

APPLICATION REPORT – 23/00463/FUL

Validation Date: 1 June 2023

Ward: Croston, Mawdesley And Euxton South

Type of Application: Full Planning

Proposal: Demolition of existing building and erection of 5no. dwellinghouses with associated/ancillary works

Location: Mediterranean At Robin Hood Blue Stone Lane Mawdesley Ormskirk L40 2RG

Case Officer: Mr Iain Crossland

Applicant: Notre Homes Limited

Agent: Mrs Claire Wilkinson Steven Abbott Associates LLP

Consultation expiry: 28 June 2023

Decision due by: 21 August 2023 (Extension of time agreed)

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 at Mawdesley, approximately 1.8 miles to the north of the settlement of Mawdesley and 1.2miles from Eccleston. It is occupied by the Mediterranean at the Robin Hood restaurant building and associated car parking areas. The site is bound by Blue Stone Lane and Syd Brook Lane to the east with some dwellings beyond. There is open land to the west and a dwelling at Sherwood to the south. The surrounding area is characterised by open agricultural land and clusters of dwellings and sporadic agricultural buildings. This results in a characterful rural landscape, whilst the site represents a prominent position within the landscape in this area.
3. The application building is of a traditional design style reflective of its age and former use as a public house. The building is faced in painted render and has a roof laid in clay tiles. A number of unsympathetic extensions have been added to the building over time, and following a period of vacancy the building is in a poor and deteriorating state of repair. There is a hard surfaced parking area to the front, which opens out onto the highway and a larger more enclosed parking area to the rear. The rear part of the site is enclosed by trees and landscaping along the eastern and northern boundaries of the site. The building is not listed nor locally listed, however, it is a local landmark and has been in existence for a significant period of time. Although traditionally a public house it has previously been demonstrated that the lawful use of the building is that of a restaurant.
4. It is noted that planning permission was granted in March 2022 for the conversion of the existing building (with partial demolition) to form a single dwellinghouse and erection of 4no. dwellinghouses with associated/ancillary works under planning permission 21/01104/FUL. This planning permission remains extant.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. This application seeks planning permission for the demolition of the existing building and erection of 5no. dwellinghouses with associated/ancillary works. It is noted that the access, scale and layout of the development would reflect the previously approved development (ref. 21/01104/FUL), the main difference being that the existing building would be rebuilt rather than converted and the appearance of the four dwellings to the rear of the site would differ through a more simplified design.
6. Since the site has been sold the applicant has carried out intrusive investigations in preparation for the conversion of the former public houses to a dwelling. This has revealed a number of issues that impact on the practicality and viability of converting the building. The applicant has submitted a technical assessment detailing the structural condition of the existing building, which demonstrates that the building has been substantially added to and altered through poor quality additions in the past and that a lack of general maintenance has resulted in major structural defects to the building. The report sets out that conversion to habitable use would be incredibly difficult and cost prohibitive, and would ultimately result in any conversion appearing as an entirely new building with only hidden elements of the structure retained. As such the applicant is seeking to replicate the existing building with a replacement of the same scale, form and design as the parts of the building that were to be retained.

REPRESENTATIONS

7. One representation has been received raising concerns about drainage but stating broad support in favour of the development.

CONSULTATIONS

8. Mawdesley Parish Council: No comments have been received.
9. Greater Manchester Ecology Unit: Have no objection subject to appropriate landscaping of the site.
10. Waste & Contaminated Land: Have no objection.
11. Lancashire County Council (LCC) Highway Services: Have no objection.
12. United Utilities: Have identified the likely existence of water and wastewater infrastructure within the red line boundary. These must not be built over, or access compromised in any way. A condition is recommended requiring a fully detailed sustainable surface water drainage scheme.

