

Planning Committee

Tuesday, 17th January 2023, 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.

Agenda No	Item	
3	Planning applications to be determined	
	The Head of Planning and Enforcement has submitted five planning applications to be determined (enclosed).	
	Plans to be considered will be displayed at the meeting or may be viewed in advance by following the links to the current planning applications on our website. https://planning.chorley.gov.uk/online-applications/search.do?action=simple&searchType=Application	
a)	22/00886/FULHH - 7 Oakmere Avenue, Withnell, Chorley, PR6 8AX	(Pages 9 - 18)
b)	21/01091/OUT - Devonshire Garage, Devonshire Road, Chorley	(Pages 19 - 30)
c)	22/00210/FUL - Wright's Garden Centre, New Lane Nurseries, New Lane, Eccleston	(Pages 31 - 44)
d)	22/00826/REM - Lancaster House Farm, Preston Road, Charnock Richard	(Pages 45 - 52)
e)	21/00966/FULMAJ - Rectory Field, School Lane, Mawdesley	(Pages 53 - 68)
4	Appeals Report	(Pages 69 - 70)
	To receive and consider the report of the Head of Planning and Enforcement.	

Chris Sinnott
Chief Executive

Electronic agendas sent to Members of the Planning Committee

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Meeting contact Matthew Pawlyszyn on 01257 515034 or email matthew.pawlyszyn@chorley.gov.uk

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APPLICATION REPORT – 22/00886/FULHH

Validation Date: 12 August 2022

Ward: Chorley North East

Type of Application: Householder Application

Proposal: Part two storey/part single storey extension to rear, two storey extension to side and single storey extension to front

Location: 7 Oakmere Avenue Withnell Chorley PR6 8AX

Case Officer: Mrs Hannah Roper

Authorising Officer:

Applicant: Mr Andy Baker

Agent: David Haworth, David Haworth Design

Consultation expiry: 27 September 2022

Decision due by: 19 January 2023 (Extension of time agreed)

UPDATE

1. Members will recall that consideration of the application was deferred at Planning Committee on 6 December 2022 to give members the opportunity to visit the site. The original committee report follows on below.
2. The recommendation remains as per the original report and addendum, both of which are provided below with an amendment made to the recommended reason for refusal to correct a typographical error with regards to the neighbouring property numbers.

ORIGINAL REPORT**RECOMMENDATION**

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

The first floor element of the proposed development would, by reason of its siting, height and proximity to neighbouring side facing habitable windows, result in unacceptable adverse impacts of loss of light, overbearing effect and loss of outlook for the residents of no.6 and no.8 Oakmere Avenue which would be detrimental to their living conditions. The proposed development, therefore, fails to accord with policy HS5 of the Chorley Local Plan 2012-2026 and The Householder Design Guidance Supplementary Planning Document.

SITE DESCRIPTION

2. The application site is located in the Green Belt. The existing property is a semi-detached dwelling and the western end of Oakmere is characterised by pairs of semi-detached properties. Directly to the rear of the property are dwellings located on Thirlmere Drive with the wider area characterised by open fields.

3. The application property has been previously extended by the addition of a single storey rear extension with the window facing towards the common boundary with no.8. A driveway lies to the front of the property and a small garden to the rear.
4. The neighbouring property at no.8 has a similar extension. No.6 has a flat roof, two storey rear extension with a kitchen window facing towards the common boundary with the application dwelling. A variety of extensions are evident in the surrounding area.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. The application seeks planning permission for a two storey side extension, single storey front extension and part two storey/part single storey extension to the rear.
6. The proposed side extension would project 1.2 metres and would tie in with the rear elevation of the host dwelling. The first floor would be set back 1.9 metres with the ground floor projecting forward of the front elevation of the property by 0.9 metres. A mono pitched roof would be utilised to tie this into a front canopy that extends across the frontage of the dwelling, encompassing a new bay window to the lounge.
7. To the rear, the proposed extension would project 2.7 metres to the rear across the original rear elevation of the host dwelling. The first floor element would be set in approximately 2.6 metres from the common boundary with no.8 Oakmere Avenue. Both the side extension and the rear extensions would tie in with the eaves of the host dwelling but would have a ridge height lower than that of the host dwelling.

REPRESENTATIONS

8. This application is being brought before committee for determination at the request of Councillor France.
9. At the time of report preparation, 7no. representations have been received, however many of these are duplicates from the same respondents. Objections have been raised on the following grounds:
 - The proposal extends out from the original building line
 - The windows on the side extension overlook neighbours and should be frosted to protect neighbour's privacy
 - Current regulations state that the roof pitch should match that of the host dwelling and that extensions cannot be built forward of the original building line. This proposal breaks both
 - The proposal far exceeds permitted development rights and would therefore represent overdevelopment of the plot
 - The proposal represents inappropriate development within the Green Belt and as such would harm openness as it is disproportionate
 - The proposal would have adverse impact on the character and appearance of the dwelling and the streetscene
 - There would be severe harm to the residential amenity enjoyed by no.8 Oakmere Avenue
 - There would an impact on biodiversity
 - The proposal would set and undesirable precedent
 - The application is incorrect as Certificate A has been served but foundations would need to be constructed on neighbouring land
 - The proposal would result in a terracing effect between this property and the neighbour and unbalances the pair of semi-detached dwellings
 - Loss of light and privacy to the residents at number 8 Oakmere Avenue
 - There would be an increase in noise and disturbance as a result of the proposed bi fold doors being left open.
 - There are proposed works to the roof and no bat survey has been submitted
 - The proposal is out of keeping with this traditional country road

- There would be noise disturbance whilst people are working from home

CONSULTATIONS

10. Withnell Parish Council – No comments have been received.
11. CIL Officers – Advise that the proposal is not CIL liable.
12. Lancashire County Council Highway Services – Advise that they have no objection.

PLANNING CONSIDERATIONS

Principle of the development in the Green Belt

13. National guidance on the 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 resulting from the proposal, is clearly outweighed by other considerations.

149. A local planning authority should regard the construction of new buildings as inappropriate in the 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*

14. *The Central Lancashire Rural Development SPD states that proposals for extensions to dwellings in the Green Belt which have an increase of over 50% of the volume of the original building that stood in 1948, will be considered inappropriate.*
15. *Policy HS5 of the Chorley Local Plan 2012-2026 states that permission will be granted for the extension of dwellings in the Green Belt provided that the proposed extension does not result in a disproportionate increase in the volume of the original dwelling. Increases of up to 50% (volume) are not considered disproportionate.*
16. The volume increase that would occur as a result of the proposed development has been calculated at less than 50% of the volume of the original dwelling. As such, it is not considered that the proposed development would have any unacceptable adverse impact on the character and openness of Green Belt and, therefore, the proposal, accords with The Framework, policy HS5 of the Chorley Local Plan and The Central Lancashire Rural Development SPD.

Design and impact on the streetscene

17. *Policy HS5 of the Chorley Local Plan 2012 – 2026 stipulates that the proposed extension respects the existing house and the surrounding buildings in terms of scale, size, design and facing materials, without innovative and original design features being stifled.*
18. *The Householder Design Guidance SPD requires that extensions are subservient to the existing dwelling and respect the scale, character, proportions of the existing dwelling and surrounding area. In particular, it states that in order to avoid terracing, side extensions should leave a reasonable gap (at least 1m) between an extension and the boundary with the adjacent property, or incorporate in some circumstances a substantial set back from the front elevation which creates a clear visual break between properties. In addition the SPD states that front extensions may be acceptable, in cases where there is no distinct building line or form, in a street with a wide variety of architectural styles.*
19. The proposal has a number of parts. With regard to the rear elements of the proposal, these would be screened behind the host dwelling and as such would not have an impact on the streetscene. The eaves tie in with the host dwelling and the ridge is dropped and as such these elements demonstrate visual subservience to the host dwelling.
20. With regard to the proposed side extension, this is set in approximately 0.9m from the common boundary with no.6 Oakmere Avenue and the first floor element is set back approximately 1.9m from the front elevation. The proposal also emulates the hipped roof style and pitch of the host dwelling and is set down from the main ridge. As such it is considered that this element of the proposal demonstrates an appropriate level of subservience to the host dwelling and that there are no concerns regarding terracing given the combined set in and set back from the frontage at first floor.
21. With regard to the single storey front element and front canopy, this projects forward of the front elevation of the dwelling. A mono-pitched roof would encompass the proposed extension and a new bay window to the lounge. Concerns have been raised regarding the breaking of the building line along Oakmere Avenue. Due to the arrangement of properties along Oakmere Avenue, nos.1-10 are read as a 'block' of properties before a natural break. Of these properties it is clear from visiting the site that there are number of porches and front extensions that have been added to these dwellings, including the two direct neighbours to the application property and at nos. 1 and 3 Oakmere Avenue.
22. Whilst the proposed front extension is wider than could be achieved under permitted development rights, due to sitting in front of the proposed two storey side extension, it is not excessive in overall scale and would not project notably forward of front of the porch extensions at the two neighbouring dwellings and much of the mono pitched roof to the front of the two storey extension would be screened from wider streetscene views by the neighbouring dwelling at no.6.

23. Given the variety of materials and front extensions along this stretch of Oakmere Avenue it is, therefore, considered that the existing building line is not a defining feature of the streetscene, and that the proposed front extension would not undermine any particular character over and above the existing front porches and extensions already in existence along Oakmere. Matching materials could be secured by condition in the interests of the appearance of the development.
24. Having regard to the above, it is not considered that the proposed development would be detrimental to the host dwelling or the streetscene and accords with policy HS5 of the Chorley Local Plan.

Impact on the amenity of neighbouring occupiers

25. *Policy HS5 of the Chorley Local Plan 2012 – 2026 states that there should be no unacceptable adverse effect on the amenity of neighbouring properties through overlooking, loss of privacy or reduction of daylight.*
26. *The Householder Design Guidance SPD asserts that extensions should not result in unacceptable harm to the amenity of neighbouring occupiers. It also states that two storey and first floor extensions, without proper consideration, can result in an overbearing addition, not only with respect to the over-dominance of neighbouring/affected private amenity space but also in relation to the existing/parent building. Where the extension or large part of the house has more than one storey, it must be a minimum 7 metres away from any boundary of its curtilage which is opposite the rear wall of the house being enlarged. Blank walls on any proposed extension shall be located no less than 12 metres from any neighbouring/facing habitable room windows. The SPD also asserts that single storey extensions shall not project no further than 3 metres beyond a '45-degree' guideline drawn on plan from the near edge of the closest ground floor habitable room window on an adjoining/affected property.*
27. Considering first the relationship with the properties to the rear, a distance of approximately 6 metres would be achieved to the rear common boundary with the properties on Thirlmere Drive. A first floor, a rear facing window is proposed to serve a bathroom, and this is not classed as a habitable room. A further rear window is proposed to serve a bedroom and a distance in excess of 21 metres would be achieved to those properties to the rear.
28. With regard to the relationship with the adjacent property no.6 Oakmere, this dwelling has an existing two storey rear extension. A kitchen window is located in the side elevation at ground floor level, facing towards the common boundary with the application property. A second, smaller window serves this room in the rear facing elevation. Neither window is obscurely glazed and the window in the side elevation already looks directly towards the side elevation of the existing kitchen extension at the application property. The relationship is already poor, however, the addition of a first floor above it, with its associated height and massing, at distance of approximately 4.7 metres would worsen this existing outlook and reduce light to this window for part of the day given its location immediately to the west of the application property. On this basis it is considered that the proposed two storey element of the proposal would result in unacceptable adverse impacts on the amenity of the occupiers of this neighbouring property due to loss of outlook, overbearing impact and loss of light, which would be detrimental to their living conditions. The proposal, therefore, fails to accord with policy HS5 of the Chorley Local Plan and the Householder Design Guidance SPD in terms of its relationship with this property.
29. In terms of facing windows in the side elevation of the proposed extension, these are proposed to be obscurely glazed and this could be controlled by way of a planning condition. It should be noted, however, that the landing and hallway windows are not habitable rooms. The proposed side facing window in the proposed rear extension would be set in 2.48m from the common boundary and would serve a kitchen which is a habitable room. At the current time the boundary treatment is a low-level fence. Given that this window could be added to the existing extension without permission and that a 2m high boundary fence could be erected along the common boundary by either neighbour without

the need for planning permission enhancing the privacy for both parties, then it is not considered that a reason for refusal based on loss of privacy for neighbouring residents can be sustained.

