

## Planning Committee

Tuesday, 13th September 2022, 6.30 pm

Council Chamber, Town Hall, Chorley and [YouTube](#)

I am now able to enclose, for consideration at the above meeting of the Planning Committee, the following reports that were unavailable when the agenda was published.

<b>Agenda No</b>	<b>Item</b>	
a)	<b>21/00232/OUT - Land West Of 1 The Owls, Blue Stone Lane, Mawdesley</b>	(Pages 9 - 22)
c)	<b>22/00413/FUL - Little Tiger, Bolton Road, Abbey Village, Chorley, PR6 8DA</b>	(Pages 23 - 44)
d)	<b>22/00509/FUL - Roecroft Farmhouse, Ulnes Walton Lane, Ulnes Walton, Leyland, PR26 8LT</b>	(Pages 45 - 56)
e)	<b>22/00511/LBC - Roecroft Farmhouse, Ulnes Walton Lane, Ulnes Walton, Leyland, PR26 8LT</b>	(Pages 57 - 64)
f)	<b>22/00741/PIP - The Nurseries, Southport Road, Eccleston, Chorley, PR7 6ET</b>	(Pages 65 - 74)
g)	<b>21/01483/FULMAJ - Chorley And South Ribble District General Hospital, Preston Road, Chorley, PR7 1PP</b>	(Pages 75 - 82)
h)	<b>22/00765/PIP - Land Opposite Hampton Grove, Wigan Road, Clayton-Le-Woods</b>	(Pages 83 - 90)

Gary Hall  
Chief Executive

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**APPLICATION REPORT – 21/00232/OUT**

**Validation Date: 26 February 2021**

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

**Type of Application: Outline Planning**

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

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

**Case Officer: Mr Iain Crossland**

**Applicant: Mr Andrew Mawdesley**

**Agent: Mr Chris Weetman, CW Planning Solutions Ltd**

**Consultation expiry: 29 April 2021**

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

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**UPDATE REPORT**

1. The recommendation remains that outline planning permission be granted subject to conditions.
2. Members will recall that this application was deferred for a site visit at the Planning Committee meeting held on 12 July 2022. A Committee site visit took place on 04 August 2022.
3. It is noted that since the previous Committee meeting an appeal against the decision of the Council to refuse permission in principle for under application reference 21/00999/PIP has been allowed on appeal (ref. APP/D2320/W/22/3293422). The appeal decision concludes that the application site falls within the village of Mawdesley and is an infill plot in the Green Belt. The appeal site is located approximately 70m to the north east of the application site. This appeal decision is a material consideration in the assessment of this application.
4. The original committee report from 2 February 2022 follows on below, with the conditions included.

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**RECOMMENDATION**

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

**SITE DESCRIPTION**

2. The application site is located in the Green Belt at Mawdesley and comprises an open area of grassland, to the south side of Blue Stone Lane between 1 The Owls to the east and three residential properties, Chase Cottage, Monsol and Brook House, to the west. There is a stone wall bounding the site edge with Blue Stone Lane to the north, other than which the site is open.

3. The locality is rural in character beyond the more built up area of ribbon development along Blue Stone Lane that extends to the south west along Dark Lane, Ridley Lane and Bradshaw Lane. The character of the buildings in the locality is mixed with traditional agricultural style buildings and more modern dwellings in evidence close to the site.

#### **DESCRIPTION OF PROPOSED DEVELOPMENT**

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

#### **REPRESENTATIONS**

5. Representations in objection have been received from the occupiers of 7no. addresses. These raise the following issues:
  - Green Belt impact
  - Highway safety concerns to the highway alignment and access details
  - Drainage impacts from the introduction of hard surfacing and capacity of the nearby watercourse to accept surface water run off generated
  - The local drainage network is at capacity
  - Out of keeping with local character
  - Lack of on site parking
  - Residential amenity impacts through loss of privacy
  - Loss of views from nearby properties.
  - The dwelling would be within 30m of a public sewer therefore foul drains to a septic tank are not necessary

#### **CONSULTATIONS**

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

Non-Compliant with Green belt policy.

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

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

Drainage and Flood Risk.

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

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

Non-Compliant with Special Landscape Area.

The development affects landscape quality and should not be permitted, with special attention being paid to conserving visual quality, etc. The proposed development fails this

test as it would bring substantial change, e.g. the mature hedge and historic dry stone wall. Hedges may support up to 80 per cent of our woodland birds, 50 per cent of our mammals and 30 per cent of our butterflies.

Loss of visual amenity.

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

Increase traffic and detrimental impact on road safety.

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

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

## PLANNING CONSIDERATIONS

### Principle of development

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

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

*138. Green Belt serves five purposes:*

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

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

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

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

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

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

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

13. The application site is open land with no buildings or development in situ. The supporting statement submitted with the application seeks to engage with paragraph 149.e) of the Framework, the contention being that the site would represent limited infilling in a village, which is an exception to inappropriate development. Policy 1(f) of the Core Strategy reflects this exception and allows for 'appropriate infilling' in 'smaller villages' and within 'substantially built up frontages'. This raises the question of whether the site can be considered to be within a smaller village.

14. Mawdesley is a small village surrounded by countryside. The centre of the village has a number of services including a shop, pub, church and school. For the purposes of the development plan there is a settlement boundary that defines the extent of the village, and the application site is located some distance from this. In consideration of whether or not the site is within a village it is recognised that the definition of a village is not limited to that of the defined settlement area and that the wider functional area must be considered. It is also recognised that the functional area of Mawdesley, in which people live and carry out daily activities, is somewhat dispersed, which is typical of a community that has evolved from its origins in agriculture and the working of land.

15. The application site forms part of a well established area of linear development that extends from the south side of Blue Stone Lane and along both sides of Ridley Lane, Dark Lane and Bradshaw Lane, which is referred to on local maps as Towngate. This reference may be derived from the Towngate Works site to the west of Dark Lane. This area of linear development comprises in excess of 200 property addresses of mainly dwellings but also incorporating businesses at Towngate Works.

16. Aside from the amount of residential development in the locality, there are also a number of amenities that are normally associated with a village in and around this developed area. Towngate Works itself forms part of the developed area to the west of the site, which comprises a range of businesses and some services. Beyond this on Hall Lane are some services such as a barbers and podiatrist in addition to the Black Bull public house, which is currently closed. In addition to these St Peter and St Pauls R C Church and SS Peter and Paul's Catholic Primary School lie at the south east extremity of the development that branches along Ridley Lane.
17. These factors illustrate the dispersed nature of this rural village, whilst demonstrating that the Towngate area is a distinct area of development. Given the extent of this nearby development and the presence of nearby amenities commonly associated with a village, the sprawling nature of Mawdesley village and the extent of development in the Towngate area it is considered that the application site does form part of the functional area of a village.
18. Turning to the matter of infill, policy HS7 of the Chorley Local Plan 2012 - 2026 deals specifically with rural infilling and provides a definition of infill development, which states as follows:

*Within smaller villages limited infilling for housing will be permitted providing the applicant can demonstrate that the following criteria are met:*

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

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

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

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

Framework, Policy 1(f) of the Central Lancashire Core Strategy and policy HS7 of the Chorley Local Plan.

Impact on character and appearance of the locality

22. The site is positioned to the south side of Blue Stone Lane and between existing detached buildings at Chase Cottage and The Owls. The Owls to the east is a single storey red brick building with dual pitched roof of steel sheeting and is of a simple design style. Beyond this is a characterful red brick former barn that has been converted into two dwellings with a more recent annexe building to the rear that was converted from an outbuilding, and has the character of a small barn. To the west Chase Cottage is a white rendered dormer bungalow of traditional design style with a two storey outbuilding of traditional design immediately adjacent to the site. In terms of the actual site itself the only feature of interest is a low stone wall along the frontage and hedgerow along the western boundary.
23. Although the proposed development is in outline at this stage, matters of layout are sought. There is no consistent building line along this part of Blue Stone Lane, and it is proposed that the dwelling would have a front elevation in line with The Owls, which is an appropriate siting in this context. The footprint of the building would be reflective of other properties in the area and would result in a suitable plot to dwelling ratio, with an adequate private amenity area to the rear, and space for parking to the front and side.
24. As regards the eventual appearance of a dwelling the existing development in the locality is rather mixed, although a traditional form is most in evidence. Nearby buildings provide design cues in terms of the eventual scale and appearance of a dwelling on the site. The stone wall to the frontage is the most defining physical feature of the site, and should be retained as far as is possible, the details of which should be set out in any future reserved matters application. The presence and retention of the hedgerow to the west is also a critical factor that should be considered in the eventual design of any proposed development of the site. This provides a high degree of biodiversity and also some level of public amenity and character that it adds to the streetscene and should, therefore, be protected and retained during any development of the site.
25. The proposed dwelling would be set within a linear pattern of development along Blue Stone Lane and could fit comfortably within this context without causing harm to the character of the area. Overall, it is anticipated that an appropriately designed dwelling could be accommodated on this site in the layout proposed, without detriment to the appearance of the site and character of the locality.

Impact on neighbour amenity

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

Highway safety

27. The application site is located to the south of Blue Stone Lane, to the west of an approximate 90 degree bend in the road and to the east of the junction with Dark Lane. It is noted that a number of concerns have been raised with regards to the impact of the development on highway safety in relation to current highway safety conditions.
28. Lancashire County Council Highway Services have considered the proposal and following requests for more detailed drawings and amendments consider that the sightlines drawn to the centreline of the carriageway to be acceptable.



29. The applicant is requested to accommodate the construction contractor parking within the site as much as possible. This is to protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network. The applicant is also requested to enter into a s184 agreement for the formation of the vehicle access in the adopted highway, whilst the carriageway of the driveway should have a desirable maximum gradient of 6%. (Manual for Streets 2 8.401 and 8.4.2)
30. Adequate space for off street car parking provision would be provided within the site that complies with the parking standards specified in policy ST4 of the Chorley Local Plan 2012 – 2026.
31. Overall, LCC Highway Services have confirmed that they do not have any objections regarding the proposed outline application for the erection of one detached dwelling including details of access and layout, with matters of appearance, landscaping and scale reserved and are of the opinion that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

#### Ecology impacts

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

not yet known, further information at this time would be premature, and can be provided at the reserved matters stage.

37. Section 170 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment. The ecological impacts of the development appear to be restricted to the loss of a small area of low ecological value grassland and likely a section of drystone wall. Given the scale of the development, mitigation should be achievable on site through appropriate native planting and provision of bird boxes etc. The details of which can be provided as part of a reserved matters application through the provision of an ecological mitigation and enhancement plan for the loss of any habitats and associated species interests on site.
38. On the basis that further information is provided at reserved matters stage it is considered that the proposed development complies with policies BNE9 and BNE10 of the Chorley Local Plan 2012 – 2026.

#### Flood risk and drainage

39. The application site is not located in an area that is at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
40. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. As such the developer should consider the following drainage options in the following order of priority:
1. into the ground (infiltration);
  2. to a surface water body;
  3. to a surface water sewer, highway drain, or another drainage system;
  4. to a combined sewer.
41. United Utilities have considered the scheme and it is recommended that the applicant provides details of a sustainable surface water drainage scheme, that is in accordance with the surface water drainage hierarchy outlined above. The nearby water courses are the responsibility of Lancashire County Council as Lead Local Flood Authority (LLFA). Given the minor nature of the application and associated small scale impacts on surface water run off, the LLFA are unable to provide comment on the planning application. Any surface water drainage scheme that seeks to discharge directly to these watercourses would, however, require land drainage consent from the LLFA. The suitability of such drainage arrangements would be considered as part of that process.
42. It is recommended that a condition be attached to any grant of planning permission requiring a sustainable surface water drainage scheme and a foul water drainage scheme to be submitted to the Council for assessment. These details would then be studied by United Utilities, who would advise as to their effectiveness and acceptability in consideration of the surface water drainage hierarchy, local drainage conditions, sewer capacity and proximity of United Utilities assets.

#### Sustainability

43. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1<sup>st</sup> January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015, which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:
44. *“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy*

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

45. *"Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance."*
46. Given this change, instead of meeting the code level, the dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a condition.

#### Public open space

47. Policy HS4 of the Chorley Local Plan 2012 – 2026 requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.
48. However, the National Planning Practice Guidance (NPPG) post-dates the adoption of the Local Plan and states that planning obligations should not be sought from developments of 10 or less dwellings and which have a maximum combined floorspace of no more than 1000 square metres.
49. In the determination of planning applications, the effect of the national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy.
50. Consequently, the Council must determine what lower thresholds are appropriate based on local circumstances as an exception to national policies. The Council has agreed to only seek contributions towards provision for children/young people on developments of 10 dwellings or less. However, the Council must determine how much weight to give to the benefit of requiring a payment for 1 or 2 dwellings.
51. It is considered that the benefit of securing a public open space contribution on the basis of one dwelling would not be sufficient or carry significant weight to outweigh the national policy position. The benefit to the Council is the delivery of improvements to play space, however the cost of managing the end to end process of delivering those improvements is high and not commensurate to the benefit.
52. Therefore, a public open space commuted sum is not requested for this scheme.

#### Community Infrastructure Levy (CIL)

53. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

#### **CONCLUSION**

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

**RELEVANT HISTORY OF THE SITE**

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

**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Suggested conditions

No.	Condition						
1.	<p>An application for approval of the reserved matters (namely the appearance, scale and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.</p> <p>Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>						
2.	<p>The development shall be limited to a single bungalow and shall be carried out in accordance with the following plans:</p> <table border="1" data-bbox="336 1361 1270 1547"> <thead> <tr> <th data-bbox="336 1361 719 1424">Title</th> <th data-bbox="719 1361 991 1424">Drawing Reference</th> <th data-bbox="991 1361 1270 1424">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="336 1424 719 1547">Location plan, block plan and site plan</td> <td data-bbox="719 1424 991 1547">21.011.01.c</td> <td data-bbox="991 1424 1270 1547">06 June 2022</td> </tr> </tbody> </table> <p>Reason: For the avoidance of doubt and in the interests of proper planning</p>	Title	Drawing Reference	Received date	Location plan, block plan and site plan	21.011.01.c	06 June 2022
Title	Drawing Reference	Received date					
Location plan, block plan and site plan	21.011.01.c	06 June 2022					
3.	<p>As part of the first application for reserved matters or prior to the commencement of the development the following details shall be submitted to and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> <li>a) Details of the colour, form and texture of all external facing materials to the proposed dwelling</li> <li>b) Details of the colour, form and texture of all hard ground- surfacing materials.</li> <li>c) Location, design and materials of all fences, walls and other boundary treatments.</li> <li>d) The finished floor level of the proposed dwelling and any detached garages</li> </ul>						

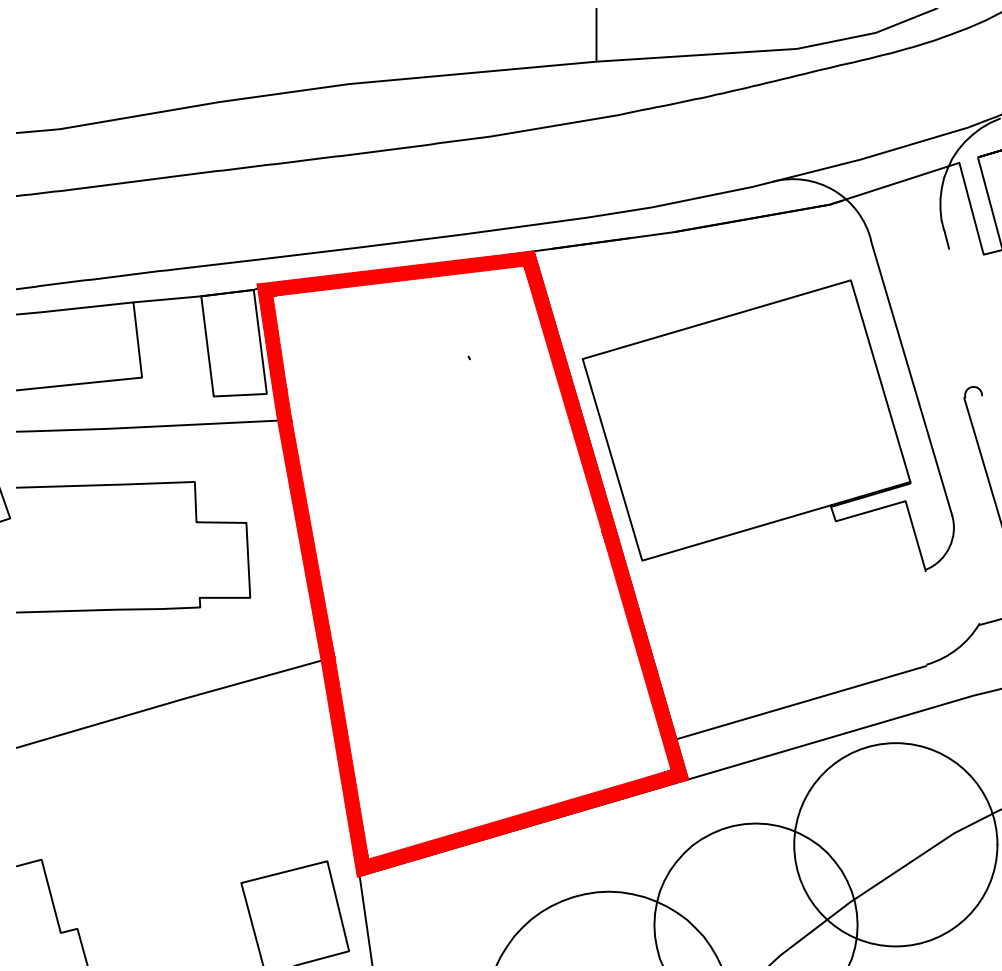
	<p>The development thereafter shall be completed in accordance with the approved details. Prior to the first occupation of the dwelling hereby permitted all fences and walls shown in the approved details to bound its plot shall have been erected in conformity with the approved details.</p> <p>Reason: In the interests of the visual amenities and character of the area and to provide reasonable standards of privacy to residents</p>
<p>4.</p>	<p>Prior to the construction of the superstructure of the dwelling hereby permitted or with any reserved matter application, details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. The development thereafter shall be completed in accordance with the approved details.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</p>
<p>5.</p>	<p>The dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.</p>
<p>6.</p>	<p>As part of the submission of the first reserved matters application, 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> <ul style="list-style-type: none"> <li>(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, the potential for infiltration of surface water in accordance with BRE365;</li> <li>(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).</li> <li>(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;</li> <li>(iv) Incorporate mitigation measures to manage the risk of sewer surcharge; and</li> <li>(v) Foul and surface water shall drain on separate systems within the site.</li> </ul> <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 and no surface water shall discharge to the public sewer either directly or indirectly.</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</p>

