

## **APPLICATION REPORT – 22/00451/FUL**

**Validation Date: 21 April 2022**

**Ward: Clayton East, Brindle And Hoghton**

**Type of Application: Full Planning**

**Proposal: Erection of 3no. dwellings following demolition of existing derelict buildings and conversion of existing shippon to 1no. dwelling, including widening of the existing access**

**Location: Barracks Farm 1 Chapel Lane Hoghton Preston PR5 0RY**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr John Forrester**

**Agent: Richard Bramley**

**Consultation expiry: 17 May 2022**

**Decision due by: 16 June 2022**

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### **RECOMMENDATION**

1. It is recommended that planning permission is approved subject to conditions and a s106 agreement.

### **SITE DESCRIPTION**

2. The application site is located in the village of Hoghton and falls within the settlement area of the village. The site is occupied by several former agricultural buildings of brick and stone construction, which are in a state of dereliction. The site is adjacent to an end of terrace farmhouse that has been unoccupied for some time and has planning permission for conversion to two dwellings. The site and dwelling were once leased as a working small holding, but have been derelict for a number of years now. The agricultural land, which was originally part of the farm is now farmed by others.
3. The site is accessed from Chapel Lane, which is located off Blackburn Old Road. There is an existing farm access gate, which provides access to the yard area via a track between the existing dwelling and shippon. A second field access gate is located along Chapel Lane, which provides access to the land behind the shippon. To the eastern corner of the site, there is a farm gated access to the neighbouring fields, which is no longer used as the land is accessed from elsewhere.
4. It is noted that planning permission for the same development was approved in January 2019 but has since lapsed (ref. 18/00894/FUL).

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

5. The application seeks planning permission for the erection of 3no. dwellings following the demolition of existing derelict buildings and conversion of an existing shippon to form 1no. dwelling, including the widening of the existing access to Chapel Lane.

## REPRESENTATIONS

6. Representations in objection have been received from two addresses in relation to the following:
  - Dwellings would overlook the garden area at 2 Gib Lane
  - The position is close to the boundary such that they would be overbearing in relation to 2 Gib Lane.
  - The Committee should visit the site again.
  - Loss of wildlife.
  - Impact of construction activities on the living conditions of residents at 2 Gib Lane and in relation to specific health issues.
  - Use of double yellow lines would make parking difficult for local residents.

## CONSULTATIONS

7. Hoghton Parish Council: reiterates its objection made to the previous application i.e. that the development overlooks neighbouring properties (3 of the 4 properties look onto back or front gardens) therefore there is a loss of privacy. Also the houses are in close proximity to an adjoining boundary (less than 10m).
8. Greater Manchester Ecology Unit: No objections subject to conditions.
9. Lancashire Highway Services: No objections subject to conditions.
10. United Utilities: Standard conditions recommended.
11. Lancashire Badger Group: have read the Ecology report carried out by Kingdom Ecology of 28 March 2022 and whilst no setts or signs of badgers were recorded in the immediate area of the proposed development, we would like to point out that there are 5 badger setts within a 2km radius of the proposed development site and it may be possible that badgers are using the area for foraging. We would therefore respectfully request suitable mitigation be put in place should this development receive approval to protect badgers that may enter the site during the development phase.

## PLANNING CONSIDERATIONS

### Principle of development

12. The application site forms part of land designated by policy V2 of the Chorley Local Plan 2012-2026 as within the Settlement Area of Hoghton. Within these areas there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and compliance with other Development Plan policies. It is considered that the site is located in a relatively sustainable location with some access to public transport, some limited local amenities such as a local shop, community centre, church, sports club and public houses, and the means to access other nearby amenities, such as schools, relatively easily. The Framework also states that development in sustainable locations should be approved without delay
13. Hoghton is not specified as an area for growth within Core Strategy policy 1 and falls to be considered as an 'other place'. Criterion (f) of Core Strategy policy 1 reads as follows:  
*"In other places – smaller villages, substantially built up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes."*
14. The preamble to the policy provides some limited context to the policy wording stating that growth and investment should be confined here (in other places) to small scale infill, in the