30. With regard to no.8, this property has a single storey rear kitchen extension. The extension is served by three windows, however the window facing towards the common boundary is considered to represent the principal window as the two others are obscurely glazed. With regard to the single storey element of the proposed rear extension this would extend along the common boundary by 3.7 metres and would have a mono pitched roof. Whilst concerns have been raised by the neighbour regarding this element of the extension, it needs to be considered that the application property benefits from permitted development rights and this element of the proposal is less than could be achieved using these rights. The proposal would not project 3 metres beyond a 45-degree line drawn from the rear facing dining room window adjacent to the common boundary and as such the proposal complies with the guidance in this SPD in this regard.
31. With regard to the two storey element this would project 2.7 metres to the rear. It is set in 2.7 metres from the common boundary and approximately 5.8 metres from the side facing neighbouring window. It would sit directly in front of the neighbouring side facing habitable room window to the west. As such, the proposal fails to achieve an acceptable interface distance between a habitable room window and a blank elevation and as such would result in an overbearing impact and loss of light to this window and would have a detrimental impact on the outlook from this dwelling. The proposal, therefore, fails to accord with policy HS5 of the Chorley Local Plan the Householder Design Guidance SPD.

Highway safety

32. *Policy HS5 of the Chorley Local Plan 2012 – 2026 states that permission will be granted provided that the proposal does not have an unacceptable adverse effect on highway safety.*
33. *The Householder Design Guidance SPD states that off-street parking should be provided at a ratio of 2 spaces for a two or three bed dwelling, and 3 spaces for a larger property, including garages. It also states that car parking spaces occupy a space of 2.5 metres by 5.5 metres but spaces in front of a garage should be 2.5 metres by 6 metres to allow for opening/closing doors and if a garage is to be classified as a parking space the size must be 6m by 3m.*
34. The proposal would enlarge existing bedrooms rather than adding any additional rooms. Lancashire County Council Highway Services have viewed the plans and are satisfied that there would be no detrimental impact on highway safety or amenity and as such proposal is, therefore, acceptable and in accordance with policy HS5 of the Chorley Local Plan.

Other matters

35. Bats - With regard to concerns regarding the potential for bats within the roof space, an informative could be utilised to ensure that the applicant is aware of the protected nature of bats and the correct procedure should be adopted should any be found during construction.
36. Noise - In terms of noise during the construction phase of the proposal and following completion of the bifold doors, the construction noise would be expected to be short term and there are mechanisms for reporting and dealing with noise concerns outside of the planning system.
37. Precedent – Concerns have been raised about the application setting a precedent, however, each application is considered on its own merits in line with relevant planning policies and material considerations.

CONCLUSION

38. The proposed development would not have an unacceptable adverse impact on the character and appearance of the existing dwelling or the surrounding area, nor would it cause any harm to the openness of the Green Belt or highway safety. It would, however, result in unacceptable adverse impacts on the amenity of the occupiers of neighbouring properties either side due to loss of outlook, overbearing impact and loss of light, which would be detrimental to their living conditions. The proposal, therefore, fails to comply with policy HS5 of the Chorley local Plan and the Householder Design Guidance Supplementary Planning Document.

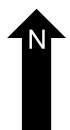
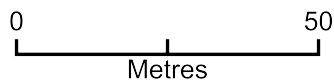
RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless 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 no recent relevant planning history.

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7 Oakmere Avenue - Location Plan



Plan Produced for: Mr A. Baker
Date Produced: 12 Aug 2022
Plan Reference Number: TQRQM22224103119683
Scale: 1:1250 @ A4

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APPLICATION REPORT – 21/01091/OUT

Validation Date: 12 October 2021

Ward: Chorley North West

Type of Application: Outline Planning

Proposal: Outline planning application for the erection of an apartment block of up to 4no. apartments, following the demolition of the existing building. All matters reserved, excluding access.

Location: Devonshire Garage Devonshire Road Chorley PR7 2BY

Case Officer: Amy Aspinall

Applicant: Suffolk Life

Agent: Mr Waseem Azam, LMP Architectural Consultants

Consultation expiry: 18 November 2022

Decision due by: 19 January 2023 (Extension of time agreed)

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located within the settlement boundary of Chorley, as defined by the Chorley Local Plan Polices Map, with the immediate locality comprising of a range of land uses. It is currently occupied by two storey buildings which are currently vacant and were previously in use as a garage business and more recently used for storage. The site
3. Properties nos.35 and 37 St Thomas's Road are situated at the junction of St Thomas's Road and Devonshire Road and are grade II listed buildings. They are, however, partly separated from the application site by the intervening development of 180 Devonshire Road.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks outline planning permission to demolish the existing buildings on site and to erect an apartment block comprising of up to 4no. units. All matters are reserved, save for access which would be obtained from Devonshire Road.

REPRESENTATIONS

5. One objection has been received from a neighbouring resident raising issues of parking, access, loss of privacy, increase in traffic and noise.

CONSULTATIONS

6. Lancashire County Council Highway Services (LCC Highway Services): have responded with no objection to the proposal and have requested that an advice note be attached to any grant of planning permission to inform the applicant of their duties with regards to altering an access to the public highway.

7. Greater Manchester Ecology Unit: initially responded to request a bat survey be undertaken in support of the planning application. Upon receipt of the survey from the applicant, they responded with no objection to the proposal, subject to conditions.
8. Waste & Contaminated Land Officer: responded to recommend a land contamination condition be attached to any grant of planning permission due to the former use and proposed sensitive end use of the proposal (residential).
9. The Coal Authority – Initially responded to request a Coal Mining Risk Assessment in support of the proposal. Upon receipt of the requested assessment, advised that they have no objection to the proposal.
10. United Utilities: Advise that 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.
11. Lancashire Archaeology – have recommended a condition be attached to any grant of planning permission to secure a programme of archaeological recording.

PLANNING CONSIDERATIONS

Principle of development

12. The site is located within the settlement Chorley as identified within the Chorley Local Plan 2012-2026. Policy V2 of the Chorley Local Plan 2012 - 2026 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.
13. Policy 1 of the Central Lancashire Core Strategy seeks to focus growth and investment within certain areas, including the key service town of Chorley.
14. The National Planning Policy Framework (the Framework) advises that to promote the development of a good mix of sites, local planning authorities should, among other things, support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.
15. The principle of the residential development of this site is acceptable in planning policy terms, subject to other considerations as set out in this report.

Impact on the character and appearance of the area

16. 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 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; and 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.
17. The application is in outline form with detailed design being reserved for later consideration, however, indicative plans have been submitted to illustrate one way in which the site could be developed. The indicative plans show a two-storey block set to the rear of the site, with individual entrance doors and design features to reflect other buildings within the locality. The indicative layout also shows parking to the frontage. The acceptability of the submitted indicative scheme is not for detailed consideration now, however, it does serve to demonstrate that a development of two storey scale / height would not look out of place or be overly dominant in the immediate streetscene. Furthermore, the scale could be controlled by way of a planning condition. Any reserved matters scheme would need to

demonstrate an appropriate designed scheme with suitable landscaping and private amenity areas.

18. Notwithstanding the above, in its current form the existing development makes a negative contribution to the streetscene and a suitable redevelopment scheme could be secured at reserved matters stage.

Impact on heritage assets

19. The Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) sets out the principle duty that a 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. Great weight and importance is attached to this duty.
20. The National Planning Policy Framework (The Framework) at Chapter 16 deals with conserving and enhancing the historic environment. The following paragraphs contained therein are considered to be pertinent in this case:
 21. At paragraph 197 the Framework 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
 22. Paragraph 199 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.
 23. At paragraph 205 the Framework states that Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.
 24. 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.
 25. Chorley Local Plan 2012 - 2026 policy BNE8 (Protection and Enhancement of Heritage Assets) states that:
 - a) Applications affecting a Heritage Asset or its setting will be granted where it:
 - i. Is in accordance with the Framework and relevant Historic England guidance;
 - ii. Where appropriate, takes full account of the findings and recommendations in the Council's Conservation Area Appraisals and Management Proposals;
 - iii. Is accompanied by a satisfactory Heritage Statement (as defined by Chorley Council's advice on Heritage Statements) and;

- b) 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:
- i. The conservation of features and elements that contribute to the heritage asset's significance and character. This may include: chimneys, windows and doors, boundary treatments, original roof coverings, earthworks or buried remains, shop fronts or elements of shop fronts in conservation areas, as well as internal features such as fireplaces, plaster cornices, doors, architraves, panelling and any walls in listed buildings;
 - ii. The reinstatement of features and elements that contribute to the heritage asset's significance which have been lost or damaged;
 - iii. The conservation and, where appropriate, the enhancement of the setting of heritage assets;
 - iv. The removal of additions or modifications that are considered harmful to the significance of any heritage asset. This may include the removal of pebbledash, paint from brickwork, non-original style windows, doors, satellite dishes or other equipment;
 - v. The use of the Heritage Asset should be compatible with the conservation of its significance. Whilst the original use of a building is usually the most appropriate one it is recognised that continuance of this use is not always possible. Sensitive and creative adaptation to enable an alternative use can be achieved and innovative design solutions will be positively encouraged;
 - vi. Historical information discovered during the application process shall be submitted to the Lancashire Historic Environment Record.
26. The policy also states that development involving the demolition or removal of significant heritage assets or parts thereof will be granted only in exceptional circumstances which have been clearly and convincingly demonstrated to be in accordance with the requirements of the Framework.
27. The existing buildings would be demolished as part of the proposed development and in heritage terms, they have no real intrinsic value/significance. The application site is situated to the south of no.35 and no.37 St Thomas's Road which are grade II listed buildings. The key issue to consider in heritage terms is whether or not the proposed development would result in any harm to the setting (and thereby the significance) of these adjacent listed buildings. It should be noted that the application is accompanied by a Heritage Statement.
28. The current site does not contribute positively to the existing setting of the adjacent heritage assets and given the modern-day changes which have occurred around the listed buildings, their setting does not contribute much to their overall significance. The application is in outline form and whilst scale is a reserved matter, indicative drawings have been submitted which show a two storey development. Whilst this is only indicative, it does serve to demonstrate that two storeys is an appropriate scale and height for the site, without dominating the immediate setting of the listed buildings, or impinging on the retained views of the heritage assets within the streetscene. As the proposal is in outline form, the final detailed design, appearance and external finishes would need to be appropriately considered at that time, but it is considered that a scheme of betterment could be achieved compared to the current situation which makes a negative contribution to the setting of the listed building and also to the streetscene.
29. Having regard to the above, the imposition of appropriate conditions and detailed design at reserved matters stage, the proposal would meet the statutory test 'to preserve' the significance of the listed buildings. As such, the proposal meets the objectives of Chapter 16 of the Framework and policy BNE8 of the Chorley Local Plan 2012-2026 and Policy 16 of the adopted Central Lancashire Core Strategy.
30. In terms of archaeological interest, the Council's archaeological advisors at Lancashire County Council advise that the site is considered to have the potential to contain surviving archaeological deposits associated with the medieval, Post-medieval and/or later periods. However, later development of the site is considered likely to have caused damage to, or the destruction of, earlier deposits. Given the above, LCC advise that a programme of archaeological investigation and recording, and that such work should be secured by way of condition. It is considered that the condition is appropriate in this case and would be in line with paragraph 205 of the Framework.