	<p>lifetime of the development.</p> <p>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.</p>
7.	<p>That part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block paviments, or other approved materials.</p> <p>Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.</p>
8.	<p>Prior to the commencement of development or with any reserved matter application 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> <ul style="list-style-type: none"> <li>a) The parking of vehicles of site operatives and visitors;</li> <li>b) Loading and unloading of plant and materials used in the construction of the development;</li> <li>c) Storage of such plant and materials;</li> <li>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;</li> <li>e) Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)</li> <li>f) Routes to be used by vehicles carrying plant and materials to and from the site;</li> <li>g) Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.</li> </ul> <p>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.</p>



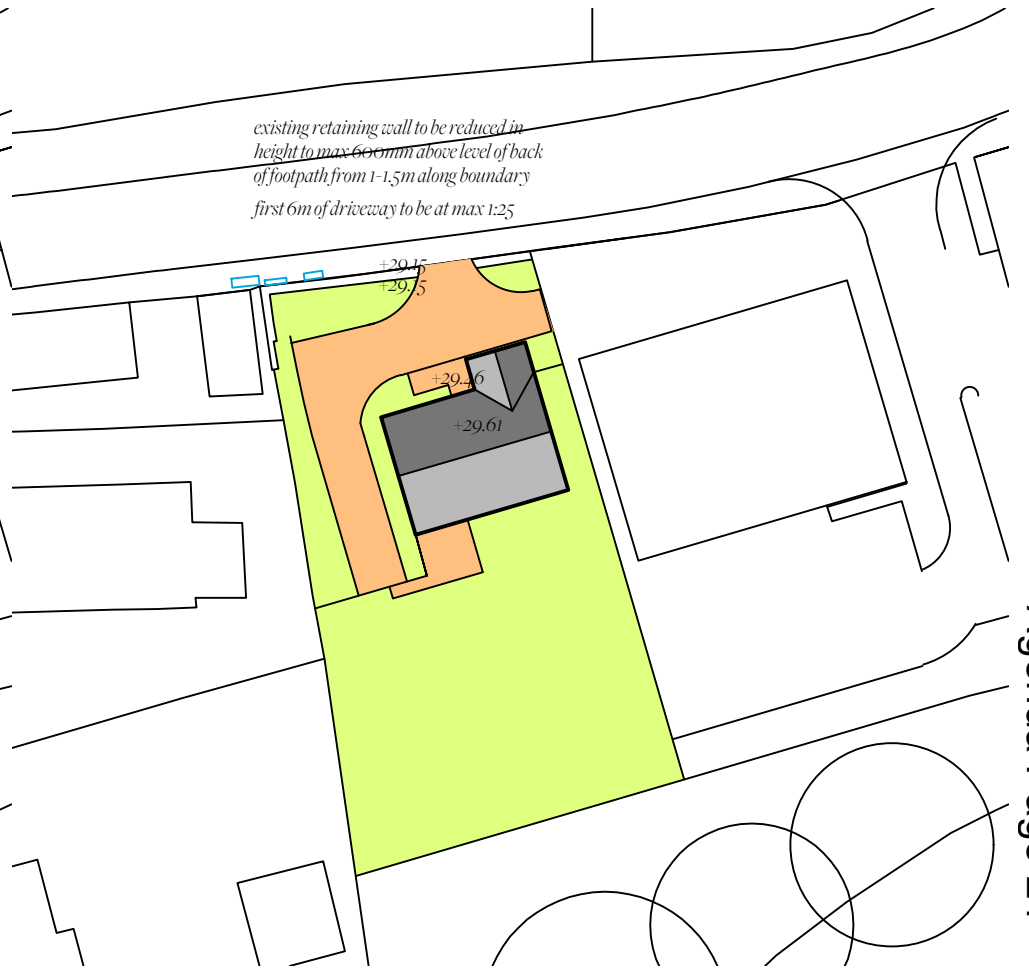
location plan

0 10 20 30 40 50 60m 1:1250



block plan

0 5 10 15 20 25m 1:500



site plan

0 5 10 15 20 25m 1:500

**swift**  
**building design**

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c	06/06/22	entrance moved 3m to the east
b	11/03/22	additional notes added re visibility splay
a	20/04/21	visibility splay moved to second sheet parking increased, entrance moved

drawing  
planning drawing

project  
proposed residential development, land to south of bluestone lane, mawdesley

drawn  
cjh

date  
02/21

scales @ A3  
1:1250, 500

drawing no. 1 of 2  
21.011.01.c

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**APPLICATION REPORT – 22/00413/FUL**

**Validation Date: 8 April 2022**

**Ward: Chorley North East**

**Type of Application: Full Planning**

**Proposal: Conversion of the existing building to three dwellings and the erection of six new dwellings to the rear following demolition of the existing extensions**

**Location: Little Tiger Bolton Road Abbey Village Chorley PR6 8DA**

**Case Officer: Mike Halsall**

**Applicant: Mr Graham Gemson**

**Agent: - MPSL**

**Consultation expiry: 14 June 2022**

**Decision due by: 16 September 2022 (Extension of time agreed)**

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**RECOMMENDATION**

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

**SITE DESCRIPTION**

2. The application site is located in the settlement area of Abbey Village, which is a rural village to the north east of Chorley. The site is within the Abbey Village conservation area and comprises a restaurant with rear extensions and associated car park and curtilage, which is made up of mostly hard surfacing with an area of ruderal grassland, with some trees and shrubs to the south west of the site. The restaurant building itself is not listed, although it is considered to be a non-designated heritage asset forming part of the Abbey Village conservation area.
3. There is residential development to all sides other than to the north where there is an industrial development. The dwellings to the south and east are bungalows, whilst those to the east are two storey stone terraces. The surrounding area has the character of a small industrial village, characterised by sandstone terraces and buildings laid out in a distinctly linear pattern surrounded by open agricultural upland.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

4. The application seeks full planning permission for the conversion of part of the existing restaurant building into three dwellings and the erection of six dwellings on land to the rear, following the demolition of the existing extensions to the restaurant. The following paragraphs of this section of the report are taken from the Planning Statement submitted in support of the planning application.

Restaurant conversion

5. The restaurant would be converted to incorporate one 3-bedroom and two 2-bedroom apartments spread across three floors.
6. The existing restaurant building incorporates a two storey, stone faced former outbuilding now attached to the main restaurant building via single storey flat roof link extension and a single storey lean-to extension on the side elevation. As part of the overall scheme it is proposed that these extended elements are demolished in order to facilitate the conversion.
7. Externally, in addition to the demolition of the extensions, the proposal includes for the removal of existing unsympathetic flues on the roof of the building together with the removal of some down pipes where these are no longer required. No new openings are proposed with the conversion utilising existing window and door openings. It is however proposed that existing UPVC windows on the rear elevation are removed and replaced with new timber sliding sash windows whilst existing timber sliding sash windows are retained and renewed. All brickwork is to be cleaned and existing paint to lower section and heads and cills of windows is to be removed. All stone walling will also be cleaned.
8. Internally the proposal seeks to utilise the existing layout and retain existing divisions as far as possible to facilitate the conversion of the building. Two additional staircases are proposed within the building in order to provide each of the proposed apartments with access to the first floor. The three-bedroom apartment extends into the loft space at second floor with the rooms utilising the existing velux windows on the rear elevation and retained window on the southern elevation.
9. Each of the proposed apartments would benefit from two tandem car parking spaces and a private outdoor area, with space for bin storage and storage shed.

Proposed dwellings

10. In addition to the conversion of the former restaurant the proposal includes the erection of six new build houses to the rear. The development consists of a pair of semi-detached properties and four detached houses.
11. The proposed houses are arranged to make best use of the space available whilst providing privacy for future residents and for those immediately neighbouring the site. All of the proposed houses face into the site fronting onto the proposed access road with a private garden to the rear.
12. Access is via the existing access off Bolton Road providing both vehicular and pedestrian access to all six of the proposed houses. A turning head is located centrally within the site providing for vehicles to enter the development and leave in forward gear.
13. Each of the proposed detached houses benefits from a private driveway to the front of the property leading to an integral garage providing off street parking for a minimum of three cars. The proposed pair of semi-detached properties benefit from side driveways leading to a single detached garage at the rear. Again, the combination of driveway and garage provides sufficient car parking for three cars at each house.
14. The externally facing materials of the proposed houses have been amended during the consideration period of the application following discussions with the case officer. The elevations of the detached dwellings located immediately behind the former restaurant building would be finished entirely in stone. The other four dwellings that are in a less prominent position tucked behind Vitoria Terrace would be mostly in red brick with part of the front elevations in stone. The proposed houses will be roofed in slate effect tiles with a slim leading edge to match materials used in the surrounding area.

15. The proposed drawings were also amended during the consideration period of the following comments received by LCC Highways, the case officer and neighbours, as outlined below:

*Access and parking*

- Wider junction radii of 6m have been added to the Bolton Road junction.
- The turning space at the head of the road has been increased to accommodate an 11.2m long refuse vehicle.
- In order to achieve the above, plots 4, 5 & 6 have been swapped around. This has resulted in the side elevation of Plot 6 being partially exposed so the material choice was changed to stone walling.
- The two parking spaces for each of the conversion dwellings are now provided side-by-side. Separate footpaths are provided for access to the private amenity spaces and the movement of recycling & refuse bins on collection days.
- 6.0m x 2.5m parking spaces are provided in front of garage doors (the garage doors are set at the back of the openings so they are actually just over 6.3m long). Again, separate pedestrian routes are provided.

*Building Design*

- The heights of the houses have been reduced considerably so as to be no higher than those on Victoria Terrace – whilst some of the dwellings would include attic rooms, these would not be adequately sized to serve as additional bedrooms.
- The materials were changed, as outlined above.

## REPRESENTATIONS

16. Objections have been received from 33 individuals, including Councillor Margaret France, in relation to the proposal, raising the following summarised issues:

- Highway and pedestrian safety
- Traffic congestion
- Loss of a local business that provides jobs and social value
- Size, scale, proportions, massing and design are out of keeping with neighbouring properties in the conservation area
- Overbearing impact upon surrounding bungalows
- Loss of light and privacy
- Impact on Abbey Mill, a listed building
- Air pollution
- Bat roosts are located in existing buildings
- Impacts upon ecology
- Lack of local services / pressure on local services
- Loss of car park used by locals, visitors and sports clubs
- Loss of visual amenity
- Insufficient level of parking proposed
- Avoids affordable housing – unaffordable dwellings
- Criticism of consultation process
- Flooding
- Presence of knotweed
- Site access is too narrow
- Harmful to the character and appearance of the conservation area
- Harm to health and wellbeing from impacts during construction
- Noise when the dwellings are occupied
- Impact upon footways and footpaths
- Builder is not local and will not use a local workforce
- The applicant has not had any pre-application consultation with the local community
- Purely a for-profit development
- A675 is used by HGVs

- Conflicts with National Planning Policy Framework
- Reference is made to a previous planning refusal at the site
- Loss of views
- Conflict with policy BNE1 'Design Criteria' of Chorley Local Plan 2012-2026 and Section 16 of the National Planning Policy Framework 'Conserving and enhancing the historic environment'
- Will provide a 'harsh visual edge' to the settlement in long distance views from the open countryside
- Materials are no appropriate
- Fail the statutory test under S66 and S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- Unsustainable site location

## CONSULTATIONS

17. Lancashire Highway Services (LCC Highways): Initially responded to state that whilst there have been no recorded collisions in the vicinity of the site access in the past 5 years, the originally proposed access was potentially unsafe. As such, they requested a fully kerbed 6m radii access should be introduced with tactile paving, to be secured under a S278 agreement. They also requested revised vehicle tracking using an 11.2m long twin rear axled refuse vehicle, confirmation of whether the courtyard area to the front of the existing restaurant is highway or private land and the parking arrangement be amended to accommodate three cars for each dwelling.

The applicant revised the submitted plans to the satisfaction of LCC Highways who have responded with no objection to the proposal and have suggested conditions be attached to any grant of planning permission. The conditions are to ensure the highway works and car parking and manoeuvring areas are constructed at key stages in the construction process and a Traffic Management Plan (TMP) is submitted to the Local Planning Authority for approval and adhered to during the construction process.

With regards to the request for confirmation of the ownership of the section of land between the restaurant building and Bolton Road, this does not form part of the application site and so is not a material consideration in the determination of this application. This is a matter for LCC Highways to discuss with the applicant separately from the planning process.

18. Greater Manchester Ecology Unit: have responded to state that they are satisfied with the suite of assessments that have been submitted in support of the proposal. Conditions and informative notes are suggested for the protection of roosting bats and nesting birds, the eradication of invasive plant species and the delivery of mitigation measures in the form of native tree and hedge planting and bird and bat boxes.
19. Tree Officer: has responded to state that it is proposed to remove two trees to facilitate the development and one tree because of its poor condition. None of these are particularly significant either arboriculturally or visual amenity wise. One Cypress hedge is proposed to be removed. This hedge has no public amenity value. The tree protection measures outlined in the submitted documentation are adequate and should be adhered to.
20. Lancashire County Council Public Rights of Way: no response has been received on this occasion.
21. United Utilities: have responded to state that the proposed drainage plans are not acceptable to United Utilities as they have not seen robust evidence that the drainage hierarchy has been followed. This is explained in more detail later in this report. They have suggested conditions be attached to any grant of planning permission to ensure that surface and foul water is managed in the most sustainable way possible with regards to the site conditions. They also noted that the applicant should contact United Utilities to discuss the existing sewer as they may not permit building over it. This can form the basis of an informative note to be attached to any grant of planning permission.

22. Lancashire County Council (Education): as the proposed number of dwellings is fewer than 10, no education contribution can be requested from the scheme.
23. Regulatory Services - Environmental Health Officer: has responded to state that there should be electric vehicle charge points and sustainable energy measures incorporated into the dwellings.
24. With regards to the above comments from the Environmental Health Officer, electric vehicle charge points fall under Building Regulations, rather than planning legislation. A planning condition would however be attached to any grant of planning permission requiring the dwellings to be sustainable, as explained later in this report.
25. Waste & Contaminated Land Officer: has responded to request that a condition be attached to any grant of planning permission relating to ground testing and remediation measures, if required.
26. Withnell Parish Council: have responded in objection to the application on the following grounds:
  - size scale and design out of context with surrounding bungalows
  - Loss of light and privacy to adjoining properties with 3-storey houses alongside traditional 1960's bungalows on Cherry Grove
  - Conservation area
  - Impact on listed building (Abbey Mill and surrounding area)
  - Nuisance from construction vehicles
  - Their assessment doesn't recognise bats in the area, which residents can attest.
  - There are concerns about traffic access to the site due to the narrowness of the entry to the proposed new build

## PLANNING CONSIDERATIONS

### Principle of development

27. The site is located within the settlement area of Abbey Village as identified within the Chorley Local Plan 2012-2026. Policy V2 of the Local Plan sets out within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development subject to material considerations and other policies and proposals within the plan. This should be read in conjunction with other policies and proposals in the plan and with Central Lancashire Core Strategy Policy 1: Locating Growth. Within Core Strategy Policy 1, Abbey Village is not specified as an area for growth, falling to be considered as an 'other place'. Criterion (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."*
28. As the proposal relates to fewer than ten dwellings, it falls outside of the definition of major development as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015). The proposal is therefore considered to be small scale. The proposal relates to the conversion of an existing building and the development of a car park to create six dwellings. The car park is surrounded by existing development on all sides and is therefore considered to be an infill site. The proposal therefore complies with policies V2 of the Chorley Local Plan 2012-2026 and policy 1 of the Central Lancashire Core Strategy and is acceptable in principle.

Impact on ecological interests

29. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species. The policy also requires, among other things, that where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs.
30. Neighbour representations refer to bat roosts being present within the existing building at the site. A valid bat report written by a suitably qualified ecologist has been provided for the existing building. The building was assessed as moderate risk and subject to two further surveys at a suitable time of year. No evidence of bats roosting was identified, and it was therefore concluded that the development was unlikely to negatively impact on the conservation status of bats in the locality. Individual bats can however turn up in unexpected locations and the building has bat roosting features and is located near to foraging and commuting habitat. As such, the Council's ecological advisors have suggested a condition be attached to require a further survey to be undertaken should the development not have commenced by 30 April 2023.

Protection of nesting birds

31. The ecology advisor recommends that no tree felling, vegetation clearance or building works should take place during the optimum period for bird nesting ((March to August inclusive) unless a survey has first been undertaken. All nesting birds their eggs and young are specially protected under the terms of the wildlife and Countryside Act 1981 (as amended). This can be controlled through a planning condition.

