

APPLICATION REPORT – 23/00284/REM

Validation Date: 6 April 2023

Ward: Croston, Mawdesley And Euxton South

Type of Application: Reserved Matters

Proposal: Reserved matters application pursuant to outline planning permission ref: 21/00232/OUT (Outline application for the erection of one detached dwelling including details of access and layout, with matters of appearance, landscaping and scale reserved) seeking approval of appearance, landscaping and scale in addition to details reserved by conditions 4 (dwelling emission rate details), 6 (surface water drainage scheme) and 8 (Construction Management Plan) attached to outline planning permission 21/00232/OUT

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

Case Officer: Mr Iain Crossland

Applicant: Mr Andrew Mawdsley

Agent: Mr Zoran Baros

Consultation expiry: 14 December 2023

Decision due by: 8 December 2023

RECOMMENDATION

1. It is recommended that reserved matters consent is granted for the details of appearance, landscaping and scale subject to conditions.

SITE DESCRIPTION

2. The application site is located in the Green Belt at Mawdesley and comprises an open area of grassland, to the south side of Blue Stone Lane between 1 The Owls to the east and three residential properties at Chase Cottage, Monsol and Brook House to the west. There is a stone wall bounding the site edge with Blue Stone Lane to the north, other than which the site is open.
3. The locality is rural in character beyond the more built-up area of ribbon development along Blue Stone Lane that extends to the south-west along Dark Lane, Ridley Lane and Bradshaw Lane. The appearance and scale of the buildings in the locality is mixed with traditional agricultural style buildings and more modern dwellings in evidence close to the site, whilst there are examples of single storey and two storey buildings in the locality.
4. It is noted that more recently the site has been scraped back and a temporary construction fence erected along the site frontage.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. This application seeks reserved matters consent for the appearance, landscaping and scale of the development pursuant to outline planning permission 21/00232/OUT, which was for the erection of one detached dwelling and included details of access and layout.

6. Details have also been submitted to satisfy the requirements of some of the conditions attached to the outline planning permission as follows:

Condition 4 requires the design stage dwelling emission rate details.
Condition 6 requires details of a sustainable surface water drainage scheme.
Condition 8 requires a construction management plan to be submitted.

REPRESENTATIONS

7. Representations in objection have been received from 3no. addresses raising the following concerns:
- Inadequate surface water drainage.
 - Design and scale not in keeping with the character of the area and street scene.
 - Adverse impact on amenity through loss of outlook and privacy.
 - Increase in traffic and impact on highway safety.
 - The area is overdeveloped and no further dwellings are necessary.

CONSULTATIONS

8. Lancashire Highway Services: 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, and that the Construction Management Plan is acceptable.
9. United Utilities: has no objection to condition 6 (surface water drainage scheme) being discharged.
10. Greater Manchester Ecology Unit: Issues relating to great crested newts, bats, nesting birds and ecological mitigation can be dealt with via condition and or informative.
11. Mawdesley Parish Council: wish to object to the application reference 23/00284/REM. Firstly there is concern regarding the sheer scale and height of the property which is extremely imposing on other properties. Secondly further investigation by an appropriate expert is required in respect of drainage issues, the surface water system is not fit for purpose and will add to existing flooding problems.

PLANNING CONSIDERATIONS

Principle of the development

12. The acceptability of the principle of the development has been established by the grant of outline planning permission (ref. 21/00232/OUT).

Impact on character and appearance of the locality

13. The application site is located on a parcel of land between dwellings and with a frontage along Blue Stone Lane. As such the site is prominent from the public highway and represents a clear gap in the line of development in this location. There is no consistent rhythm of development along this part of Blue Stone Lane and the buildings around the site and beyond are of mixed design and scale. The east of the site is a single storey building of simple functional design faced in red brick, beyond which is a converted red brick barn of traditional design. Further along Blue Stone Lane is a pair of semi-detached dwellings of traditional design faced in render, whilst between these and the converted barn two detached dwellings are under construction. To the west of the site is a detached dormer bungalow dwelling with an outbuilding both faced in painted render, whilst to the west of the site along Dark Lane are detached two storey dwellings of traditional design style faced in red brick and render. On the corner of Blue Stone Lane on the opposite of the highway is Bluestone Farm, which is a simple traditional building faced in red brick with a roof laid in slates.

