

APPLICATION REPORT – 23/00038/FUL

Validation Date: 23 January 2023

Ward: Chorley North East

Type of Application: Full Planning

Proposal: Erection of 4no. detached dwellings and garages, following the demolition of existing buildings

Location: Lower House Fold Farm Trigg Lane Heapey Chorley PR6 9BZ

Case Officer: Mike Halsall

Applicant: Mrs Ann Nikolakis, Steven Abbott Associates LLP

Agent: Mrs Claire Wilkinson, Steven Abbott Associates LLP

Consultation expiry: 20 February 2023

Decision due by: 14 July 2023 (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 within the Green Belt, to the north of Trigg Lane, which is accessed from Brinscall Mill Road, and is situated approximately 1.5km south east of Wheelton and 1.2km south west of Brinscall. It is situated in a rural location surrounded by open fields, other than a cluster of dwellings and stable buildings located immediately to the north and what appears to be a storage / agricultural building to the south. The site slopes gently downwards from north east to south west.
3. Approximately one third of the 0.47 hectares application site is covered by buildings in a poor state of repair, most recently used for the breaking and salvaging of vehicles, storage, and to a lesser extent, the stabling of horses. The site is currently harmful to the visual amenity and character of the area due to its unsightly appearance, with scrap vehicles and other items scattered across the site.
4. The application site is located approximately 12m to the south of the grade II listed Lower House Fold Farm with adjoining barn.
5. Outline planning permission was refused by the Planning Committee in February 2022 for residential development at the site, with all matters reserved. An indicative layout plan for the development identified nine dwellings stretching across the entire application site. The reason for refusal was as follows:

'The proposed development would be inappropriate development in the Green Belt and, therefore, harmful by definition. The development would also harm the openness of the Green Belt and is not a sustainable location for new housing. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt and other harm identified. The proposal is, therefore, contrary to the National Planning Policy Framework and policy 1 of the Central Lancashire Core Strategy.'

DESCRIPTION OF PROPOSED DEVELOPMENT

6. The applicant seeks full planning permission for the erection of 4no. detached dwellings and garages, following the demolition of existing buildings.
7. The applicant has attempted to overcome the reason for refusal of the previous application by reducing the number of proposed dwellings. The submitted plans have been revised during the consideration period of the application, at the request of the case officer, by further reducing the scheme from five to four dwellings, reducing the scale of the proposed dwellings and removing any built development, other than the internal access road and a pond, from the southern section of the site.
8. Members will recall that following the refusal of the previous application, Planning Committee approved an application for three dwellings, following the demolition of equestrian buildings, (ref. 21/01247/FUL – approved July 2022) on land to the north east of this application site.

REPRESENTATIONS

9. Two conditional objections have been received in relation to this proposal, which suggest that the development will cause further damage to the access road during and after the construction period and request that the road is improved to an adoptable standard, and that widened and passing places are installed as part of the proposal.
10. One objection has been received to the proposal which refers to the access road being unsuitable and refers to the additional traffic that the proposal would create. They request the access is adopted and brought up to standard in terms of its surface and passing places to ensure safety of pedestrians, horse riders, residents, and Council vehicles.

CONSULTATIONS

11. United Utilities: Have responded with their template response which provides information to the applicant with regards to protecting United Utilities infrastructure and the provision of service connections to the proposed development. This can be included as an informative note to be attached to any grant of planning permission for this proposal.
12. Lancashire County Council Highway Services (LCC Highway Services): Have responded with no objection to the proposal but have noted that the occupants of the proposed dwellings would be reliant on car travel. LCC Highway Services also note that the access road is not adopted and is a privately maintained road. They state that, even if the access was to be built to the standards of LCC's estates road specification, it would not be adopted due to the distance between the site and the nearest publicly maintained road. They have suggested a suite of planning conditions to be attached to any grant of planning permission.
13. Waste & Contaminated Land Officer: Has responded with no comments.
14. Lancashire County Council Emergency Planning: Have responded to state that *'the application has been reviewed using the Lancashire County Council Health, Safety & Resilience Service formal consultation process for planning applications and COMAH sites. During the process the following agencies/ organisations have been consulted*
 - Redcliffe International Shipping Ltd
 - Lancashire County Council Emergency Planner
 - Chorley Borough Council Emergency Planner
 - Lancashire Fire and Rescue Service
 - Lancashire Constabulary
 - North West Ambulance Service

Lancashire County Council Resilience Team have received no objections to the application from the above organisations so can accommodate the changes in the Redcliffe External Plan.'