Impact on neighbouring amenity

31. 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.
32. To the south of the site is the former Revenue building which has been converted to apartments. The rear of this building has a number of primary windows serving habitable rooms at ground and first floor level which face towards the application site. The interface distances from these windows to the application buildings is already substandard and they have a poor outlook. The proposed development would not worsen this situation and privacy between any directly facing habitable windows could be maintained through appropriately positioned windows at detailed design stage.
33. Sumner House is situated to the north west of the site, with its rear elevation overlooking its car park. Despite the neighbour objection from Sumner House, given the relationship of these flats to the proposed development, there would be no direct overlooking to either existing residents of the flats, or future occupiers of the proposal.
34. The proposed residential use of the site would be compatible with surrounding land uses and would not give rise to unacceptable impacts of noise or disturbance having regard to the lawful use of the site.

Impact on ecological interests

35. 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.
36. During the course of the application, a bat survey was submitted due to the potential roost features within the building. The survey identifies that no bats or evidence of bats were found during the daytime inspection, however it does identify potential roost features suitable for bats, associated with wall cavities. However, given the location and landscape setting, the survey advises that these features have low potential for bats to use throughout the year. Mitigation is set out at Table 1 section 4.1 of the submitted report.
37. The survey identifies that a bird's nest was found in the building and that the vegetation around the building provides nesting opportunities.
38. The Council's appointed ecologists at Greater Manchester Ecology Unit have assessed the application and agree with the findings of the report. They recommended that the development is carried out in accordance with the mitigation measures set out in the survey in relation to bats, including updated surveys, should the demolition works have not been commenced by April 2023. A nesting birds condition is also recommended, in addition to biodiversity enhancement measures. In terms of updated bat surveys, it would be appropriate to condition these as part of the reserved matters application.
39. Having regard to the above it is not considered that the proposal would be detrimental to nature conservation or protected species interests.

Highway safety

40. 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.

41. The application is accompanied by an indicative layout plan which shows one way in which the site could be developed, although the access is for detailed consideration now. This provides parking provision to the front of the site with 1no. parking space per apartment. LCC Highway Services have assessed the application and advise that they have no objection in principle.
42. Concern has been raised in a neighbouring objection regarding the under-provision of parking for the proposed scheme and the existing traffic issues in the area. The proposal is, however, only for up to 4no. apartments, which is a small-scale scheme and the level of traffic associated with it is likely to be less than the lawful use of the site. Furthermore, the site is situated in a sustainable location in close proximity to Chorley town centre with good access to shops, services, amenities and transport options. On this basis, it is considered that a reduction in the parking standards would be acceptable and the detailed layout would be determined at reserved matters stage. Furthermore, cycle parking provision could be secured by way of a planning condition, in order to encourage cycle use as an alternative to the car.
43. A neighbour objection considers that the proposal includes removing a wall to the rear of the site and displacing car parking in this area. However, this is not part of the proposed development and the car park to the rear is not within the ownership of the applicant.
44. It is considered that safe access can be achieved, and that the proposal would not prejudice highways safety, having regard to Chorley Local Plan policy BNE1.

Public open space

45. 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.
46. Until recently the National Planning Practice Guidance (NPPG) previously set out a threshold for tariff-style contributions, stating 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. This guidance has been removed from the latest NPPG and has been replaced with a requirement that planning obligations for affordable housing should only be sought for residential developments that are major developments.
47. Specifically, the guidance as of last year was derived from the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 which has not been withdrawn and which should, therefore, clearly still be taken into account as a material consideration in the assessment of planning applications.
48. To this end whilst 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.
49. Consequently, the Council must determine what lower thresholds are appropriate based on local circumstances as an exception to national policies and how much weight to give to the benefit of requiring a payment for 10, or fewer, dwellings. The Council has agreed to only seek contributions towards provision for children/young people on developments of 10 dwellings or less. The standard is 0.08 hectares per 1,000 population.

50. There is, however, currently a surplus of provision in Chorley North West in relation to this standard, and a contribution towards new provision in the ward is not, therefore, required from this development. The site is also not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Assessment Report (February 2019) / Open Space Study Standards Paper (February 2019). Accordingly, a contribution towards improvements cannot be required from this development.

Coal high risk area

51. The Coal Authority initially objected to the application as the site lies within a defined Development High Risk Area where their records indicated that a coal outcrop runs through the site and a Coal Mining Risk Assessment (CMRA) had not been submitted. Following the receipt of a CMRA the Coal Authority now advise that the content and conclusions of the CMRA are sufficient for planning purposes and demonstrates that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority further advise that more detailed considerations of ground conditions and foundations may be required under Building Regulations.

Drainage

52. United Utilities have been consulted on the application and do not request a drainage condition, but advise that 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. It is, therefore, considered that given the small-scale nature of the proposal, drainage could be satisfactorily dealt with through Building Regulations.

Community Infrastructure Levy

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. CIL Liability is not calculated at outline application stage but would be CIL liable at final Reserved Matters stage and subject to the CIL Charge for Apartments in the schedule.

CONCLUSION

54. The application site is situated within a sustainable location within Chorley which is an area where growth and investment is focused under policy 1 of the adopted Core Strategy. The existing site currently makes a negative contribution to the streetscene and to the setting of the adjacent listed buildings and it is considered that the redevelopment of the site with detailed design at reserved matters stage would secure betterment in this respect. Acceptable amenity standards would also be secured at reserved matters stage. The proposed development would not be harmful to nature conservation interests, nor would it be detrimental to highways safety. The application is recommended for approval accordingly, subject to conditions.

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

Ref: 11/00530/OUT **Decision:** PEROPP **Decision Date:** 18 October 2011
Description: Demolition of part of garage building to enable formation of a car parking area and change of use of the remaining parts of building (2 storey) to offices

Ref: 14/00474/FUL **Decision:** PERFPP **Decision Date:** 25 September 2014
Description: Change of use of existing storage building to offices incorporating demolition of part of building to provide car parking spaces, alterations to front and rear elevations, two storey side extension, first floor side extension and reduction in height of wall to western boundary

Suggested conditions

1. An application for approval of the reserved matters, namely layout, scale, appearance 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.

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).

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

Title	Plan Ref	Received On
Location Plan and Existing Site Layout	20/124/I01	8 September 2021

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

3. The development hereby permitted shall be limited to a maximum of two storeys in height.

Reason: To ensure that the scale of the development is not harmful to the setting of the adjacent listed building and obtainable views of the heritage asset.

4. No demolition, works to trees, shrubs or hedgerows 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 that appropriate measures put in place to protect nesting bird interests on site.

Reason: All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981 (as amended).

5. Either as part of an application(s) for reserved matters or prior to the commencement of the development hereby permitted, a biodiversity mitigation and enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include, as a minimum, provision of house sparrow terraces on the new build. The approved measures shall be fully implemented prior to occupation of the development and permanently retained thereafter.

Reason: In the interests of nature conservation and to secure biodiversity enhancements. House sparrows are UK Biodiversity Priority Species and are present in the locality.

6. An application for reserved matters shall be accompanied by an updated bat survey, including any mitigation measures.

Reason: To ensure that the bat surveys are up to date.

7. Due to the former site use and the proposed sensitive end-use (residential), the development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.

The report shall include an initial desk study, site walkover and risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study and site investigation shall then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.

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

Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use.

8. No development shall commence until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological 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.

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

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APPLICATION REPORT – 22/00210/FUL

Validation Date: 10 March 2022

Ward: Ecclestone, Heskin And Charnock Richard

Type of Application: Full Planning

Proposal: Demolition of existing buildings and erection of three detached dwellings with associated works and landscaping

Location: Wright's Garden Centre New Lane Nurseries New Lane Ecclestone Chorley PR7 6NB

Case Officer: Mike Halsall

Applicant: Mr Robert Wright, Universal Ground Care Limited

Agent: Mr Christie McDonald, Steven Abbott Associates LLP

Consultation expiry: 4 April 2022

Decision due by: 20 January 2022 (Extension of time agreed)

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located in the Green Belt on the western side of New Lane in Ecclestone. The application site forms part of a larger site previously used as a nursery with a farm shop and a tea-room. In 2021, a lawful development certificate was issued by the Council for the existing use of the larger site as a construction and groundwork business which includes the storage of vehicles and equipment with ancillary offices (sui generis use class). The application site boundary also includes additional land fronting New Lane that was previously the side garden of no.7 New Lane, located to the south of the dwelling, but has since been separated and fenced-off from the property.
3. The application site contains five buildings and hardstanding areas for car parking / manoeuvring and outside storage of materials. The site access is located to the south of the dwelling of no. 7 New Lane, to the east of the existing buildings.
4. The application site is surrounded by no. 7 New Lane to the east, open agricultural fields to the south and small grassed fields to the north, which contain some small sheds/storage buildings, beyond a row of trees that line the northern site boundary. The remainder of the former nursery site is located to the west and consists of overgrown scrubland with the frame of a large polytunnel building still in situ.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. The application seeks full planning permission for the erection of three detached dwellings with detached garages, following the demolition of the existing buildings at the site. Two dwellings would face south, behind and side-on to the rear of no.7 New Lane. One dwelling would face the site access (east). The dwellings would be orientated around a central

turning head/ courtyard. The section of the site to the south of no.7 New Lane is proposed to remain open and free from development.

REPRESENTATIONS

6. One representation has been received from Councillor Steve Holgate who has objected to the proposal, stating that the site is located in the Green Belt with no special circumstances.

CONSULTATIONS

7. Ecclestone Parish Council: have not responded on this occasion.
8. Waste & Contaminated Land Officer: has responded to confirm he has no comments to make in relation to the proposal.
9. Greater Manchester Ecology Unit: initially responded to request details of Great Crested Newt mitigation which resulted in the applicant engaging with Natural England to commence the process of obtaining a District Level Licence. They also requested further bat surveys be undertaken in support of the proposal. Following the receipt of such evidence, the Council's ecological advisors responded with no objection to the proposal and have suggested conditions and informative notes be attached to any grant of planning permission to safeguard protected species, avoid the spread of invasive species and deliver ecological enhancements.
10. Lancashire Highway Services (LCC Highway Services): have responded with no objection to the proposal, stating that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. They requested the garages be increased in size to meet their requirements for being classed as a parking space. The applicant amended the drawings as requested. LCC Highway Services have also requested a footway be installed as part of the scheme, stating that:

“the site is at the southerly end of a row of residential properties with dwellings opposite. There is a 30mph speed limit in this residential section which is lit by system of street lighting. There is footway on the opposite side of the lane and grass verge on from the site to No 6 New Lane. With the proposal for three dwellings for safe and sustainable pedestrian movements going north towards the shop/ garage, public house and bus stops on Southport Road it is requested that a continuous 2m wide footway is introduced in the adopted highway verge fronting No 7 New Lane. The footway would be constructed with a s278 agreement for the off-site highway works.”

LCC Highway Services have also suggested conditions be attached to any grant of planning permission in relation to agreeing and implementing the off-site highway works, the retention of the garages for parking vehicles and the submission and implementation of a traffic management plan.

11. Natural England: initially responded to request an assessment of the potential impacts on the proposal upon designated ecological sites. Following the receipt of such information from the applicant, Natural England have responded with no objection to the proposal.

PLANNING CONSIDERATIONS

Principle of development

12. 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.