Invasive plants

32. Neighbour representations have noted invasive species being located on the site. Himalayan balsam and an unidentified Cotoneaster spp are present on the site. Species such as Himalayan balsam and certain species of Cotoneaster are included within schedule 9 part 2 of the Wildlife & Countryside Act 1981, as amended. It is an offence to introduce or cause to grow wild any plant listed under this schedule. Care must be taken to avoid the potential spread of this invasive plant during the course of any development. Efforts should be made to eradicate the plant and this matter can also be controlled by a planning condition.

Ecology summary

33. The proposal is considered to be acceptable in terms of its impacts upon ecological receptors, subject to conditions to safeguard protected species, eradicate invasive species and the implementation of biodiversity enhancement measures. The proposal is considered to be acceptable with regards to potential impacts upon ecological receptors and complies with policy BNE9 of the Chorley Local Plan 2012-2026.

Impacts upon designated heritage assets

34. The principal statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. LPA's should, in coming to decisions, consider the principal Act, which states the following; Conservation Areas - Section 72
35. In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

36. The National Planning Policy Framework (The Framework) at Chapter 16 deals with conserving and enhancing the historic environment. It recognises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The following paragraphs contained therein are considered to be pertinent in this case:
37. The Framework at paragraph 197 states that in determining applications, local planning authorities should take account of:
  - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
38. At paragraph 199 the Framework provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
39. At paragraph 200 the Framework confirms that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
40. At paragraph 202 the Framework provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
41. The adopted Central Lancashire Core Strategy (2012) policy 16 (Heritage Assets) states: Protect and seek opportunities to enhance the historic environment, heritage assets and their settings by:
  - a) Safeguarding heritage assets from inappropriate development that would cause harm to their significances.
  - b) Supporting development or other initiatives where they protect and enhance the local character, setting, management and historic significance of heritage assets, with particular support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk.
  - c) Identifying and adopting a local list of heritage assets for each Authority.
42. The Chorley Local Plan 2012 – 2026, policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, '*Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, The Conservation and, where appropriate, the enhancement of the setting of heritage assets.*'

#### Heritage Assessment

43. The site is occupied by the former Little Tiger Restaurant, which is located at Abbey Village. The property appears to have been originally built as a public house in the mid-19th century, and subject to later alteration and extension to leave what is presently encountered. The site consists of the main restaurant building, extensions and an outbuilding at the rear and large car park beyond.

44. Some neighbour representations note harm would be caused to the setting of Abbey Mill; a grade II listed building located approximately 170m to the south of the application site. Given the separation distance involved and the intervening housing, it is not considered the proposal would have any impact upon the settling of the mill. The Council's heritage advisors, Growth Lancashire, have commented on the application as follows:
45. 'The two heritage issues to consider are as follows;
- The proposed alterations to the non-designated heritage asset (Little Tiger)
  - Whether the proposal causes harm to the significance of the Abbey Village Conservation Area as a designated heritage asset;

*Alteration to the Non-Designated Heritage Asset*

46. The property is identified within the Abbey Village Conservation Area Appraisal as a focal building that makes a positive contribution to the conservation area, the submitted Planning Statement confirms that the building is 'a non-designated heritage asset which forms part of the Conservation Area which is a Heritage Asset.' On review, I agree with the submitted Heritage Assessment in that its significance stems from its architectural and historic interest in the immediate local context as an example of a 19th century inn built probably to serve users of the adjoining railway, having elements of simple classical scale and proportions within its principal elevations.
47. The building appears in a reasonable state of repair, albeit certain later alterations and works (insertion of uPVC windows and painting of cills/headers) has had some impact on its overall appearance. The extensions to the rear are either modern, or in the case of the element likely contemporary with the principal building have been subject to much alteration and truncation. The car park space behind is not of any value.
48. The proposal brings the building back into a sustainable use, which is consistent with its conservation. External works to the principal elevations are minimal and in the main relate to the removal of damaging later works and a wider rehabilitation of the external fabric of the building using details and specifications, which from the application appear sympathetic and beneficial to the building. The alterations to the rear are more extensive, whilst certain outbuildings are to be demolished these appear to be of lower/lesser merit and thus make little contribution to the non-designated heritage asset.
49. Taking note of the above we would conclude on balance that the proposals sustain and in parts enhance the significance of the non-designated heritage asset and thus accord with the requirements of paragraph 203 of the Framework along with adopted local policy.

*Whether the proposed works cause harm to the significance of the Abbey Village Conservation Area as a designated heritage asset;*

50. The Abbey Village Conservation Area benefits from a Council prepared Conservation Area Appraisal and Management Proposals. This notes the subject building as a focal/positive building. The CA is characterised by linear building forms (stone cottages/terraces) which largely front directly onto the road side. The predominance of local stone and grey slate in the buildings brings a commonality of scale, design and materiality to the overall settlement.
51. However, the Conservation Area Appraisal also specifically notes that many of the modern developments within the conservation area fail to contribute to its significance noting that 'Modern developments, even where they have used stone in their construction, are all quite alien to the character of the conservation area. Detached and semi-detached houses of distinctly modern (1930s to 1980s) design look out of place in an essentially working class, honest and simple village setting.'<sup>1</sup>

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<sup>1</sup> Abbey Village Conservation Area Appraisal and Management Proposals (2010) Para 6.1 with accompanying photograph.



52. The proposed new dwellings sit to the rear of the site and thus their visual and aesthetic relationships to the wider conservation area will be seen within this context. I note because of the enclosed frontage that viewpoints into the site (rear car park) are limited, with largely only glimpsed views from the access road.
53. The present car park is of little aesthetic or spatial value and its poor aesthetic quality could be considered detrimental to the wider significance of the conservation area. In this context, I do not feel the new housing will appear overly prominent or out of place. Whilst it will lead to some visual change in the site I do not feel the change is necessary a negative one, in terms of the significance of the conservation area.
54. The new housing as proposed appears to seek to take a steer from the general proportions of the more historic residential properties of the village. I do however note that they are fairly standardised modern designs arranged in a rather suburban and modern spatial arrangement. That said this reflects the developments to the south and west of the site. Overall, given the limited visibility from any meaningful or principle view in the CA, whilst the detailing will somewhat perpetuate the concern raised within the Conservation Area Appraisal, I do not feel the development will cause any substantive level of harm.
55. Therefore, as noted above, the external remedial works to the non-designated heritage asset (NDHA) are welcomed and will likely safeguard (the significance of) a building of note. This slight benefit is offset by the somewhat standardised nature of the design and layout enhance the conservation area.
56. Paragraph 202 of the Framework requires that a balanced judgement be taken having regard to the scale of harm or loss and the significance of the heritage asset and the benefits to be gained by the development.

#### *Heritage Conclusion*

57. The proposal has multiple elements and within the consultation response above we have considered these works and their relationship to the significance of the assets affected. In terms of the legislation we have considered the duty imposed by s.72(1) of the P(LBCA) Act 1990 in making the comments above. The alteration to the NDHA relates to a building of limited overall significance which has been subject to change and alterations. The majority of the proposed works are to the rear, on a site which contributes nothing to the significance of the conservation area. Whilst the proposal represents a notable visual change to the site I do not feel this represents any significant level of harm or impact to either the character or appearance of the Abbey Village Conservation Area.
58. Paragraph 202 of the Framework requires that a balanced judgement be taken having regard to the scale of harm or loss and the significance of the heritage asset. The Local Planning Authority will need to balance this marginal visual harm against any identified and evidenced public benefits including, where appropriate, securing an optimum viable use for the building/site.
59. If the application is approved I would recommend that suitable conditions are applied to ensure appropriate detailing to the new properties are achieved.
60. Subject to that balance being achieved the proposal would meet the requirements of planning advice contained in Chapter 16 of the NPPF and in doing so accord with Policy BNE8 of the Local Plan and Policy 16 of the Central Lancashire Adopted Core Strategy.<sup>2</sup> The case officer is in agreement with Growth Lancashire's assessment and conclusions. It is considered that the benefits of providing much needed additional housing in the borough<sup>2</sup> and securing an optimum viable use for the restaurant outweighs the marginal identified visual harm from the proposed new dwellings.

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<sup>2</sup> It has been demonstrated at numerous recent planning appeals that the Council currently does not have a 5-year supply of deliverable housing land

Impact on trees

61. Policy BNE10 (Trees) stipulates, among other things, that proposals that would result in the loss of trees, woodland areas or hedgerows which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. Replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows.
62. An Arboricultural Impact Assessment (AIA) and Method Statement accompanies the application. It details that it would be necessary to remove three trees to enable the development. The Council's tree officer has identified that none of these are particularly significant either arboriculturally or in terms of visual amenity. Trees to be retained would be required to be protected during site works and this can be controlled by planning condition. A landscaping plan would also be required by condition to compensate for the loss of trees. The proposal is considered to be acceptable in this regard and complies with the above policy.

Highway safety

63. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.
64. Policy ST1 (New provision of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development) stipulates that new development and highways and traffic management schemes will not be permitted unless they include appropriate facilities for pedestrian, cycle parking facilities, and /or cycle routes. The policy requires, among other things, that proposal should provide for facilities for pedestrians and cyclists to facilitate access on foot and by bicycle to nearby residential, commercial, retail, educational and leisure areas, where appropriate; and additional footpaths, bridleways and cycleway routes between the countryside and built up areas where appropriate.
65. Highway safety and access issues have been one of the main concern expressed by residents during the consultation period. Lancashire County Council is the Local Highway Authority that manages and maintains the highway network in Lancashire and promotes safe travel and developments in accessible and sustainable locations within the county. As such, at certain stages in the planning process Chorley Council formally seeks the views of the County Council as a statutory consultee to assist in making an informed decision about proposed development.
66. As explained earlier in this report, LCC Highway Services have requested changes to the site access and the site layout in order to make it safe and suitable with regards to refuse vehicles to use and off-street car parking. LCC Highways raise no objection to the proposal subject to conditions and the applicant entering into a S278 agreement to secure the works to the highway.

Impact on the character and appearance of the area

67. Policy 17 of the Core Strategy seeks to ensure that the design of new buildings takes into account the character and appearance of the local area, including among other things, linking in with surrounding movement patterns and not prejudicing the development of neighbouring land; and protecting existing landscape features and natural assets.
68. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including

extensions, conversions and free standing structures, provided that, among other things, the proposal does 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; that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area; and that the proposal would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features, then mitigation measures to replace the feature/s will be required either on or off-site.

69. The surrounding housing stock to the development site varies from the two-storey stone fronted terraces on Bolton Road (red brick to rear), the detached modern two-storey red brick and white render dwelling of Bridgend, also on Bolton Road, to the north of the site access point and modern red-brick bungalows that mostly back-on to the application site, to the south-east, south and south-west. Roofing materials in the area also vary and include slate, slate effect tiles and concrete pantiles.
70. When considering any development proposal, the Council must be mindful of The Framework that states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development. The Framework also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
71. Chorley Council plans positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes and seeks to create well-mixed and integrated developments, which avoid segregation and have well-planned public spaces that bring people together and provide opportunities for physical activity and recreation.
72. External works proposed to the principal elevations of the restaurant building are minimal and in the main relate to the removal of damaging later works and a wider rehabilitation of the external fabric of the building using details and specifications, which from the application appear sympathetic and beneficial to the building. This would therefore have a positive impact upon the character and appearance of the area.
73. The proposed housing would be mostly hidden from view from public vantage points by the restaurant building and other surrounding buildings, other than when glimpsed from the site access on Bolton Road. The size of the buildings has been reduced in scale at the request of the case officer to be no taller than those on Victoria Terrace. The layout would be similar to any modern housing estate with houses located facing a new internal access road and either back-on or side-on to existing housing surrounding the site.
74. As noted earlier in this report, the new housing takes a steer from the general proportions of the more historic residential properties of the village, although are of a fairly standardised modern designs arranged in a rather suburban and modern spatial arrangement. That said this reflects the developments to the south and west of the site. As such, it is considered they are in keeping with the character of the wider proposal and the surrounding local area. As explained earlier in this report, the materials have been revised to be 140mm coursed pitch faced reconstituted stone to the two dwellings, Plots 8 and 9, that would be partially visible from Bolton Road. The other dwellings would be mostly red-brick with some elements of the aforementioned stone. This is considered to be a vast improvement on just the front elevations of Plots 8 and 9 being in stone and elements of white render on the other dwellings, as originally proposed. Roofing would be Marley Edgemere slate effect interlocking concrete tiles other than lean-to roofs which would be Marley Modern interlocking concrete tiles. The final appearance of externally facing materials can be agreed through the discharge of conditions process.

75. It is considered that the proposal would assimilate with the built form of existing dwellings in the area. In light of the above, the proposal would not cause harm to the character and appearance of the locality. The development, therefore, complies with the above referenced policies of the Chorley Local Plan in this regard.

#### Impact on amenity

76. It is worth noting that many objections to the proposal have referred to the impacts upon the occupiers of surrounding dwellings from overlooking / loss of privacy. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses. The policy is considered to be consistent with the Framework and should be attributed full weight.
77. With regards to noise, dust and other pollution during the construction period, these would be short in duration and limited in intensity. Such impacts could be adequately controlled through a construction environmental management plan (CEMP) which can be required to be submitted to the Local Planning Authority for approval prior to works commencing.
78. The dwelling on Plot 4 would be located side-on to the rear of nos. 10 and 12 Victoria Terrace at a distance of 12m. This is the Council's minimum interface distance for such relationships, i.e. a habitable room window facing a two-storey gable wall. The facing side elevation of the dwelling on Plot 4 would contain a secondary living room window at ground floor and a bathroom at first floor. Boundary treatments, i.e. existing fencing and proposed 1.8m close boarded boundary fence would screen any direct views between habitable rooms at ground floor level. It is also recommended that the first-floor bathroom to the side elevation of the dwelling on Plot 4 is conditioned to be obscurely glazed to prevent overlooking to the private rear garden / yard areas and windows of the dwellings on Victoria Terrace. The same can be said for the relationship between the dwelling on Plot 7 and nos. 2 and 4 Cherry Grove.
79. All interface distances between the existing surrounding dwellings and the proposed dwellings either meet or exceed the Council's minimum guideline distances and so are considered acceptable. The proposed dwellings have been designed in such a way so as to be compatible with each other without creating an amenity impact of adjacent plots. There would be an adequate degree of screening around the plots.
80. In light of the above, it is considered that the proposal is acceptable in terms of amenity impacts and accords with national policy and policy BNE1 of the Chorley Local Plan in this regard.

#### Drainage and flood risk

81. Policy 29 (Water Management) of the Core Strategy seeks to improve water quality, water management and reduces the risk of flooding in a number of ways including, among other things, appraising, managing and reducing flood risk in all new developments. The policy is considered to be consistent with the Framework and should be attributed full weight.
82. The site is in Flood Zone 1 (the lowest risk) as identified by the Environment Agency. Site drainage plans have been submitted in support of the planning application that identifies that both surface and foul water would be drained into an existing combined sewer that crosses the application site.
83. The Planning Practice Guidance (PPG) establishes a hierarchy for surface water disposal, which encourages a Sustainable Urban Drainage System (SuDS) approach. Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

- into the ground (infiltration);
  - to a surface water body;
  - to a surface water sewer, highway drain, or another drainage system;
  - to a combined sewer.
85. The above can be secured through the imposition of planning conditions requiring full details of a drainage strategy to be submitted based on evidence that the highest tier in the drainage hierarchy has been used and associated conditions.
86. Subject to the above conditions including demonstrating the site will be drainage as high up on the drainage hierarchy as possible the proposal is considered acceptable in this respect.

#### Sustainability

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

88. Given this change, instead of meeting the Code Level the dwellings should achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by conditions.

#### Community Infrastructure Levy (CIL)

89. 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, unless an exemption is applied for (as affordable housing), and the charge is subject to indexation in accordance with the Council’s Charging Schedule.

#### Other issues

##### *Public Right of Way*

90. Public Right of Way (FP17) is located along the north western site boundary. There is no reason to consider that the footpath will be impacted by the proposal and an informative

note can be attached to any grant of planning permission to highlight the location of the footpath to the applicant and setting out their duties in ensuring it remains unobstructed.

*Affordable housing, education and public open space contributions*

91. Contributions to affordable housing, education and public open spaces are not required for this scale of development.

## CONCLUSION

92. It is considered that the proposed development would have no detrimental impact upon the character of the area and accords with the aims of policies within the Framework and the Chorley Local Plan 2012 – 2026 that seek to achieve sustainable development. It is also considered that the proposed development would not give rise to undue harm to the amenities of neighbouring residents, highway safety or flood risk. Finally, the proposed development would preserve the character, appearance and setting of the Abbey Village Conservation Area and is accordingly recommended for approval.

