

## **APPLICATION REPORT – 22/01070/FUL**

**Validation Date: 10 October 2022**

**Ward: Adlington And Anderton**

**Type of Application: Full Planning**

**Proposal: Erection of three detached dwellinghouses following demolition of existing workshop and storage buildings**

**Location: Peewit Farm Moor Road Anglezarke Chorley PR6 9DQ**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr Patrick Hilton**

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

**Consultation expiry: 8 November 2022**

**Decision due by: 5 December 2022**

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### **RECOMMENDATION**

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

### **SITE DESCRIPTION**

2. The application site is located in an area of other open countryside in the West Pennine Moors area at Anglezarke. The site comprises two parcels of land that are located on either side of Moor Road, which is a narrow lane characterised by dry stone walls with open land on either side, typical of the upland areas to the east of the Borough. The site is occupied by a cluster of buildings including three dwellings of agricultural origins, although no farming operations are carried out from any of these. The application site is in use as workshops and associated storage in connection with the repair and maintenance of motor vehicles. The parcel of land to the west side of Moor Road is occupied by a mixture of building types including low level steel sheds, garages and timber stores around which is a large open storage area, whilst the parcel of land to the east side of Moor Road is occupied by a steel warehouse structure of more substantial height. A public right of way passes through this part of the site. It is noted that the land to the west is situated at a lower level to Moor Road.
3. The other buildings in this small cluster of development are of a traditional agrarian character being faced in local stone with slate roofing, and are positioned close to one another with stone boundaries, modest areas of curtilage and shared access. The surrounding land is open moorland, although it is noted that there is an area of ancient woodland to the west on land that falls steeply down to meet High Bullough Reservoir.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

4. This application seeks planning permission for the erection of three detached dwellinghouses following the demolition of the existing workshop and storage buildings. There would be one dwelling to the east side of Moor Road in the position of the warehouse building and two dwellings to the west side of Moor Road in the area of the storage yard and

buildings. The dwellings would be of a traditional form and would be faced in stone with roofs laid in slate.

## REPRESENTATIONS

5. One representation in objection has been received raising the following concerns:
  - Loss of privacy due to positioning of the access.
  - Impact on the character of the area.
  - Impact on trees.
  - Ecological impacts.

## CONSULTATIONS

6. Anglezarke Parish Council: No comments have been received.
7. Greater Manchester Ecology Unit: Are satisfied that the application can be forwarded for determination and that any permission if granted is supported by the condition/informative.
8. Waste & Contaminated Land: Have no comments to make.
9. Lancashire County Council Highway Services (LCC Highway Services): Do not have any objections in principle to the proposed erection of three dwellinghouses following the demolition of the existing workshop and storage buildings, providing the applicant can address the issues regarding site layout, and private car parking and site access and do not have any concerns relating to highway capacity that would be caused by the proposed development.
10. United Utilities: Have identified that a raw water main is located in the vicinity the site. It must not be built over, or access to the pipeline compromised in any way. Following review of the proposed site layout, United Utilities have concerns regarding the proximity of the proposed development and the Bio Disk package sewerage treatment plant to the water assets.

## PLANNING CONSIDERATIONS

### Principle of development

11. The application site is located within the West Pennine Moors Area of Other Open Countryside. The Chorley Local Plan 2012-2026 identifies that this area is excluded from the Green Belt as it is unlikely that Chorley Town will expand and merge with other settlements in an easterly direction. It is important, however, that this area is protected from unacceptable development, which would harm its open and rural character.
12. The National Planning Policy Framework (the Framework) seeks to dissuade the development of isolated homes in the countryside, however, the site is not considered to be isolated despite its rural location, given the presence of three existing dwelling within the cluster of buildings and the proximity of nearby towns and settlements. Furthermore, the proposal presents the opportunity to enhance the setting.
13. Anglezarke 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." The proposed development would be small scale in line with this policy.
14. Policy BNE2 of the Chorley Local Plan 2012-2026 covers development in the Area of Open Countryside and states that:

*In the Area of Open Countryside, as shown on the Policies Map, development will be permitted provided the applicant can demonstrate that:*