13. 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.
14. Paragraph 149 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 149 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.
15. As previously noted, the application site, and further land to the west, benefits from a lawful development certificate, ref. 21/00670/CLEUD as a construction and groundwork business which includes the storage of vehicles and equipment with ancillary offices (sui generis use class). Whilst it has become physically separated, the lawful use of the land to the south of no.7 New Lane appears to be garden land associated with the dwelling. This demonstrates that the entire application site falls within the definition of previously development land identified at Annex 2 of the Framework.
16. Whilst the test for the proposed redevelopment of 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 of 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 existing buildings 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".
17. 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.
18. 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.
19. 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. The existing site currently has an impact on the openness of the Green Belt through the presence of the existing buildings and other associated development. However, it is important to note that merely the presence of existing buildings on the application 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". Case law has established that for there to be a greater impact, there must be something more than merely a change.
20. The proposal seeks to demolish the existing buildings at the application site in order to offset the harm to openness arising from the erection of three dwellings, each with a detached garage. The proposed dwellings would be located on similar footprints as the existing buildings. The applicant's calculations, which have been verified by the case officer, identify that the proposed dwellings and garages would result in an increase in built volume of approximately 5%, from approx. 1910 cubic metres to 1985 cubic metres. The floor space taken up by built development would reduce from approximately 600 square metres to 400 square metres. These calculations are however only based upon four of the

existing five buildings at the site. The fifth building proposed for demolition is a glasshouse which has not been included within the applicant's calculations. If the glasshouse was to be included, the proposal would likely be shown to result in a substantial reduction in the floor space and built volume at the site.

21. The proposed dwellings would have a slightly higher maximum height of circa. 1.5m compared to that of the tallest existing building proposed for demolition. As a result of the reduced volume and surface area of built development, the spatial impact of the proposed development would be significantly less than the existing development. The visual impacts would also be improved, regardless of the slight increase in height of buildings, due to a reduction in the massing of buildings at the site and the sense of openness would be enhanced, including the scope for soft landscaping. As such the impact on openness when considering the site as whole would be no greater than the existing development.
22. Given the above, it is considered that the proposed development would not have a materially greater impact on the openness of the Green Belt than the existing development and as such would not represent inappropriate development in the Green Belt.

Impact on character and appearance of locality

23. Policy BNE1 of the Chorley Local Plan 2012 - 2026 states that planning permission will be granted for new development, including extensions, conversions and free-standing structures, provided that (amongst other things):
 - "a) 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.*
 - c) 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;"*
24. The existing buildings proposed for demolition are of a functional nature akin to their use. They do not contribute to the character of the area in any positive way. Views of the part of the site proposed for development from New Lane and Southport Road are screened by vegetation and dwellings as the site is located to the rear of existing dwellings and set back 40m from New Road. There are no Public Rights of Way close to the site. Existing dwellings on New Lane and Southport Road are typically two storey semi-detached dwellings, although there are some bungalows on the eastern side of New Lane, opposite the site access. The dwellings are of a traditional design of red brick and slate roofs, positively contributing to the character of the immediate area.
25. Whilst the proposed dwellings would be slightly larger in terms of footprint than other dwellings in the immediate area, they would be similar in choice of materials with red brick and natural slate roofs, whilst incorporating some modern elements in the form of render and charcoal PVC-u joinery. The dwellings would not be visually prominent from public vantage points, but nevertheless, the proposal is considered acceptable in terms of size, scale, massing and design. The appearance of the dwelling would fit with the character of the area and would complement the existing dwellings. The final choice of externally facing materials and landscaping details can be controlled by planning condition. As such it would be an acceptable design response in the context of this site, which is already occupied by buildings.
26. The proposed development is an appropriate design response to the site and would have a positive impact on the appearance of the site and character of the area in consideration of the present buildings, and would not have a detrimental impact on the surrounding area. The development, therefore, complies with policy BNE1 of the Chorley Local Plan 2012 – 2026 with regards to the design.

Impact on neighbour amenity

27. 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.
28. 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.
29. 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.
30. 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.

Highway safety

31. 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.
32. The application site would be accessed via an existing access point from New Lane. The site layout plan adequately demonstrates that the site would provide off street parking and vehicle manoeuvring areas for at least three vehicles in line with the parking standards set out in policy ST4 of the Chorley Local Plan 2012 – 2026 and Appendix A for four bedroomed dwellings of the type proposed.
33. LCC Highways have assessed the proposal and do not have any objections regarding the proposed erection of the dwellings following demolition of existing buildings. The applicant has agreed to fund off-site improvement works that have been suggested by LCC Highway Services. The proposal is considered to be acceptable in terms of highway safety having regard to Chorley Local Plan policy BNE1 (d).

Flood risk and drainage

34. 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.
35. The site is in Flood Zone 1 (the lowest risk) as identified by the Environment Agency and consists mainly of hardstanding. The proposal would offer an increase in the permeable area of the site through gardens and other areas of landscaping. 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.

36. The above can be secured through the imposition of a planning condition and the proposal is considered acceptable in this respect.

Ecology

37. 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.
38. The Council's ecological advisors have recommended conditions and informative notes to be attached to any grant of planning permission, as explained above. It is also considered appropriate to attach a planning condition to ensure that a District Level License is obtained from Natural England for this site, prior to any development taking place. This is due to several ponds being located within 500m of the application site that have previous records of great crested newt (GCN), and these ponds have direct habitat connectivity to the ponds that have been identified within 250m of the development site. This increases the likelihood of great crested newts being present within those ponds, and therefore impacted upon by the proposals. The ecology report has identified an amber risk for habitat loss and red risk for individual newts as a result of the proposed work.
39. GCN are protected in the UK under the Wildlife and Countryside Act, 1981. They are also a Priority Species under the UK Post-2010 Biodiversity Framework and listed as a European Protected Species under Annex IV of the European Habitats Directive.
40. District level licensing (DLL) schemes operate in certain parts of England to better protect great crested newt (GCN) populations. DLL offers an alternative approach to licensing whereby more habitat is created than lost to development (at a ratio of four to one). Developers must pay for this new habitat based on the predicted impact of their development which covers the creation or restoration of ponds in areas modelled to make 'more, bigger, better, more joined up' great crested newt populations. New habitat is delivered by conservation bodies, like the Wildlife Trusts, and maintained and monitored for 25 years – all funded by the initial payment. The applicant has provided an Impact Assessment and Conservation Payment Certificate which has been counter-signed by Natural England. They have therefore completed the relevant stages of the DLL process outlined in National guidance¹, i.e. Stages 1 to 3, and the planning application can therefore proceed to a decision.
41. A valid bat report has been provided in support of the planning application. This assessed two buildings as having negligible bat roosting potential, one with low potential and one with moderate bat roosting potential. All trees had negligible bat roosting potential. The Council's ecological advisors have stated that they have no reason to doubt the findings of the assessment. Two further dusk surveys were carried out in line with best practice. On one occasion one bat was recorded as emerging from one of the buildings confirming the presence of an occasionally day roost. A license will therefore be required from Natural England in addition to planning permission. Given only one bat, the most common species was recorded once out of two surveys, the Council's ecological advisors are satisfied that mitigation is feasible and that a license will be issued by Natural England on receipt of an application with adequate mitigation to safeguard the favourable conservation status of this

¹ [Developers: how to join the great crested newt district level licensing scheme - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/developing-a-district-level-licensing-scheme)

species and a planning condition would be attached to any planning permission in this regard.

42. It is, therefore, not considered that any further assessment is required of the proposed ecological impacts of the proposal and it is considered acceptable in this regard. The proposal is considered to comply with policy BNE9 of the Chorley Local Plan (2012-2016).

Impact on trees

43. 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.
44. The trees located to site boundaries, mostly Silver Birch and Conifers, are not considered to offer a high amenity value and are not of a high quality. 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 any loss of trees as part of the proposal. The proposal is considered to be acceptable in this regard and complies with the above policy.

Public open space

45. 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. The Council does not require contributions for amenity greenspace, parks and gardens, allotments or playing pitches for proposals of fewer than 11 dwellings.

Provision for children/young people

46. Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently a surplus of provision in Chisnall in relation to this standard, a contribution towards new provision in the ward is therefore not required from this development. The site is also not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Study. A contribution towards improvements is therefore also not required from this development.
47. In light of the above, no financial contribution is required from the applicant towards the delivery or improvement of public open space.

Sustainability

48. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 4 which increases to Level 6 on 1st January 2016. However, the 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015 which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in

applying existing policies and not set conditions with requirements above a Code Level 4 equivalent.”

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

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

Community Infrastructure Levy

50. 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

51. It is considered that the proposed development would not be inappropriate development in the Green Belt as it would accord with exception g of paragraph 149 of the Framework. Further, the proposal would ensure the protection of neighbouring residential amenity in accordance 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 have no detrimental impact on the character of the area and would not give rise to undue harm to ecology, drainage or highway safety. The application is therefore recommended for approval.

RELEVANT HISTORY OF THE SITE

Ref: 21/00670/CLEUD **Decision:** PEREUD **Decision Date:** 21 July 2021
Description: Application for a certificate of lawful development for an existing use as a construction and groundwork business which includes the storage of vehicles and equipment with ancillary offices (sui generis use class)

Ref: 89/00530/FUL **Decision:** PERFPP **Decision Date:** 5 September 1989
Description: New farm shop agricultural store and garage

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:

Title	Plan Ref	Received On
Site Location Plan	SAA.3322.2	21 December 2022
Plans	828/05B	8 April 2022
Plot 1 Dwelling Plans	828/10A	23 February 2022
Plot 2 Dwelling Plans	828/20	23 February 2022
Plot 3 Dwelling Plans	828/30	23 February 2022
Plot 1 Elevations	828/11A	23 February 2022
Plot 1 Elevations	828/12A	23 February 2022
Plot 2 Elevations	828/21	23 February 2022
Plot 2 Elevations	828/22	23 February 2022
Plot 3 Elevations	828/31	23 February 2022
Plot 3 Elevations	828/32	23 February 2022
Garage	828/15A	8 April 2022

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

3. Prior to any works taking place above DPC level, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) Details of the colour, form and texture of all external facing materials to the proposed dwellings.
- b) Details of the colour, form and texture of all hard ground-surfacing materials.
- c) Location, design and materials of all fences, walls and other boundary treatments.
- d) Existing and proposed ground levels and finished floor level of the proposed dwellings.
- e) A scheme for the landscaping of the development and its surroundings to include the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded and detail any changes of ground level or landform. The proposals shall be designed to ensure a net gain in the biodiversity value of the site.

The development thereafter shall be completed in accordance with the approved details. Prior to the first occupation of the dwellings 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.

Reason: In the interests of the visual amenities and character of the area and to provide reasonable standards of privacy to residents.

4. No works to trees and shrubs or vegetation clearance or demolition of buildings 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.

Reason: All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981 (as amended).

5. Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

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

6. Any new external lighting should be designed to minimise the impact on nocturnal wildlife.

Reason: To avoid disturbance of nocturnal wildlife.

7. Prior to any earthworks or vegetation clearance, a reasonable avoidance measures method statement for mammals such as hedgehog and amphibians such as common toad, covering site clearance and construction phases, will be provided to and agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting mammals and amphibians.

8. The demolition of building 1 is likely to cause harm to common pipistrelle bats as identified in the Dusk Survey Results by Tyrer Ecological Consultant Ltd at Section 5 and shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) a license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead:
- or
- b) a statement in writing from the Council's ecological advisors to the effect that it does not consider that the specified development will require a license.

Reason: To safeguard a protected species.

9. Prior to the commencement of development, including demolition work, evidence of the District Level License relating to Great Crested Newt habitat mitigation from Natural England shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To mitigate the harm caused to a protected species.

10. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.

Reason: In order 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 and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

11. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in the above condition has been constructed and completed in accordance with the approved scheme details, without prior agreement from the Local Planning Authority.

Reason: In order that the traffic generated by the new development does not exacerbate unsatisfactory highway conditions in advance of the first occupancy or trading.

12. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 1995 and the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority in consultation with the Highway Authority.

Reason: To allow for the effective use of the parking areas.