15. Greater Manchester Ecology Unit (GMEU): Have responded with no objection to the proposal, subject to conditions relating to safeguarding bats, nesting birds and the control of invasive species. They also requested a biodiversity net gain assessment be submitted in support of the application, which was later submitted by the applicant to the satisfaction of GMEU.
16. Growth Lancashire – Has advised that the proposal fails to meet the statutory test ‘to preserve’ and would cause ‘less than substantial’ harm (the low end of the ‘less than substantial’ test) to the setting and significance of the adjacent grade II listed building. Comment is also made that should the Local Planning Authority consider that the benefits generated by the scheme outweigh the identified harm in the planning balance, then suitable conditions should be attached to any planning permission re suitable facing materials, windows/doors and RWG’s etc.
17. Heapey Parish Council: No comments have been received.

PLANNING CONSIDERATIONS

Principle of development

18. The application site is located wholly within the Green Belt.
19. National guidance on Green Belt is contained in Chapter 13 of the National Planning Policy Framework (The Framework) and states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in a limited number of specific circumstances. The relevant sections are set out below:

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

138. Green Belt serves five purposes:

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

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

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

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

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.’

20. Policy BNE5 criteria (d) of the Chorley Local Plan 2012-2026 states that in the case of redevelopment of previously developed land in the Green Belt ‘*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.*’
21. Whilst the test for sites such as this relates to the impact on openness it is important to note that the Framework contains no specific definition of ‘openness’.
22. It is considered that in respect of the Framework that the existing site 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 application site does not justify any new buildings. The new buildings must also not “have a greater impact on the openness of the Green Belt”.
23. Whether the new buildings have a greater impact on openness is a subjective judgment which is considered further below. Objective criteria could include the volume of the existing building although it is important to note that the Framework does not include such an allowance or capacity test. To engage with the exceptions of paragraph 149 of the Framework, which is reflected in policy BNE5 of the Local Plan, 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 application site.
24. When considering any uplift in volume in the Green Belt, national policy allows for the replacement of a building, provided among other things, that they are not materially larger. The Council considers that a volume increase of up to 30% is not ‘materially larger’. Accordingly, when applying this same approach to the development, an increase of up to 30% would not be a material increase when considering the impact on the openness of the Green Belt. The agreed built volume of the existing buildings to be demolished is 4,253 cubic metres. The 30% uplift, therefore, would give 5,528 cubic metres which could be utilised by the proposed new dwellings.
25. The combined volume of the proposed dwellings and garages amounts to 3931.31 cubic metres which falls well below the allowable volume and 8% below the volume of the existing buildings. The combined surface area covered by existing buildings is approximately 1,181 square metres and that of the proposed dwellings and garages is approximately 577.95 square metres. The site is currently also cluttered with vehicles and other items, resembling a scrap yard, which also harms openness. The maximum height of existing building on-site is approximately 6m, compared to 7.6m for the maximum ridge height of the tallest proposed dwelling. The proposal would involve the clearing of the site to make way for the proposal.
26. As a result of the reduced volume and surface area of built development, the spatial impact of the proposed development would be less than the existing development. The visual impacts would also be improved, despite the slight increase in height of buildings, due to the reduction in the massing of buildings and clearing of vehicles and other materials 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.

27. Given the above, it is considered that the proposed development would not have a 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 designated heritage assets

28. As previously noted, the application site is located approximately 12m to the south of the grade II listed Lower House Fold Farm with adjoining barn.
29. Paragraph 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the PLBCA) are relevant to the '*Special considerations affecting planning functions*'.

Section 66 states:

(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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.

(2) Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provision of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.

30. Great weight and importance is attached to this duty.
31. The Framework at Chapter 16 deals with conserving and enhancing the historic environment. It recognises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The following paragraphs contained therein are considered to be pertinent in this case:
32. The Framework at paragraph 197 states that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
33. At paragraph 199 the Framework provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
34. At paragraph 200 the Framework confirms that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

35. Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
 - a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
36. At paragraph 202 the Framework provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
37. Paragraph 205 sets out 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. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
38. 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.
39. Policy BNE8 (Protection and Enhancement of Heritage Assets) of the Chorley Local Plan 2012 - 2026 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, nonoriginal 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.

