

APPLICATION REPORT – 22/01315/FUL

Validation Date: 11 January 2023

Ward: Croston, Mawdesley And Euxton South

Type of Application: Full Planning

Proposal: Erection of two detached dwellings and garages

Location: Mayfield Blue Stone Lane Mawdesley Ormskirk L40 2RH

Case Officer: Mr Iain Crossland

Applicant: Mr Max Halsall

Agent: Miss Courtney Evason Steven Abbott Associates

Consultation expiry: 16 March 2023

Decision due by: 31 March 2023

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located in the Green Belt and comprises an open area of garden land previously belonging to a property known as Mayholm, which was recently demolished and redeveloped with a pair of semi-detached dwellings. The land is located between the residential dwelling at Mayfield to the north and the garden area of Bluestone Barn to the south. The site is bound by Blue Stone Lane to the west and there is open agricultural land to the east. The site is occupied in part by a brick outbuilding located to the south west corner of the site that is immediately adjacent to the highway.
3. The area is rural in character and the topography generally flat with clusters of dwellings and agricultural buildings, whilst there is a more built up area of ribbon development 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 dwellings of both modern and traditional design style in evidence close to the site.
4. It is noted that two separate permission in principle applications for the development of two dwellings and a single dwelling at the site were refused by Chorley Council in 2021. The decision to refuse application reference 21/00999/PIP, which was for the erection of one dwelling, was the subject of an appeal that was allowed by a Planning Inspector. This decision established that the site is an infill site in the Green Belt.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. This application now seeks planning permission for the erection of two detached dwellings and garages. The dwellings would be of a traditional design style and would be positioned to face Blue Stone Lane from which each dwelling would gain access. The dwelling at plot 2 would include a gatehouse feature in place of the existing brick outbuilding to the south west of the site. Access to this block would pass through the gatehouse. The double garage at plot 1 would be positioned to the front of the dwelling adjacent to the boundary with plot 2.

REPRESENTATIONS

6. Representations in objection have been received from 3no. individuals raising the following issues:
 - Out of character with the rural location and type of development nearby.
 - Adverse impact on highway safety.
 - This application is not pursuant to a permission in principle and must be considered on its merits in relation to both principle and detail.
 - Wildlife and ecology impacts.
 - Trees were felled and cleared prior to making the application.
 - Works have commenced.
 - Lack of available school places to accommodate new residents.

CONSULTATIONS

7. Lancashire County Council Highway Services: Have no objections subject to conditions, and specifically the provision of a construction traffic management plan (CTMP) prior to commencement of the development.
8. Greater Manchester Ecology Unit: Have no objections subject to conditions and specifically the provision of a construction environmental management plan and landscaping scheme for the biodiversity enhancement of the site.
9. United Utilities: Have no objection subject to a condition requiring a sustainable surface water drainage scheme and a foul water drainage scheme.
10. Mawdesley Parish Council: Would like to return a very strong objection to the above planning application. They have many concerns regarding the development, which are detailed as follows:

We are aware the developer submitted a 'permission in principle' application for two dwellings on this site in February 2021 - 21/00160/PIP which was refused by Chorley Council who quoted - "The proposed development would be located within the Green Belt as defined by the Chorley Local Plan 2012 - 2026. The proposed development is not considered to represent limited infilling and 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 encroachment. The proposal is, therefore, contrary to the National Planning Policy Framework and policy HS7 of the Chorley Local Plan 2012 - 2026."

We wish to reiterate our comments when we originally objected i.e., the limited infill has already been used; the site is on a sharp bend in a dangerous location and the proposed development would be over development of Greenbelt". Furthermore, in respect of access and traffic, it should be noted that one of the entrances to the proposed site is immediately after a blind bend, just in front of the building used to house the gas valves - this is a massive safety issue should there be an accident there. The other entrance is right on the crown of the bend, where there have been accidents in the past, hence the large buttress constructed in front of Bluestone Barn.

We are aware the developer subsequently applied for permission in principle on the same site for one dwelling in August 2021 - 21/00999/PIP which was again refused by Chorley Council but was taken to appeal by the applicant and subsequently the PIP for one dwelling was granted by the Secretary of State.