13. Prior to the commencement of development a Traffic Management Plan (TMP) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The TMP shall include and specify the provisions to be made for the following:-

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials used in the construction of the development;
- Storage of such plant and materials;
- Wheel washing facilities;

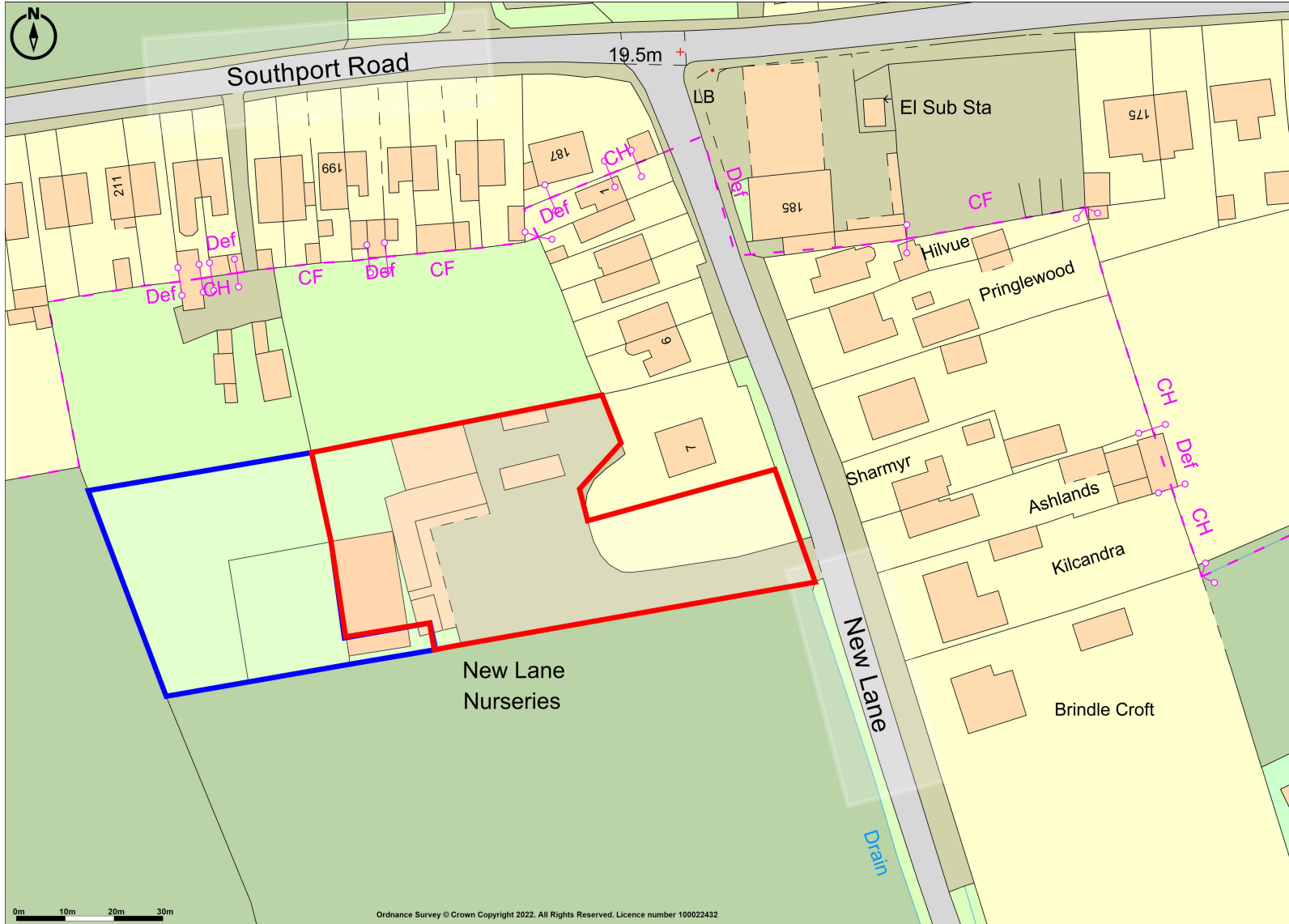
Reason: To protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network.

14. During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.

Reason: To safeguard the trees to be retained.

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Site Location Plan
Former New Lane Nurseries, 7 New Lane, Ecclestone. PR7 6NB
Plan Ref: SAA.3322.2



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APPLICATION REPORT – 22/00826/REM

Validation Date: 7 September 2022

Ward: Eccleston, Heskin And Charnock Richard

Type of Application: Reserved Matters

Proposal: Reserved matters application detailing appearance and landscaping pursuant to outline planning permission ref:18/00704/OUT (Outline planning application for the erection of 6no. detached dwellings following demolition of existing buildings, including matters of access, scale and layout. All other matters reserved). Including details required by condition no. 4 (materials).

Location: Lancaster House Farm Preston Road Charnock Richard Chorley PR7 5LE

Case Officer: Amy Aspinall

Applicant: Mr Daniel Smith, Dorbcrest Homes Limited

Consultation expiry: 29 September 2022

Decision due by: 19 January 2023 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that the reserved matters consent is granted, subject to conditions.

SITE DESCRIPTION

2. The application site is located within the Green Belt and is comprised of a number of existing buildings which have been in various uses over time, including Charnock Fencing which operates from the site. To the north of the site is Lancaster House which is a residential property, and there is also a fishery which shares the same vehicular access from Preston Road.
3. Outline planning permission has already been granted for the residential redevelopment of the site, following the demolition of the buildings.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application is pursuant to outline planning permission ref:18/00704/OUT (Outline planning application for the erection of 6no. detached dwellings following demolition of existing buildings, including matters of access, scale and layout. All other matters reserved) and seeks approval of the outstanding details of appearance and landscaping. The application also seeks to discharge condition no. 4 which relates to materials.

REPRESENTATIONS

5. No representations have been received.

CONSULTATIONS

6. Charnock Richard Parish Council – Advise that they have no objections.

7. CIL Officers – Advise that the development is subject to the CIL Charge for Dwelling Houses as listed in Chorley Council's CIL Charging Schedule

PLANNING CONSIDERATIONS

Principle of development

8. The principle of the development has already been established under outline planning permission 18/00704/OUT. The key issue to consider is whether the details of the reserved matters are acceptable, taking into account the relevant policies and any specific requirements of the conditions under the outline permission.

Impact on the character and appearance of the area

9. 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 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; and 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.
10. The layout and configuration of the site including the two storey scale of the development has already been set at outline stage, and the submission accords with the set parameters. The application now seeks approval for the details of appearance of the dwellinghouses including the external facing and roofing materials, and the landscaping scheme.
11. The design of the proposed dwellings is of a relatively simple appearance, incorporating traditional features reflective of the existing traditional former farm buildings on site which are to be demolished. The style of dwellings proposed and the details of materials (condition 4) would be in-keeping with the wider Lancaster House Farm site and the rural locality, and would not be harmful to the character and appearance of the area or the streetscene of Preston Road.
12. The details of boundary treatments provides stock proof fencing and a hedge to the perimeter of the site which would ensure a soft edge to the countryside and would be an appropriate treatment in this location. Close boarded fencing would be utilised between plots to ensure privacy for future occupiers and key boundaries within the internal courtyard would have a brick wall treatment which would ensure a high quality boundary in the more prominent locations within the site. The landscaping scheme provides acceptable details of soft planting throughout the development, however, as details of hard surfacing treatments have not been provided, these would be secured by way of a planning condition.

Impact on neighbouring amenity

13. 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.
14. The layout has already been set and therefore, the position of any windows must ensure that neighbouring properties are not adversely affected by overlooking or loss of privacy. The nearest existing neighbour is Lancaster House Farm to the north east which is situated within the wider complex and adjacent to plots 1 and 6. In respect of plot 1, the side facing elevations would be in excess of 16 metres with no directly facing habitable windows and there would be no detrimental impacts to the amenity afforded to the existing neighbouring property. Plot 6 would be situated close to the boundary with Lancaster House Farm,

however, the nearest side facing elevation would be blank and single storey in height. The nearest habitable windows would be in excess of some 28 metres and as such there would be no overlooking or loss of privacy impacts. The northern elevation of plot 6 would contain a number of habitable windows at first floor with a garden depth of less than 4 metres. However, as this would not overlook any private amenity space of Lancaster House Farm, it is considered to be an acceptable relationship, and the main outlook and garden of plot 6 would be to the west.

15. There are existing properties to the south situated along Mill Lane, however, these are over 100 metres in distance and this separation ensures that there would be no adverse amenity impacts on these properties.
16. A large proportion of plot 3 would face onto the side elevation of plot 4 with a separation of less than 5 metres. Plot 5 would not contain any habitable windows to its side facing west elevation and the rooms of plot 3 which would face this elevation are all non-habitable, serving a utility, study and hall at ground floor level and dressing room, ensuite and landing at first floor. Accordingly, the separation distance achieved in this respect, although close, would not result in oppressive living conditions of future occupiers of plot 3 to its primary living accommodation and neither plot would be subject to overlooking or loss of privacy at close quarters.
17. To its side facing east elevation, plot 3 would have no windows, and, therefore, there would be no overlooking or loss of privacy to the private garden of plot 2 or habitable rear facing windows at ground floor or first floor.
18. The details of the reserved matters are satisfactory to ensure that the residential amenity afforded to the nearest dwellings is not adversely affected and that future occupiers would have an acceptable living conditions.

Highway safety

19. 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.
20. As per the outline, access matters and layout have already been approved and each plot would have sufficient parking in line with the standards set out at Appendix A of the Chorley Local Plan which is a minimum of 3no. spaces per dwellinghouse (for a 4/5 bedroom house).

Community Infrastructure Levy

21. 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

22. The details of the Reserved Matters i.e. appearance and landscaping and the external roofing and facing materials of the dwellings ensure that the development would not be harmful to the character and appearance of the area, nor would it be detrimental to the residential amenity afforded to neighbouring properties or the living conditions of future occupiers. The application is recommended for approval accordingly, subject to conditions.

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

Ref: 81/00919/OUT **Decision:** REFOPP **Decision Date:** 5 January 1982

Description: Outline application for agricultural workers dwelling

Ref: 00/00174/FUL **Decision:** PERFPP **Decision Date:** 19 April 2000

Description: Excavation of land to form second coarse fishery pond,

Ref: 02/01097/AGR **Decision:** PAAGR **Decision Date:** 28 November 2002

Description: Application for agricultural determination in respect of the erection of a replacement barn,

Ref: 95/00144/COU **Decision:** PERFPP **Decision Date:** 15 June 1995

Description: Use of existing pond for coarse fishing and existing hardstanding for parking of up to fifteen cars

Ref: 97/00087/COU **Decision:** PERFPP **Decision Date:** 9 April 1997

Description: Change of use of farm building to upholstery workshop,

Ref: 04/00157/COU **Decision:** WDN **Decision Date:** 15 April 2004

Description: Change of Use of redundant farm buildings to storage facility

Ref: 05/00038/COU **Decision:** PERFPP **Decision Date:** 9 March 2005

Description: Change of Use of redundant farm buildings to part workshop and storage of furniture

Ref: 11/00132/ADV **Decision:** PERADV **Decision Date:** 6 June 2011

Description: Display of non - illuminated wall mounted sign

Ref: 11/00581/COU **Decision:** PERFPP **Decision Date:** 5 October 2011

Description: Change of use of existing building from agricultural use to fencing and garden furniture workshop

Ref: 13/00321/FUL **Decision:** REFFPP **Decision Date:** 29 July 2013

Description: Retrospective application for the siting of a static caravan for use as an office (B1 use) in connection with fence and drain company on site

Ref: 14/00033/FUL **Decision:** REFFPP **Decision Date:** 20 March 2014

Description: To continue to use a Static Caravan in the farm yard as an office for a temporary period of 1 year

Ref: 14/00844/FUL **Decision:** PERFPP **Decision Date:** 21 November 2014

Description: Use of building as fencing and garden furniture workshop on permanent basis (temporary planning permission (Ref No. 11/00581/COU) granted for 3 year period in 2011)

Ref: 15/01079/FUL **Decision:** PERFPP **Decision Date:** 5 February 2016

Description: Extension to form granny flat

Ref: 16/00328/DIS **Decision:** PEDISZ **Decision Date:** 21 April 2016

Description: Discharge of conditions 4 (Facing Materials) and 5 (External Joinery) to permission granted under 15/01079/FUL (extension to dwelling)

Ref: 17/00137/FUL **Decision:** PERFPP **Decision Date:** 21 April 2017

Description: Extension to existing fencing workshop (B2 Use Class) and creation of additional car parking spaces

Ref: 18/00704/OUT **Decision:** PERFPP **Decision Date:** 15 November 2019

Description: Outline planning application for the erection of 6no. detached dwellings following demolition of existing buildings, including matters of access, scale and layout. All other matters reserved.