40. 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.
41. The Planning Statement describes the proposed dwellings as being of 'traditional/agrarian appearance utilising high quality materials, which complement the surrounding buildings, particularly the neighbouring listed farmhouse and barn. Any views of the site from the surrounding area will present a high-quality development'. The elevation drawings provide design details, such as mock cart entrances and outshuts.
42. With regard to materials, traditional materials are proposed for the construction of the dwellings through the use of stone, timber cladding and slate tiling to the roofs.
43. The key issue from a heritage viewpoint is whether the proposal would harm the setting of the grade II listed Lower House Fold Farm with adjoining barn, which is of high significance. The significance of the property is in its aesthetic and historic context, primarily evidenced in the fabric of the building and architectural form/appearance.
44. In relation to setting, Historic England's advice is contained in its Planning Note 3 (second edition) entitled The Setting of Heritage Assets. This describes the setting as being the surroundings in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas which have public access. Whilst setting is often expressed by reference to visual considerations, it is also influenced by the historic relationships between buildings and places and how views allow the significance of the asset to be appreciated.
45. The property was likely constructed in the 17th century of coursed squared sandstone with stone dressings including quoins and the adjoining barn is constructed of coursed rubble. The farmhouse is in a state of disrepair, with the former barn being converted into a dwelling. From visiting the site and according to map regression, the heritage asset and site lies in fairly extensive farmland, that has remained largely the same overtime, with the exception of the modern farm buildings to the immediate south.
46. The application site lies directly to the front of the listed building, spreading out to the south and west. The existing modern farm buildings that are located in the immediate setting of the listed building are in a poor state of repair and provide little or no intrinsic value to the significance of the listed building. Consequently, the application site does not contribute any noteworthy level of significance to the listed building and can be considered, for the basis of this assessment, to be of a neutral value. In this context, there is no objection to their demolition and the reduction in the numbers of dwellings now proposed would result in a reduced impact upon the setting of the listed building.
47. It is considered that the removal of the existing buildings and breaking and salvaging of vehicles would enhance how the listed building is experienced. It is acknowledged also that the existing setting does not positively contribute to the listed building. The reduced number of dwellings, with designs influenced by farm/rural styles, in a courtyard layout, is a more suitable approach.
48. The proposed dwellings have been designed to appear as farm type buildings although it is accepted that it would be inevitable that the proposed residential development would be a noticeable new residential scheme in the same context as the listed building. This 'sub-urbanisation' of the setting would be at odds with the wider rural setting to the farmhouse, which does contribute to some degree to its significance.

49. The changed character of the setting is further emphasised by the scale of the new properties which would to some extent compete with the primacy and prominence of the listed farmhouse and barn within the immediate setting.
50. However, due to the land sloping down southwards slightly, the proposed dwellings further south, may have a lesser impact on the contribution made by the setting to the listed building.
51. In this context, when taken as a whole, it is considered that the proposal would cause some harm to the contribution made by the setting on the significance of the heritage asset, albeit this harm to the overall significance of the listed building would be at the low end of the less than substantial scale. Nonetheless, this harm must be given great weight in the planning balance. The proposal, therefore, conflicts with the policies detailed above that seek to sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset.
52. The Local Planning Authority must, therefore, consider the wider public benefits of the proposal against the level of harm to the significance of the heritage asset affected in its planning balance. Clearly, the removal of the existing buildings and breaking and salvaging of vehicles would enhance how the listed building is experienced and the existing setting does not positively contribute to the listed building.
53. Furthermore, the existing site is in an extremely poor state and is harmful to the character of the area and the setting of the listed building. Whilst the proposal would also give rise to some harm to the setting of the listed building, it is considered that the public benefit from improving the visual appearance of this site should also be given significant weight in the planning balance. There would also be additional social and economic benefits from the delivery of much needed housing at a time when the Council cannot demonstrate a 5-year supply of housing land.
54. On balance, it is considered that the benefits of the proposal outweigh the harm caused to the setting of the listed building.

Impact on character and appearance of locality

55. Policy BNE1 (Design Criteria for New Development) 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;*
56. The existing buildings proposed for demolition are in a poor condition and are harmful to the character of the area. Other buildings to the north east, including the listed building, are of a traditional cottage / farmhouse design and mostly contribute positively to the character of the area, being of stone construction, albeit one has been rendered. These dwellings form a horseshoe shape around a central courtyard / parking area. Part of the listed building has fallen into disrepair and is in a very poor condition. Other buildings further to the north east are in equestrian use and are of a functional design akin to their use.
57. Whilst the proposed dwellings would be relatively large compared to the other existing dwellings to the north, their size is consistent with modern living standards. Their scale has been reduced during the consideration period and the combined volume falls well below Green Belt allowances for this type of development. Given the remote location of the site, the proposed dwellings are considered acceptable in terms of size, scale, massing and design. The appearance of the dwellings would fit with the rural character of the area. The

materials palette consists of mainly brick elevations, slate/tile roofs with stone window heads and sills. Each dwelling is of a bespoke design, rather than four 'off the peg' dwellings seen in most modern housing estates. The final choice of external 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 large equestrian buildings.

