

C O M M I T T E E R E P O R T		
REPORT OF	MEETING	DATE
Director (Customer and Digital)	Planning Committee	24 November 2020

ADDENDUM

ITEM 3a - 19/01050/FUL – Wilbrook, Blue Stone Lane, Mawdesley

The recommendation remains as per the original report

The following objections have been received:

Mawdesley Parish Council:

Have commented that they object to the proposed development 'due to Green Belt'.

Cllr Holgate has commented as follows:

"I oppose this planning application as I believe it is inappropriate development of a site in the greenbelt.

Chorley Council local plan clearly states:

12. Development will only be permitted within the Green Belt, in accordance with the Framework, if it is considered appropriate development or where very special circumstances can be demonstrated. The Framework confirms that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

I see nothing in the officers report of the stated policy being "clearly outweighed by other consideration"

13. Paragraph 145 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt but lists a number of exceptions. One exception listed at paragraph 145 of the Framework of development that need not be considered inappropriate development in the Green Belt is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

I am convinced that the construction of 4 detached properties would have a greater impact on the openness of the Greenbelt than the existing development, particularly given that the existing structure is a bungalow.

I therefore request that the committee refuse planning permission as the proposal fails to meet the criteria set out in the LDF extracts 12 & 13 as set out above.

I see this as more than justifiable reason to refuse the application"

Other comments received:

Cllr Boardman has sought clarification in respect of the volume calculations. Cllr Boardman has also queried whether or not the Design and Access Statement has been updated, as the original scheme was for 5no. dwellings but has been reduced to 4no dwellings.

Officer response

The submission of a Design and Access Statement is not a statutory or validation requirement for a minor development. Accordingly, the applicant was not requested to update the statement when the scheme was reduced from 5n. dwellings to 4no. dwellings.

In his objection, Cllr Holgate makes reference to paragraph 12 of the officer report which set out the principle of development in the Green Belt, whereby proposals will only be allowed in the Green Belt if it is considered appropriate development or where very special circumstances can be demonstrated. Cllr Holgate states that there is nothing in the officer report of the stated policy being “clearly outweighed by other consideration” and that he considers that the construction of 4 detached properties would have a greater impact on the openness of the Greenbelt than the existing development, particularly given that the existing structure is a bungalow.

Members are directed to paragraphs 13 to 22 of the officer report. Members will note that paragraph 13 of the officer report explains that within the National Planning Policy Framework (paragraph 145) there are a number of exceptions whereby buildings in the Green Belt can be considered to be appropriate and this includes the redevelopment of previously developed land in the Green Belt. This is, however, subject to the test that the proposal does not have a greater impact on the openness of the Green Belt than the existing development.

The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the site. This is addressed in detail in the officer report at paragraphs 14 to 22.

Members will be aware that the site is not merely a bungalow, but also benefits from a number of buildings which are spread across the site. These would be demolished as part of the application.

Cllr Boardman has sought clarification on the volume calculations which are provided below and are also provided on the application drawings:

Existing dwellinghouse	approx. 1164.33 m3
Existing garage	approx. 617m3
Existing outbuilding	approx. 170m3
Existing timber building	approx. 70m3

Proposed dwellings approx. 571 x 4 = 2284m3

Percentage increase excluding the timber building = 17% increase

Percentage increase including the timber building = 13% increase (Please note that there is a typographical error in the officer report at paragraph 19 which stated 8% increase)

The applicant did not include the timber building in their assessment as they did not think that offsetting a timber building would be acceptable, however, this is not the case.

As set out in the officer report, the Council considers that a volume increase of up to 30% is not 'materially larger'. Accordingly, when applying this approach, the proposed volume increase of approximately 13% above existing volumes would not be a material increase, when considering the impact on the openness of the Green Belt

The conclusion is drawn that the proposal would not have a greater impact on the openness of the Green Belt above the existing development when considering the various aspects of openness, and that a mere change itself does not amount to harm.

The proposed development accords with exception (g) of paragraph 145 and is not, therefore, inappropriate development in the Green Belt. Where a proposal accords with any of the exceptions of paragraph 145, very special circumstances are not required.

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	3719 19 20	4 November 2019
Proposed Site Plan	3719 20 15	16 March 2020
Proposed Plans and Elevations	3719 20 14	16 March 2020

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

3. Prior to the commencement of any dwellinghouse hereby permitted details of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

Reason: In the interests of the appearance of the development in the locality.

4. No dwelling hereby permitted shall be commenced until all existing buildings on the site (as shown on drawing number 3719 19 11) 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 145 (g) of the National Planning Policy Framework and also in accordance with Chorley Local Plan 2012 - 2026 policy BNE5.

5. All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.

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

6. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required

Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However, as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.

7. No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

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

8. No demolition of the bungalow shall be commenced until the following has been submitted to the Local Planning Authority:

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

Reason: In the interests of nature consideration as bats, a protected species, were found to be present in the bungalow.

9. For the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

10. No part of the development hereby permitted shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved by the Local Planning Authority.

No part of the development hereby permitted shall be occupied until the access and off-site works have been completed in accordance with the approved scheme and made available for use.

Reason: To ensure that the final details of the highway scheme/works are acceptable in the interests of highways safety and as such details are required as part of the s278 process under the Highways Act.

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

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

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

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

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

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

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

13. No works to trees, shrubs or hedgerows shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and that appropriate measures in place to protect nesting bird interests on site.

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

14. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.

15. Prior to the commencement of the development hereby permitted, a scheme for the landscaping of the development and its surroundings shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following:

- the types and numbers of trees, hedges and shrubs to be planted, their distribution on site and those areas to be seeded
- details of paving and hard landscaped areas, to include materials and colour

All 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: In the interests of the appearance of the development in the locality and to provide biodiversity enhancement through landscaping of the site.