Ref: 20/00490/FULHH **Decision:** PERFPP **Decision Date:** 6 August 2020

Description: Extension to existing detached garage

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:

Title	Plan Ref	Received On
Proposed Landscape Plan	3040 LP REV B	7 September 2022
Proposed Development Plan	3040 DEV01 REV B	7 September 2022
Boundary Plan	3040 BP REV B	7 September 2022
Plot 2 Proposed Plans and Elevations	P2 001 REV A	28 July 2022
Plot 4 Proposed Plans and Elevations	P4 001 REV A	28 July 2022
Plot 5 Proposed Plans and Elevations	P5 001 REV A	28 July 2022
Plot 6 Proposed Plans and Elevations	P6 001 REV A	28 July 2022
Plots 1 and 3 Proposed Plans and Elevations	P1/3 001 REV A	28 July 2022

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

3. The external facing and roofing materials of the dwellings, as detailed in the 'External Finishes Schedule' (received by the Local Planning Authority on 28 July 2022) shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In accordance with the submitted details and to ensure that the materials used are visually appropriate to the locality.

4. Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been 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 shall be completed in all respects before the final completion of the development and thereafter retained.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.

5. All planting, seeding or turfing identified on the approved landscaping scheme drawing number 3040 LP REV B titled plan 'Proposed Landscape Plan' shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure a high quality development and in the interests of the visual amenity of the area.



Drawing :
 Location Plan
 Date completed: 25.11.21 | Drawn : DS | Checked : DS

Project :
 Lancaster House Farm, Charnock Richard
 Job Ref : 3040 | **Drawing Status :** Preliminary

Drwg No. : 3040-LOC | Scale : 1:1250 | Paper size: A3

Rev :
C

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APPLICATION REPORT – 21/00966/FULMAJ

Validation Date: 6 August 2021

Ward: Croston, Mawdesley And Euxton South

Type of Application: Major Full Planning

Proposal: Change of use of agricultural field to football pitches (within Use Class F2 (c) outdoor sport or recreation (not involving motorised vehicles or firearms)), construction of new car park and associated footpath.

Location: Rectory Field School Lane Mawdesley Ormskirk L40 3TG

Case Officer: Amy Aspinall

Applicant: Mawdesley Football Club

Consultation expiry: 28 April 2022

Decision due by: 19 January 2023 (Extension of time agreed)

RECOMMENDATION

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

SITE DESCRIPTION

2. The site is located in the Green Belt and comprises two distinct parcels, one being the agricultural field to the east of the existing cricket pavilion building and the other being to the west of it on land towards the junction of School Lane, Jay Bank and High Street. There are residential properties along the southern side of School Lane, most of which front it. The western part of the site is an existing sport and recreational facility.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks full planning permission for the change of use of the agricultural field to a football pitch which is a recreational use. The proposal also includes the provision of a car park and a new footpath to link the car park to the proposed pitch.
4. The proposal would be utilised by Mawdesley Juniors Football Club and would be comprised of a single 11 a side pitch with a 9 a side pitch marked inside it.
5. The car park would be located partly on a grassed area and playing field. It would provide 31no. car parking spaces marked out using flat bay markers and it would be surfaced using a cellular grass grid system laid over gravel and a weed barrier. The first 5 metres extending from the access would be surfaced with permeable asphalt. The car park would be accessed via High Street where an existing gated entrance exists and would be improved as part of the application.

REPRESENTATIONS

6. 5no. objections have been received which are summarised as follows:
 - Overshadow properties within 3.5 metres from 1 School Lane.
 - The car park would be in close proximity to residential properties.

- The land levels mean the car park would create a privacy issue.
- The car park would not reduce congestion as claimed, on School Lane.
- Car park is too large / larger than cricket club car park.
- Increased noise, disturbance and pollution during unsociable operating hours.
- Noise during matches and from away supporters.
- Devalue properties.
- Severe visual impact and impact outlook / Change of view from green space to a car park.
- Urbanise the rural character of the area and overload local services.
- Increased drainage issues and risk of flooding / site has a significant role in drainage from several sources.
- A sustainable surface water management scheme has not been provided.
- The club are using purpose built underused facilities a short distance away.
- No justifiable need for the facilities has been demonstrated.
- Cause traffic issues along School Lane and highway safety concerns / accidents will occur if passed / School Lane too narrow / School Lane used as a rat run.
- Recreational use class is not specified and could open up the area to many different uses in the future.
- Insufficient information has been provided to be able to assess the proposals fully, including number, layout and size of pitches, number of matches to be played and operating times, plans, ecological survey, tree survey, transport statement, noise assessment, flood risk assessment etc.
- Given the size of the field involved for the change of use the operation could expand significantly leading to overspill parking.
- Loss of best and most versatile agricultural land.
- The site lies within an impact zone for a Site of Special Scientific Interest (SSSI).
- Impact on mature conservation value including surrounding ponds and hedgerows.
- Significant works would be necessary to make the field suitable for football in accordance with Sport England standards.
- What controls will be employed during construction and operation of the site?
- The site is not easily accessible other than by private car.
- There is no need for this recreational facility here given others are available and more easily accessible nearby.
- Would the cricket club facilities be sufficient for the increase in numbers of people using the site?
- Contamination from the car park.
- Set a precedent.
- Does not conform with the Local Plan policy HW1 a, b and c.
- Hazardous to driveway of Jay Bank.

7. 22no. representations of support have been received which are summarised as follows:

- This will be a valuable asset for young people in Mawdesley.
- No better site for this as football has been played here since the 1970s and the ability to share facilities.
- Would enhance the usability of the site / natural expansion of the site.
- It is so important for children in the village to be able to access grass roots sport close to home.
- Improve sense of community.
- Would support the community club.
- Opportunity for children in the village to play within the village, rather than elsewhere.
- Improve health and well-being.
- This will provide an all-inclusive opportunity for children to engage in a community run sport in a safe environment, which should be encouraged.
- More accessible than using School Lane and would remove traffic from it.
- Within walking or cycling distance for most users.
- Natural extension to the cricket and football site.
- A grass style car park would be in keeping with the area.

- Eliminate numerous car journeys to neighbouring facilities.
- So many local facilities have been lost over time, this will ensure the football club can continue for many years to come.
- Would support young families moving into the village.
- Car park is not big enough to be an eyesore.

CONSULTATIONS

8. Mawdesley Parish Council: Support the application but raised queries which the applicant has sought to address. This included the applicant changing the proposed car park surface from aggregate to the cellular grass grid system.
9. Lancashire County Council Highways (LCC Highway Services): Advise that they have no objection in principle to the proposal but requested revised plans to show an improved site access arrangement and the route of a footpath from the car park to the football pitch. This has since been provided by the applicant.
10. Greater Manchester Ecology Unit: have responded with no objection to the proposal stating, amongst other things, that the site does not have any nature conservation designations, legal or otherwise, nor does it meet the description of proposed works for Natural England's Impact Risk Zone in relation to Wrightington Bar Pastures (SSSI) or Martin Mere (SSSI). The Unit have recommended a condition be attached relating to protecting nesting birds and an informative note with regards to other protected species.
11. Sport England: initially issued a holding objection until further information was provided by the applicant relating to the proposed use of the field and car park. They subsequently removed the objection and note that the application is supported by The Football Foundation.
12. United Utilities: have responded with no objection to the proposal and have issued their template letter which suggests conditions be attached to any grant of planning permission to secure sustainable drainage measures.
13. Tree Officer: has responded to suggest a condition be attached to ensure trees and hedges to be retained are protected during site works.
14. Lead Local Flood Authority: have responded with no objection to the proposal and have requested conditions be attached in relation to securing the implementation and future maintenance of the submitted drainage scheme and an informative note in relation to watercourse consent.
15. Environment Agency: have not responded on this occasion.

PLANNING CONSIDERATIONS

Principle of the development in the Green Belt

16. The application site is located within the Green Belt, as defined by the Chorley Local Plan Policies Map.
17. Section 13 of the National Planning Policy Framework (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.
18. Development will only be permitted within the Green Belt, under certain exceptions in accordance with the Framework, except 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.

19. Paragraphs 149 and 150 of the Framework sets out the types of development that are not inappropriate in the Green Belt.
20. Pertinent to this application are exceptions b and e of paragraph 150, provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it:
 - b) engineering operations
 - e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).
21. The purposes of including land in the Green Belt are set out at paragraph 138 of the Framework and are as follows:
 - 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.
22. The proposed car park and associated footpath are considered to be an engineering operation and can, therefore, be considered under exception (b) of paragraph 150. The car park and footpath would be low-lying surface structures; however, they would occupy an undeveloped area of the site which is laid to grass and is part of a playing field. This built form, combined with the use for the parking of vehicles would have some impact on the openness of the Green Belt, although it is recognised that vehicles would not be parked there on a permanent basis and would only be used various times in association with football matches. When the car park is in use it would also have a greater visual impact compared to the existing situation. The identified impacts from the parking of vehicles would be transient but nonetheless, this results in harm to openness. Where harm to openness is identified, it cannot be said that openness is 'preserved'.
23. In terms of the purposes of the Green Belt as set out at paragraph 138 of the Framework, the proposed car park and footpath would result in encroachment into the countryside due to the development of this undeveloped area of land. It would not, however, conflict with the other purposes.
24. The proposed change of use the agricultural field to a football pitch is considered under exception (e) of paragraph 150 of the Framework.
25. The change of use of the field itself would not impact on the openness of the Green Belt. Paraphernalia such as football goals would be brought out for each match and would be removed afterwards. They would not be permanent structures and the hours of use of the field would be restricted, as would the use of the field for that of Mawdesley Juniors FC. Accordingly, the change of use is considered to preserve openness. The use would, however, result in encroachment of the countryside.
26. The proposal is inappropriate development in the Green Belt. Substantial weight is attached to the harm by reason of inappropriateness, failure to preserve openness and encroachment into the countryside. As it has been established that the development would result in definitional harm to the Green Belt, any 'other harm' caused by the development, in addition to the harm to openness and encroachment of the countryside, must also be considered and added to the harm identified above. This is assessed below.

Open Space and Sports Field

27. The part of the site where the car park and footpath are proposed forms part of an existing recreational facility and so policy HW2 of the Chorley Local Plan 2012-2026 applies. The policy reflects that of paragraph 99 of the Framework and Sport England policy and seeks

to protect existing open space, sport and recreational facilities, unless alternative provision is provided (criterion 'a' of the policy). As noted by Sport England who have no objection to the proposal, the car park takes up land on the playing field that forms part of the cricket outfield and has been marked out for a football pitch (circa 2019) but is proposed mainly for ancillary use supporting the use of the playing field. The proposal would involve the provision of a new recreational field adjacent the cricket club site which would provide alternative enhanced facilities, in accordance with policy HW2 of the Chorley Local Plan.