58. Overall, 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 design.

Impact on neighbour amenity

59. Policy BNE1 (Design Criteria for New Development) 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.
60. The rear elevation of the dwelling on Plot 2 would face the rear elevation of Lower House Farm. The interface distance between habitable room windows would exceed the Council's minimum distance for such situations. The proposed site layout would ensure an acceptable relationship between each dwelling in terms of the residential amenity of future occupants.
61. It is considered that the development would not adversely impact on the amenity of any existing or future occupiers and the proposal complies with policy BNE1 of the Chorley Local Plan 2012 – 2026 in this regard.

Flood risk and drainage

62. 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 Framework and the National Planning Practice Guidance (NPPG).
63. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. As such the developer should consider the following drainage options in the following order of priority:
1. into the ground (infiltration);
 2. to a surface water body;
 3. to a surface water sewer, highway drain, or another drainage system;
 4. to a combined sewer.
64. United Utilities have responded with no objection to the proposal and have recommended that the applicant implements a scheme in accordance with the surface water drainage hierarchy outlined above and that foul and surface water be drained on separate systems. These issues can be controlled by suitably worded planning conditions.

Ecology

65. 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.
66. The Council's ecological advisors have responded with no objection to the proposal and have recommended conditions in relation to protecting bats, birds, the eradication of invasive species and the provision of biodiversity enhancement measures. 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).

Highway safety

67. 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.
68. Policy ST4 (Parking Standards) of the Chorley Local Plan 2012 – 2026 sets out the Council’s parking standards and any scheme at reserved matters stage would need to demonstrate a policy compliant level of off-street parking. The suitability of the site access, parking and vehicle manoeuvring areas within the site can only be assessed at reserved matters stage.
69. LCC Highway Services, in their consultation response, highlight the isolated nature of the site with no feasible public transport links available for this site and it being solely car reliant. There is a primary and secondary school bus service at the junction of the privately maintained road and the publicly maintained road, however any school aged children would need to walk approximately 840 metres to this stop or be driven there. There are no sustainable travel links to any employment areas, healthcare centres or shops. LCC Highway Services are of the opinion that the proposal does not meet the sustainable transport requirements of the Framework. That said, they do not object to the proposal.
70. The Framework is clear at paragraphs 104 and 105 that the planning system should actively manage patterns of growth in support of sustainable transport objectives. Significant development should be focused in locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. It is however not considered that the proposal represents a significant development, it is not a major housing proposal, with just 4no. dwellings proposed. It should also be stressed that the Council recently approved an application for three new dwellings in a similar location, to the north east of this application site.
71. The neighbour responses to this application note the desire for the access road to be improved. This would require the landowner to enter into a legal agreement, however, the improvement to the road would need to meet the tests within the Framework for such an obligation. Paragraph 57 of the Framework identifies that planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development; and fairly and reasonably related in scale and kind to the development. The unadopted length of track is approximately 700m long and it is considered to be disproportionate to require a scheme for just 4no. dwellings to fund this. That said, LCC Highway Services have recommended that a survey of the road is undertaken pre and post development and any damage caused to the road during construction work be repaired by the developer. This can be secured by planning condition.
72. In light of the above, it is considered that the site is an acceptable location for the level of housing proposed. The site layout demonstrates the proposal would deliver a level of off-street parking in accordance with the Council’s standards. The proposal is therefore considered to be acceptable in terms of highway safety and parking.

Other issues

Hazards

73. The site is located towards the periphery of a consultation zone associated with an explosives manufacturing and storage facility at Redcliffe International (Shipping) Ltd, Heapey Storage Depot. Lancashire County Council's Emergency Planning Officer has however reviewed the proposal and has no comments to make. The application site is located approximately 800m from the facility in question and there is already housing located much closer to the facility than the application site. The proposal is, therefore, considered to be acceptable with regards to any risk associated with the aforementioned facility.

Mineral Safeguarding

74. Part of the site is located within a Mineral Safeguarding Area protected from incompatible forms of development by policy M2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One 2013. The policy seeks to ensure that potential underlying mineral resources are not needlessly sterilised by development. In this instance, the application site has already been developed and so any underlying resource has already been sterilised. There is therefore no conflict with policy M2 as a result of this proposal.

Public open space (POS)

75. 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.

Provision for children/young people

76. Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently a surplus of provision in Chorley North East in relation to this standard, however the site is not within the accessibility catchment of an area of provision for children/young people. A contribution towards new provision in the accessibility catchment is therefore required from this development. However, no new schemes within the accessibility catchment are currently identified and so a contribution cannot be requested.