14. The proposed dwelling would be positioned to face the highway and would be set back within the site approximately 12m from the highway. The dwelling would be of a traditional design style with a front gable feature, porch canopy, chimney stack to the side, lintols and sills to windows and would be faced in weathered red brick with a roof laid in slates. This would provide a traditional appearance reflective of similar design details incorporated at other buildings in the locality. The scale of the building would be clearly taller than The Owls to the east, however, the eaves height would be similar to that of Bluestone Barn beyond, whilst the ridge would be slightly higher. The dwelling would be taller than the Chase Cottage to the west, which is exacerbated by a reduction in levels to the west.
15. The plot to dwelling ratio would be reflective of the surrounding area, which is predominantly low density. The plot would be landscaped with enclosed gardens to the rear, whilst there would be space for both parking and landscaping to the front and west side. The landscaping and retention of the stone boundary wall to the frontage would help to retain a degree of local character and a softened finish to the development, which would help the development to assimilate into the streetscape over time.
16. The National Planning Policy Framework (the Framework) attaches considerable importance on achieving good design and a high quality built environment. It states that planning policies and decisions should respond to local character and history and seek to reinforce local distinctiveness. The importance of high quality design is reflected in the Central Lancashire Core Strategy (policy 17) and the Chorley Local Plan (policy BNE1). Given that the dwelling would be set back within the site and presence of a variety of building types and scales along Blue Stone Lane it is considered that the proposed dwelling would not be harmful to the appearance of the street scene and would not be significantly detrimental to the character of the area.

Impact on the neighbour amenity

17. The proposed dwelling would be positioned approximately 1.5m from the boundary with 1 The Owls and 2.5m from the property itself. There are windows in the side elevation of 1 The Owls facing the application site, however, these would not directly face the side elevation of the proposed dwelling, which is set back within the site. As such there would be no adverse impact on outlook to these windows. There would be some impact on light, however, this would not be so harmful to the amenity of the occupiers that it would be significantly detrimental. There would be windows to habitable rooms in the side elevation of 1 The Owls, however, these would face the blank part of the side elevation at this dwelling, and therefore no impact on privacy would occur. There would be a raised terrace to the rear of the proposed dwelling, however, the land to the rear of 1 The Owls is a service yard and not a private garden area. Notwithstanding this a boundary fence would be provided to protect privacy.
18. The proposed dwelling would be located approximately 10m from the boundary with Monsol to the west and approximately 13m from the dwelling itself, whilst it would be further distant from the dwellings at The Chase and Brook House. It is noted that there would be windows in the first floor side elevation of the dwelling facing toward the western boundary with these dwellings and that the application site is at a higher level. It is proposed that these windows be obscure glazed and this can be secured by condition, whilst the degree of separation is such that there would be no unacceptable impacts on light, privacy or outlook.
19. Overall there would be no harm to any neighbouring property by virtue of overlooking, overshadowing, or overbearing and the proposal is in line with Chorley Local Plan policy BNE1 in this respect.

Highways and parking

20. The application site is located to the south of Blue Stone Lane, to the west of an approximate ninety degree bend in the road, and lies to the east of the junction with Dark Lane. It is noted that the access was approved at outline permission stage based on the information submitted with that application.

21. The proposed site plan shows turning within curtilage and three off street parking spaces, which is acceptable and meets the Chorley Local Plan Parking Standards specified in policy ST4 of the Chorley Local Plan 2012 – 2026. A Construction Management Plan was submitted with the application as required by condition 6 attached to the outline planning permission. Lancashire County Council have reviewed this and consider it to be acceptable, subject to the use of jet washing to prevent mud and debris being tracked onto the highway before the use of a road sweeper.
22. Lancashire County Council acting as the Highway Authority does not raise an objection regarding the proposed development 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.
23. Outline planning permission was approved for the erection of a single dwelling with access on Hoghton Lane, in outline with all matters reserved. LCC highlighted at outline stage that the full visibility splays for a 40mph speed limit could not be achieved within the extents of the adopted or land controlled by the applicant. These splays are X2.4m by Y120m in both directions.
24. Subsequently an application has been considered under reference 21/01329/FUL for 4 dwellings on land at 263 Hoghton Lane. LCC Highways, refer to a traffic count commissioned by LCC was in October 2019 outside 298 Hoghton Lane where the 7-day 85th percentile speeds were established as 41.6mph (eastbound) and 38mph (westbound). Based on the 85th percentile speeds, absolute visibility splays of 2.4m x 86m (west) and 2.4m x 75m (east) can be considered for the proposed site access.