## RELEVANT HISTORY OF THE SITE

**Ref:** 10/01113/ADV **Decision:** PERADV **Decision Date:** 10 March 2011

**Description:** Replacement of existing sign to front and sides with new signages

**Ref:** 5/4/00152 **Decision:** DEEMED **Decision Date:** 7 August 1958

**Description:** Illuminated Box sign

**Ref:** 94/00087/ADV **Decision:** PERFPP **Decision Date:** 30 March 1994

**Description:** Display of various externally illuminated advertisement signs

**Ref:** 93/00456/FUL **Decision:** PERFPP **Decision Date:** 23 September 1993

**Description:** Retrospective application for rebuilding of covered passage between hotel and restaurant

**Ref:** 87/00026/FUL **Decision:** PERFPP **Decision Date:** 17 March 1987

**Description:** Front porch

**Ref:** 86/00747/FUL **Decision:** PERFPP **Decision Date:** 2 December 1986

**Description:** Refurbishment of public house incorporating demolition of existing building and erection of single storey reception extension

**Ref:** 82/00587/FUL **Decision:** REFFPP **Decision Date:** 26 October 1982

**Description:** Two storey restaurant extension

**Ref:** 81/00962/FUL **Decision:** PERFPP **Decision Date:** 19 January 1982

**Description:** Change of use of outbuilding to restaurant with link to existing public house

**Ref:** 78/00006/ADV **Decision:** REFADV **Decision Date:** 28 February 1978

**Description:** Illuminated Signs

**Ref:** 78/00440/ADV **Decision:** SPLIT **Decision Date:** 21 August 1978

**Description:** One illuminated and Two non-illuminated signs

**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 and the provisions of the

Planning (Listed Building and Conservation Areas) Act 1990. The specific policies/ guidance considerations are contained within the body of the report.

#### Suggested Conditions

1. The proposed development must be begun not later than three years from the date of this permission.

*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

*Reason: For the avoidance of doubt and in the interests of proper planning*

Title	Plan Ref	Received On
Location Plan	00 Rev A	31 May 2022
Planning Layout	01 Rev A	31 May 2022
Roddlesworth 3 Bed with Attic Room (Plot 4 and 5)	21081_HT_01 Rev A	22 August 2022
Roddlesworth 3 Bed with Attic Room Elevations (Plot 4 and 5)	21081_HT_02 Rev B	22 August 2022
Ollerton 4 Bed + Attic Room Floor Plans (Plot 6)	21081_HT_03 Rev A	22 August 2022
Ollerton 4 Bed + Attic Room Elevations (Plot 6)	21081_HT_04 Rev B	22 August 2022
Ollerton 4 Bed + Attic Room Floor Plans (Plot 7)	21081_HT_05 Rev A	22 August 2022
Ollerton 4 Bed + Attic Room Elevations (Plot 7)	21081_HT_06 Rev B	22 August 2022
Brinscall 4 Bed Detached Floor Plans & Elevations (Plot 8)	21081_HT_07 Rev B	22 August 2022
Brinscall 4 Bed Detached Floor Plans & Elevations (Plot 9)	21081_HT_08 Rev B	22 August 2022
Single Detached Garage Floor Plans & Elevations (Plots 4 & 5)	21081_HT_09 Rev B	22 August 2022
Proposed Floor Plans and Elevations	C01	8 April 2022
Nesting Birds Mitigation Plan	02 Rev A	31 May 2022
Swept Paths - Refuse Vehicle 11.2m long	284-22-3	31 May 2022
1.8m High Timber Screen Fence Detail	03	8 April 2022
Tree Protection Plan	6850.02	8 April 2022
Main Drainage Layout	133/21/D100	8 April 2022
Nesting Birds Mitigation Plan	02 Rev A	31 May 2022
Materials Plan	04	23 August 2022
Street Scene (Plots 4-7 inclusive)	21081_SS_01_A	22 August 2022

3. The external facing materials, detailed on plan ref. 04 entitled 'Materials Plan' received on 23 August 2022, 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.

*Reason: To ensure that the materials used are visually appropriate to the locality.*

4. 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:

- (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;
- (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);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable;
- and
- (v) Foul and surface water shall drain on separate systems.

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.

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.

*Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.*

5. No part of the development hereby approved shall commence until a scheme for the construction of the site access and work within the adopted highway has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

*Reason: To satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.*

6. None of the approved dwellings shall be occupied until the approved scheme referred to in the above condition has been constructed and completed in accordance with the scheme details.

*Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.*

7. The new estate road for the approved development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extended before any development commences fronting the new access road.

*Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.*

8. Before the dwellings hereby permitted are occupied the driveways and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The driveways and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

*Reason: To ensure adequate on site provision of car parking and manoeuvring areas.*

9. Prior to the commencement of 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 -

- a. Vehicle routing and the parking of vehicles of site operatives and visitors;
- b. hours of operation (including deliveries) during construction;
- c. loading and unloading of plant and materials;



- d. storage of plant and materials used in constructing the development;
- e. siting of cabins, site compounds and material storage area (ensuring it complies with the Great Crested Newt mitigation details);
- f. the erection of security hoarding where appropriate;
- g. wheel washing facilities;
- h. measures to control the emission of dust and dirt during construction;
- i. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- j. fencing of the 15m buffer zone to the woodland during construction;
- k. the use of flood resilient materials within the construction of the dwellings.
- l. measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

*Reason: to protect existing road users, to maintain the operation and safety of the local highway network, to minimise the impact of the construction works on the local highway network and upon neighbouring residents.*

10. The sparrow boxes identified on approved drawing ref. 03 Rev A entitled 'Nesting Birds Mitigation Plan' shall be installed prior to the first occupation of any of the approved dwellings and retained as such in perpetuity.

*Reason: To secure biodiversity enhancement measures at the site.*

11. If the conversion works to the existing building does not commence before 30th April 2023, then bat surveys for the building shall be updated and the finding supplied to and agreed in writing by the Local Planning Authority.

*Reason: To safeguard a protected species.*

12. Prior to any earthworks a method statement detailing eradication and/or biosecurity measures for himalayan balsam and Cotoneaster shall be supplied to and agreed in writing to the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To avoid the spreading of an invasive species.*

13. A scheme for the landscaping of the development and its surroundings shall be submitted prior to any works taking place above DPC level. These details shall include the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area. The content of the plan should include elements to mitigate for loss of trees shrubs and bird nesting habitat and provide a net gain in the biodiversity value of the site.

All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, 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.

*Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.*

14. No works to trees or shrubs shall occur 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.

*Reason: Wild birds and their eggs are protected under Part 1 of the Wildlife and Countryside Act 1981, which makes it illegal to kill or injure a bird and destroy its eggs or its nest whilst it is in use of being built.*

15. Prior to the construction of the superstructure of the dwellings hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the dwellings will achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. The development thereafter shall be completed in accordance with the approved details.

*Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.*

16. The approved dwellings shall not be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling has achieved the required Dwelling Emission Rate.

*Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.*

17. No dwelling shall be occupied until any fences, walls and gates shown on the approved details to bound its plot have been erected in conformity with the approved details. Other fences shown in the approved details shall be erected in conformity with the approved details prior to substantial completion of the development.

*Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.*

18. All works shall be undertaken in strict accordance with Section 5 of the submitted Arboricultural Impact Assessment and Method Statement, dated March 2022.

*Reason: To safeguard the trees to be retained.*

19. Due to the proposed sensitive end-use (housing with gardens), no development shall take place until:

- a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011 'Investigation of potentially contaminated sites - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;
- b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;
- c) the Local Planning Authority has given written approval to any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.

Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.

*Reason: Please note it is the applicant's responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).*

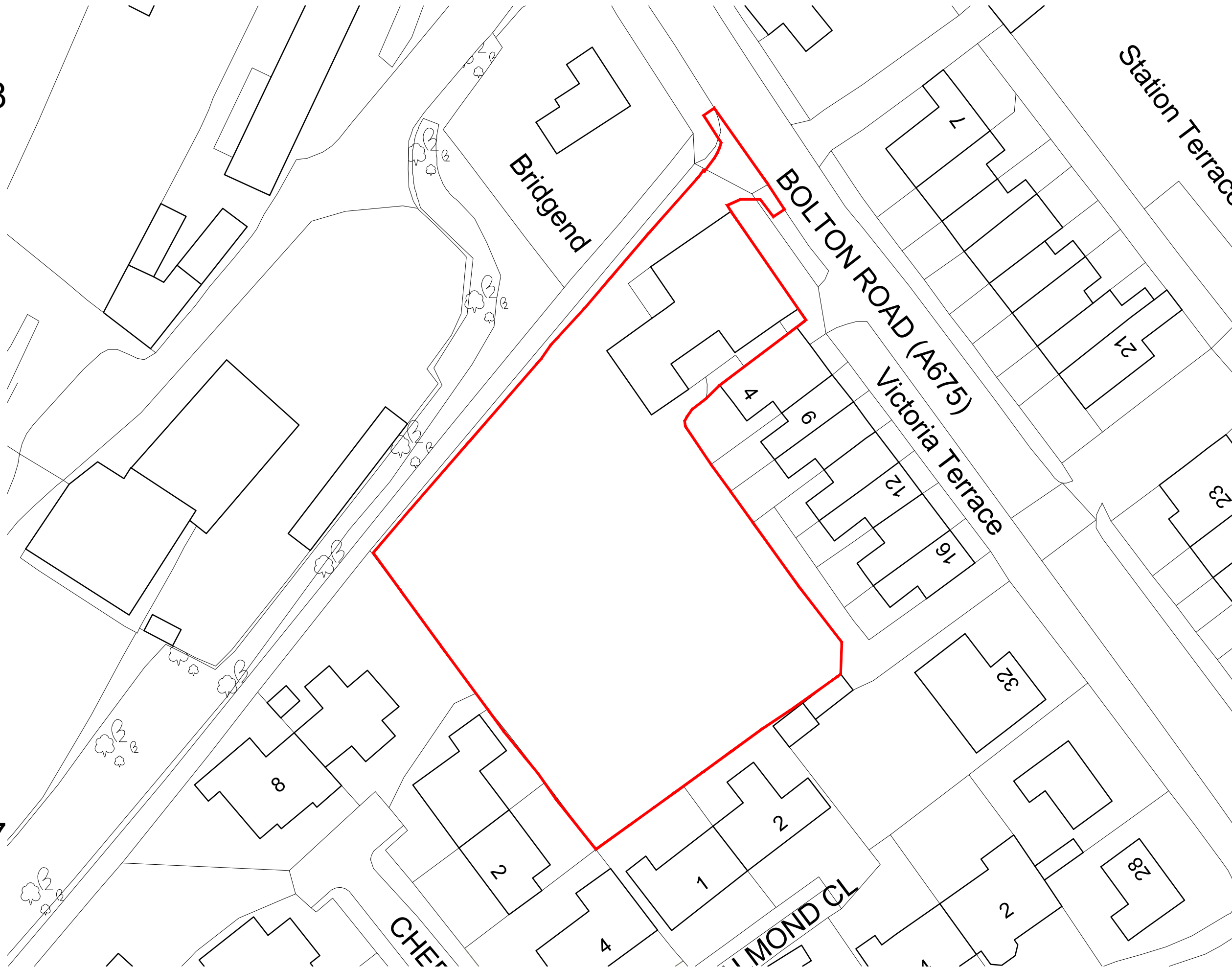
20. The bathroom window in the side elevation of the dwelling on Plot 4 shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.

*Reason: In the interests of the privacy of occupiers of neighbouring property.*

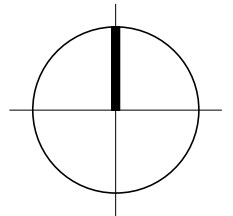
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- For the avoidance of doubt all dimensions are measured to wall structure and not the finishes unless otherwise stated.
- Where any discrepancy is found to exist within or between drawings and/or documents it should be reported to the architect immediately.
- MPSTL Planning & Design Ltd. shall not be liable for any use of drawings and documents for any purpose other than for which the same were prepared by or on behalf of MPSTL Planning & Design Ltd.



**GENERAL LEGEND**

 Red Edge denotes application site boundary.

Rev	Date	Revision	Initial
A	27.05.22	Red edge adjusted to include works to existing highway.	abe

+ Client



+ Drawing Title  
**LOCATION PLAN**

+ Project  
**Naga Restaurant, Bolton Road, Abbey Village, Chorley**

Job No	Drg No	Drawn	Rev
21081	00	abe	A
Scale	Date	Stage	
1:500 @ A3	Feb. 2022	PLANNING	

mpsl planning & design ltd  
14 west point enterprise park,  
clarence avenue, trafford park,  
manchester, m17 1qs

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e: info@mpslsdesign.co.uk  
www.mpsldesign.co.uk




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**APPLICATION REPORT – 22/00509/FUL**

**Validation Date: 11 May 2022**

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

**Type of Application: Full Planning**

**Proposal: Redevelopment of the site, including the demolition and conversion of existing buildings to create 5no. residential dwellings (resubmission of 20/01087/FUL)**

**Location: Roecroft Farmhouse Ulnes Walton Lane Ulnes Walton Leyland PR26 8LT**

**Case Officer: Mike Halsall**

**Applicant: Mr Colin & Robert Barlow**

**Agent: Mr David Marsden**

**Consultation expiry: 8 June 2022**

**Decision due by: 16 September 2022 (Extension of time agreed)**

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**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 also lies within the buffer zone for a Gas Transmission Pipeline. It is occupied by a group of 8 former farm buildings associated with the adjacent Roecroft Farmhouse (which is not within the site defined by the red edge plan) lying to the south of the site. The site is accessed from and lies immediately adjacent to Ulnes Walton Lane. On the opposite side of this road is a residential property, Four Oaks. The land around the site is a mix of scrub and agricultural land.
3. Roecroft Farmhouse is a grade II listed building, and the 8 buildings on the site are considered to be curtilage buildings. The Farmhouse dates from the 18<sup>th</sup> Century. Some of the buildings on the site are modern, but the main barn building (referred to as building 7 in the submission) was probably built between the late 18<sup>th</sup> and mid 19<sup>th</sup> Century.
4. The site benefits from a Certificate of Lawfulness (20/00437/CLEUD) granted on 16 July 2020 for an existing use of land and buildings for general storage including caravans, boat, trailer, vehicles, fencing materials, builders plant, machinery, tools and scaffolding.
5. Planning permission and listed building consent was granted on 20 July 2021 (refs. 20/01087/FUL and 21/00622/LBC) for the redevelopment of the site, including the demolition and conversion of existing buildings to create 5no. residential dwellings. A Section 73 application (ref. 21/01290/FUL) was approved in January 2022 to vary condition 1 of planning permission ref. 20/01087/FUL to include a phasing plan for the development. The phasing plan enables the development to occur in four phases which would mean that it would not be liable for the full Community Infrastructure Levy (CIL) amount once development commences (as would have been the case with the original consent), and instead the CIL payment can now be phased.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

6. The current application seeks full planning permission for the same development as approved under S73 application ref. 21/01290/FUL as follows:
  - Building 2 – retain and extend to provide unit 2, which would be single storey. A new single garage is proposed to serve this unit.
  - Buildings 3, 4, 5 & 6 – demolish.
  - Building 7 – Retain and convert into 2no. dwellings, units 3 & 4. Two new double garages are proposed to serve these units.
  - Building 8 – To be demolished and replaced with a single storey dwelling known as unit 5. A new single garage is proposed to serve this unit.
  - Building 9 – To be demolished and replaced with a single storey dwelling known as unit 6. A new single garage is proposed to serve this unit.
7. Access would be via the existing site access, which would be widened. To provide improved visibility splays the existing hedging along the boundary with the highway is to be removed with a new 900mm high timber post and panel fence to be erected at the rear of the splays with a new blackthorn hedge to be planted behind this.
8. The only changes proposed by this application in comparison to the previously approved proposal are that Units 5 and 6 have been increased in size to include a first-floor area in the roof void with a new one and a half storey design. Their built form/footprint has also been changed. The changes are explained in more detail within the Planning Considerations section of this report.

**REPRESENTATIONS**

9. No representations have been received.

**CONSULTATIONS**

10. Lancashire County Council Archaeology Service: Have no objections subject to a condition regarding a programme of building recording.
11. Cadent Gas: Have not responded on this occasion, although responded to the previous proposal with no objections subject to a condition regarding vibration monitoring. It would therefore seem reasonable to attach the same condition to any grant of planning permission for the current proposal, given the minor nature of the proposed changes compared to the existing approved scheme.
12. Greater Manchester Ecology Unit: have responded to highlight the need for the same condition to be attached in relation to bat licensing as was attached to the existing planning permission. It is also considered necessary to include conditions relating to breeding birds, barn owl, reasonable avoidance measures for protected species and the delivery of ecological enhancements at the site.
13. Historic England: have responded to state they have no comments on the application.
14. Lancashire Highway Services (LCC Highway Services): Have no objections subject to conditions regarding provision of a turning area, provision of visibility splays and provision of bound material for the access for 5m into the site. Informative regarding S.184 of Highways Act to deal with works to the access.
15. Historic Buildings and Places: Have not responded on this occasion.
16. The Council For British Archaeology: Have not responded on this occasion.
17. Society for the Protection of Ancient Buildings (SPAB): Have not responded on this occasion.



18. The Georgian Group: Have not responded on this occasion.
19. The Victorian Society: Have not responded on this occasion.
20. Ulnes Walton Parish Council: Have not responded on this occasion.

## **PLANNING CONSIDERATIONS**

### Principle of the development

21. The acceptability in principle of the redevelopment of the site, including the demolition and conversion of existing buildings to create 5no. residential dwellings in the Green Belt, has been established by the approval of planning permission ref. 20/01087/FUL and subsequent variation ref. 21/01290/FUL and is explained below. Any change to the nature or magnitude of impacts of this proposal, compared to the previous approvals, is also identified.
22. The application site is located within the Green Belt and falls within the definition of previously developed land provided within the Framework. Section 13 of the Framework confirms that 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.
23. Development will only be permitted within the Green Belt, in accordance with the Framework, if it is considered appropriate development or where very special circumstances can be demonstrated. The Framework confirms that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
24. Paragraph 145 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt but lists a number of exceptions. One exception listed at paragraph 145 of the Framework of development that need not be considered inappropriate development in the Green Belt is the 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.
25. Whilst the test for sites such as this relates to the impact on openness, the Framework does not contain a specific definition of 'openness'. It is a subjective judgment which is considered further below, along with objective criteria in making that assessment. It is considered that in respect of the Framework, the existing site currently has an impact on the openness of the Green Belt. However, it is important to note that merely the presence of an existing building on the site currently does not justify any new buildings. The new buildings must also not "have a greater impact on the openness of the Green Belt".
26. To engage with the exceptions of paragraph 145 of the Framework, which is reflected in policy BNE5 of the Chorley Local Plan 2012 – 2026, 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 site.
27. This part of Ulnes Walton is not specified as an area for growth within Core Strategy Policy 1 and falls to be considered as an 'other place'. Criterion (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."

