details of landscaping to be considered.

**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.