

**Item 4b**                      **13/00741/FUL**

**Case Officer**              **Matthew Banks**

**Ward**                              **Heath Charnock And Rivington**

**Proposal**                      **Erection of detached dwelling incorporating under-croft garaging.**

**Location**                      **Middle Derbyshire Farm Rivington Lane Rivington  
BoltonBL6 7RX**

**Applicant**                      **Mr David Dalton**

**Consultation expiry: 5 September 2013**

**Application expiry: 9 October 2013**

### **Proposal**

1. Erection of detached dwelling incorporating under-croft garaging.

### **Main Issues**

2. The main issues for consideration in respect of this planning application are:

#### Background information

- Demolition of the house and barn;
- Proposed temporary caravan;

#### Principle of the development under Green Belt policy

The principle of the development within the Green Belt and in particular, in context of the National Planning Policy Framework, paragraph 89, which deals with exceptions to inappropriate development within the Green Belt.

- Bullet point 4, paragraph 89 of The Framework – replacement buildings within the Green Belt;
- Bullet point 6, paragraph 89 of The Framework – redevelopment of previously developed sites within the Green Belt;
- Conclusion.

#### Other considerations

- Design and impact on the streetscene;
- Impact on neighbour amenity;
- Impact on highways/access;
- Impact on ecology;
- Section 106 Agreement;
- Community Infrastructure Levy (CIL).

### **Representations**

**1 letters of objection** has been received raising the following concerns:

- Walking in Rivington most weekends, the objector does not agree with the other comments made regarding the development being respectful & sympathetic to the surroundings.
- The development is clearly not in keeping with properties in the area, which the original property on this site certainly was.

**4 letters of support** has been received raising the following concerns:

- Looks a lovely house that will be potentially built;
- The last development was a design of sympathetic scope to the site. This application should be passed and the site redeveloped as it will only bring improvements to the area and on the old buildings that stood before.

- Walking in Rivington most weekends, close attention has been paid to this development over the last 6 months. The development looks subtle and respectful of the surroundings.
- The site should be made back into a home rather than an empty field.
- The proposed new dwelling will enhance the site.
- The old buildings were a little dis-jointed and run down.
- The one proposed building will open the site up and promote the openness in the greenbelt area.
- The materials look like they pay heritage to the old buildings with stone and a wood element.

## **Consultations**

3. **The Coal Authority** – standing advice
4. **Lancashire County Council Ecology Service** – Object to the application- The impact on ecology is considered within the assessment section of the report.
5. **CBC Planning Policy Advice** – Consider that a financial contribution of £1379.00 is required towards amenity greenspace, equipped play areas and playing pitches in the area in accordance with Policy HS21 of the Adopted Chorley Borough Local Plan Review and the Council's Playing Pitch Strategy (published in June 2012).
6. **United Utilities** – Raise no objection subject to the site being drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soak away/watercourse/surface water sewer.

## **Assessment**

### **Background information**

#### **Demolition of the house and barn**

7. The application is one of two under consideration by the Council:
  - 13/00741/FUL: Erection of detached dwelling incorporating under-croft garaging.
  - 13/00033/FUL: Retrospective application for the temporary siting of a static caravan for living accommodation and the creation of associated hardstanding.
8. The information below sets out a brief account of the events which have occurred to date.
9. In August 2012 the Council received an application at the site to extend and alter the existing residential property including the demolition and re-building of the adjoining barn. This was to include first and second floor accommodation in place of the existing barn structure, the re-modelling of the existing barn door to front and the erection of first floor balcony to rear. The proposals included raising the ridge height of the property, the erection of a first floor extension above an existing single storey side extension, the erection of a two storey rear/side extension, the installation of windows, doors, bi-folding doors and roof lights to elevations and the demolition and rebuilding of 1 outbuilding to create a detached double garage.
10. Although the applicant states they formally acquired Middle Derbyshire Farm in October 2012, the application received in August of the same year was accompanied by Certificate A which infers that the applicant owned the property at the time of submission (August 2012). There were no overriding concerns in respect of the extensions/ alterations proposals however the application was never determined as the dwellinghouse and barn were demolished prior to determination and as such there was no building on site to extend/ alter.
11. The applicant has stated that October 2012 was the first opportunity where the property could be fully and professionally surveyed and it was at this time that issues arose regarding the structural integrity of the building.
12. Officers have been advised by the applicant that a site meeting was held on the 13<sup>th</sup> October 2012 involving a number of people working with the applicant, where the issues concerning the structural integrity of the barn were discussed (the Council was not present at this

meeting). The applicant states that at this meeting, verbal advice was given from their structural engineer that structural difficulties were evident with the floor of the barn which was likely to result in the collapse of the floor and the end gable.