28. Policy BNE5 relates to the redevelopment of previously developed sites in the Green Belt and states that redevelopment of previously developed sites in the Green Belt will be permitted providing that 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.
29. Whether harm is caused to openness depends on a variety of factors, such as the scale of the development, its locational context and its spatial and/or visual implications. At present, the site is occupied by a number of outbuildings which are spread across the site, as well as an access / driveway and associated hardstanding areas. The presence of this existing development already causes harm to openness by its mere existence; and case law has established that for there to be a greater impact, there must be something more than merely a change.
30. The proposal involves the demolition of a number of buildings on the site, which helps to offset the harm caused to openness which would arise from the proposed development.
31. When assessing volumes of proposals national policy allows for the replacement of a building provided, among other things, that they are not materially larger. The Council considers that a volume increase of up to 30% is not 'materially larger'. In the case of the previously approved proposal, the volume of the proposed buildings was the same as the existing situation and, therefore, it was concluded that there would be no material increase, when considering the impact on the openness of the Green Belt.
32. The conclusion drawn in relation to the previously approved proposal at this site was that given that the building (building 6) with the highest eaves (5.3m) and ridge height (8.1m) is to be demolished, and the total volume of the proposed buildings would be re-distributed into low level, generally single storey buildings; it is considered that the impact upon the openness of the Green Belt caused by the proposed development is less than the existing situation. As such was not considered that the proposal would have a greater impact on the openness of the Green Belt than the existing development.
33. The proposal would increase the maximum height of the approved buildings on units 5 and 6 by approximately 2m to a total height of approximately 6m and the overall new built volume at the site by approximately 555 cubic metres. It is not considered that the proposed increase in scale of two of the proposed buildings at the site would make any change to the acceptability of the proposal. The proposed increase in volume compared to the existing buildings would be approximately 18% and so well within the Council's 30% limit. It is considered that the proposal accords with the exception of paragraph 145 (g) of the National Planning Policy Framework.
34. In relation to the scale of development in an 'other area' as identified by Policy 1(f) of the Central Lancashire Core Strategy the proposed development, as was the case with the previously approved proposal, is not major development and, therefore, falls to be considered small scale. As such it is considered that the proposed development is compliant with Policy 1(f) of the Central Lancashire Core Strategy.
35. In light of the above, the proposal is inappropriate development in the Green Belt and is acceptable in principle.

#### Other issues

36. The proposed development compared to the approved scheme is limited to the increase in height and a change to the form of Units 5 and 6, as described above. There would be no notable change to the potential impacts upon highway safety, residential amenity, the character and appearance of the area, drainage or designated heritage assets. Conditions attached to the previous consent would be copied over to any new grant of planning permission for consistency and to ensure the same level of protection and mitigation is employed.

37. Similarly, there is no change to the situation with regards to Public Open Space requirements or the Community Infrastructure Levy requirements, compared to the previously approved proposal.

### CONCLUSION

38. It is considered that the changes to the previous planning approvals proposed by this application do not change the conclusions with regards to the acceptability of the proposal. The proposal accords with the exception of paragraph 145 (g) of the National Planning Policy Framework and is not, therefore, inappropriate development in the Green Belt. The identified very low level of harm caused to the setting of the listed building would be clearly outweighed by the public benefits of the scheme. The proposal would not be detrimental to the character and appearance of the area, would not prejudice highway safety and would not be detrimental to nature conservation interests or European protected species. The proposed development would make a small contribution to the Council's housing land supply. The application is considered to accord with the relevant policies of the Development Plan and is recommended for approval, subject to conditions.

### RELEVANT HISTORY OF THE SITE

**Ref:** 20/00226/FUL **Decision:** PERFPP **Decision Date:** 17 July 2020  
**Description:** Erection of agricultural livestock building and construction of vehicular access and manoeuvring areas

**Ref:** 20/00437/CLEUD **Decision:** PEREUD **Decision Date:** 16 July 2020  
**Description:** Application for a certificate of lawfulness for an existing use of land and buildings for general storage including caravans, boat, trailer, vehicles, fencing materials, builders plant, machinery, tools and scaffolding

**Ref:** 20/01087/FUL **Decision:** PERFPP **Decision Date:** 20 July 2021  
**Description:** Redevelopment of the site, including the demolition and conversion of existing buildings to create 5no. residential dwellings

**Ref:** 21/00622/LBC **Decision:** PERLBC **Decision Date:** 20 July 2021  
**Description:** Application for listed building consent for redevelopment of the site, including the demolition and conversion of existing buildings to create 5no. residential dwellings

**Ref:** 21/01290/FUL **Decision:** PERFPP **Decision Date:** 10 January 2022  
**Description:** Section 73 application to vary condition no.1 (approved plans) of planning permission reference 20/01087/FUL (Redevelopment of the site, including the demolition and conversion of existing buildings to create 5no. residential dwellings) to include a phasing plan for the development

**Ref:** 22/00511/LBC **Decision:** PCO **Decision Date:**  
**Description:** Application for listed building consent for redevelopment of the site, including the demolition and conversion of existing buildings to create 5no. residential dwellings (resubmission of 21/00622/LBC)

**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 and the legislation of the Planning (Listed Buildings and Conservation Areas) Act 1990. The specific policies/ guidance considerations are contained within the body of the report.

Suggested Conditions

1. The proposed development must be begun not later than three years from the date of this permission.

*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

*Reason: For the avoidance of doubt and in the interests of proper planning*

Title	Plan Ref	Received On
Location Plan	D410/P10 Rev A	11 May 2022
Proposed Site Phasing Plan	D410/P22 Rev A	11 May 2022
Proposed Site Plan	D410/P08 Rev C	11 May 2022
Proposed Site Accessway Details	D410/P19 Rev A	11 May 2022
Proposed Buildings Floor Plans, Roof Plans & Elevations (Sheet 1)	D410/P09 Rev A	11 May 2022
Proposed Buildings Floor Plans, Roof Plans & Elevations (Sheet 2)	D410/P10 Rev A	11 May 2022
Proposed Buildings Floor Plans, Roof Plans & Elevations (Sheet 3)	D410/P11 Rev A	11 May 2022
Proposed Buildings Floor Plans, Roof Plans & Elevations (Sheet 4)	D410/P12	11 May 2022
Proposed Buildings Floor Plans, Roof Plans & Elevations (Sheet 5)	D410/P13	11 May 2022
Proposed Buildings Floor Plans, Roof Plans & Elevations (Sheet 6)	D410/P14	11 May 2022

3. Prior to the commencement of development samples/details of all external facing and roofing 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 and retained thereafter.

*Reason: To ensure that the materials used are visually appropriate to the locality.*

4. Prior to the commencement of development, full details of the proposed windows/doors, rainwater goods and roof-lights to be used 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 and retained thereafter.

*Reason: In the interests of the character and appearance of the site.*

5. Before the development commences full details, in the form of a work methodology specification statement, shall be submitted to and approved in writing by the Local Planning Authority in relation to the remedial repair and repointing of any areas the existing brickwork/fabric of any retained buildings. The required details shall include the method for maintaining the existing brickwork in situ where possible and include the method of 'raking out' the existing joints, the type of mortar to be used and the finished profile of the pointing. The work shall only be carried out in accordance with the approved details and retained thereafter.

*Reason: In the interests of the character and appearance of the site.*

6. Before the development hereby permitted becomes operative the visibility splays measuring 2.4 metres by 102 metres in both directions shall be provided, measured along the centre line of the proposed site access from the continuation of the nearer edge of the existing carriageway of Ulnes Walton Lane, in accordance with the approved plans. The land within these splays shall be maintained thereafter, free from obstructions and maintained as verge.

*Reason: To ensure adequate visibility at the street junction or site access in the interest of highway safety.*

7. Prior to first occupation of the development for the purposes hereby approved, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials.

*Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.*

8. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before any development commences and a suitable turning area is to be maintained thereafter.

*Reason: Vehicles reversing to and from the highway are a hazard to other road users, for residents and construction vehicles.*

9. The refurbishment/conversion works to building B7 and as identified in the Dusk Survey Results report by Tyrer Ecological Consultants Ltd dated 14th September 2020 and the Proposed Site Plan (drawing number D410/PO8 Rev.B), shall not in any circumstances commence unless the Local Planning Authority has been provided with either:  
a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations (Various Amendments) (England and Wales) Regulations 2018 authorizing the specified activity/development to go ahead; or  
b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

*Reason: To ensure that protected species are not adversely affected.*

10. Prior to occupation, a "lighting design strategy for biodiversity" for areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:  
a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and  
b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

*Reason: To ensure that lighting does not adversely affect protected species.*

11. No development shall take place (including any demolition, ground works, site clearance) until a method statement for barn owls has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works;
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) Extent and location of proposed works shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Persons responsible for implementing the works;
- f) Initial aftercare and long-term maintenance (where relevant);

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

*Reason: To ensure that barn owls are not adversely affected.*

12. No removal of or works to any hedgerows, trees, shrubs or brambles, or works to or demolition of buildings or structures that may be used by breeding birds shall take place during the main bird breeding season 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted and approved in writing by the Local Planning Authority.

*Reason: To ensure that breeding birds are not adversely affected.*

13. Prior to the commencement of the development hereby permitted, a method statement detailing the Reasonable Avoidance Measures (RAMs) to be adopted in order to avoid and/or minimise any unforeseen disturbance impacts on local great crested newt populations during the course of the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the RAMs detailed in the approved method statement.

*Reason: To ensure that great crested newts are not adversely affected.*

14. A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and means of enclosure. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area.

All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the first occupation of any buildings or the completion of the development, whichever is the sooner, 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.

*Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design that respects the setting of the Listed Building.*

15. A scheme for the Biodiversity Enhancement Measures, as set out in Appendix IV of the Preliminary Ecological Appraisal by Tyrer Ecological Consultants Ltd dated 11th September 2020 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the Local Planning Authority) and shall be retained thereafter.

*Reason: To ensure that satisfactory biodiversity enhancement measures are carried out.*

16. Retained trees shall be protected prior to and during demolition and construction in accordance with the submitted tree protection measures in the submitted Arboricultural Impact Assessment with Tree Protection Measures, including Appendix 4 Tree Protection Plan - TPP.13196 Rev. 1 (dated 3/9/20) and the relevant British Standard BS 5837:2012.

*Reason: To ensure that trees to be retained are adequately protected.*

17. Prior to the commencement of the development hereby permitted a scheme of vibration monitoring (in accordance with section 8.4 of Cadent Gas document SSW/22 <https://www.nationalgrid.com/uk/gas-transmission/document/82951/download>) shall be submitted to and approved in writing by the Local Planning Authority. This shall be implemented in accordance with the approved details prior to any demolition works taking place and retained for the duration of those demolition works.

*Reason: To ensure that a gas transmission pipeline is not adversely affected by the proposal.*

18. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (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;
- (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); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

*Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.*

19. Foul and surface water shall be drained on separate systems.

*Reason: To secure proper drainage and to manage the risk of flooding and pollution.*

20. No site preparation, clearance or demolition works shall take place until the applicant or their agent or successors in title has secured the implementation of a programme of building recording, analysis and reporting work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works should comprise the creation of (i) a detailed descriptive record of the building; and (ii) a full set of photographs of the building, inside and out, with a key plan showing the location and direction of all images. This work shall be carried out to level 2-3 as set out in "Understanding Historic Buildings" (Historic England 2016). The work must be undertaken by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists. A copy of this record shall be submitted to the Local Planning Authority and the Lancashire Historic Environment Record.

*Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.*

21. Prior to the first occupation of any of the approved dwellings, the buildings labelled as buildings 3, 4, 5, 6, 8 and 9 on the approved plan ref. D410/P22 entitled 'Proposed Site Phasing Plan' shall be demolished and the materials removed from the site.

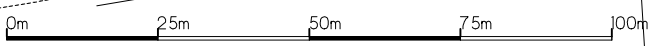
*Reason: To limit the impacts of the proposal on the Green Belt.*

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 <p>t: 01257 450938 m: 07831 676079 e: David@WarwickConstruction.co.uk</p>	<p><b>TITLE:</b> <b>LOCATION PLAN</b> Proposed Re-Development Roecrofts Farm, Ulnes Walton Lane, Ulnes Walton, Leyland, Lancashire. PR26 8LT.</p>	<p><b>DRAWING No.</b> D410/P01</p> <table border="1"> <tr> <td><b>REVISION:</b> A</td> <td><b>SCALE:</b> 1:1250</td> </tr> </table>	<b>REVISION:</b> A	<b>SCALE:</b> 1:1250
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**APPLICATION REPORT – 22/00511/LBC**

**Validation Date: 11 May 2022**

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

**Type of Application: Listed Building**

**Proposal: Application for listed building consent for redevelopment of the site, including the demolition and conversion of existing buildings to create 5no. residential dwellings (resubmission of 21/00622/LBC)**

**Location: Roecroft Farmhouse Ulnes Walton Lane Ulnes Walton Leyland PR26 8LT**

**Case Officer: Mike Halsall**

**Applicant: Colin & Robert Barlow**

**Agent: Mr David Marsden**

**Consultation expiry: 8 June 2022**

**Decision due by: 16 September 2022 (Extension of time agreed)**

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**RECOMMENDATION**

1. It is recommended that listed building consent is granted subject to conditions.

**SITE DESCRIPTION**

2. The application site is located in the Green Belt and also lies within the buffer zone for a Gas Transmission Pipeline. It is occupied by a group of 8 former farm buildings associated with the adjacent Roecroft Farmhouse (which is not within the site defined by the red edge plan) lying to the south of the site. The site is accessed from and lies immediately adjacent to Ulnes Walton Lane. On the opposite side of this road is a residential property, Four Oaks. The land around the site is a mix of scrub and agricultural land.
3. Roecroft Farmhouse is a grade II listed building, and the 8 buildings on the site are considered to be curtilage buildings. The Farmhouse dates from the 18<sup>th</sup> Century. Some of the buildings on the site are modern, but the main barn building (referred to as building 7 in the submission) was probably built between the late 18<sup>th</sup> and mid 19<sup>th</sup> Century.
4. The site benefits from a Certificate of Lawfulness (20/00437/CLEUD) granted on 16 July 2020 for an existing use of land and buildings for general storage including caravans, boat, trailer, vehicles, fencing materials, builders plant, machinery, tools and scaffolding.
5. Planning permission and listed building consent was granted on 20 July 2021 (refs. 20/01087/FUL and 21/00622/LBC) for the redevelopment of the site, including the demolition and conversion of existing buildings to create 5no. residential dwellings.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

6. The current application seeks listed building consent for the same development as approved under 21/00622/LBC as follows:

- Building 2 – retain and extend to provide unit 2, which would be single storey. A new single garage is proposed to serve this unit.
  - Buildings 3, 4, 5 & 6 – demolish.
  - Building 7 – Retain and convert into 2no. dwellings, units 3 & 4. Two new double garages are proposed to serve these units.
  - Building 8 – To be demolished and replaced with a single storey dwelling known as unit 5. A new single garage is proposed to serve this unit.
  - Building 9 – To be demolished and replaced with a single storey dwelling known as unit 6. A new single garage is proposed to serve this unit.
7. Access would be via the existing site access, which would be widened. To provide improved visibility splays the existing hedging along the boundary with the highway is to be removed with a new 900mm high timber post and panel fence to be erected at the rear of the splays with a new blackthorn hedge to be planted behind this.
8. The only changes proposed by this application in comparison to the previously approved proposal are that Units 5 and 6 have been increased in size to include a first-floor area in the roof void with a new one and a half storey design. Their built form/footprint has also been changed. The changes are explained in more detail within the Planning Considerations section of this report.

### **REPRESENTATIONS**

9. No representations have been received.

### **CONSULTATIONS**

10. Historic Buildings and Places: Have not responded on this occasion.
11. The Council for British Archaeology: Have not responded on this occasion.
12. Society for the Protection of Ancient Buildings (SPAB): Have not responded on this occasion.
13. The Georgian Group: Have not responded on this occasion.
14. The Victorian Society: Have not responded on this occasion.
15. Ulnes Walton Parish Council: Have not responded on this occasion.