interests of sustainable development. The proposed development is small scale, being classified as minor development as it would not fall to be defined as major development by the Town and Country Planning (Development Management Procedure) (England) Order 2010. The development of four dwellings would be commensurate with the scale of the village, whilst the site itself represents one of only a very limited number of opportunities for development within the settlement area of the village. The proposed development would infill an area of the settlement with the site being well contained by existing development resulting in an almost landlocked pocket of undeveloped land.

15. In addition to this the location does have some sustainability credentials being located within the village that comprises, a number of amenities within walking distance and the means to access other more distant amenities via a regular bus service. On this basis the site is considered to represent an infill opportunity within the village, in a strategic sense, and the development would be small scale and commensurate with the size of the settlement. The site and proposal are, therefore, considered to be in line with policy 1 of the Core Strategy, and would not be contrary to the aim of achieving sustainable development.
16. The application site forms part of land designated by policy V2 of the Chorley Local Plan 2012-2026 as within the Settlement Area of Hoghton. Within these areas there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and compliance with other Development Plan policies.
17. It is considered that Hoghton can be classified as a 'smaller village'. It is also considered that the proposed development of four dwellings is small scale. Four dwellings would be an appropriate amount of development, within the settlement boundary of a village of this size. It is, therefore, considered that the 'principle' of the proposed dwellings is acceptable in compliance with Chorley Local Plan policy V2 and Core Strategy policy 1 and the Framework.

#### Impact on character and appearance of locality

18. The application site has a frontage facing onto Chapel Lane but is otherwise well contained, as the site is bound by a vehicle repairs workshop and public house to the west, a dwelling at 2 Gib Lane to the north, terraces along Chapel Lane to the east and an area of open land to the north east. The site currently appears derelict and abandoned when viewed from Chapel Lane and despite containing some buildings of character detracts from the appearance of the site and immediate area.
19. The proposed development would be arranged in a courtyard layout that would respond well to the confined nature of the site and results in an efficient use of the available land. There would be an access road from Chapel Lane and the existing shippon nearest to Chapel Lane would be converted and extended resulting in an attractive entrance feature, whilst retaining and restoring a building of character. This is of benefit to the appearance of the site and character of the wider area as a non designated heritage asset would be improved and secured.
20. Three new detached dwellings would be developed to the rear of the site away from Chapel Lane. The dwelling at plot 3 would be directly visible on entry to the development and would form a focal point from the access drive, which would contribute positively to the appearance of the site. The dwellings at plots 2 and 4 would only be visible at distance through glimpses.
21. The scale of the three new build dwellings would be appropriate in relation to other nearby two storey buildings and the density of development would not be out of character for the area. These dwellings would be faced in white render with sandstone detailing, which would reflect the facing materials displayed in other surrounding properties and would result in an appropriate appearance, given the mixed material palette in the locality.
22. No details of boundary treatment have been submitted at this stage, however, these would form an important part of the development, in particular adjacent to Chapel Lane, where they would be most visible. It is, therefore, recommended that such details are required by condition.

23. Overall the proposed development would improve the appearance of the site and contribute positively to the character of the area in line with policy BNE1 of the Chorley Local Plan 2012-2026.