28. The change of use of the agricultural field to recreational use would be considered under Policy HW1 of the Chorley Local Plan 2012-2026 which sets out criteria that should be met if new sport and recreational facilities are to be provided, as follows:
 - a) The development will not have an adverse impact on the local environment or visual character of the landscape;
 - b) The development will not result in the loss of the best and most versatile agricultural land (grades 1, 2 and 3);
 - c) The development will not cause harm to a site of nature conservation value;
 - d) The development will not harm the amenities of local residents;
 - e) The site is accessible by a choice of means of transport other than the private car and the traffic generated would not have a severe impact on the highway network.
29. In relation to the impact on the local environment or visual character of the landscape, it is not considered that a change of use of land from an agricultural field to a grass recreational field would be a dramatic alteration to the visual character of the field. At the time of the case officer's site visit it did not appear that the field was being actively farmed, rather it was covered in long grass. There would be little difference between this and a well-maintained field used for recreational purposes. Similarly, the use of part of the existing recreational field for car parking would not have an unacceptable impact upon the local environment or visual character of the landscape, given the low impact surfacing material and transient impact from parked cars.
30. In relation to the loss of agricultural land it is considered that this field would be a natural extension to the facilities at the cricket club site and the benefits of the change of use would carry substantial weight which would outweigh the requirement to retain the field in its current use. It is also likely to be the case that if the recreational use were to cease the land could be reverted to agricultural use relatively easily. Therefore, a reason for refusal on the basis of a loss of agricultural land would not be justified as part of this application.
31. Regarding harm to a site of nature conservation value, the Council's ecology advisors at Greater Manchester Ecology Unit (GMEU) raise no objections to the proposals and confirm that it does not have any nature conservation designations, legal or otherwise, nor does it meet the description of proposed works for Natural England's Impact Risk Zone in relation to Wrightington Bar Pastures Site of Special Scientific Interest (SSSI) or Martin Mere SSSI.
32. In relation to the amenity of local residents; the change of use of the field would be unlikely to cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact. This is because the nearest residential property close to the field, known as Woodbrook, is located on the opposite side of School Lane, approximately 19 metres from the site. This is the only residential property adjacent the proposed recreational field. The applicant has indicated that they intend to have one 11 a side pitch with one 9 a side pitch inside it, on the recreational field, details of which can be controlled by an appropriately worded condition. This means that only one pitch would be able to be used at any one time. Although there is likely to be some localised noise and disturbance as a result of the use of the field for recreational purposes, it is unlikely that the use of a football pitch would cause impacts that would be so severe as to warrant refusal of the application.
33. The Junior Football Club teams compete in winter leagues with no league matches played over the summer. The applicant has confirmed that whilst the majority of their matches occur on Sunday afternoon, sometimes they are played on a Saturday afternoon. In

addition, they have clarified that they may need to play matches postponed from a weekend on a mid-week evening; last season this was the case for three matches for their under 13 team. Therefore to allow the flexibility for the occasional match to be played on midweek evenings as well as the usual weekend use, an appropriately worded condition is recommended to restrict when sports matches can be played on the field to between 08.30 hours and 18.00 hours on Saturdays and Sundays and between 17.00 hours to 21.00 hours on Monday to Friday. This would appropriately limit potential issues from noise and disturbance, whilst allowing the use of the field for matches. Further, it is considered appropriate to limit the use of the field to that of Mawdesley Juniors Football Club to provide some assurance that the site will not be rented to other clubs which would represent a more intensive use of the site than proposed and assessed in this application. Overall, it is considered the change of use of the field to recreational use would not cause an unacceptable degree of noise disturbance to surrounding land uses.

34. In relation to accessibility and traffic generation, and as many of the representations supporting the proposal indicate, children could walk or cycle to the site, and a condition is recommended to ensure cycle parking is provided which would encourage the use of this means of healthy sustainable transport. LCC Highways have not raised objections to the proposal and it is considered that with the associated car park the proposals would not have a severe impact on the highway network.
35. Having regard to the above, it is considered that the proposal would be acceptable in relation to the requirements of policy HW1 of the Chorley Local Plan 2012-2026.
36. This part of Mawdesley is not specified as an area for growth within Central Lancashire 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."

37. The proposal constitutes a major development and, therefore, exceptional reasons are required to justify the proposal.

Design and impact on the character of the area

38. 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 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; and 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.
39. The proposed development of the car park is considered to be well designed utilising a geocell surface that would enable it to blend into its surroundings, so as to ensure that it would not appear as a prominent feature in the landscape. At times when the recreational field is in use there would be cars parked on the car park. However, cars already park in the wider area to the south of the cricket pitch on certain days during the year such as Mawdesley Walking Day and the annual classic car rally as well as when overflow car parking is required by the cricket club. Therefore, the formalisation of some car parking on part of the application site would not undermine the character and appearance of the site or local area.
40. The footpath link has been requested by LCC Highways and would be constructed from simple materials utilising self-bound gravel as a surface possibly with timber edging and

would be a minimum of 1.2 metres wide. This would be a pathway of a style often found in recreational spaces and is considered appropriate to its rural setting.

41. The change of use of the recreational field is a simple change of use and markings of a pitch or pitches would be required to make it useable formally for playing football matches. Goal posts would also be required, although these would be required to be temporary by planning condition, to only be used during the use of the field. Precise details of the goals could be appropriately conditioned. Such features are associated with recreational fields and it is not considered that these would be out of character on a site adjacent an existing cricket field (which contains cricket nets) or inappropriate to their overall rural setting.
42. The site is largely screened from views from the south west and east by boundary hedgerows. The proposed car park would be visible from the cricket pitch to the north but obscured in certain views by the existing cricket nets to the north of the site for the proposed car park. As the visibility splays for the car park would mean that part of the hedgerow along the western side of the site would need to be maintained at a height of no more than 1 metre, further landscaping around the site could be secured via an appropriately worded condition.
43. It is considered that the proposals would not appear overly prominent and would not be incongruous features given the existing screening and subject to the implementation of a suitable landscaping scheme. The footpath would be of a simple construction and would be relatively narrow, as such it would have little impact on the appearance of the site.
44. Overall, the impact of the development on the appearance of the wider site would be limited and is not considered that the proposals would be significantly detrimental to the character of the area.

Impact on the amenity of neighbours

45. 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.
46. The application proposes a football pitch with associated parking and ancillary works. The car park would be situated to the south west of the site adjacent to an existing pitch, with the proposed football pitch situated immediately to the east of the cricket club within the adjacent field. The cricket club itself is already an established sports ground and the proposal would entail an expansion of an existing sporting uses in the area. A new footpath to the southern periphery of the cricket ground would connect the proposed car park to the proposed football pitch, linking through the existing cricket club car park.
47. A number of residential properties are situated along School Lane, on the opposite side of the road from the application site. Neighbouring objections raise concerns that the proposed development would overshadow these properties, that it would be in close proximity to them and would result in increased noise, disturbance and pollution during unsociable operating hours. In addition, concern has been raised that there would be a severe visual impact as a result of the proposal, including impact on outlook.
48. The proposal does not include any structures or buildings which could give rise to overshadowing impacts to neighbouring residential properties or their private amenity space. In addition, the parking of vehicles in the proposed car park would not result in loss of light or overshadowing impacts.
49. The use of the car park would generate some level of noise due to the coming and goings of vehicles and the closing of car doors associated with the match day traffic. However, this

car park would be small-scale, accommodating 30 vehicles, and there is already a car park located at the cricket ground.

50. The path linking the proposed car park to the existing cricket club car park would be separated from the properties that lie on the south of School Lane by the lane itself which has a hedgerow on its northern side and the footpath would be more than 13 metres from the nearest residential properties, whose private rear gardens are further away from the site. The nature of the use of the proposed is that it would be used would not be used on a frequent basis, rather it would be used intermittently when people walk from their parked cars to the recreational field. Therefore, it is not considered that it would have serious implications in terms of impacts on the amenity of neighbours.
51. In terms of the use of the proposed car park this would be used by the football club when matches are to be played which would generally be on Sunday afternoons outwith the summer. It would be gated to prevent unauthorised use. Whilst there is usually some noise associated with car parks in terms of cars revving and doors closing, as well as noise associated with people coming and going, it is unlikely that such noise would be seriously detrimental to the amenity of residents who live in the properties to the south of School Lane given the separation to the nearest property is more than 17 metres. The proposals would not have a seriously detrimental impact on the outlook or privacy of occupiers of the residential properties near the site given their relationship with the site and separation from it. Nor would it cause a loss of light or overshadowing as suggested by objectors.
52. Therefore, it is considered that the proposed development would, by virtue of the location and design, not have an adverse impact on the amenity currently enjoyed by any residential properties.

Highway safety

53. 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.
54. In terms of car parking provision there are no parking standards for the proposed use within Appendix A of the Chorley Local Plan. LCC Highway Services have not raised any issues in relation to the proposed provision and therefore, it is concluded that it is satisfactory. During the course of the application, LCC Highway Services requested improvements to the access and a proposed footpath link from the car park to the pitch to be properly demonstrated. This has now been included as part of the application in order to provide safe pedestrian and vehicular access for users.
55. The scale of the proposal does not warrant a Transport Statement or Transport Assessment and LCC do not raise any concerns in relation to traffic generation and impact on the surrounding highways network, nor do they raise any objections in relation to highways safety matters. On this basis it is considered that safe access to the site can be achieved and that the proposal would not prejudice highways safety. The proposal is, therefore, considered to be acceptable in highways safety terms and in accordance with Chorley Local Plan policies BNE1 (d)

Impact on ecological interests

56. 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.

57. The Council's ecological advisor's the Greater Manchester Ecology Unit (GMEU) have reviewed the application and raise no objections. They confirm that the site does not have any nature conservation designations, legal or otherwise, nor does it meet the description of proposed works for Natural England's Impact Risk Zone in relation to Wrightington Bar Pastures (SSSI) or Martin Mere (SSSI). Given the location and the characteristics of the site and its surroundings they do not consider that there would be a reasonable likelihood of protected species being present, and do not consider that any further surveys would be necessary.
58. Given that the nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended) they recommend that an appropriately worded condition limits the timing of any vegetation removal works to avoid the main bird nesting season. Trees and hedgerows to be retained could be protected during the construction phase by an appropriately worded condition.
59. Having regard to the above, it is not considered that the proposal would be detrimental to nature conservation interests and would accord with policy BNE9 of the Chorley Local Plan.

Drainage and flood risk

60. Policy 29 of the Central Lancashire Core Strategy requires appraising, managing and reducing flood risk in all new developments, avoiding inappropriate development in flood risk areas.
61. A Flood Risk Assessment and Drainage Proposal Report (FRA) has been submitted in support of the proposed development prepared by CFA Civils Limited.
62. The site lies within Flood Zone 1, which is the lowest risk and the report assesses flood risk affecting the site overall to be negligible. The FRA confirms that as there is an existing traditional land drainage serving the recreational field, it is not proposed to make any changes to the sub-soil drainage systems as part of the proposals.
63. In relation to the proposed car park, this would have a grass reinforcement/cellular system laid on an appropriate membrane and granular layer over the existing field drainage system, and no changes to the sub-soil drainage is proposed.
64. Drainage of the access to the car park would drain into the existing field drainage system. The FRA recognises that the area where the proposed car park would be located (and the wider area to the south of the cricket pitch) has suffered from waterlogging, and this is the result of over-compaction of the turf layer due to it being used as an overspill car park at times, rather than as a result of the failure of the land drainage or excessively high groundwater levels. The areas within the site will remain as permeable surfaces and benefit from the existing sub-soil land drainage, and in the event of any extreme rainfall events overland flow routes would not be altered from the existing situation.
65. Both the Lead Local Flood Authority (LLFA) and United Utilities have assessed the application and raise no objections to the proposals. Various conditions are recommended.
66. Having regard to the above, it is not considered that the proposed development would increase flood risk elsewhere and is in accordance with policy 29 of the Central Lancashire Core Strategy.