PLANNING CONSIDERATIONS

Principle of the development in the Green Belt

13. The application site is located wholly within the Green Belt, and consists of a building comprising a restaurant with extensive hardstanding to the front and rear providing a large area of car parking. It is clear that the building has not been in use for some time and was previously run as a Mediterranean restaurant, but has since been mothballed. Information provided in support of a previous proposal demonstrates that the lawful use of the building is that of a restaurant.
14. National guidance on Green Belt is contained in Chapter 13 of the National Planning Policy Framework (The Framework) and states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in a limited number of specific circumstances. The relevant sections are set out below:

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.**

15. The Central Lancashire Core Strategy Policy 1: Locating Growth, criteria f) states that development 'in other places' – will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need. Mawdesley is considered to be an 'other place'. As the proposal involves a small scale development it is considered to be in line with this policy.

16. The proposal involves the demolition of the existing building and the erection of five new build dwellings, one of which would replicate the original parts of the former public house building. In considering the erection of five new dwellings at the site, it is noted that the site comprises the restaurant building that has been extended significantly over time and the associated car parking areas to the front and rear, which are hard surfaced and fall within the established curtilage of the restaurant. As such the site is considered to fall within the definition of previously developed land and, therefore, has the potential to engage with paragraph 149.g) of the Framework and policy BNE5 of Chorley Local Plan 2012 – 2026.

17. Policy BNE5 of Chorley Local Plan 2012 – 2026 relates to previously developed land within the Green Belt and reflects guidance contained within the Framework as follows:

The reuse, infilling or redevelopment of previously developed sites in the Green Belt, will be permitted providing the following criteria are met:

In the case of re-use

- a) *The proposal does not have a materially greater impact than the existing use on the openness of the Green Belt and the purposes of including land in it;*
- b) *The development respects the character of the landscape and has regard to the need to integrate the development with its surroundings, and will not be of significant detriment to features of historical or ecological importance.*

In the case of infill:

- c) *The proposal does not lead to a major increase in the developed portion of the site, resulting in a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

In the case of redevelopment:

- d) *The appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.*

18. Whilst the test for the development of sites such as this relates to the impact on openness it is important to note that the Framework contains no specific definition of 'openness'. It is acknowledged that the site is a previously developed site, the majority of which is covered by hardsurfacing, however, the existing building occupies the portion of the land nearest to the highway and, therefore, displays a high degree of visual prominence and an obvious impact on openness. The building has been extended over time and sprawls outward to the rear. The building would be demolished in its entirety, which must be considered in the assessment of the development. It is also acknowledged that there are other impacts on openness through the presence of moveable structures and the periodic parking of cars.
19. When considering the impact of a proposed development on a previously developed site it is important to note that any new buildings must not "have a greater impact on the openness of the Green Belt" than the existing development.
20. Whether the proposed development would have a greater impact on openness is a subjective judgment, which is considered further below. Objective criteria could include the volume of any existing buildings although it is important to note that the Framework does not include such an allowance or capacity test. To engage with the exceptions of paragraph 149.g) of the Framework, which is reflected in policy BNE5 of the Chorley Local Plan, the test relates to the existing development. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the application site, and in this respect it is noted that the existing building would be demolished in its entirety and all movable structures removed.
21. Other than the existing restaurant building, the application site does not comprise any other buildings. The proposal seeks to demolish the existing restaurant building and build five dwellings across the site. The original parts of the existing building would be replicated through a new dwelling on the same footprint, albeit repositioned slightly to the west, and would be of a much reduced volume in comparison with the existing structure. The remaining proposed dwellings would be of a cottage style design and of modest scale.
22. When considering the development as a whole a volume of development that is not materially larger than the existing development would be considered to not have a greater impact on the openness of the Green Belt in consideration of a previously developed site. The Council has no specific guideline in relation to previously developed sites. It does however, set out a more specific policy in relation to replacement dwellings at policy HW6,

which states that increases of up to 30% (volume) are not considered to be materially larger. It is, therefore, reasonable to apply the same guideline to the redevelopment of a previously developed site in the absence of any specific figure, and such an approach has become custom and practice in Chorley. In the instance of a redevelopment of this site the proposed development would result in a uplift in volume of approximately 30%. Furthermore, moveable structures would be removed, in addition to the removal of the ability to park a large number of vehicles.