- a) It is needed for the purpose of agriculture or forestry or other uses appropriate to a rural area;*
- b) It involves the rehabilitation and re-use of existing rural buildings where their form, bulk and general design are appropriate to the character of the surrounding countryside.*

15. The site is previously developed land and comprises an existing use that is not typical of rural areas. The land and buildings are of poor appearance and do not contribute positively to the setting or character of the area. It is proposed to replace these buildings with three dwellings. The nature of the proposal is such that policy BNE2 cannot be applied directly to it. The Central Lancashire Rural Development SPD does, however, provide more specific guidance as regards redevelopment schemes, setting out at paragraph 58 that:

*.....other buildings in the countryside may be put to a range of new uses. The replacement of other buildings is appropriate development in all areas of the countryside providing the new building is in the same use and not materially larger than the one it replaces.*

16. This makes clear that the replacement of buildings and redevelopment of sites is supported. Although this refers to the building being in the same use, it is not necessarily desirable to maintain that use, and in this instance a change from one previously developed land type to another would be appropriate, as dwellings would be no less appropriate than vehicle maintenance, repair and storage in this location. This is particularly so given that the other buildings within the immediate cluster are dwellings and, therefore, the proposal would better reflect the surrounding uses and ameliorate the potential amenity impacts associated with vehicle repair and maintenance.

17. The SPD also sets out that the replacement buildings should not be materially larger. Although no capacity test is specified in paragraph 58, it is noted that paragraph 56 sets out in relation to replacement dwellings that an increase of over 30% of the volume of the building that it replaces, will be considered inappropriate. This provides a clear guide that can be adopted in the assessment of this application, in considering the impact of replacing the existing buildings with three dwellings. Any such assessment would also need to consider the impacts of the development on the setting of the site and character of the area.

18. This is an approach that normally used in assessing the impact on the openness of the Green Belt. Whether harm is caused to openness depends on a variety of factors such as the scale of the development, its locational context and its spatial and/or visual implications. At present, the site is occupied by a single warehouse building on the east side of Moor Road and several lower level storage buildings on the west side. These clearly cause some harm to openness and the visual appearance of the site by their mere existence.

19. The proposal involves the demolition of all the buildings their entirety. The land to the west of the lane is relatively well contained due to the lower land level relative to the highway along Moor Road, whilst the woodland to the western boundary of the site provides an effective screen from that direction. These serve to reduce the visual impact of development on this part of the site. The parcel to the east of the lane is more exposed and visible from the highway and from the north. It is, however, well screen by existing buildings to the south.

20. The developed areas of land are very clearly defined already and would provide the curtilage of the development. The proposed dwellings would be positioned within these areas and overlapping the footprints of existing buildings. The parcel of land to the east side of the lane is occupied by a large warehouse that would be directly replaced by a dwelling in the same position. It would have a similar impact on openness, whilst a dwelling of traditional design using stone and slate would better reflect the setting and would enhance the character of the site.

21. The parcel of land to the west is occupied by a number of smaller storage buildings across the site, in addition to clutter from outdoor storage. The land is hard surfaced and has a negative appearance, although it is currently well screened from the lane by a laurel hedge. The proposed development would bring order to this part of the site, and whilst the proposed dwellings would be taller in height than the buildings to be removed they would have a similar volume that is not materially larger. Again, dwellings of a simple traditional design using stone and slate would better reflect the setting and would enhance the character of the site. The development would also have the potential to draw together the cluster of buildings into a more coherent group.
22. Given that the proposed development would enhance the appearance of the site and character of the area, would have similar impact on openness to the buildings that would be replaced and would be a suitable land use in the context of the surrounding residential uses it is considered that the development would be appropriate in this context and is acceptable in principle.