Green Belt balancing exercise

67. The proposal would give rise to definitional harm to the Green Belt from being inappropriate development, as well as other harm from the impact upon the openness of the Green Belt from the car park and encroachment of the countryside from both the car park and change in use of the field. There needs to be very special circumstances sufficient to outweigh this harm.

68. Currently teams from Mawdesley Junior Football Club play matches at facilities outside the village, which means that children are having to travel further than necessary to play in matches. Given the site's location, it is likely that children could walk or cycle to the site which would eliminate a number of less sustainable car journeys.
69. It is clear from the level of representations supporting the proposal that it would provide a valuable sports facility in the village that children would be able to use. It is also likely that the proposals would enable facilities used by the cricket club to be also used by the Junior Football Club, helping both to continue to prosper.
70. It is considered that the investment in new facilities would help to maintain the viability of a community football club that provides leisure activities for children. This proposal would provide a high quality space for sport and physical activity and significant weight can be afforded to this given that paragraph 98 of the Framework and Policy 24 of the Central Lancashire Core Strategy recognise the importance of this in ensuring the health and well-being of communities.
71. The proposal is supported by paragraph 145 of the Framework which states that "Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.
72. It is considered that the benefits of the proposal as set out above would amount to significant weight such that, in this instance, it is considered to amount to the very special circumstances required to overcome and outweigh the definitional harm to the Green Belt, harm to openness and encroachment of the countryside. Further, it is considered that the above benefits amount to the exceptional reasons required to justify a larger scale of development in an area not identified for growth. The proposal therefore accords with Central Lancashire Core Strategy Policy 1.

Other matters raised in representations

73. The car park is not to be used for vehicle repairs where there could be spillage risks, therefore, the risk of contamination from vehicles parking on the proposed car park is not considered to be an issue that would warrant refusal of the application, given that no consultees have raised concerns in this regard.
74. The possible devaluation of properties is not a material planning consideration that can be taken into account in the determination of this application.
75. It is not considered that the proposals would overload local services, rather it would be providing a valuable local service/facility to the community.
76. Recreational use would be a use within Use Class F2 (c) which relate to outdoor sport or recreation which do not involve motorised vehicles or firearms. Such activity would require planning permission.
77. With regards to potential impacts upon amenity during construction work, this can be controlled by a planning condition requiring the development to be undertaken in accordance with the Chorley Council document "Code of Practice for Construction and Demolition".
78. With regards to the approval of the application setting a precedent, each application is considered on its own merits.

CONCLUSION

79. Whilst the proposal would be inappropriate development by definition in the Green Belt, there are very special circumstances that clearly outweigh the definitional harm caused to the Green Belt as a result of inappropriateness, harm to the openness of the Green Belt and harm caused by encroachment of the countryside. There are also exceptional reasons to justify the development in an area not identified for growth in the Central Lancashire Core Strategy. The proposal would not have any detrimental impacts on the character of the area, neighbour amenity, highway safety, nature conservation interests or flooding. It is, therefore, recommended that the application is approved.

RELEVANT HISTORY OF THE SITE

Ref: 19/00486/FUL **Decision:** PERFPP **Decision Date:** 19 July 2019
Description: Erection of detached garage for the storage of sports equipment.

Ref: 19/00664/FUL **Decision:** PERFPP **Decision Date:** 3 September 2019
Description: Erection of replacement cricket practice net facility.

Ref: 19/00936/FUL **Decision:** WDN **Decision Date:** 9 January 2020
Description: Change of use from agricultural land to playing pitches (Use Class D2) and associated car parking

Ref: 20/00991/FUL **Decision:** WDN **Decision Date:** 27 January 2021
Description: Change of use from agricultural land to playing pitches (Use Class E) and associated car parking

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:

Title	Plan Ref	Received On
Location Plan	002	22 June 2022
Visibility Splay and Site Layout	003	23 November 2021
Proposed Block Plan with Pathway	004	22 June 2022
11 a side pitch and 9 a side pitch	n/a	5 September 2022

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

3. Sports matches shall only be played on the recreational field between 17.00 hours and 21.00 hours on Monday to Friday and 08.30 hours and 18.00 hours on Saturdays and Sundays.

Reason: To protect the amenity of occupiers of nearby properties.

4. The pitches shall be implemented in complete accordance with the approved details shown on the approved drawings prior to the first use of the recreational field for any sports matches and retained as such thereafter.

Reason: To ensure that the recreational field is used in the manner applied for and in accordance with the approved details.

5. Prior to the first use of the site for recreational purposes, details of goal posts and their storage when the field is not in use, and any other associated equipment relating to the use of the recreational field, shall be submitted to and approved in writing by the Local Planning Authority. Only the approved goal posts and equipment shall be installed at the site in accordance with the approved details and shall be fully removed from the pitch and stored elsewhere in accordance with the approved details when the field is not in use.

Reason: To ensure that only the equipment required to facilitate the use of the recreational field is erected on the site, to ensure it is visually appropriate to the locality and to limit impacts upon the Green Belt

6. No works to trees, shrubs or hedgerows or any vegetation clearance 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 that appropriate measures in place to protect nesting bird interests on site. Written confirmation of such shall be submitted to the Local Planning Authority.

Reason: All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981 (as amended).

7. The works hereby permitted shall be undertaken in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.

Reason: To safeguard the health and appearance of trees and hedgerows being retained.

8. The car park hereby approved shall be surfaced with a geocell structure and grass apart from the first 5 metres from the back of the footway that shall be surfaced with permeable asphalt, and the footpath shall be surfaced in bound gravel.

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

9. The car park and footpath hereby approved shall be implemented in complete accordance with the approved details prior to the first use of the recreational field.

Reason: To ensure that the car park and footpath are available for use prior to the first use of the recreational field.

10. Prior to the commencement of any works on the site details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the approved details prior to the first use of the recreational field for any sports matches and retained as such thereafter.

Reason: To ensure that cycle parking is available for use prior to the first formal use of the recreational field.

11. The development hereby permitted shall not be brought into first use until the access as shown on drawing number 003 has been provided in full including the visibility splays, within which any hedgerows shall be maintained thereafter at a maximum of 1.0m high.

Reason: To ensure that the access and visibility is satisfactory in the interests of highway safety.

12. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment & Drainage Proposal (Ref No. CFC21073, Dated January 2022) which was prepared by CFA Civils. No surface water will be permitted to drain directly or indirectly into the public sewer. The measures shall be fully implemented prior to the first use of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority, and shall be 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.

13. The commencement of use of the development shall not be permitted until a site specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) Details of drainage components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each drainage component;
- b) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- c) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- d) Means of access for maintenance and easements. Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

14. The use of the approved recreational field shall be for the sole use of Mawdesley Juniors Football Club and shall not be rented or used by others for organised sports matches or training.

Reason: To control the use of the site for the amenity of residents and to limit harm to the Green Belt.

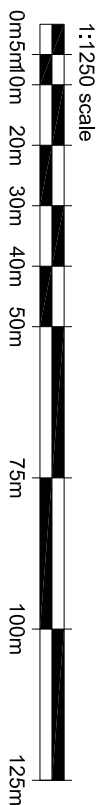
15. A scheme for the landscaping of the development and its surroundings shall be submitted to and approved by the Local Planning Authority prior to the first use of the approved recreational field. These details shall include the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform. 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 first use of the field or car park 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.

16. The Chorley Council document "Code of Practice for Construction and Demolition" shall be adhered to throughout the construction period.

Reason: To protect the amenities of the nearby residents.



Drawing No:
002
Status:
PLANNING

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Report of	Meeting	Date
Head of Planning & Enforcement	Planning Committee	17 January 2023

PLANNING APPEALS AND DECISIONS RECEIVED BETWEEN 1 NOVEMBER 2022 AND 6 JANUARY 2023

PLANNING APPEALS LODGED AND VALIDATED

Local Planning Authority Reference: 21/01475/FULMAJ - Inspectorate Reference: APP/D2320/W/22/3309262

Appeal by Bellway Homes Limited (Manchester Division) against the Planning Committee decision to refuse planning permission for the erection of 108no. dwellings (Use Class C3) with associated access, landscaping, parking and other works following demolition of existing building.

DXC Technology, Euxton House, Euxton Lane, Euxton, Chorley, PR7 6FE.

Inspectorate letter confirming appeal valid received 14 November 2022 – Inquiry scheduled to open on 21 February 2023.

Local Planning Authority Reference: 22/00565/FULHH - Inspectorate Reference: APP/D2320/D/22/3311173

Appeal by Mr & Ms Earlan & Jemma Kirwan & Matthews against the delegated decision to refuse planning permission for a hip-to-gable roof alteration including extension to existing rear dormer and dormer to front elevation, single storey rear extension, and porch to front elevation (following demolition of existing conservatory).

61 Lydiate Lane, Eccleston, Chorley, PR7 6LX.

Inspectorate letter confirming appeal valid received 17 November 2022.

Local Planning Authority Reference: 22/00741/PIP - Inspectorate Reference: APP/D2320/W/22/3305925

Appeal by Mr John Ashcroft against the non-determination within 8 weeks of an application for permission in principle for the demolition of the existing glasshouses and the erection of up to five dwellings.

The Nurseries, Southport Road, Eccleston, Chorley, PR7 6ET.

Inspectorate letter confirming appeal valid received 30 November 2022.

Local Planning Authority Reference: 21/00327/FULMAJ - Inspectorate Reference: APP/D2320/W/22/3313413

Appeal by Conlon Holdings Ltd against the Planning Committee decision to refuse planning permission for the erection of 76no. affordable dwellings with access, parking, landscaping and all other associated works (including pumping station).

Land 120m east of 27 Charter Lane, Charnock Richard.

Inspectorate letter confirming appeal valid received 3 January 2023.

PLANNING APPEAL DECISIONS

Local Planning Authority Reference: 21/01416/FUL - Inspectorate Reference: APP/D2320/W/22/3296378

Appeal by Mr E Joynt against the Planning Committee decision to refuse planning permission for the erection of six buildings comprising 12no. light industrial business units (resubmission of 20/01053/FULMAJ).

Land south of Mercer Court and east of Westthoughton Road, Adlington.

Appeal allowed 2 December 2022.

Local Planning Authority Reference: 19/00251/FUL - Inspectorate Reference: APP/D2320/W/22/3300113

Appeal by Mr Christopher Pugh against the Planning Committee decision to refuse planning permission, contrary to officer recommendation, for the erection of a building comprising 4no. apartments and a building comprising 2no. bungalows with associated parking and landscaping.

Land to the rear of 13-16, Spinners Close, Coppull.

Appeal dismissed 2 December 2022. Partial award of costs made against the Council limited to those costs incurred in addressing the first and third reasons for refusal only.

PLANNING APPEALS WITHDRAWN

Local Planning Authority Reference: 22/00433/FUL - Inspectorate Reference: APP/D2320/W/22/3304682

Appeal by Miss Derrian Moss against the delegated decision to refuse planning permission for the change of use from agricultural land to dog exercise area associated with a dog walking business (sui-generis) including the deposition of loose stone to create a car parking area (retrospective).

Land to the north of Pike View Farm, New Road, Anderton.

Inspectorate letter confirming appeal withdrawn received 8 November 2022.

ENFORCEMENT APPEALS LODGED

None

ENFORCEMENT APPEAL DECISIONS

None

ENFORCEMENT APPEALS WITHDRAWN

None

Report Author	Ext	Date	Doc ID
Adele Hayes	5228	6 January 2023	***