#### Neighbour amenity

24. Policy BNE1 of the Chorley Local Plan 2012-2026 states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
25. The proposed layout plan demonstrates that the dwellings at plots 2 and 3 would bound with the dwelling at 2 Gib Lane. Plot 2 would have rear windows facing towards the front garden at this dwelling. Front gardens by their very nature are not as private as rear garden areas and are, therefore, not as sensitive to impacts on neighbour amenity. It is, therefore, considered that no unacceptable impact on privacy would occur. There would be no impact on light or outlook by virtue of the relative positioning of the dwelling at plot 2, and in consideration of its scale and degree of separation in relation to the dwelling at 2 Gib Lane.
26. The proposed dwelling at plot 3 would have rear windows facing towards the dwelling and rear garden at 2 Gib Lane. These would be approximately 5.8m from the boundary with this property. It is noted that this dwelling has been extended with the addition of a two storey side and single storey rear extension that projects across the rear of plot 3 and therefore no views of the garden area would be possible from ground floor windows. There would be a window to a bedroom in the first floor rear elevation of plot 3, however, views of the most private intimate amenity areas of the rear garden at 2 Gib Lane would be screened by the existing extensions at this property to such an extent that any views would either be at a distance of over 10m or would be at an angle. It is therefore considered that on balance no unacceptable loss of privacy would occur. Although plot 3 would be positioned to the south of 2 Gib Lane, there would be no unacceptable impact on light or outlook due to the scale of the proposed dwelling, degree of separation and relative positioning.
27. It is recognised that there would inevitably be an impact from construction activities on the living conditions of residents at 2 Gib Lane and others in close proximity to the site. These impacts would be temporary and given the scale of the proposed development would not be extensive, whilst there is no reason why they would be lengthy. It is therefore considered that these impacts could be adequately mitigated against through proper construction management. It is therefore recommended that given the proximity of neighbouring occupiers a construction management plan should be required by condition attached to any grant of planning permission.
28. The proposed dwelling at plot 4 would face towards the rear of the unoccupied farmhouse that is owned by of the applicant. The distance between the properties would be approximately 15m. This falls below the Council's interface guidelines, however, it must be considered that the farmhouse is unoccupied and in a state of disrepair, and is within the ownership of the applicant. It is possible that this would be returned to a habitable standard at some stage, however, any future occupiers would move into the property with the full knowledge of this relationship, and it is not considered that the relationship would unacceptably harmful to amenity on this basis.

#### Highway safety

29. The existing buildings on site are to be demolished and replaced with 3 new dwellings (plots 2, 3 and 4) while the existing shippon (plot 1) is to be converted. Plots 1 and 4 would each have of 3 bedrooms while plots 2 and 3 would each have 4 bedrooms with an integral garage. All three new dwellings and the converted shippon would be provided with two frontage spaces each. The level of parking provision would ensure that the proposal complies with the Council's parking standard as set out at policy ST4 of the Chorley Local Plan 2012-2026.
30. The existing lean-to building to the east of site access is to be demolished and replaced with two car parking spaces for the existing Barracks Farmhouse shown within the applicant's

wider site boundary. A third parking space for Barracks Farmhouse is shown located between the Farmhouse and the footpath leading to the rear of the neighbouring properties. It is indicated that the neighbouring properties have right of access to the footpath and this would be retained for their continual use, even after the development has taken plan.

31. The site would have a main access leading to the three new houses with a minor access provided to the converted shippon. Both accesses are existing and would be improved in line with the advice offered by LCC Highways. As part of the access improvements, the existing footways on both sides on the main access are to be extended round the access radii into the site for approximately 6.0m from the highway boundary. In addition the existing footway from the main access past the entrance to the shippon up to the end of the site boundary is to be widened to 2.0m.
32. Works relating to the access and the footway widening are to be carried out through a section 278 agreement of the highways act 1980 with the applicant responsible for all costs.
33. The applicant's proposal for waiting restrictions to be introduced outside and opposite the site is, however, unacceptable as besides enforcement implications it is not considered there is any real need for such restrictions at an area which is predominantly residential. This part of the proposal cannot be implemented without the agreement of LCC Highways and is outside the red line boundary of the application site.
34. It is noted that LCC Highways have no objection to the proposed development subject to the imposition of conditions and, therefore, the proposed development is considered to be acceptable in highway terms.