Amenity Greenspace, Parks and Gardens, Natural and Semi-Natural Greenspace, Allotments and Playing Pitches

77. The Council does not require on-site provision or contributions for these types of open space from developments of fewer than 11 dwellings.

Sustainability

78. 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 1st 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."

79. 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

80. 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. This proposal would only be liable for CIL at reserved matters stage.

CONCLUSION

81. 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. 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. Whilst some harm would be caused to the setting of the adjacent listed building, it is considered that the public benefits of the proposal outweigh this harm. As such, the proposal is recommended for approval.

RELEVANT HISTORY OF THE SITE

Ref: 88/00749/COU **Decision:** PERFPP **Decision Date:** 21 February 1989

Description: Change of use of disused farm building into dwelling

Ref: 96/00294/COU **Decision:** PERFPP **Decision Date:** 9 October 1996

Description: Change of use of cow sheds and dairy to livery stabling and stabling for own horses

Ref: 21/00958/OUT **Decision:** REFOPP **Decision Date:** 4 February 2022

Description: Outline planning application for residential development (all matters reserved)

Ref: 21/01247/FUL **Decision:** PERFPP **Decision Date:** 15 July 2022

Description: Demolition of four buildings and part demolition of a fifth building and erection of three detached dwellings

Ref: 22/01194/DIS **Decision:** PEDISZ **Decision Date:** 3 January 2023

Description: Application to discharge conditions nos.4 (materials, levels and landscaping), 5 (biodiversity enhancements) and 13 (privacy screens) of planning permission ref. 21/01247/FUL

(Demolition of four buildings and part demolition of a fifth building and erection of three detached dwellings)

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

Suggested conditions

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

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

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

Title	Plan Ref	Received On
Location Plan & Existing Site Layout	22/105/L01	16 January 2023
Proposed Site Layout	22/105/P01 Rev A	13 April 2023
Plot 1 - Proposed House Type (4H2609)	22/105/P02 Rev A	13 April 2023
Plot 2 - Proposed House Type (4H2548)	22/105/P03 Rev A	13 April 2023
Plot 3 - Proposed House Type (4H2627)	22/105/P04 Rev A	13 April 2023
Plot 4 - Proposed House Type (4H2176)	22/105/P05 Rev A	13 April 2023
Double Garage - Proposed Plan & Elevations	22/105/P06 Rev A	13 April 2023

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) The finished floor level of the proposed dwellings in relation to surrounding land.

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. Prior to the commencement of the development, other than demolition and enabling works, details of a scheme of biodiversity enhancements of the site shall be submitted to and approved in writing by the Local Planning Authority, to accord with the submitted Biodiversity Net Gain Assessment. The approved measures shall be carried out prior to the occupation of any of the dwellings.

Reason: To deliver biodiversity enhancement measures.

5. 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).

6. 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.

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

Reason: To avoid disturbance of nocturnal wildlife.

8. No dwelling hereby permitted shall be commenced until all existing buildings on the site are demolished in full and all resultant materials removed from the site.

Reason: The demolition of the existing buildings is necessary to make the development acceptable in the Green Belt as an exception to inappropriate development in the Green Belt as listed in paragraph 149 (g) of the National Planning Policy Framework and also in accordance with Chorley Local Plan 2012 - 2026 policy BNE5.

9. Prior to any earthworks a survey for invasive plant species including japanese knotweed and himalayan balsam shall take place and the findings supplied to and agreed in writing to the Local Planning Authority. If any invasive species are present, a method statement detailing avoidance, control and eradication measures shall also be supplied to and agreed in writing by the Local Planning Authority, and carried out prior to any earthworks taking place.

Reason: To control the spread of invasive species.

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

All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

11. The car parking area and manoeuvring area the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least sub base before any development takes place within the site

Reason: To ensure that provision is made for the storage of materials and contracting staff.

12. The private car parking and manoeuvring areas to be marked out in accordance with the approved plans, before occupation of the associated dwelling and permanently maintained thereafter.

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

13. Prior to the commencement of development, a joint survey shall be carried out between the developer and the planning authority (in conjunction with the highway authority) to determine the condition of from the junction of Trigg Lane and Chapel Lane along the length of Rosebud Lane which is part of the adopted highway. A similar survey shall be carried out within one month of the completion of the last dwelling, and the developer shall make good any damage to the adopted highway to return it to the pre-construction situation.

Reason: To maintain the construction of the adopted highway in the interest of highway safety.