13. The applicant asserts that the building was considered to be dangerous and so the applicant followed the structural engineer's advice to demolish the house and barn in light of safety concerns. The demolition of the barn and house took place soon after the 15th October 2013 based on the verbal advice from a structural engineer and their observations on site. A structural report was then produced from SSC Consulting – Consulting Structural Engineers after the demolition which has been submitted to the Council, accompanied by a letter from Mark Ansel (Building Contractor, not affiliated with SSC Consulting) who inspected the building on the 13th October 2012.
14. Following demolition of the dwelling and barn, the applicant met with Officers to discuss the way forward for the site. The applicant submitted an application for the erection of a detached dwelling incorporating basement living space (13/00179/FUL) which was considered and refused by Members on the 6<sup>th</sup> August 2013 for the following reason:

*“The proposal amounts to inappropriate development in the Green Belt for which very special circumstances have not been demonstrated. Although it was recommended the former buildings should be demolished, which could potentially support an argument in favour of the development, the size of the current proposal goes beyond that which should reasonably be considered justifiable as an exception to the ordinary rule against new buildings in the Green Belt.*

*It is not considered that the harm, that would be resultant from the proposed development, is outweighed by any of the very special circumstances forwarded by the applicant. The development is therefore considered to be contrary to the National Planning Policy Framework, Policy DC1 of the Adopted Chorley Borough Local Plan Review 2003 and the Adopted Central Lancashire Core Strategy Rural Development Supplementary Planning Document.”*

#### Proposed temporary caravan

15. The applicant has also submitted a retrospective application (ref: 13/00033/FUL) for the temporary siting of a static caravan and laying of hardstanding. The static caravan has been moved to the site so the applicant could live there whilst consideration was given to securing permission for a new dwelling. Officers are advised that this was as a result of the contract concerning their temporary rented accommodation coming to a close. The application was submitted in a bid to regularise this development following investigations by the Council's Enforcement Team.
16. Members will recall that the application for the caravan was also considered at Development Control Committee on the 6<sup>th</sup> August 2013 and deferred to identify the applicant's intentions for the site. This new application was submitted on the 9<sup>th</sup> August 2013 and as such, the caravan application has been brought back to this committee.

#### Principle of the development under Green Belt policy

17. The application site is within the Green Belt and so the relevant guidance within the National Planning Policy Framework (The Framework) and Policy DC1 of the Adopted Chorley Borough Local Plan Review applies.
18. Policy DC1 of the Adopted Chorley Borough Local Plan Review (which was proposed in relation to Planning Policy Guidance 2: Green Belts) deals with the types of development which can be considered appropriate in the Green Belt. Policy DC1 states that planning permission will not be granted for inappropriate development except in a case of very special circumstances. The Framework is the current national guidance concerning Green Belt development.
19. At paragraph 79 The Framework states that *“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”.*

20. Paragraph 80 of The Framework sets out the five purposes of the Green Belt, including, amongst other things “*to assist in safeguarding the countryside from encroachment*”.
21. Paragraph 89 of The Framework prescribes certain types of development which can be considered appropriate within the Green Belt. Where development does not fall within the appropriate types of development, The Framework states that it must be inappropriate development by definition. The Framework goes further to state that inappropriate development is harmful to the Green Belt and should not be approved except in ‘very special circumstances’.
22. The Framework also states that 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.
23. The following sections consider the proposals against The Framework tests of appropriate development.