### **PLANNING CONSIDERATIONS**

#### Impact on designated heritage assets

16. The proposal would increase the maximum height of the approved buildings on units 5 and 6 by approximately 2m to a total height of approximately 6m and the overall new built volume at the site by approximately 555 cubic metres. The buildings on units 5 and 6 would be the furthers from the listed farmhouse.
17. The principal statutory duty under the P(LBCA) Act 1990 is to preserve the special character of heritage assets, which includes their setting. Local Planning Authorities (LPAs) should in coming to decisions consider the principle act which states the following;
18. Listed Buildings - Section 66(1) in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

19. The National Planning Policy Framework (The Framework) at Chapter 16 deals with conserving and enhancing the historic environment. It sets out that in determining planning applications LPAs should take account of;
  - a. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c. The desirability of new development making a positive contribution to local character and distinctiveness.
15. Paragraph 193 states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.
16. Paragraph 194 states that any harm or loss of significance to a designated heritage asset (from alteration or destruction or from development within its setting) should require clear and convincing justification.
17. Paragraph 196 states that where a development will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.
18. The Central Lancashire Core Strategy policy 16 and policy BNE8 of the Chorley Local Plan 2012-2026 reflect this approach and support the protection of designated heritage assets.
19. The Council's heritage advisors (Growth Lancashire) have reviewed the proposal and have noted that it remains much the same as the previously approved scheme and so have simply reiterated their comments made in relation to that application, as outline below.
20. A heritage statement has been submitted in support of the proposed development to assess the potential impact of the proposal upon the grade II listed farmhouse which includes its setting which includes this site.
21. This statement been reviewed by the Council's heritage advisors (Growth Lancashire) who support the principle of the conversion of the barn (building 7) but would prefer to see building 2 (to be retained and extended to become unit 2) into ancillary use with the farmhouse. They raise no objections to the demolition of those buildings proposed to be removed and comment that the benefits of converting the barn into dwellings would be tempered slightly by internal changes and intensive use of space. Comment is also made that thought should be given to the enclosure of the private rear spaces and how garaging for the wider farm group setting is provided, although it is acknowledged that these are only secondary elements with only a minor impact on the scheme.
22. Overall it is considered that whilst there would be some very low level of harm caused by aspects of the proposal, the scheme, when taken as a whole, has the potential to generate wider benefits from the sustained use of the group of traditional buildings which would help retain the contribution made by the 'farm group' to the significance Roecroft Farmhouse.
23. The public benefits of the scheme need to be weighed against the identified very low level of harm. There are a number of public benefits of the scheme in terms of improving the character and appearance of the site, improved visibility at the access to the highway, provision of housing and the sustained use of the site referred to above. It is considered that these benefits would outweigh the identified harm, and as such the proposal conforms with S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 the Framework, policy 16 of the Core Strategy and policy BNE8 of the Chorley Local Plan 2012 - 2026.

**CONCLUSION**

24. The identified very low level of harm caused to the setting of the listed building would be clearly outweighed by the public benefits of the scheme. The application is considered to accord with the relevant policies of the Development Plan and is recommended for approval, subject to conditions.

**RELEVANT HISTORY OF THE SITE**

**Ref:** 20/00437/CLEUD **Decision:** PEREUD **Decision Date:** 16 July 2020  
**Description:** Application for a certificate of lawfulness for an existing use of land and buildings for general storage including caravans, boat, trailer, vehicles, fencing materials, builders plant, machinery, tools and scaffolding

**Ref:** 20/01087/FUL **Decision:** PERFPP **Decision Date:** 20 July 2021  
**Description:** Redevelopment of the site, including the demolition and conversion of existing buildings to create 5no. residential dwellings

**Ref:** 21/00622/LBC **Decision:** PERLBC **Decision Date:** 20 July 2021  
**Description:** Application for listed building consent for redevelopment of the site, including the demolition and conversion of existing buildings to create 5no. residential dwellings

**Ref:** 21/01290/FUL **Decision:** PERFPP **Decision Date:** 10 January 2022  
**Description:** Section 73 application to vary condition no.1 (approved plans) of planning permission reference 20/01087/FUL (Redevelopment of the site, including the demolition and conversion of existing buildings to create 5no. residential dwellings) to include a phasing plan for the development

**Ref:** 22/00509/FUL **Decision:** PDE **Decision Date:**  
**Description:** Redevelopment of the site, including the demolition and conversion of existing buildings to create 5no. residential dwellings (resubmission of 20/01087/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 and the legislation of the Planning (Listed Buildings and Conservation Areas) Act 1990. The specific policies/ guidance considerations are contained within the body of the report.

Suggested Conditions

1. The proposed development must be begun not later than three years from the date of this permission.

*Reason: Required to be imposed by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

*Reason: For the avoidance of doubt and in the interests of proper planning*

Title	Plan Ref	Received On
Location Plan	D410/P10 Rev A	11 May 2022
Proposed Site Phasing Plan	D410/P22 Rev A	11 May 2022
Proposed Site Plan	D410/P08 Rev C	11 May 2022
Proposed Site Accessway Details	D410/P19 Rev A	11 May 2022
Proposed Buildings Floor Plans, Roof Plans &	D410/P09 Rev A	11 May 2022

Elevations (Sheet 1)		
Proposed Buildings Floor Plans, Roof Plans & Elevations (Sheet 2)	D410/P10 Rev A	11 May 2022
Proposed Buildings Floor Plans, Roof Plans & Elevations (Sheet 3)	D410/P11 Rev A	11 May 2022
Proposed Buildings Floor Plans, Roof Plans & Elevations (Sheet 4)	D410/P12	11 May 2022
Proposed Buildings Floor Plans, Roof Plans & Elevations (Sheet 5)	D410/P13	11 May 2022
Proposed Buildings Floor Plans, Roof Plans & Elevations (Sheet 6)	D410/P14	11 May 2022

3. Prior to the commencement of development samples/details of all external facing and roofing 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 and retained thereafter.

*Reason: To ensure that the materials used are visually appropriate to the locality.*

4. Prior to the commencement of development, full details of the proposed windows/doors, rainwater goods and roof-lights to be used 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 and retained thereafter.

*Reason: In the interests of the character and appearance of the site.*

5. Before the development commences full details, in the form of a work methodology specification statement, shall be submitted to and approved in writing by the Local Planning Authority in relation to the remedial repair and repointing of any areas the existing brickwork/fabric of any retained buildings. The required details shall include the method for maintaining the existing brickwork in situ where possible and include the method of 'raking out' the existing joints, the type of mortar to be used and the finished profile of the pointing. The work shall only be carried out in accordance with the approved details and retained thereafter.

*Reason: In the interests of the character and appearance of the site.*

6. No site preparation, clearance or demolition works shall take place until the applicant or their agent or successors in title has secured the implementation of a programme of building recording, analysis and reporting work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works should comprise the creation of (i) a detailed descriptive record of the building; and (ii) a full set of photographs of the building, inside and out, with a key plan showing the location and direction of all images. This work shall be carried out to level 2-3 as set out in "Understanding Historic Buildings" (Historic England 2016). The work must be undertaken by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists. A copy of this record shall be submitted to the Local Planning Authority and the Lancashire Historic Environment Record.

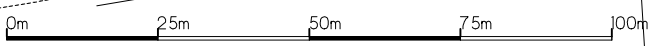
*Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.*

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 <p>t: 01257 450938 m: 07831 676079 e: David@WarwickConstruction.co.uk</p> <p><small>D:\Data\CAD Drawings\Drawings\D410 Roecroft Farm\Local\00P01.dwg 2020 17:52</small></p>	<p><b>TITLE:</b> <b>LOCATION PLAN</b></p> <p><b>Proposed Re-Development</b> <b>Roecrofts Farm, Ulnes Walton Lane, Ulnes</b> <b>Walton, Leyland, Lancashire. PR26 8LT.</b></p>	<p><b>DRAWING No.</b> <b>D410/P01</b></p> <table border="1"> <tr> <td><b>REVISION:</b> <b>A</b></td> <td><b>SCALE:</b> <b>1:1250</b></td> </tr> </table>	<b>REVISION:</b> <b>A</b>	<b>SCALE:</b> <b>1:1250</b>
<b>REVISION:</b> <b>A</b>	<b>SCALE:</b> <b>1:1250</b>			

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**APPLICATION REPORT – 22/00741/PIP****Validation Date: 7 July 2022****Ward: Eccleston, Heskin And Charnock Richard****Type of Application: Permission In Principle****Proposal: Permission in principle application for the demolition of the existing glasshouses and the erection of up to five dwellings****Location: The Nurseries Southport Road Eccleston Chorley PR7 6ET****Case Officer: Mike Halsall****Applicant: Mr John Ashcroft****Agent: Paige Linley****Consultation expiry: 27 July 2022****Decision due by: 19 August 2022**

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**RECOMMENDATION**

1. The applicant has appealed to the Planning Inspectorate against the Council's non-determination of the planning application. As such, it is recommended that the Planning Committee be minded to resolve to refuse permission in principle for the following reason:

The proposed development would be located within the Green Belt as defined by the Chorley Local Plan 2012 – 2026. The proposed development 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. The proposal is, therefore, contrary to the National Planning Policy Framework, Policy 1(f) of the Central Lancashire Core Strategy and policy HS7 of the Chorley Local Plan 2012 – 2026.

**SITE DESCRIPTION**

2. The application site is located in the Green Belt and comprises horticultural glasshouses which form part of a larger site, formerly operated by Whiterigg Alpines UK Ltd and currently by Hic Bibi Wholesale Nurseries. The site is rectangular in shape and is located on the southern side of Southport Road, approximately 1.2km to the north of Eccleston. The area is characterised by ribbon development located either side of Southport Road in a mixture of residential, agricultural/horticultural and industrial/commercial uses.
3. The site is bound by Southport Road to the north beyond a substantial hedgerow, a single-storey office building, car parking area and internal access road to the east, planting beds and polytunnels to the south all associated with the nurseries business, and a dwelling to the west on the other side of an unnamed access track that serves a handful of dwellings.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

4. The application seeks permission in principle for the demolition of the existing glasshouses and the erection of up to five dwellings at the site.

5. It is worth noting that due to a system error the description of development was initially entered incorrectly. This was quickly rectified, and revised neighbour notification and consultation letters were issued to identify the change to the description of development. The site notice displayed the correct description of development when erected.

## REPRESENTATIONS

6. Objections have been received from the occupants of five addresses, including the owner of the nurseries business that currently occupy the application site. The comments received are summarised as follows:
  - The existing business employs 15 staff through the busy season, if the glasshouses are removed it would be ruinous to the business
  - The social and economic costs of the application are too high risking closure of a longstanding business and loss of jobs for the sake of a handful of new houses
  - Shaw Green is not a parish village or even a village; it is merely a historic name for a small area within Euxton. The application site is on the outskirts of Eccleston.
  - The pub, restaurant and butchers are all located in Euxton
  - Shaw Green does not appear on any local addresses and is not recognised by the Council or the Post Office
  - The site cannot be classed as rural infilling
  - The gap is too large to be filling of a small gap
  - The other approvals referenced by the applicant were passed for different reasons and so are not comparable
  - The proposal is unacceptable in the Green Belt and would seriously impact openness
  - No very special circumstances exist – paragraphs 147 and 149 of the Framework
  - Loss of residential amenity from overshadowing, overlooking and loss of outlook
  - New dwellings would not compliment the street scene and not fit with the current pattern of development
  - Traffic
  - Highway safety
  - Flood risk
  - Loss of trees and hedges
7. Paragraph 012 of the National Planning Practice Guidance (NPPG) on Permission in Principle, states that *“the scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these ‘in principle’ matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission.”*
8. Many of the neighbour comments/objections relate to technical matters that will be assessed as part of any future detailed consent application and fall outside of what the Council can assess as part of this current application, as set out in the above paragraph from the NPPG. All other matters referred to that are material considerations, i.e. those relating to location, land use and amount of development, are assessed in the Planning Considerations section of this report.

## CONSULTATIONS

9. Eccleston Parish Council: have not responded on this occasion.
10. United Utilities: have responded with advice for the applicant with regards to the level of detail relating to the drainage aspects of the proposal that should be included in the forthcoming detailed consent application, should this application be approved.

**PLANNING CONSIDERATIONS**

11. In terms of location, land use, and amount of development, the key consideration in the determination of this application is that the site is situated within the Green Belt.
12. 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.”*

13. The application site is located outside the settlement area of Ecclestone 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.”*

14. Whilst the application site contains buildings, in the form of glasshouses, these are in horticultural use and so the site does not meet the definition of previously developed land of Annex 2 to the National Planning Policy Framework. Therefore, with regards to the impacts and acceptability of the proposal in the Green Belt, the application site should be assessed as an open site, free from any built development.
15. 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.
16. The site is located in excess of 1km from the nearest settlement, Eccleston, which is surrounded by countryside. 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.
17. The applicant is of the opinion that the site forms part of the parish village of Shaw Green which they consider would constitute a small village in Chorley. The applicant considers that Shaw Green has a range of amenities for future residents within close proximity to the site, including a public house, butchers, Indian restaurant and public transport connections. It is for this reason that the applicant considers the site is within the settlement and should be deemed as within a small village where appropriate infill development is acceptable under the aforementioned policies.
18. The applicant also refers to a number of recent Council and appeal decisions in the wider Chorley area which they consider supports their case for the site representing infill development. It is not considered however that these are directly relevant to the current application, for example, application ref. 22/00366/PIP at Fell View off Southport Road close the site was assessed under paragraph 149g of the Framework as the redevelopment of previously developed land, rather than as an infill site in a village under paragraph 149e. Under 149g there is no requirement to demonstrate the site is within a village.
19. The applicant draws particular reference in their supporting statement, and subsequent email exchanges with the case officer, to Council decisions 13/01224/FUL, 19/00484/PIP and appeal decision ref. APP/D2320/W/21/3283978. These are assessed below and compared to the current proposal.
20. Planning approvals 13/01224/FUL and 19/00484/PIP relate to the erection of a dwelling at Gate House, Preston Road, Charnock Richard. The officer report for the latter decision states that *"this area of Charnock Richard is known as Welch Whittle, which has just over 100 properties mainly located on Town Lane, Preston Road and The Foxwood. There is a public house, The Hind's Head on the corner of Preston Road and Chorley Lane. A previous application (ref. 13/01224/FUL) considered that this group of houses, given its size, location and historic identity is a village for the purposes of this policy."*
21. It is acknowledged that the application site is similar in terms of local amenities to the above referenced Gate House site, however, as noted within the summary of comments from neighbours, the area in which the application site is located is not recognised as a village. The applicant refers to the area as the parish village of Shaw Green, but has not identified the source of this reference. Shaw Green is not referenced in the Chorley Local Plan 2012-2026 and does not appear in any of the addresses in this area. The addresses, as is the case with the application site, refer to Eccleston. Shaw Green is therefore not considered to be a recognised village or 'parish village' in Chorley. The area surrounding the application site only includes approximately 40 houses, commercial/industrial units at Ash Lea Farm that includes a farm shop, a pub, an Indian restaurant and agricultural and horticultural land

uses. It is not considered that the application site is directly comparable to the schemes referenced by the applicant.

22. Turning to appeal decision ref. APP/D2320/W/21/3283978 which overturned the Council's refusal of permission in principle decision ref. 21/00744/PIP, this related to the erection of one dwelling on land adjacent to Garwick, Chapel Lane, Heapey. Whilst the Council did not consider the site represented infill development, it was agreed that the site was located within a village. The officer report for the decision stated that *"the site is located close to the settlement area of Wheelton, the edge of which lies approximately 110m to the north west of the site. Wheelton is a small village surrounded by countryside, which comprises a local centre as designed within the Chorley Local Plan 2012-2026 that contains a number of services including a shops and a public house. The local centre lies approximately 440m to the north of the application site. Beyond the local centre Wheelton supports a play area, churches, a primary school and other public houses, not all of which are within the settlement area. In consideration of whether or not the application 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 Wheelton, in which people live and carry out daily activities, extends beyond the settlement boundary. Given the extent of available amenities in Wheelton and presence of a local centre Wheelton is very clearly a village. The application site is within walking distance of the village centre and other amenities within Wheelton and therefore it is considered that the site does form part of the functional area of the village."*
23. The Garwick site is located in close proximity to the recognised settlement of Wheelton (110m) compared to the application which is located over 1km for the nearest recognised settlement of Eccleston as the crow flies. By road, the separation distance is approximately 2.2km. There is a distinct lack of built development between the site and the settlement with the land consisting mainly of open agricultural fields. It is acknowledged that the definition of a village is not limited to that of the defined settlement area, but given the substantial separation distance of the application site to the Eccleston, it is not considered that the application site is located in the functional area of Eccleston.
24. In light of the above, it is not considered that the application site is located within a village and so conflicts with paragraph 149.e) of the Framework and Policy 1(f) of the Core Strategy.
25. 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.'*

26. The applicant is of the opinion that the site is infill development and represents a gap in a clearly identifiable built-up frontage along the south of Southport Road. Their supporting statement states:

*“To the west of the site there is a row of semi-detached dwellings with frontages onto Southport Road. There are more dwellings located to the east of the site before a natural break leading onto Dawber’s Lane and Runshaw Lane. Whilst Policy HS7 states that limited infilling would typically constitute one or two dwellings, the site can accommodate more than one or two dwellings and would infill an existing built-up frontage. This PIP application sets out a range from 1no. to 5no. dwellings that could be developed at the site, and therefore if the LPA considered the site to only have suitable potential for less dwellings, we would be happy to negotiate if appropriate to a lesser number... The development is also of an appropriate small scale for infill development, with the site representing an appropriate gap in the frontage for up to 5no. dwellings. The general layout of properties proposed would bear close relation to the layout of the existing properties around the site and demonstrate an active frontage onto Southport Road. Whilst design and layout are not matters of relevance to this Stage 1 PIP application it is considered up to 5no. dwellings can be developed on site which complements the setting and character of the existing street scene and local area, and in line with Core Strategy Policy 5 in terms of housing density. Taking the above factors into account, the proposals are deemed to fully accord (subject to a range of 1no. to 5no dwellings) with the requirements of Policy HS7 and Policy 1(f), representing appropriate infill development. The proposals also represent appropriate development within the Green Belt, representing limited small-scale infilling in accordance with Paragraph 149(e) of the NPPF.”*

27. It is acknowledged that the site forms a gap in an identifiable built-up frontage between the small office building to the east and no.29 Southport Road to the west. The site lies within the frontage, with buildings either side, and its development would not extend the frontage. The final proposal could also be designed to complement the character and setting of the existing buildings. The issue here is that the gap between the two existing buildings either side of the site is approximately 90m. Some of the dwelling plots on this section of Southport Road are relatively wide and stretch to approximately 25 / 30m in some instances. However, more common plot widths in the area are closer to 15m. For the proposal to fit with the character of the area, it is considered that the site would need to accommodate between 3 and 5 dwellings, with the higher number considered more appropriate. As such, it is considered that the application site is too wide to fit the definition of infill development provided in policy HS7, i.e. *‘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.’*
28. It is acknowledged that the proposal is for between 1 and 5 dwellings and the Council could restrict the number of dwellings as part of any approval, but the gap is too large to fill with one or two dwellings to fit with the requirements of policy HS7. If more dwellings are allowed, this would go beyond the remit of an infill development as defined in policy HS7, as explained above. The proposed development does not, therefore, meet the definition of infill development for the purposes of policy HS7 of the Local Plan.
29. The proposal is, therefore, considered to be inappropriate development within the Green Belt and therefore not in accordance with the Framework, Policy 1(f) of the Central Lancashire Core Strategy and Policy HS7 of the Chorley Local Plan 2012 - 2026.