It should also be noted that the site in question also does not feature in Chorley's Council's list of 'Preferred Options' in relation to the Local Plan consultation document.

PLANNING CONSIDERATIONS

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, other than a brick outbuilding to the south west corner of the site adjacent to the highway at Bluestone Lane. The supporting statement submitted with the application seeks to engage with paragraph 149.e) of the Framework, the contention being that the development 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 or substantially built up frontage.
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 is close to a well established area of linear development that extends along both sides of Dark Lane, Ridley Lane, and Bradshaw Lane and is referred to on local maps as Towngate. This reference may be derived from the Towngate Works site located 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. Beyond these St Peter And St Pauls R C Church and SS Peter & Paul's Catholic Primary School lie at the south east extremity of the linear development branching down Ridley Lane. These amenities can be accessed on foot from the development site with relative ease.
17. These factors demonstrate 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, in addition to the sprawling nature of Mawdesley village and 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. In considering the matter of infill it is material to this case that permission in principle for the erection of one dwelling was granted on appeal by a Planning Inspector on behalf of the Secretary of State in July 2022. The decision sets out the following assessment in relation to the matter of infill:

“The appeal site is a parcel of land, located adjacent to a bend in the road between the side garden of 2 Bluestone Barn and the garden of the southern most property of a pair of semi detached dwellings. A detached outbuilding is located on the south western edge of the appeal site, positioned perpendicular to Bluestone Barn. Whilst this is orientated at a slightly different angle to the semi-detached dwellings to the north, it still faces onto the bend in the road and gives the impression of development continuing around the bend. Further along the road and beyond the bend is a sub-station. This is located within the verge between the appeal site and the road. Beyond 1 and 2 Bluestone Barn there is a further dwelling known as the Owls.

There is a gap between the Owls and the dwelling to the west, however this is small with dwellings positioned tight to the boundary on either side. Nevertheless, the prevailing character comprises a clearly identifiable built-up frontage located along this side of the road. The appeal site lies within this frontage, with buildings to either side. The site does not extend this frontage.

The depth of the appeal site is reflective of its neighbours to either side. The width of the site, between 2 Bluestone Barn and the boundary with the semi-detached dwelling to the north is similar to that of Bluestone Farm opposite, as well as that of 2 Bluestone Barn. However, I accept that due to the position of the latter, adjacent to the bend, much of this width does not bound the road edge. Nevertheless, a dwelling located within the appeal site would not appear to be sited on an overly large plot in comparison to the surrounding properties. Having regard to the site’s surroundings and notwithstanding the limitations of the first stage of the permission in principle route, I see no reason why a single dwelling of an appropriate design would not complement the character and setting of the existing buildings, in accordance with CLP Policy HS7.

I therefore conclude that the proposed development of a single dwelling on the appeal site can be regarded as ‘limited infilling in villages’, meeting the exception listed at paragraph 149. e) of the Framework.”

20. The surrounding conditions have not altered materially since this appeal decision was issued, other than outline planning permission having been granted for a dwelling on land to the west of 1 The Owls, which would not alter the outcome of the Inspector’s assessment. It is noted that two dwellings are proposed in this instance, the details of which have been provided. The dwellings would fit within the same frontage and on the same plot of land as the appeal site, whilst they would be positioned to face onto the highway. They would be set within plots that would be of similar proportions to others in the locality. This would reflect the prevailing pattern of development along this part of Blue Stone Lane, and it must, therefore, be considered that the proposed development would not extend the frontage and would fill a small gap in an otherwise built-up street frontage regardless of whether the development was for a single dwelling or two dwellings as is the case here. The impact of the development on the character of area is considered separately below.
21. The proposal is, therefore, not considered to be inappropriate development within the Green Belt and is, therefore, in accordance with the Framework, Policy 1(f) of the Central Lancashire Core Strategy and Policy HS7 of the Chorley Local Plan 2012 - 2026. As the proposal is considered to comply with paragraph 149. e) of the Framework then it is not necessary to consider the effect of the proposed development on Green Belt openness.