Bullet point 4, paragraph 89 of The Framework – replacement buildings within the Green Belt

24. Bullet point 4, paragraph 89 of The Framework states that “*the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*” can be an appropriate type of development within the Green Belt.
25. To quantify this, the Council has guidance which states that any replacement building should be no more than 30% greater in volume than that of the former building. This derives from the Adopted Central Lancashire Core Strategy Rural Development Supplementary Planning Document 2012, which states that “*Proposals for replacements of or extensions to dwellings in the Forest of Bowland AONB, which have an increase of over 30% of the volume of the original building or the building that stood in 1948, will not be considered favourably*”.
26. It is also relevant to note that the principles above regarding replacement dwellings in the Green Belt was considered a ‘reasonable guideline’ by a Planning Inspector in a recent appeal decision (appeal ref: APP/D2320/A/12/2181424 LPA ref: 12/00337/FUL) for the demolition of an existing dwelling and construction of a replacement dwelling at Arnside, Long Lane, Heath Charnock.
27. However, in the case of this site the house and barn were demolished prior to the submission of this application and as such, the proposals cannot be considered as a replacement dwelling in accordance with bullet point 4.

Bullet point 6, paragraph 89 of The Framework – redevelopment of previously developed sites within the Green Belt

28. Bullet point 6, paragraph 89 of The Framework provides a further exception to the general rule concerning the inappropriateness of new buildings in the Green Belt: “*limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development*”.
29. Policy BNE5 of the Emerging Local Plan (2012-2026) states that the reuse of previously developed sites in the Green Belt will be permitted provided a number of criteria are met and echoes the relevant guidance within The Framework.
30. In considering whether or not the site is previously developed land in accordance with the definition in Annex 2 of The Framework, a number of factors must be taken into consideration. Firstly, the site was recently occupied by a permanent structure comprising farmhouse, adjoining barn and outbuildings and had a defined domestic curtilage.

Additionally, the site is within the Green Belt, is not within a built-up area and so is considered to be previously developed land in accordance with The Framework.

31. It is also relevant to note that the proposed location of the new dwelling within the site is comparable to that of the former structure and so the development would not result in the physical redevelopment of the wider curtilage. It is not considered the proposed development in this case would conflict with the purposes of including land within the Green Belt.
32. The test therefore, is whether the proposed dwelling would have a greater impact on the openness of the Green Belt than the “existing development”.
33. It must be noted that at present the site does not include any buildings with which to compare the proposed development. As a result, the current proposal would clearly have a greater impact on the openness of the Green Belt than the existing development. Therefore, the proposal must be considered as inappropriate development which cannot be justified unless very special circumstances are demonstrated.
34. As already mentioned, 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.

#### Site Specific Considerations

35. The application is supported by a structural assessment report which is compiled by a structural engineer. The report recommends that the former barn, log store and east gable wall which supported the chimney stack to the dwelling were of serious concern with regard to health and safety and were beyond economic repair. It states that longterm foundation settlement of the dwelling (due to long-term tree root activity) with associated roof structure issues, provided no feasible or economic alternative to demolition.
36. Officers are advised that the applicant acted upon verbal advice from the structural engineer and had the barn and log store demolished. The structural assessment did not state that the farmhouse should/ needed to be demolished. However, the structural engineer has submitted a written statement which states that he was asked to visit the site again following demolition of the barn and log store and discovered that the farmhouse had significantly deteriorated through loss of restraint/buttressing from the now demolished adjacent structures.
37. At the time of his second inspection, the structural engineer stated that the farmhouse too warranted demolition. Unbeknown to Officers at the time, the applicant acted on this advice and gave instruction for the farmhouse to be demolished.
38. It is relevant to note that the structural assessment report makes reference to ‘*20no. High quality and detailed digital photographs of the original property*’. However, these do not accompany the assessment and despite several requests from Officers for sight of these photos the applicant has advised that they are not available.
39. Comments have also been sought from the Council’s Principal Building Control Officer who has contacted the structural engineer by telephone to discuss the findings and recommendations of the structural assessment.
40. The Council’s Principal Building Control Officer sought clarification on the demolition of the farmhouse as the structural assessment does not suggest it was in a dangerous condition whereby demolition was required. The structural engineer responded by stating that following his initial site survey and report and then the subsequent demolition of the barn and rear timber store he visited the site again, approximately a week later, and the farmhouse had deteriorated significantly through loss of restraint/buttressing from the now demolished adjacent structures.
41. The Council’s Principal Building Control Officer questioned as to whether this could in part be attributed to poor controls during demolition, to which the structural engineer stated that this was a possibility.