#### Other issues

30. The applicant references the Council’s lack of a 5 year supply of housing land and that the positive impacts of the addition of up to 5 houses should be balanced accordingly.
31. The proposal would boost the supply of housing, albeit on a small scale, in a situation where there is no five-year supply and, as a result, moderate weight can be given to the social benefits of the proposal. It is considered that the economic benefits of the proposal would be minimal and would relate mainly to the creation of construction jobs.
32. Although the above factors are accepted to contribute to outweigh the harm, it needs to be considered if the circumstances put forward amount to very special circumstances. A careful balancing of material considerations needs to be applied to the application.



33. The definitional harm to the Green Belt from inappropriateness must be given substantial weight in the planning balance. It is considered that the social benefits from the creation of housing and the economic benefits from job creation would be cancelled-out by the loss of a local business at the site.
34. The material considerations put forward do not provide sufficient weight in favour of the proposal and in terms of the Framework in this case it is considered that the social and economic benefits of the proposal do not outweigh the environmental dimension from Green Belt harm. Very special circumstances therefore do not exist sufficient to clearly outweigh the identified harm.

#### **CONCLUSION**

35. The proposed development is not considered to be infilling in a village and, therefore, constitutes inappropriate development, which in the absence of very special circumstances is contrary to the National Planning Policy Framework, Policy 1(f) of the Core Strategy and Policy HS7 of the Chorley Local Plan 2012 – 2026. The application is therefore recommended for refusal.

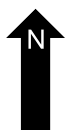
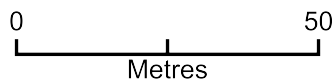
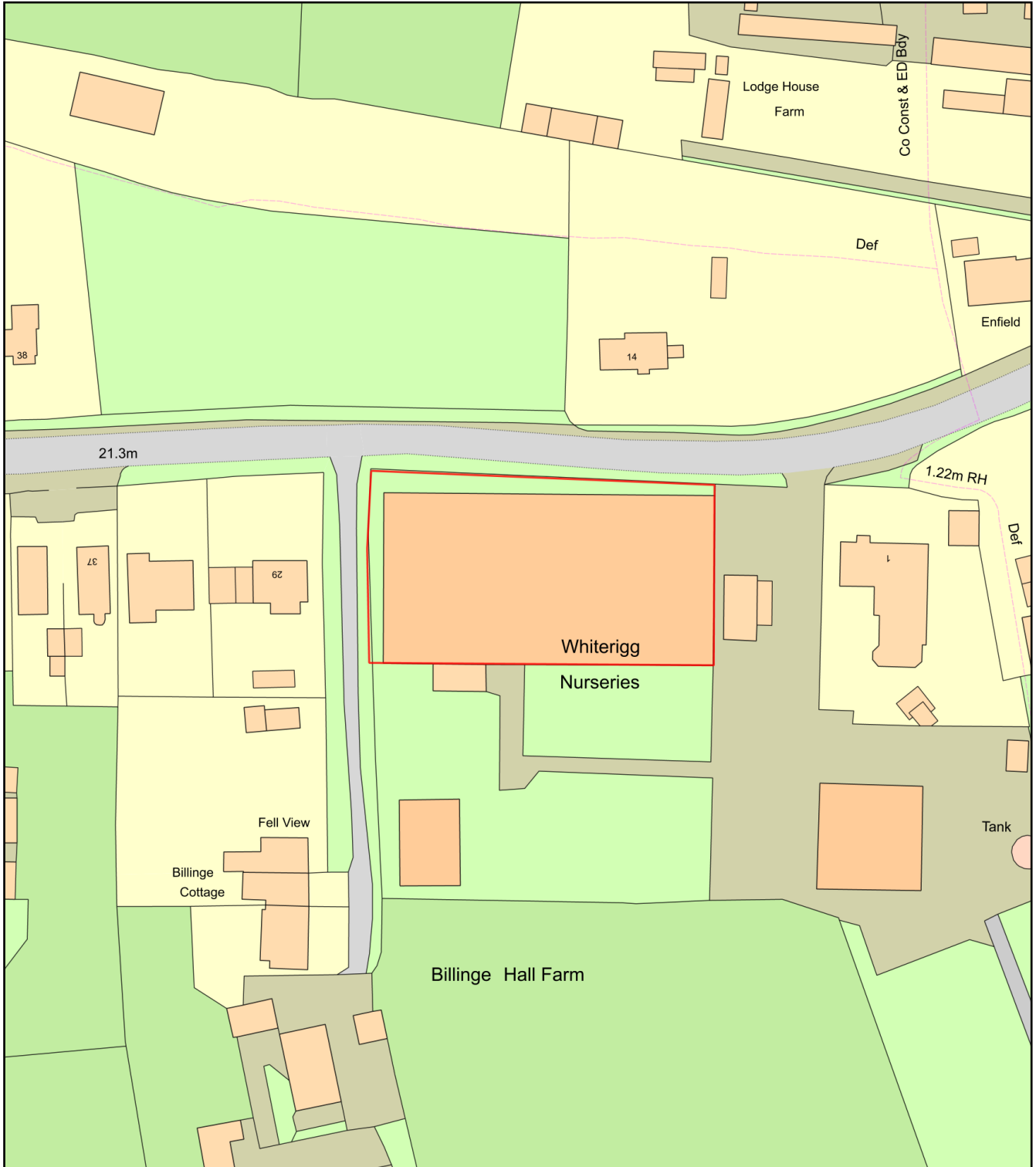
#### **RELEVANT HISTORY OF THE SITE**

**Ref:** 13/00762/P3PAJ      **Decision:** AAPR      **Decision Date:** 2 October 2013  
**Description:** Prior approval application under Part 3, Class J of The Town and Country (General Permitted Development) (Amendment) Order 2013 to change of use of existing offices (Use Class B1(a)) to a dwellinghouse (Use Class C3).

**Ref:** 74/00545/FUL      **Decision:** REFFPP      **Decision Date:** 5 February 1975  
**Description:** Extension and alterations

**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.

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Plan Produced for: Southport Road  
Date Produced: 30 Jun 2022  
Plan Reference Number: TQRQM22181164934906  
Scale: 1:1250 @ A4

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**APPLICATION REPORT – 21/01483/FULMAJ**

**Validation Date: 14 January 2022**

**Ward: Chorley North And Astley**

**Type of Application: Major Full Planning**

**Proposal: Erection of a part two storey/part single storey building to accommodate 24no. bed hospital ward and associated works (part retrospective)**

**Location: Chorley And South Ribble District General Hospital Preston Road Chorley PR7 1PP**

**Case Officer: Chris Smith**

**Applicant: Lancashire Teaching Hospitals NHS Foundation Trust**

**Agent: Mr Daniel Hughes**

**Consultation expiry: 7 February 2022**

**Decision due by: 16 September 2022**

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**RECOMMENDATION**

1. It is recommended that this application is approved, subject to conditions.

**SITE DESCRIPTION**

2. The application site is located in the settlement area of Chorley, as defined by the Chorley Local Plan Policies Map and it lies within the established grounds of Chorley and South Ribble Hospital in the southern part of the site. The site is currently used as a temporary staff car park, after the maternity and endoscopy ward building which previously occupied the site was demolished in 2020.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

3. The application seeks planning permission for a two storey hospital building to accommodate a 24no. bed patient ward along with associated facilities. Works to construct the building are at a relatively advanced stage and therefore, the application is part retrospective.
4. The proposed building would be of modular construction and there would be car parking and hard and soft landscaping works around the building. It would be linked at first floor level to the rest of the hospital via an existing link which was retained following demolition of the maternity ward building.
5. The scheme would complement the existing facilities at Chorley and South Ribble Hospital by enabling an expansion of ward capacity in line with increasing demand.
6. Amended plans have been submitted. The original scheme proposed a part single storey / part two storey building, however, amended plans were provided for a two storey building.

## REPRESENTATIONS

7. 2no. representations have been received citing the following grounds of objection to the proposed development:
- Impacts on neighbouring amenity.
  - Loss of car parking.
  - Traffic and highway safety.

## CONSULTATIONS

8. Chorley Council's CIL Officers – Have stated that the proposed development would be CIL liable if approved.
9. Lancashire Highway Services (LCC Highways) – Have stated that they are satisfied that the proposed development would not exacerbate any existing car parking or highway issues and they raise no objections to the proposed development.
10. Greater Manchester Ecology Unit (GMEU) – Have no objections to the proposed development.
11. Chorley Council's Waste & Contaminated Land Officer – Has stated that in this instance he has no comments to make.
12. United Utilities (UU) – Have no objections to the proposed development.
13. Lead Local Flood Authority (LLFA) – Have stated that they object to the proposed development, see main body of report for more information.

## PLANNING CONSIDERATIONS

### Principle of the development

14. The application site is located in the core settlement area of Chorley. Policy V2 of the Chorley Local Plan 2012 - 2026 states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.
15. Central Lancashire Core Strategy policy 1 (Locating Growth) seeks to focus growth and investment in a number of places, including the Key Service Town of Chorley.
16. Policy 23 (Health) seeks to integrate public health and planning and help to reduce health inequalities in a number of ways, including working with health care commissioners to support health care infrastructure and particularly to improve primary care and mental health care access and facilities.
17. Policy 25 (Community Facilities) seeks to ensure that local communities have sufficient community facilities provision by, among other things, working with public, private and voluntary sector providers to meet demonstrable need and encouraging and coordinating new provision at locations that are accessible by all modes of transport.
18. At paragraph 123 the National Planning Policy Framework (The Framework) provides, among other things, that Local Planning Authorities should support proposals that make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.
19. The principle of the proposed development is, therefore, considered to be an acceptable one, subject to material planning considerations.

Design and impact on the character and appearance of the immediate locality

20. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, provided that the proposal does 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.
21. The application proposes a two storey building. This would be a modular flat roofed building to provide ease and speed of construction as the modular system can be largely prefabricated and installed on site rapidly. The building would, therefore, be of relatively functional appearance and this is considered to be an acceptable design approach, particularly as various architectural styles can be found across the hospital site. Furthermore, it is not considered that it would have a significantly greater or more adverse impact on the visual characteristics of the wider hospital site than the maternity ward building which previously occupied the site.
22. To the south and east of the building there would be areas of hardstanding to provide staff car parking and to the west and south existing soft landscaping including grass verges and a small number of bushes and trees would be retained. There would also be asphalt pathways and access ramps to the entrances of the building which would link into the existing pedestrian infrastructure in the grounds of the hospital. It is considered that these arrangements would be in keeping with the existing configuration and layout of the wider hospital site.

Impact on neighbour amenity

23. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, where relevant to the development the development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or overbearing.
24. The proposed development would be approximately 31m to the north of the nearest neighbouring residential property at no. 109 Rookwood Avenue and this degree of separation would be adequate to ensure that there would be no unacceptable adverse impacts on the levels of amenity currently enjoyed by the occupiers of this and other properties located at Rookwood Avenue. Direct intervisibility between the building and the neighbouring residential properties located to the southwest at Foxcote would be restricted by mature trees located within the hospital grounds.
25. It is also noted that the site has been used as a staff car park and before this it was occupied by a hospital building. Both uses would have generated a degree of noise and disruption as a result of comings and goings. Consequently, the character of the immediate locality is such that some degree of noise disturbance is commonplace and whilst there are residential noise sensitive receptors capable of being impacted upon by the development in the immediate locality, it is not considered that the resultant noise would be so adverse so as to warrant refusal of the application.

Highway safety

26. Policy BNE1 of the Chorley Local Plan 2012-2026 states that developments must not cause severe residual cumulative highways impact or prejudice highway safety, pedestrian safety, the free flow of traffic, or reduce the number of on-site parking spaces.
27. LCC Highways have stated that car parking at Chorley Hospital can be problematic at times and as such it is essential that adequate car parking within the hospital grounds is provided to ensure that any surrounding roads are not adversely impacted upon. They have also stated that the developer has provided a plan indicating all existing car parking areas and the new parking associated with this proposal and based on a review of this information they are satisfied that the proposed development would not exacerbate any existing car parking issues.

Ecology

28. The Council's appointed ecologists at the Greater Manchester Ecology Unit (GMEU) have assessed the application and have not raised any objections to the proposed development but advised that an informative note be attached to any grant of planning permission so that the applicant is aware that they must seek ecological advice should they find or suspect that the proposals will impact on protected species. They also stated that works that impact on habitats where nesting birds may be present (for example demolition of a building or works to trees and other vegetation including undergrowth like bramble), should not be undertaken in the main bird nesting season (March – August) unless suitable checks for active bird nests have been undertaken.

#### Community Infrastructure Levy

29. 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 CIL liable.

#### Drainage

30. The Lead Local Flood Authority (LLFA) have stated that they object to the proposed development on the grounds that the applicant has provided peak run off calculations assuming that the site is classified as 'previously developed' in drainage terms. However, the North West SuDs Pro-Forma, applied by the LLFA explains that a site must only be classified as 'previously developed' with regards to drainage when the existing drainage system is to be used in its entirety.
31. In this case the development would not use the existing drainage system in its entirety and, therefore, the 'previously developed' Defra Technical Standards for SuDs (S3 and S5) cannot be applied to its design. Consequently, the LLFA advised that the applicant should provide amended drainage details to design the development to greenfield standards in drainage terms.
32. However, the applicant's agent has stated that the brownfield run-off rate is being met indeed this would be an improvement of approximately 75-80% relative to the existing situation. The agent has also drawn the Council's attention to the advisory nature of the LLFA comments which state that comments provided are advisory and it is the decision of the Local Planning Authority whether any recommendations are acted upon.
33. Furthermore, the applicant's agent has set out various reasons as to why draining the site at greenfield run off rates would not be feasible as follows:
- The amount of space required for attenuation is limited given that half the car park comprises below ground storm tanks.
  - The cost implications of having to significantly increase the capacity of these given that there is a limited budget for the development given the pressing needs of the NHS and particularly the significant pressures to create more bed space.
  - The further logistical issues further work would cause on the operation of the hospital.
34. Taking into account the arguments advanced by the applicant, the improvements with regards to run-off rates relative to the existing situation and the significant healthcare benefits to support the community which would occur as a result of the development particularly at a time when the NHS is facing significant patient capacity pressures, it is considered that cumulatively these factors outweigh the failure to achieve greenfield run-off rates.

#### **CONCLUSION**

35. The proposed development would not have an unacceptable adverse impact on the character and appearance of the existing site or the surrounding area, nor would it cause any significant harm to the amenity of neighbouring residents, highway safety or ecology. It is, therefore, considered that the development accords with the Framework, policies 1, 23



and 25 of the Central Lancashire Core Strategy and policy BNE1 of the Chorley Local Plan 2012 – 2026. Consequently, it is recommended that the application is approved.

**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.

#### RELEVANT HISTORY OF THE SITE

There is a lengthy planning history and only the most recent applications are detailed:

**Ref:** 17/01110/FUL      **Decision:** PERFPP      **Decision Date:** 11 January 2018  
**Description:** Erection of healthcare sterilisation and decontamination unit.

**Ref:** 19/00162/FUL      **Decision:** PERFPP      **Decision Date:** 22 May 2019  
**Description:** Installation of lighting columns with phantom cameras, external cabinets, traffic poles, fixed barriers, payment kiosks and column protectors to facilitate the provision of a car park management system.

**Ref:** 19/00163/ADV      **Decision:** PERADV      **Decision Date:** 22 May 2019  
**Description:** Application for advertisement consent for the display of 347no. non-illuminated car park signs.

**Ref:** 20/00768/DEMCON      **Decision:** PERDEM      **Decision Date:** 17 August 2020  
**Description:** Application for prior determination for the proposed demolition of existing building and part demolition of first floor walkway

**Ref:** 20/01215/FUL      **Decision:** PERFPP      **Decision Date:** 08 January 2021  
**Description:** Construction of car park and perimeter fencing and erection of 6no. 6m high lighting columns and 2no. 5m high camera/communication columns to facilitate the provision of a car park management system

#### Suggested Conditions

1. The proposed development must be begun not later than three years from the date of this permission.

*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The external facing materials, 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.