Impact on character and appearance of locality

23. The impact on the appearance of the site and setting would be more positive than the existing development as set out above. In relation to the details of the scheme and its suitability in terms of providing the best outcome for the site it is important that the appearance, siting and layout of the scheme are acceptable.
24. As set out above the site is split between two parcels of land east and west of Moor Road. The land to the east is currently occupied by a steel storage building and is visually exposed from the highway to the west and to the north. It is proposed that this is replaced by a detached dwelling of simple traditional form. There would be a catslide roof to the south side within which would be a small gable dormer. There would also be a front porch and chimney stack to the north side adding features of interest. There would be stone lintels and cills and the building would be faced in stone with a roof laid in slates. This would provide a simple traditional appearance, that would reflect the character of the stone buildings on the site. The siting of the dwelling would reflect that of the existing building and would face the access from Moor Road, which is appropriate.
25. The land to the west is sited at a lower level to the road, and has an existing access to the north that would be utilised as part of this application. The proposed dwellings would be of a matching design and would be of a traditional form with hipped roofs, front porches and chimneys. There would be stone lintels and cills and the buildings would be faced in stone with a roof laid in slates. This would provide a simple traditional appearance, that would reflect the character of the stone buildings on the east side of the lane and would be appropriate in this context. The siting of the dwellings has been amended to ensure that they are outside the 15m buffer to the ancient woodland to the west. They would not face the highway, which is a standard relationship that is typically sought, but would face in opposite directions to one another facing north and south across the open land. In this instance the existing cluster of buildings do not provide a road frontage and have a more organic form, therefore the proposed siting would better reflect this and would provide more prominent views of the buildings on approach from the north or south along Moor Road. This would add to the character of the cluster of buildings as a contained hamlet, which is appropriate in this instance.
26. 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. Parking would be contained to the west side of the site, away from the highway.
27. 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

28. 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.
29. The nature of the application site is such that there are very few dwellings that would be impacted upon by the proposed development. The dwelling at Peewit Farm would be situated approximately 7m from the dwelling proposed on the east side of Moor Road, and would have a number of habitable room windows in the facing elevation. Although this siting is closer than the Council's guideline interface it is noted that the dwelling would replace a building of similar scale in the same position and therefore the impact on light and outlook would be similar. It is noted that there would be windows in the side elevation facing this dwelling, however, these would not serve habitable rooms and would not, therefore, result in unacceptable views that would adversely affect privacy. It is, however, recommended that a condition be attached to any grant of planning permission requiring that the windows in the south side elevation of the dwelling are obscure glazed.
30. The dwellings to the west side of Moor Road would be positioned approximately 17m from the nearest habitable room windows to the nearest existing dwelling at Jepsons Barn, whilst they would be over 21m from Jepsons Farmhouse and would be situated at a lower level. There would be no windows to habitable rooms facing these dwellings and as such there would be no impact on the amenity of the occupiers of if these dwellings.
31. The proposed dwellings would have rear elevations facing at a distance of approximately 19m apart. This would be less than the Council's guideline interface, however, in this instance a closer grouping better reflects the character of the area and any eventual occupiers would be aware of this relationship prior to choosing to live there.
32. In terms of more general amenity matters, the replacement of a vehicle repairs and maintenance site with dwellings would provide a more compatible land use and would reduce the risk of noise and disturbance from the operation of an industrial operation on the site.
33. On the basis of the above it is considered that the proposed development would have no unacceptably adverse impact on the amenity of the occupiers of any existing or future occupiers and complies with policy BNE1 of the Chorley Local Plan 2012-2026.

### Highway safety

34. The existing buildings on site are to be demolished and replaced with three new dwellings. There is adequate parking area within the site that would support a level of parking provision to ensure that the proposal complies with the Council's parking standards as set out at policy ST4 of the Chorley Local Plan 2012-2026.
35. The existing access point serving Peewit Farm would be used to serve the dwelling to the east side of the lane, whilst the existing access to the northern end of the site on the west side of Moor Road would provide access to the two new dwellings on this parcel. These currently provide access to numerous vehicles.
36. It is noted that LCC Highway Services have no objection in principle to the proposed development and do not have any concerns relating to highway capacity.