#### Ecology

35. The application is accompanied by an ecology assessment of the site and buildings. This has been reviewed by the Council's ecology advisors (Greater Manchester Ecology Unit) who advise that the ecological consultants appear to have undertaken a detailed survey of the site and carried out an appropriate level of survey. The survey found the site to have some limited ecological value and was followed up with a full bat survey.
36. The survey found no evidence of roosting bats in the building to be converted and therefore GMEU are satisfied that no further surveys are needed. However, as bats are highly mobile creatures and it is therefore advised that an informative be attached to any grant of planning permission, should it be granted, reminding the developer of the need for vigilance
37. As there was evidence of nesting birds within the buildings and there are works planned to the hedgerows, it is recommended that a condition be attached to any grant of planning permission restricting the times when removal of or works to any hedgerows, trees or shrubs works to or demolition of buildings or structures may take place.
38. The development scheme is required to include measures to enhance biodiversity at the site and to provide a net gain for biodiversity, in line with the requirements of the National Planning Policy Framework as well as provide compensation for the loss of a swallow nesting site. It is therefore recommended that a condition be attached to any grant of planning permission requiring a scheme for Biodiversity Compensation and Enhancement Measures to be submitted to and approved in writing by the Local Planning Authority.
39. As the site supports the invasive Himalayan balsam it is recommended that a condition be attached to any planning permission requiring an invasive non-native species protocol to be submitted to and approved by the local planning authority, detailing the containment, control and removal of Himalayan balsam on site.
40. Overall it is not considered that the site has substantive nature conservation importance and it is noted that Greater Manchester Ecology Unit do not object to the proposed development on nature conservation grounds.

#### Flood risk and drainage

41. The application site is not located in an area that is at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
42. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. As such the developer should consider the following drainage options in the following order of priority:
- into the ground (infiltration);
  - to a surface water body;
  - to a surface water sewer, highway drain, or another drainage system;
  - to a combined sewer.
43. It is, therefore, recommended that a condition be attached to any grant of planning permission requiring a surface water drainage scheme to be submitted that includes details of an investigation of the hierarchy of drainage options in the National Planning Practice Guidance.

#### Sustainability

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

*“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.”*

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

#### Public open space (POS)

46. 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.
47. However, the National Planning Practice Guidance (NPPG) post-dates the adoption of the Local Plan and states that planning obligations should not be sought from developments of

10 or less dwellings and which have a maximum combined floorspace of no more than 1000 square metres.

48. In the determination of planning applications, the effect of the national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy.
49. Consequently, the Council must determine what lower thresholds are appropriate based on local circumstances as an exception to national policies. The Council has agreed to only seek contributions towards provision for children/young people on developments of 10 dwellings or less.
50. There is currently a deficit of provision in Clayton East, Brindle, and Hoghton in relation to provision for children and young people, therefore a contribution towards new provision in the ward is therefore required from this development. The amount required is £134 per dwelling.

#### Community Infrastructure Levy

51. 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**

52. It is considered that the proposed development would have no detrimental impact on the character of the area and accords with the aims of policies within the Framework and Chorley Local Plan 2012 – 2026 that seek to achieve sustainable development. It is also considered that the proposed development would not give rise to undue harm to the amenities of neighbouring residents or highway safety matters.

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

**Ref:** 18/00894/FUL **Decision:** PERFPP **Decision Date:** 17 January 2019  
**Description:** Erection of 3no. dwellings following demolition of existing derelict buildings and conversion of existing shippon to 1no. dwelling, including widening of the existing access.

**Ref:** 19/00903/FUL **Decision:** PERFPP **Decision Date:** 19 November 2019  
**Description:** Conversion of existing farmhouse to 2no. three bedroom dwellings

**Ref:** 94/00431/FUL **Decision:** PERFPP **Decision Date:** 2 August 1994  
**Description:** Conversion of existing farmhouse into 2 separate dwellings

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

#### Suggested Conditions

To follow.