23. The proposed development would be contained within the previously developed area of the site, where openness has already been compromised. The visual impact would be limited to some extent due to the presence of mature landscaping to the boundaries providing some filtering of views from the east along Syd Brook Lane, whilst plot 1 would replicate the positioning of the original public house, which provides the most prominent element and would screen the dwelling to the north.
24. The overall visual impact from the development would, therefore, be no greater than the existing development, albeit the effect would be altered, as development would be spread through the site rather than concentrated in a single mass with disparate impacts through parked vehicles and movable structures removed. As such the impact on openness when considering the site as whole would not be materially greater than that which exists currently.
25. When assessing the principle of development it must also be considered that there is an extant planning permission (ref. 21/01104/FUL) for the conversion of the existing building (with partial demolition) to form a single dwellinghouse and erection of 4no. dwellinghouses with associated/ancillary works under planning permission. The proposed development essentially replicates the scale and layout of the previously approved development, replacing the converted element with a rebuilt version of the same scale. As such there would be no greater impact on the openness of the Green Belt than the previously approved development, and the development would not therefore constitute inappropriate development in the Green Belt.

Impact on character and appearance of the locality

26. The application site is located in a prominent location at the junction of Blue Stone Lane and Syd Brook Lane in a rural part of the Borough at Mawdesley. Development is sparse in this area, but that which does exist is varied in appearance and largely of a traditional rural design style.
27. The proposed development involves demolishing the former public house building, which comprises previous extensions of poor quality and incongruous appearance. A new dwelling would be built on the footprint that replicates the original form of the public house, with the addition of some domestic features such as a porch. The overall impact would be to improve the appearance of the site in comparison to its present appearance and to return it to a closer resemblance of its original character. A red brick dwarf wall and landscaped frontage would be provided to the front of the building facing Blue Stone Lane, which would add to the quality of the scheme and provide a suitably domestic appearance with an appropriate level of enclosure. This element of the proposal would be the most visually prominent and overall would result in a positive impact on the appearance of the site and character of the area.
28. The four dwellings proposed to the northern part of the site, currently occupied by the car park, would continue the mixed character of the area through the development of four bespoke house types. The dwellings would display features of interest including gables, dormers, and canopies and would differ from one another creating a high degree of distinctiveness and character. They would be laid out in a linear pattern to the rear of the dwelling that would face Blue Stone Lane, which would reflect patterns of development in the locality.
29. It is proposed that all of the dwellings would be finished with high quality roof tiles and cement verges, to provide a traditional high quality finish that reflects the character of the

existing building and historic development in the area. The replacement of the former public house would be finished in render to reflect the current building, whilst the other dwellings would be faced in red brick to reflect local character, the details of which are recommended to be secured by condition.

30. Car parking would be set out in a linear form adjacent to Syd Brook Lane, and screened from it by retained landscaping. The proposed development would be commensurate with the size of the site providing an appropriate level of amenity space for residents, whilst making good use of the available space. The existing landscaped buffer to the east of the site would be maintained and reinforced, which would soften the appearance and filter views from the lane.
31. Overall, the development would enhance the existing qualities of the site and would reflect the rural character of the locality making a positive contribution to the area. As such the proposal would be an appropriate design response in the context of the site and locality. The development is, therefore, considered to be in accordance with Policy BNE1 of the Chorley Local Plan 2012 – 2026 in respect of design considerations.

Impact on neighbour amenity

32. The dwelling at plot 1 would be located over 30m from the nearest property to the south at Sherwood and would have no impact over and above that which currently exists. The nearest property to the north east would be at Syd Brook Cottage. This property would be located over 20m from the nearest proposed dwelling at plot 5, which would be positioned at an angle relative to Syd Brook Cottage. Given the degree of separation and positioning there would be no adverse impact on the amenity of the occupiers as a result of the proposed development.
33. Other properties are further away from the site and the degree of separation is such that there would be no impact on the amenity of the occupiers of any other property.
34. The relationship between the proposed dwellings would be such that future occupants would enjoy an appropriate degree of amenity with space between dwellings and extensive floorspace and outdoor amenity areas.