*Reason: To ensure that the materials used are visually appropriate to the locality.*

3. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Site Location Plan	3124	24 December 2021
Elevations - Phase 2	2012	16 March 2022
First Floor General Arrangement - Phase 2	2006	16 March 2022
Ground Floor General Arrangement - Phase 2	2007	16 March 2022
Proposed Landscaping Plan - Phase 2	1401	25 March 2022

*Reason: For the avoidance of doubt and in the interests of proper planning.*

4. No works to trees or shrubs shall occur 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.

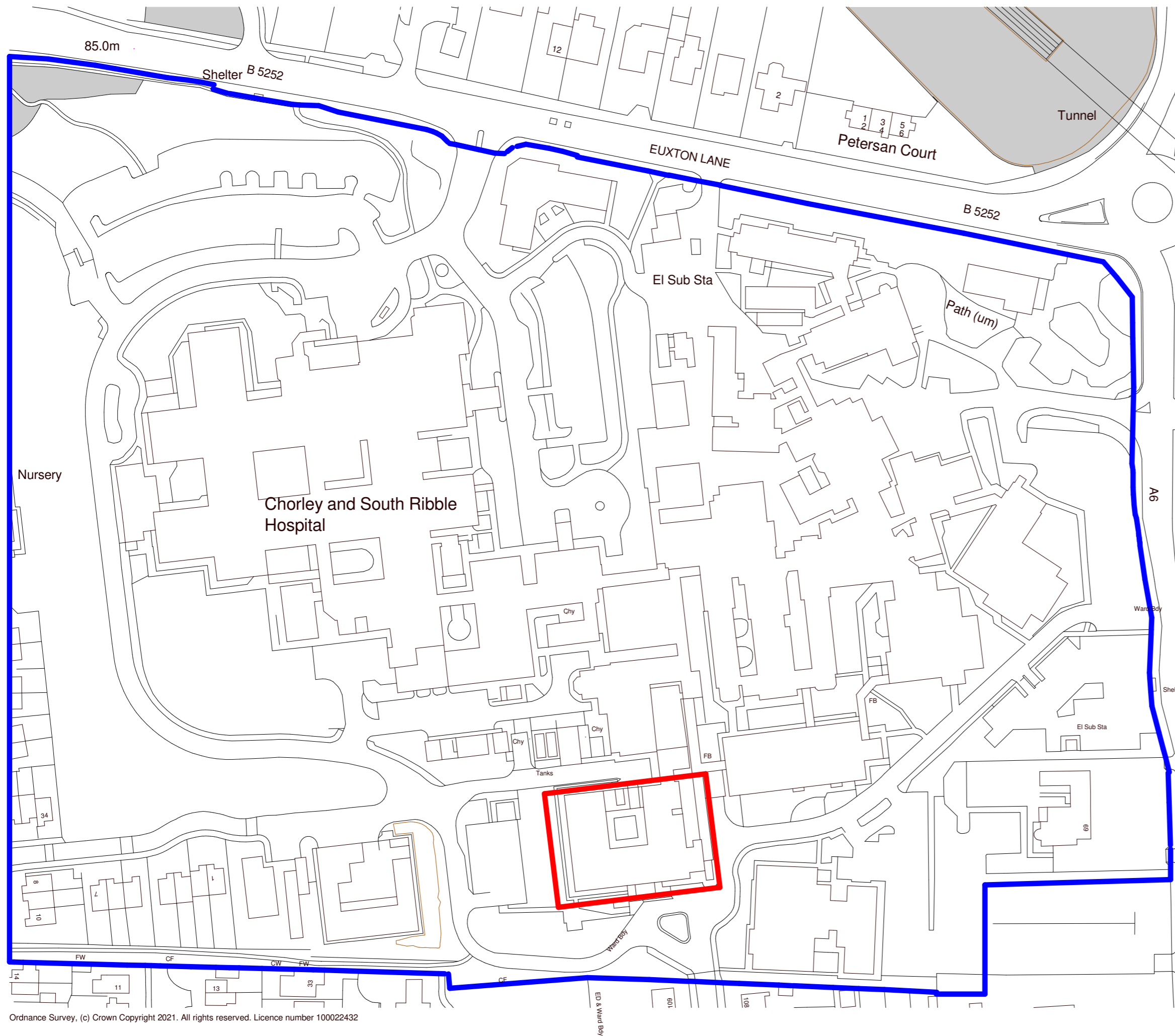
*Reason: Wild birds and their eggs are protected under Part 1 of the Wildlife and Countryside Act 1981, which makes it illegal to kill or injure a bird and destroy its eggs or its nest whilst it is in use of being built*

5. Foul and surface water shall be drained on separate systems.

*Reason: To secure proper drainage and to manage the risk of flooding and pollution*

6. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Strategy confirmed via email dated on 14/04/2022. No surface water will be permitted to drain directly or indirectly into the public sewer. 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.

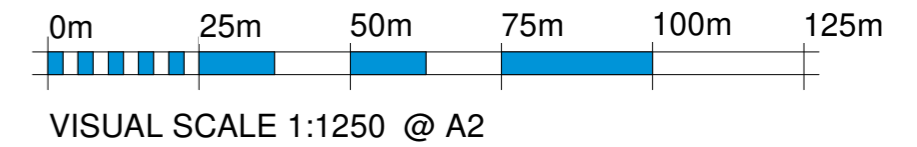
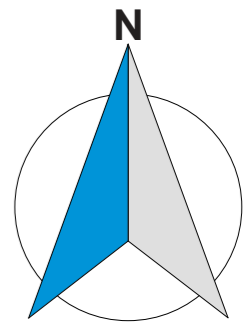
*Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.*



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# Site Location

1 : 1250



- Proposed area of works
- Site boundary

Rev	Description	By	Chk	Date

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PROJECT TITLE	ADDRESS
Chorley & South Ribble Hospital - 24 Bed Ward	Preston Road Chorley PR7 1PP

DRAWING TITLE	Site Location Plan
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DRAWING REFERENCE						
180512	DGL	01	00	DR	A	3124
PROJECT	ORIGINATOR	VOLUME	LEVEL	TYPE	ROLE	NUMBER

INITIAL ISSUE DATE	INITIAL ISSUE BY	INITIAL CHECKED BY	GIFA
11/05/21	DH	ST	1210 m <sup>2</sup>

SUITABILITY	SCALE	SHEET	REV
S2 For Information	1 : 1250	A2	
STATUS CODE	STATUS DESCRIPTION		

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**APPLICATION REPORT – 22/00765/PIP**

**Validation Date: 18 July 2022**

**Ward: Clayton West And Cuerden**

**Type of Application: Permission In Principle**

**Proposal: Permission in principle application for a minimum of one dwelling and a maximum of four dwellings**

**Location: Land Opposite Hampton Grove Wigan Road Clayton-Le-Woods**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr M Shah C/o Agent**

**Agent: Mrs Claire Wilkinson**

**Consultation expiry: 4 August 2022**

**Decision due by: 22 August 2022**

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**RECOMMENDATION**

1. It is recommended that permission in principle is granted subject to conditions.

**SITE DESCRIPTION**

2. The application site is an open field that is located on the western side of Wigan Road, Clayton-le-Woods and is in the Green Belt. The site sits between the residential properties known as 'Thorntree House' to the north and 'Congham House' (or The Woodlands) to the south. The application site has a frontage to Wigan Road and has been previously used to for the temporary siting of a mobile sales unit and associated car parking for the housing development to the east of Wigan Road.
3. Immediately beyond Thorntree House to the north is a cluster of commercial development comprising Bangla Spice Restaurant, Thorntrees Car Garage and Armelee Nurseries. Planning permission was recently granted for the change of use of the car garage to three retail units including a neighbourhood Co-Op store (20/01277/FUL). To the north-west, behind the garden area of Thorntree House, is a further commercial building.
4. Directly opposite the site on the eastern side of Wigan Road are the newly constructed residential developments forming part of an allocated development site HS1.31 (Burrows Premises) and HS1.32 (Land to the East of Wigan Road) within the local plan. Developments carried out have been extensive major developments.
5. Running parallel with the southern boundary of the site are the rear gardens of the residential properties located along Moss Lane, whose character is that of large detached dwellings of individual design set in large gardens with mature trees and landscaping.

6. The application site and open land beyond to the west are not associated with a farm and are currently unused. On the western side of the field is a further plot of open land between the field and the M6 motorway, beyond which is the urban area of Leyland.
7. The character of the area is one of urban residential development having evolved rapidly over recent years from a previous situation of urban rural fringe prior to the substantial delivery of the local plan allocations.
8. It is noted that a permission in principle application for the erection of up to two dwellings at this site was allowed on appeal (ref. APP/D2320/W/21/3282134) in April 2022 following the Council's decision to refuse permission.

#### **DESCRIPTION OF PROPOSED DEVELOPMENT**

9. This application seeks permission in principle for a minimum of one dwelling and a maximum of four dwellings.

#### **REPRESENTATIONS**

10. Objections have been received from 3no. addresses. These relate to the following issues:
  - Loss of wildlife habitat.
  - Loss of privacy.
  - Green Belt.
  - Highway safety impacts.

#### **CONSULTATIONS**

11. Clayton le Woods Parish Council: No comments received.
12. United Utilities: Conditions recommended.

#### **PLANNING CONSIDERATIONS**

13. The application site is located within the Green Belt. The Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in a limited number of specific circumstances.
14. National guidance on Green Belt is contained in Chapter 13 of the National Planning Policy 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:*

*to check the unrestricted sprawl of large built-up areas;  
to prevent neighbouring towns merging into one another;  
to assist in safeguarding the countryside from encroachment;  
to preserve the setting and special character of historic towns; and  
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 application site is located outside the settlement area of Clayton le Woods and falls to be considered as an 'other place' when considering the location of development in relation to Policy 1 of the Central Lancashire Core Strategy. Policy 1(f) of Core Strategy Policy 1 reads as follows:

*"In other places – smaller villages, substantially built up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes."* The proposed development is considered to be small in scale and therefore complies with the this policy.

16. The application site is open land with no buildings or development in situ, other than some hard surfacing left over from the temporary use as a sales unit and car park. The supporting statement submitted with the application seeks to engage with paragraph 145.e) of the Framework, the contention being that the site would represent limited infilling in a village.
17. This matter has been considered by the Secretary of State in the assessment and determination of appeal reference APP/D2320/W/21/3282134 following the refusal of permission in principle for the erection of up to two dwellings on the site. The Inspectors decision letter concluded that the proposal would represent limited infilling in the Green Belt. It would therefore meet the exception at paragraph 149 (e) of the Framework thus would not therefore be inappropriate development in the Green Belt. As such, there was no need for a subsequent assessment on the effect of the development on the openness of the Green Belt or its purposes.
18. It has therefore been established that the site is an infill site in the Green Belt. This application seeks permission in principle for up to four dwellings rather than two. The gap in the frontage with Wigan Lane is a sizeable one and could easily support the provision of four dwellings. Indeed four dwellings on this site would continue to represent a relatively low density of development and would be more in character with the prevailing pattern of development in the area than two dwellings. Policy HS7 of the Chorley Local Plan 2012 - 2026 deals specifically with rural infilling and states:

*Infill is the filling of a small gap in an otherwise built-up street frontage, 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.*

19. In this instance the gap is much greater than a small gap and can easily be filled by up to four dwellings in a manner that would reflect the character of the street frontage. It should be noted that there is nothing within national or local policy that restricts the number of dwellings that can be considered acceptable in relation to limited infilling. This is moreover a matter of planning judgement in relation to the character of the area and whilst two dwellings are referred to in the policy wording of policy HS7 this is as a general guideline in determining whether or not a site is a small gap in an otherwise built up street frontage. In this instance the Secretary of State has determined that the site is suitable for infill development, and given the substantial gap in the street frontage it is capable of being filled by four houses without detriment to the character of the street frontage.
20. The sustainability credentials of the location are not in question, given the range of amenities available within walking distance. There are also good public transport links available with access to Leyland rail station (via Moss Lane) and bus services operating in the area. Although the character of the area is now somewhat urban the site forms part of a narrow tranche of Green Belt functioning to separate Clayton le Woods from Leyland and prevent the merger of the two.
21. Overall and on the basis of the recent appeal decision it is considered that the 'principle' of the proposed development of up to four dwellings is acceptable and in accordance with the Framework and Policy HS7 of the Chorley Local Plan 2012 - 2026.

#### Other matters

22. Loss of wildlife habitat: this is not a matter that falls within the scope of consideration of the permission in principle consent stage. This would be addressed as part of the technical details consent, which is the second stage of the process.
23. Loss of privacy: this is not a matter that falls within the scope of consideration of the permission in principle consent stage. This would be addressed as part of the technical details consent, which is the second stage of the process.
24. Highway safety impacts: this is not a matter that falls within the scope of consideration of the permission in principle consent stage. This would be addressed as part of the technical details consent, which is the second stage of the process.

#### **CONCLUSION**

25. The principle of erecting four dwellings at the application site is considered acceptable in terms of location, land use and the amount of development. It is, therefore, recommended that permission in principle is granted, subject to conditions.

#### **RELEVANT HISTORY OF THE SITE**

**Ref:** 18/00398/FUL **Decision:** PERFPP **Decision Date:** 31 August 2018  
**Description:** Siting of temporary mobile sales unit, new site access road and associated car parking.

**Ref:** 18/00399/ADV **Decision:** PERADV **Decision Date:** 5 July 2018  
**Description:** Application for advertisement consent for externally illuminated 'V' stack sign and flag poles.

**Ref:** 21/00557/PIP **Decision:** REFPIP **Decision Date:** 9 July 2021  
**Description:** Permission in principle application for the erection of up to two dwellings

**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

1. The proposed development must be begun not later than three years from the date of this permission.

*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

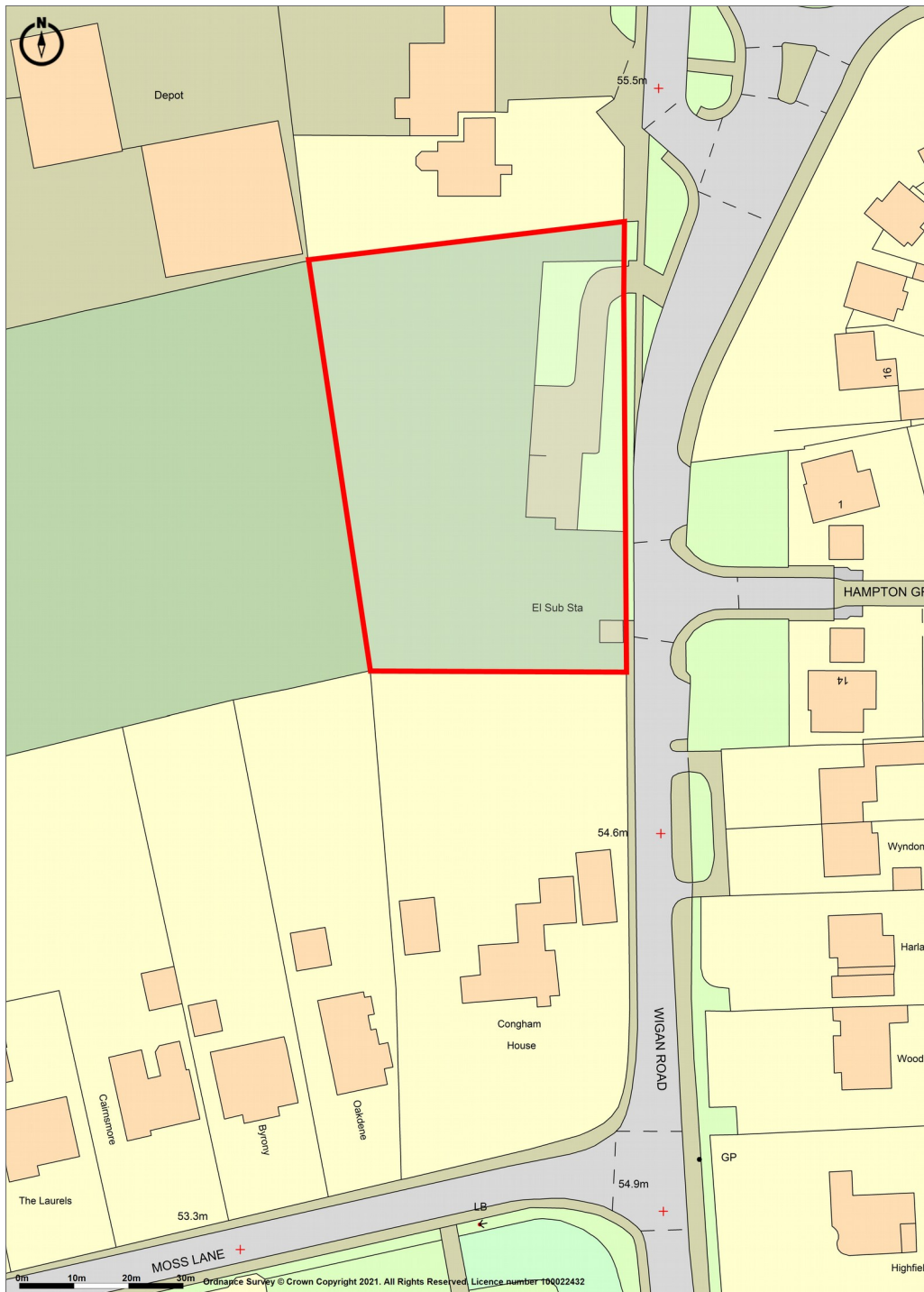
<b>Title</b>	<b>Plan Ref</b>	<b>Received On</b>
Location Plan	N/A	13 July 2022

*Reason: For the avoidance of doubt and in the interests of proper planning.*

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Site Location Plan

Land at Wigan Road, Clayton-le-Woods, PR25 5SB



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