42. The structural engineer advises that at the time of his second inspection, it was his opinion that the farmhouse too warranted demolition, although at no time had he issued an instruction to demolish any of the buildings. The structural engineer clarified that in his conclusion of the structural assessment, the word 'instruction' should be read as 'recommendation'.
43. It is the view of the Council's Principal Building Control Officer that the Council is not in a position to contest the point of 'dangerous condition' as this is subjective and no evidence exists to the contrary.
44. The Council's Principal Building Control Officer states that the barn may have been acting as a buttress to the farmhouse and the removal of one or the other could have impacted upon the stability of the remaining structure, however, this cannot be known.
45. Taking into account the opinion aired by the structural engineer, acting in a professional capacity and the submitted report, the Council's Principal Building Control Officer does not raise any argument to contest his findings.
46. Members may recall that when the previous application was considered it was noted that Officers were prepared, in principle, to support a development which was not materially larger than the former barn and farmhouse, as although the proposals cannot be considered as a replacement dwelling, this is the approach that officers would have taken if a building still existed on site.
47. Whilst there are still questions in respect of the 'need' to demolish both the farmhouse and barn, which in this case may have been the only 'very special circumstances' which could be demonstrated, it is clear in this case that no evidence can be produced to dispute the 'need' to demolish all the structures on site.
48. As such, taking into account the considerations in respect of this case, it is considered that the most pragmatic way forward is to consider a dwelling which is not materially larger than the buildings which previously occupied the site.
49. As established with the application 13/00179/FUL, the development above ground shows a dwelling which is approximately 28% greater in volume than both the barn and dwelling which previously occupied the site which complies with the Council's guidelines. However, an additional feature of the proposed development is under-croft garaging.
50. It is established in case law that in assessing what is "materially larger" for the purposes of Green Belt policy the size of a basement or underground element should be taken into account [see: Feather and v Cheshire East Borough Council [2010] EWHC 1420 (Admin)].
51. As such, taking into account the volume of both the dwelling (above ground) and the under-croft garaging (below), the development (as a whole) would result in an increase in volume of approximately 43% over that of the former farmhouse and barn, which exceeds the guideline of 30% adopted by the Council.
52. It is however, relevant to note that the previously refused scheme would have resulted in an increase in volume of approximately 90% over that of the former farmhouse and barn, which demonstrates that the current scheme has been amended significantly.
53. In considering the above, it is acknowledged that the current scheme would still not conform to the 30% guideline; however, a number of site specific factors should be taken into consideration when assessing the impact of the development as a whole.
54. Whilst the inclusion of a subterranean parking area would contribute to the volume of the new dwelling, it would importantly have benefits in terms of lessening the impact on the openness of the Green Belt insofar as relocating what potentially could be a prominent physical addition to the site (in the form of an additional outbuilding), underground.

55. Additionally, it is important to acknowledge that the scheme as a whole has been designed to respect the landscape value of the area and the applicant has put forward the following design considerations:
56. The applicant argues that the proposed development has taken account of the area and measures have been incorporated into the design to minimise the impact of the development on the openness of the Green Belt. The proposed design concepts on which the applicant relies are as follows:
- Firstly, in terms of openness, it should be noted that although the site is surrounded by open fields, these are undulating in character and rise significantly to the east presenting a backdrop to the site, thereby limiting views from the wider area. The main public view points of the site are from Rivington Lane to the west, however, the site also appears visible from a Public Bridleway (No. 71) to the south.
  - The new dwelling would be sited in a comparable position to the former farmhouse and adjoining barn, but would be set into the hillside responding to the natural topography of the area. The dwelling would also be positioned further back into the plot to lessen the visual impact on the area and consequential impact on openness. This has been demonstrated through photographic montages and a sectional plan.
  - The general dimensions of the proposed dwelling (above ground) are comparable to those of the former development and so when viewed from surrounding vantage points, the proposed dwelling is not considered to have a materially greater impact on openness by reason of size, bulk and massing.
  - The new dwelling has maintained the ridge height of the former farmhouse and barn to the main part of the house, and the rear ridge would only be approximately 700mm higher than what previously occupied the site, therefore not having a significantly greater impact on the openness of the Green Belt than the former structure (this is shown on the proposed sectional plan).
  - The appearance and bulk of the property has been reduced by the introduction of a central glazed atrium. Such a feature was not found in the former development and weighs in favour of the proposal in terms of lessening the impact on openness by allowing some views through the roof of the dwelling.
  - A number of outbuildings have been removed from site thereby consolidating the built form into one area and lessening the cumulative impact of development on the openness of the Green Belt. Furthermore, the proposed site plan shows that the dwelling would span a comparable width to that of the former development and would be constructed from materials reflected in the surrounding area.
57. It is also relevant to note that the volume of the under-croft parking in this case is comparable to the combined volume of outbuildings 1 and 2 (which have now been removed from site), further reducing the impact on the openness of the Green Belt.
58. The specific design considerations of the proposed development are considered to be key to this application in respect of reducing the impact of the development on the openness of the Green Belt. The design with under croft parking negates the need for additional outbuildings which can be controlled by condition to protect the openness of the surrounding area.