Highway safety

35. There is an existing vehicular access to the site from Blue Stone Lane, and an open parking area that runs across the site frontage. The vehicular access would be retained and adapted to provide direct access to four dwellings at the rear of the site, whilst a new access would be constructed to serve the dwelling built in replacement of the existing building.
36. The access to the single dwelling at the front would be narrowed to an appropriate width by a boundary wall as opposed to the open frontage that exists at present, whilst a pedestrian footway would be extended across the frontage. The access to the four remaining dwellings would consist of a shared driveway connecting with Blue Stone Lane close to the junction with Syd Brook Lane. This would involve constructing a highway build out to deflect traffic travelling into Syd Brook Lane from the south and would provide a footway into the development on one side of the access road.
37. The existing access arrangement results in vehicles entering and exiting the car park in a manner that was considered to be unsafe by LCC Highway Services. LCC Highway Services consider that providing a small degree of separation at the junction between Blue Stone Lane and Syd Brook Lane has significant road safety benefits in that the manoeuvring of vehicles would become more conventional, as vehicles would need to make a deliberate left turn manoeuvre rather than taking a straight line from Blue Stone Lane into Syd Brook Lane. The proposed highway works would result in a narrowing of Syd Brook Lane at its junction with Blue Stone Lane, which would lead to lower entry speeds, and a safer highway environment at the junction.

38. The development proposal would also incorporate a footway for the full frontage of the site along Blue Stone Lane. This footway at 2m wide would ensure that the appropriate sightlines for the access are provided, and would be an important refuge for pedestrians.
39. The proposed dwelling that would replace the existing building would be positioned slightly to the west by approximately 1m than the existing building on the recommendation of LCC Highway Services. This is to allow for a wider footway into the site without the gable end of the building being on the boundary, and would result in a safer arrangement for pedestrians than the approved and extant permission.
40. The site plan demonstrates that off street parking of sufficient size to accommodate at least three cars per dwelling would be provided. On this basis, the scheme complies with the parking standards specified in policy ST4 of the Chorley Local Plan 2012 – 2026.
41. LCC Highway Services have confirmed that the applicant is in discussions with the s278 officer and that they do not have any objections regarding the proposed demolition of existing building and erection of five dwellinghouses with associated/ancillary works, and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Ecology

42. The application is supported by an ecology report that has been reviewed by the Council's ecological advisor at Greater Manchester Ecology Unit (GMEU). The existing building was assessed for bats. No evidence of bats was found and no further surveys carried out.
43. There is a pond around 100m to the south west of the site. This was assessed as having limited potential to support great crested newts owing to recreational use, which is assumed to be angling. GMEU are also aware that this pond was surveyed in 2020 as part of another application and that the results were negative. There are additional ponds to the north east in excess of 100m from the site, with the road forming a partial barrier. Given the nature of the site and the distance from these ponds, GMEU are satisfied that even if great crested newts were present in the ponds the risk of an offence would be very low.
44. No bird nests were located in the building to be converted or noted in the wider site, though as the survey occurred in March, it would have been early in the season for obvious signs of bird activity. Bird nesting habitat is, however, present around the boundary of the site, which is identified for retention.
45. Section 174 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment. The development is primarily restricted to hard standing with the higher value habitats on site retained. It is, therefore, considered that the development could comply with section 174. The applicant's ecological consultant recommends enhancement through provision of bat boxes and bird boxes as well as native planting, which is an appropriate approach.

Flood risk and drainage

46. The application site is not identified as being 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.
47. 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:
 - i. into the ground (infiltration);
 - ii. to a surface water body;
 - iii. to a surface water sewer, highway drain, or another drainage system;
 - iv. to a combined sewer.