Impact on character and appearance of locality

22. The application site is a parcel of land, located adjacent to a bend in the road between the side garden of 2 Bluestone Barn and the garden of the southern most property of a pair of semi detached dwellings. A detached outbuilding is located on the south western edge of the site, positioned perpendicular to Bluestone Barn. Although there is a wedge of land

between the carriageway at Blue Stone Lane and the application site the dwellings would occupy a prominent position and would be visible in the street scene.

23. The proposed dwellings are positioned to face the highway and would be set back a similar distance from it as the dwellings to the north of the site. They would be set within plots that are of similar size to other plots in the locality, whilst the dwelling to plot ratio would be acceptable with adequate space for parking and private amenity. As a result they would form a continual line of development in a logical pattern that reflects the pattern of development in the vicinity of the site, whilst creating an element of active frontage in this location.
24. Space for landscaping would exist along the site frontage, which would allow for a soft edge to be created reflective of local character. No details of landscaping have been provided at present, however, this will be an important element in determining the final details of the scheme to ensure that the development blends in with the rural character of the location, where native hedgerows and trees to frontages are characteristic. It would be expected that existing trees and hedgerow species are retained where possible to help the development to blend into the surroundings. It is, therefore, recommended that a condition be attached to any grant of planning permission requiring a detailed landscape scheme to be submitted.
25. The dwellings themselves would be detached two storey properties with accommodation in the roof space. They would be relatively tall in height, however, they are of a typically domestic scale and are reflective of other such examples in the wider locality, where there is a range of dwelling types and design styles. As the dwellings would be set back within the site approximately 10m from the highway they would not be overly imposing, whilst landscaping would help to filter views of the site. The dwellings would be faced in brick with roofs laid in slates. This would reflect local character and would provide a suitable finish. The dwellings would comprise front gables, canopy porches, chimney stacks, stone heads and cills and brickwork detailing. These features would add interest and would reflect some local design characteristics. Their appearance would be appropriate in the context of the site.
26. The existing outbuilding to the south west of the site would be converted to form a gatehouse with vehicular access passing through the centre. This would provide storage serving plot 2. The gatehouse would be converted using the existing materials and would incorporate gates and a decorative clock tower. This would provide an entrance feature and sense of arrival to the dwelling a plot 2. It would be a focal point on Blue Stone Lane travelling east and would result in a visually attractive feature in the street scape. A new garage would be added to the front of plot 1. This would be a simple design with materials and some features that match the dwelling, which is appropriate. The position to the front is not uncommon in this area, and it would significantly less prominent than the gatehouse as it would be set behind the landscaped frontage.
27. Overall the proposed development would not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials in line with policy BNE1 of the Chorley Local Plan 2012-2026.

Neighbour amenity

28. 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.
29. The proposed dwellings would be located between residential properties, with a dwelling on the opposite side of Blue Stone Lane. The dwelling at plot 2 would be located to the north of 2 Bluestone Barn. It would be positioned adjacent to a garden area at this property and the proposed dwelling would be approximately 9m from the garden boundary at its nearest point. The windows at first floor in the side elevation of the proposed dwelling facing the garden at 2 Bluestone Barn would not serve habitable rooms, whilst those in the ground floor would be screened by boundary treatment, therefore, no impact on privacy would occur. The dwelling would not face any windows at 2 Bluestone Barn and would be

positioned approximately 22m from it at its nearest point. Given the positioning of the proposed dwelling relative to 2 Bluestone Barn and the degree of separation it is not considered that there would be any unacceptably adverse impact on the amenity of the occupiers of 2 Bluestone Barn.