Flood risk

25. The application site is not at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
26. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. As such the developer should consider the following drainage options in the following order of priority:
 1. into the ground (infiltration);
 2. to a surface water body;
 3. to a surface water sewer, highway drain, or another drainage system;
 4. to a combined sewer.
27. United Utilities considered the impact of the development at outline planning stage and recommended that a sustainable surface water drainage scheme, designed in accordance with the surface water drainage hierarchy outlined above be provided. A Flood Risk Assessment and Drainage Strategy were submitted have been submitted in support of the proposed development. This sets out that the area of the existing site is in the main impermeable as will be the proposed surfacing to the new development. As such, a sustainable drainage solution has been designed to accommodate a “betterment” of the existing situation as opposed to retaining the “status quo”. The design of the surface water discharge includes for 45% climate change and a separate 10% increase for urban creep.
28. A percolation test was completed, in the preferred location of a soakaway. Within the excavation there was a clayey soil with a relatively high sand content. The subsequent infiltration rate was calculated and is included within a soakaway design. The surface water management strategy proposes to use a series of rainwater pipes to collect roof drainage, which will then flow into a network of underground drainage pipes and discharge directly into a perforated ring soakaway. The surface water run-off from the external pedestrian areas and driveway will flow overland in the various soft landscaped areas that are located to all sides of the property. This is the preferred option in line with the hierarchy of drainage options.

29. During construction of the adjacent development a surface water 'tail' was provided into the application site. It is proposed that there would be a high level outlet from the soakaway to the end of the existing tail that would provide an alternative method of discharge (to the nearby ditch) should it be required on a temporary basis, whilst soakaway maintenance is completed or in the event of exceedance.
30. On this basis it is considered that a suitable surface water drainage solution has been proposed.

Ecology

31. In the assessment of the outline planning application, it was accepted that the risk of negative impacts to great crested newts was very low, due to the distance to the nearest pond, habitats on the site and scale of the development. Whilst no ecological update has been provided, the Council's ecology advisors (Greater Manchester Ecology Unit) are satisfied that the risk of an offence is very unlikely and no further information or measures are required.
32. In the assessment of the outline planning application, it was accepted that the only potential risk would be, if excessive external illumination of the existing hedge along the western boundary occurred. Given that the dwelling is located to the east of the plot and ornamental shrubs proposed between the dwelling and the hedge, the Council's ecology advisors are satisfied that no further information or measures are required.
33. Given that site clearance has already commenced and that the risks were accepted as very low previously it is recommended an informative be applied to remind the applicant that under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a bird's nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).
34. Removal of part of the hedge to the west of the site appears to have already occurred in order to construct a boundary fence, with the remaining hedge being partially within the boundary of Monsol and partially within the application site to the rear. Whilst hedgehogs could wander on to the construction site, it is considered that the risks are sufficiently low, given the boundary features present. An informative is recommended, reminding the applicant that under the Wild Mammal (Protection) Act 1996 it is an offence to inflict unnecessary suffering to wild mammals. Planning consent does not provide a defence against prosecution under this act.
35. Paragraph 180 of the Framework states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in the loss of some low ecological value grassland, a section of hedge and some young trees and shrubs along with the associated bird nesting opportunities. This will be replaced with a domestic garden, dwelling and hardstanding. In order to adequately mitigate the loss, it is recommended that native hedge is planted to the southern boundary, that bird and bat boxes are provided on the dwelling and that at least one native tree is provided on the site. The proposed landscaping plan details that a native beech hedge will be planted to the southern boundary, and two native trees planted to the front garden area. It is recommended that a condition be attached to any grant of planning permission requiring that bird and bat boxes are provided on the dwelling.
36. On the basis of the above it is considered that the proposed development would comply with policy BNE of the Chorley Local Plan 2012 – 2026.

CIL

37. The development is CIL liable, however, in line with the adopted CIL charges and associated regulations, it is likely that a self-build exemption will be applied for in respect of

the proposal, which may result in a £0 CIL liability on the proviso that the correct procedures are adhered to including the submission of an assumption of liability form.

CONCLUSION

38. The details submitted in relation to the reserved matters applied for under this application, namely appearance, landscaping and scale, are acceptable. The details submitted in relation to conditions attached to the outline planning permission namely conditions 4 (dwelling emission rate details), 6 (surface water drainage scheme) and 8 (Construction Management Plan) are also acceptable. Therefore it is recommended that the reserved matters application is approved subject to conditions.

RELEVANT HISTORY OF THE SITE

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

Ref: 21/00232/OUT **Decision:** PEROPP **Decision Date:** 23 September 2022
Description: Outline application for the erection of one detached dwelling including details of access and layout, with matters of appearance, landscaping and scale reserved

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