48. It is proposed that surface water flows from the application site are to be collected via a network of rainwater down pipes and gullies before discharging into a drainage ditch at the north west of the site, which in turn discharges into Syd Brook. Flows would be restricted to no more than 5l/s up to and including the 100 year + 50% climate change event, via means of a vortex flow control chamber. Flows in excess of this rate would be attenuated within a geo-cellular attenuation tank located car parking area to the east of the site.
49. The surface water details are not sufficiently detailed at this stage and, therefore, it is recommended that a condition be attached to any grant of planning permission requiring a surface water drainage scheme for the site that has been designed in consideration and in accordance with the surface water drainage hierarchy outlined above.
50. It is noted that United Utilities have identified the likely existence of water and wastewater infrastructure within the red line boundary. They have advised that these must not be built over, or access compromised in any way. To resolve this matter, and to avoid any unnecessary costs or delays to either the applicant or any future developer, United Utilities have requested that the applicant should confirm the exact location of the infrastructure (and associated easement widths) to demonstrate that any new buildings proposed are not directly over the infrastructure. It is advised that this be provided prior to determination of the application as it could have a bearing on the siting of the dwellings, which could result in the scheme being unimplementable.
51. The applicant has since provided details of the location of the water and wastewater infrastructure within the red line boundary. This demonstrates that the existing building is the only building within proximity of the water and waste water assets, and whilst it is acknowledged that the current application seeks to remove the existing building and construct a new replacement dwelling, the new building would be located approximately 1m further away from those assets, and as such, would be an improvement on the current situation in terms of easement widths. Concerning the rising main crossing the site this would be located predominantly in the proposed footpath and although it appears to be in close proximity to the existing building, this is to be relocated 1m to the west and so would not be impacted upon by the proposed replacement building. The applicant is fully aware of the need to locate the United Utilities assets, including the rising main, and their responsibility to ensure that this is undisturbed, protected, not built over and afforded suitable easement widths for maintenance/replacement.

Sustainability

52. 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.”

53. 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 necessity for a planning condition requiring dwelling emission rate details.

Public open space

54. 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.
55. 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.
56. 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.
57. 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.
58. There is currently a surplus of provision in Eccleston and Mawdesley in relation to this standard, whilst the site is not within the accessibility catchment of an area of provision for children/young people. A contribution towards new provision in the accessibility catchment would normally be required from this development. However, there are no identified schemes for new provision in the accessibility catchment therefore a contribution towards new provision is not required.

Community Infrastructure Levy (CIL)

59. 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

60. It is considered that the proposed development would have no greater impact on the openness of the Green Belt than the existing development or previously approved extant planning permission. The development would not, therefore, be inappropriate development in the Green Belt. It is also considered that the development would not be harmful to the character of the area and that the impact on neighbour amenity is considered to be acceptable. In addition no cumulative adverse impact on highway safety has been identified and any ecological impacts would be adequately mitigated.

RELEVANT HISTORY OF THE SITE

Ref: 90/00636/FUL **Decision:** PERFPP **Decision Date:** 18 December 1990
Description: Construction of overflow car park

Ref: 96/00646/FUL **Decision:** PERFPP **Decision Date:** 22 January 1997
Description: Extension of existing car park to provide 15 additional spaces

Ref: 20/00987/FUL **Decision:** WDN **Decision Date:** 9 July 2021
Description: Conversion of existing building (with partial demolition) to form a single dwellinghouse and erection of 4no. dwellinghouses with associated/ancillary works

Ref: 21/00880/FUL **Decision:** PERFPP **Decision Date:** 10 September 2021
Description: Erection of single storey rear extension (retrospective)

Ref: 21/01104/FUL **Decision:** PERFPP **Decision Date:** 2 March 2022
Description: Conversion of existing building (with partial demolition) to form a single dwellinghouse and erection of 4no. dwellinghouses with associated/ancillary works (Resubmission of 20/00987/FUL)

Ref: 23/00373/DIS **Decision:** PCO **Decision Date:** Pending
Description: Application to discharge conditions nos.4 (drainage scheme), 5 (facing materials), 6 (boundary details), 7 (levels), 8 (landscaping), 11 (dwelling emission rate details), 12 (site access and off-site highway improvements) and 14 (construction management plan) attached to planning permission ref:21/01104/FUL (Conversion of existing building (with partial demolition) to form a single dwellinghouse and erection of 4no. dwellinghouses with associated/ancillary works (Resubmission of 20/00987/FUL))