### Ecology

37. The application is accompanied by a Preliminary Bat Roost Assessment Report. This has been reviewed by the Council's ecology advisors (Greater Manchester Ecology Unit).
38. The proposal involves the erection of three detached dwellings following demolition of existing workshop and storage buildings. A preliminary daytime bat inspection was undertaken on 30 September 2022 and comprised an internal and external inspection of the buildings. No bats or signs of bats were found during the survey and the buildings were

assessed as having a negligible potential to support roosting bats. No further bat surveys are, therefore, considered necessary and work can commence with a low risk to roosting bats.

39. Notwithstanding the above, bats are mobile in their habits and can turn up in the most unlikely places. If, in the unlikely event, bats are found or suspected at any time during the works, work should cease immediately and advice sought from a suitably qualified bat worker. It is therefore suggested that an informative to this effect be placed on any permission if granted.
40. The buildings have some potential to support nesting birds, although no evidence of nesting birds was found during the survey. All birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended). No demolition works should be undertaken in the main bird breeding season (March-August inclusive), unless nesting birds have found to be absent, by a suitably qualified person. A condition to this effect is recommended.
41. Although no detailed landscaping scheme has been provided at this stage there are opportunities for improving what is currently a site comprising hard surfaced land on either side of Moor Road, with some peripheral landscaping around the periphery. It is recommended that a condition is attached to any grant of planning permission requiring a landscaping scheme that would provide a suitably softened setting to the development with measures to enhance biodiversity at the site and to provide a net gain for biodiversity, in line with the requirements of the Framework. It is recommended that opportunities for biodiversity enhancement be incorporated into the new development, which should include bat boxes (as recommended in the report).
42. It is noted that the application site is located to the east of an ancient woodland that is designated as a Biological Heritage Site, subject to policy BNE9 Biodiversity and Nature Conservation of the Chorley Local Plan 2012 – 2026. The proposed dwellings would be located outside the 15m buffer zone from the edge of the woodland, which is sufficient to ensure that detrimental harm to the root systems of the trees can be avoided. The access road would run immediately adjacent to the boundary, however, this area is already hard surfaced and is unlikely to result in detrimental harm to the woodland. Nevertheless, it is recommended that a tree protection plan and method statement are required by condition as part of any grant of planning permission. On this basis, it is considered that any harm to the ancient woodland and Biological Heritage Site can be avoided.
43. 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

44. 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 Framework and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
45. 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.
46. 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.

47. It is noted that United Utilities records have identified that a raw water main is located in the vicinity the site. It has been advised that this must not be built over, or access to the pipeline compromised in any way. United Utilities have concerns regarding the proximity of the proposed development and the Bio Disk package sewerage treatment plant to water assets. To resolve this matter, and to avoid any unnecessary costs or delays to either the applicant or any future developer, it is requested that the applicant submits a detailed site layout plan that overlays the proven location of the water main in relation to any proposed development (including walls, fencing, parking etc.). Ideally this would be provided prior to determination of the application as it could have a bearing on the siting of the dwellings, which could result in the scheme being unimplementable.
48. This, however, is a risk to the applicant and in this instance the applicant has indicated that the water main runs down the side of the highway some 6m from the location of the proposed dwellings, and is willing to progress to determination with the details to be provided prior to commencement. It is, therefore, recommended that conditions are attached to any grant of planning permission requiring details of the means of ensuring the water main that is laid within the site boundary is protected from damage as a result of the development and details of the Wastewater Drainage design.

#### Sustainability

49. 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:
50. *“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.”*
51. *“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.”*
52. 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)

53. 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.

54. 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.
55. 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.
56. 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.
57. There is currently a deficit of provision in Adlington and Anderton in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. The amount required is £134 per dwelling.

#### Community Infrastructure Levy

58. 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**

59. It is considered that the proposed development of three dwellings would have no unacceptable detrimental impact on the open and rural character of the West Pennine Moors Area of Other Open Countryside. It is also considered that the development would not be harmful to neighbour amenity or ecology. In addition, no cumulative adverse impact on highway safety has been identified. It is therefore recommended that planning permission be approved.

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

**Ref:** 12/00513/FUL      **Decision:** PERFPP      **Decision Date:** 13 July 2012  
**Description:** Erection of a two storey rear extension (attached to proposed extension at the attached property ref: 12/00514/FUL)

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

#### Suggested conditions

To follow.