### **Other considerations**

#### Design and impact on the streetscene

59. At a national level The Framework states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development.
60. The Framework also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit and; respond to local character and history, and reflect the identity of

local surroundings and materials, while not preventing or discouraging appropriate innovation.

61. Policy 17 of the Central Lancashire Core Strategy states that the design of new buildings will be expected to take account of the character and appearance of the local area, including (amongst other things) the siting, layout, massing, scale, design, materials and landscaping. Development should also safeguard and enhance the built environment.
62. Policy GN5 of the Adopted Chorley Borough Local Plan Review states that the design of proposed developments will be expected to be well related to their surroundings. Applicants are expected to demonstrate that they have followed a methodology which sets out the design principles adopted, and have carried out a full survey of the site and its surroundings. Applicants should propose a design which is specific to the site including (amongst other things) the height, bulk and roof shape; external facing materials; layout and levels.
63. Policy HS4 of the Adopted Chorley Borough Local Plan Review states that proposals for residential development will be permitted provided a number of criteria (a-f) are satisfied.
64. Policy BNE1 of the Emerging Local Plan (2012-2026) outlines the design criteria for new development, stating that a proposal should not have a significant detrimental impact on the streetscene by virtue of its density, siting, layout, building plot ratio, height, scale and massing, design, materials orientation, use of materials.
65. The application site comprises a vacant piece of land situated in a rural area of the borough to the north of Rivington Lane. A dwelling and adjoining barn once occupied the site, however, both have now been removed in entirety. The former buildings had a traditional agricultural character but sat isolated in the context of the streetscene.
66. The proposed dwelling would be positioned in a similar location to the former farmhouse and barn, however, would be located further back into the site and would be partially set into the hillside. The dwelling would also include an extensive basement area.
67. The site has already been removed of a number of trees and shrubs which now makes it more open and visible in the context of the surrounding area. However, an established hedgerow and a number of trees will be retained to the south-western site boundary which separates the site from the main streetscene.
68. It has been noted that the site is partially screened from view and would be set into the hillside. However, the building would still be substantial in size and would be set at a higher land level than that at the road, appearing visible from within the streetscene.
69. Turning to design and appearance, it has been acknowledged within the submitted Design and Access Statement that the design of the development was gathered from various architectural styles and sources from within the surrounding area. The dwelling would also be constructed from external facing materials evident in the former buildings and surrounding area, including stone and timber.
70. The previous two storey dwelling, attached barn and associated outbuildings were constructed in traditional facing materials with natural coursed sandstone, stone heads and cills with a natural slate roof. Other properties in this area of Rivington Lane are of differing architectural styles and use a variety of external facing materials, thereby not setting a defined house type or character. It is considered the character of the area is somewhat defined by the variety of property types and materials.
71. The proposed dwelling also incorporates the use of coloured sandstone, together with burnt larch clad external walls. This has resulted in a design which acknowledges modern construction, whilst not appearing overly cutting edge or contemporary.
72. The Framework states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or



initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

73. The Framework progresses to state that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
74. With regard to the above, the proposed design has taken account of the character of the area and has used appropriate materials reflective of those used at nearby properties. The design of the dwelling is therefore considered acceptable in this respect.