30. The dwelling at plot 1 would be located to the south of the nearest dwelling at Mayfield. It would have a side elevation facing the side elevation at Mayfield and would be positioned approximately 4m from the garden boundary and 11m from the dwelling itself at the nearest points. The windows at first floor in the side elevation of the proposed dwelling facing Mayfield would not serve habitable rooms, whilst those in the ground floor would be screened by boundary treatment, therefore, no impact on privacy would occur. The positioning of the proposed dwelling relative to Mayfield and the degree of separation is such that it is not considered that there would be any unacceptably adverse impact on the amenity of the occupiers of this property.
31. The proposed dwelling would be located over 20m from the boundary with Bluestone Farm on the opposite side of Blue Stone Lane, and at further distance from the property itself. As such there would be no unacceptable impact on the amenity of the occupiers of this dwelling by virtue of the degree of separation. The relationship between the proposed dwellings themselves is considered acceptable such that future occupiers would enjoy an adequate level of amenity.
32. On the basis of the above it is considered that the proposed development would have no unacceptably adverse impact on the amenity of the occupiers of any existing or future occupiers and complies with policy BNE1 of the Chorley Local Plan 2012-2026.

Highway safety

33. The proposed development has been considered by Lancashire County Council (LCC) as local highway authority for the area and advisors to the local planning authority. Blue Stone Lane at this location changes to a 30mph limit from 40mph and is on a sharp bend. Therefore, any parking on the highway at this location is a highway safety concern as it would obstruct the free flow of vehicles and pedestrians as part parking on the footway is likely. It is proposed that both dwellings have their own separate private access from the highway with off street parking and manoeuvring areas. The site shows turning within curtilage to allow for vehicles to enter and exit in forward gear which is acceptable.
34. For the installation of the access at plot 1 the applicant would need to enter into the appropriate legal agreement with LCC for the vehicle crossing. The material for the driveway is not detailed and it is requested to be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials. This is to prevent loose surface material from being carried on to the public highway and causing a potential source of danger to other road users.
35. The gatehouse would have a height restriction which allows for smaller rigid LGVs to gain access but not larger vehicles or construction vehicles. LCC did raise a highway safety concern at large HGVs being unable to access this dwelling and parking on the bend forcing vehicles to overtake and into oncoming vehicles in the opposing lane and, also obstructing the access to Blue Stone Barn. However, it is not considered that single dwellinghouses should make provision for HGV access, and the occasions for such a need would be infrequent.
36. Given the nature of the highway in this location and restricted level of access and parking, it is considered that the applicant should provide a construction traffic management plan (CTMP) prior to commencement of the development, which details the access from plot 1 being formed in the first instance. It is requested that all vehicles and deliveries are accommodated within the site and there is no loading or unloading in the highway and no parking on the highway.
37. It is recommended that the CTMP is required by condition attached to any grant of planning permission. The access for plot 1 is to be used for the construction of plot 2 even if they are

in different ownership. This is to enable plot 2 to be built without parking or un/loading from the highway. This is requested to be conditioned. There is also a concern with the bend and debris on the highway and a wheel wash is requested along with car parking for construction/ contractor vehicles to sub-base and turning within curtilage maintained to enable all construction vehicles to access and egress in forward gear.

38. LCC Highway Services do not have any objections in principle to the proposed erection of two detached dwellings and garages.

Ecology

39. The information submitted with the application includes an ecology assessment. This has been reviewed by Greater Manchester Ecology Unit (GMEU) who have confirmed that the assessment has been undertaken by a licensed and experienced ecological consultancy whose work is known to the Ecology Unit. The assessment found the site to have some limited ecological value appearing to be part of a former garden or allotment.
40. The Assessment found that one of the buildings on site, identified as Building 1 and described as a double garage, to have some potential to support bats. The Assessment states that this building would not be affected by the proposal but this differs from the submitted plans that show this building being renovated with the roof slates and ridge tiles being stripped amongst other works. The Assessment does recommend that if works are required to this roof then all works should be undertaken between November and February inclusive. To ensure that this recommendation is followed, it is recommended that condition be attached to any grant of planning permission requiring a construction environmental management plan (CEMP: biodiversity) to be submitted prior to any development taking place.
41. The ecology assessment was undertaken outside the bird breeding season but does identify that common bird species may be using the site. As wild birds their nest and eggs are protected under the Wildlife and Countryside Act (1981) as amended, it is recommended that a condition be attached to any grant of planning permission requiring no removal of, or works to, any hedgerows, trees or shrubs, or works to or demolition of buildings or structures that may be used by breeding birds during the main bird breeding season 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation and structures for active birds' nests immediately before the vegetation is cleared or works commence. Alternatively, this requirement could be incorporated into the CEMP.
42. The proposed development should include measures to enhance biodiversity at the site in line with the provisions of policy BNE9 of the Chorley Local Plan 2012 – 2026. As no such measures or landscaping appear to have been included in the proposal and it is recommended that a condition be attached to any grant of planning permission requiring a scheme for biodiversity enhancement measures to be submitted, which should be reflected in a detailed landscaping scheme for the site. On the basis that impacts on protected species are mitigated and landscaping details for the site and associated biodiversity enhancement measures are provided the proposed development is considered to be in line with policy BNE9 of the Chorley Local Plan 2012 – 2026.