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

No.	Condition																					
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>																					
2.	<p>The development shall be carried out in accordance with the following plans:</p> <table border="1"> <thead> <tr> <th>Title</th> <th>Drawing Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td>D4701/P01</td> <td>01 June 2023</td> </tr> <tr> <td>Proposed Site Block Plan</td> <td>D470/P07 A</td> <td>28 July 2023</td> </tr> <tr> <td>Proposed Site Plan</td> <td>D470/P08 A</td> <td>28 July 2023</td> </tr> <tr> <td>Proposed Highway Works Site Plan</td> <td>D470/P17 B</td> <td>28 July 2023</td> </tr> <tr> <td>Proposed Floor and Roof Plans</td> <td>D470/P10 B</td> <td>28 July 2023</td> </tr> <tr> <td>Proposed Elevations - Plot 1</td> <td>D470/P11 B</td> <td>28 July 2023</td> </tr> </tbody> </table>	Title	Drawing Reference	Received date	Location Plan	D4701/P01	01 June 2023	Proposed Site Block Plan	D470/P07 A	28 July 2023	Proposed Site Plan	D470/P08 A	28 July 2023	Proposed Highway Works Site Plan	D470/P17 B	28 July 2023	Proposed Floor and Roof Plans	D470/P10 B	28 July 2023	Proposed Elevations - Plot 1	D470/P11 B	28 July 2023
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	Proposed Floor Plans and Elevations – Plot 2	D470/P12 A	28 July 2023
	Proposed Floor Plans and Elevations – Plot 3	D470/P14 A	28 July 2023
	Proposed Floor Plans and Elevations – Plot 4	D470/P15 A	28 July 2023
	Proposed Floor Plans and Elevations – Plot 5	D470/P16 A	28 July 2023
	Proposed Site Landscaping Plan	D470/P19 B	28 July 2023
	Proposed Site Plan – Levels	D470/P17 B	31 July 2023
	<i>Reason: For the avoidance of doubt and in the interests of proper planning.</i>		
3.	<p>Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:</p> <p>(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;</p> <p>(ii) A restricted rate of discharge of surface water agreed with the Local Planning Authority (if it is agreed that infiltration is discounted by the investigations);</p> <p>(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;</p> <p>(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and</p> <p>(v) Foul and surface water shall drain on separate systems.</p> <p>The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.</p> <p>Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.</p> <p><i>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.</i></p>		
4.	<p>Prior to the erection of the superstructure of the new build dwellings hereby approved samples of all external facing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>		
5.	<p>The roofing materials and verge treatment detailed on the approved plans, shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>		
6.	<p>Prior to the erection of the superstructure of the new build dwellings hereby approved, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on</p>		

	<p>previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>
7.	<p>The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>
8.	<p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species..</p> <p><i>Reason: In the interest of the appearance of the locality.</i></p>
9.	<p>No works to trees or hedgerows shall occur or building works commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.</p> <p><i>Reason: Nesting birds are a protected species.</i></p>
10.	<p>No part of the development hereby approved shall be occupied until the approved scheme for the associated site access, sight lines and off-site highway works has been constructed and completed in accordance with the approved scheme details, without prior agreement from the Local Planning Authority.</p> <p><i>Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users. To allow for the effective use of desirable sustainable transport and aid social inclusion.</i></p>
11.	<p>Prior to the commencement of the development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The CMP shall include and specify the provisions to be made for the following:-</p> <ol style="list-style-type: none"> a) The parking of vehicles of site operatives and visitors; b) Loading and unloading of plant and materials used in the construction of the development; c) Storage of such plant and materials; d) Wheel washing and/or power wash and hardstanding area with road sweeping facilities, including details of how, when and where the facilities are to be used; e) Periods when plant and materials trips should not be made to and from the site (mainly school peak hours but the developer to identify times when trips of this nature should not be made);

	<p>f) Routes to be used by vehicles carrying plant and materials to and from the site;</p> <p>g) Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.</p> <p><i>Reason: 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.</i></p>
12.	<p>Prior to the erection of the superstructure of any dwelling hereby approved all existing buildings within the site edged red on the Location Plan (ref. D4701/P01) shall have been demolished and all resultant materials removed from the site.</p> <p><i>Reason: To protect the openness of the Green Belt.</i></p>