Impact upon heritage assets

43. The application site is located approximately 18m to the east of the grade II listed building of Bluestone Farm at its nearest point. The proposed dwellings themselves would be located over 30m away from Bluestone Farm, whilst Blue Stone Lane lies between with some intervening vegetation. It is considered that the degree of visual separation between the proposed housing to Bluestone Farm, and the presence of the intervening highway is such that the proposed development would not harm the contribution made by the current setting. It is concluded, therefore, that the proposed development would not have any impact on the significance of Bluestone Farm, which includes the contribution made by its setting.
44. As there would be no harm to the heritage asset or its setting, there would be no conflict with S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National

Planning Policy Framework, policy 16 of the Core Strategy and policy BNE8 of the Chorley Local Plan 2012-2026.

Flood risk and drainage

45. The application site is not located in an area that is at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the Framework and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
46. 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:
- into the ground (infiltration);
 - to a surface water body;
 - to a surface water sewer, highway drain, or another drainage system;
 - to a combined sewer.
47. 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 includes details of an investigation of the hierarchy of drainage options in the National Planning Practice Guidance.

Sustainability

48. 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:

“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.”

49. 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.

Public open space (POS)

50. 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.
51. 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.
52. 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.
53. Consequently, the Council must determine what lower thresholds are appropriate based on local circumstances as an exception to national policies and how much weight to give to the benefit of requiring a payment for 10, or fewer, dwellings. The Council has agreed to only seek contributions towards provision for children/young people on developments of 10 dwellings or less.
54. Notwithstanding this, the Council must also decide how much weight to give to the benefit of receiving a payment for 1 or 2 dwellings. It is, therefore, considered that the benefit of securing a public open space contribution on the basis of a two dwellinghouses in this case, would not outweigh the high cost of managing the end to end process of delivering those improvements, and would not be commensurate to the benefit.
55. Therefore, a public open space commuted sum is not requested for this scheme.

Community Infrastructure Levy

56. 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 will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

Other matters

57. Trees were felled and cleared prior to making the application: Any tree felling prior to submitting an application is regrettable, however, this does not constitute development and in this instance the trees were not protected by Tree Preservation Orders.
58. Works have commenced: Any works that are carried out prior to obtaining planning permission are done so at the developers own risk.
59. Lack of available school places to accommodate new residents: It is not considered that the addition of two dwellings would have a material impact on the provision of available school places within the Borough.

CONCLUSION

60. The proposed development would not be inappropriate development in the Green Belt and there would be no unacceptable detrimental impact on the character and appearance of the area or the amenity of neighbouring occupiers as a result of the proposed development. In addition, the proposed development would not have an unacceptable impact on highway safety, ecology or any heritage assets. On the basis of the above, it is recommended that planning permission be granted.

RELEVANT HISTORY OF THE SITE

Ref: 21/00160/PIP **Decision:** REFPIP **Decision Date:** 30 March 2021
Description: Permission in principle application for the erection of two dwellings

Ref: 21/00999/PIP **Decision:** REFPIP **Decision Date:** 19 October 2021
Description: Permission in principle application for the erection of one dwelling

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