#### Impact on the neighbour amenity

75. At a national level, The Framework states within one of its twelve core planning principles that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
76. Policy 17 of the Central Lancashire Core Strategy states that the design of new development should take account of the character and appearance of the local area, including ensuring that the amenities of occupiers of the development will not be adversely affected by neighbouring uses and vice versa. The Central Lancashire Core Strategy also states that development should be sympathetic to surrounding land uses and occupiers, and should not result in demonstrable harm to the amenities of the local area.
77. Policy BNE1 of the Emerging Local Plan (2012-2026) states that new development should not cause harm to any neighbouring property by virtue of overlooking, overshadowing or overbearing.
78. The application site sits removed from nearby residential properties, with the closest being Pall Mall Cottages to the north and Rivington Park Independent School to the south. However, both these properties are over 100m from the application site and so are not materially affected by the development.
79. Two letters of representation have been received concerning this application, one in support and one in opposition. However, the contents of both letters relate to the design and impact on the character of the area rather than specific neighbour amenity issues.
80. As such, it is not considered the proposed development would result in any significant detrimental harm to the amenity of neighbouring residents to warrant refusal of the application on these grounds.

#### Impact on highways/access

81. The application site once comprised a dwelling, adjoining barn and associated outbuildings which were served from Rivington Lane via an existing vehicular access. The access itself has been unchanged as a result of the development and would solely serve the proposed dwelling.
82. As such, it is not considered the proposal would result in any greater demand for access improvements at the site. In terms of off-road parking, the development incorporates an area of hardstanding to the front and two spaces within an integral garage. As such, it is considered the proposed development would retain adequate space to park and manoeuvre a number of vehicles.
83. The development is therefore considered to be in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

#### Impact on Ecology

84. Policy EP4 of the Adopted Chorley Borough Local Plan Review states that planning permission should not be granted for development which would have an adverse effect on

protected species. As part of the application Lancashire County Council (LCC) Ecology have been consulted to provide advice concerning the potential impact on protected species, specifically concerning bats, amphibians and nesting birds.

85. Policy EP2 of the Adopted Chorley Borough Local Plan Review states that development likely to have an adverse effect on a Biological Heritage Site will not be permitted unless the reasons for the development are sufficient to override the nature conservation considerations.
86. Policy BNE10 of the Emerging Local Plan (2012-2026) states that planning permission will not be granted for development which would have an adverse effect on a protected species. Developments that might have an effect on a protected species should be restricted by planning conditions or agreements.
87. The application site was previously occupied by a dwelling, adjoining barn and outbuildings. The site has now been cleared and vegetation removed to leave a relatively level site. The site is surrounded by Lever Park Biological Heritage Site (BHS) to all boundaries which provides a habitat predominately for birds.
88. LCC Ecology have made the following comments which should be noted relate directly to the former buildings which occupied the site:
  - The buildings that have been demolished were suitable to support and known to support roosting bats (European protected species).
  - Demolition has therefore resulted in the loss of bat roosts [a breach of the Conservation of Habitats and Species Regulations 2010 (as amended)]. The applicant is not proposing to mitigate or compensate impacts on bats and bat roosts. In the absence of compensation for the loss of bat roosting opportunities and bat roosts (probable brown long-eared bat maternity roosts and pipistrelle bat roosts, possible hibernation roosts), the proposals will result in a significant impact on biodiversity.
  - The demolished buildings also supported nesting swallows. As demolition took place outside of the bird nesting season, a breach of the Wildlife and Countryside Act 1981 (as amended) is unlikely to have occurred. However, swallows are known to be site-faithful and the loss of nesting sites is thought to be a contributory factor in the decline of this species. Therefore, without compensation for the loss of swallow nesting opportunities, the development is likely to contribute to further declines in swallow populations and will result in a loss of biodiversity value in the local area.
89. In determining the current planning application, the Local Planning Authority must consider whether significant harm would come to protected species from the development (i.e. detached dwelling incorporating basement living space). The demolition works do not form part of the current proposals.
90. The impact on protected species as a result of the demolition is acknowledged by the Council and Members may be aware that the applicant has recently been fined for the destruction of a bat roost which is an offence under the Habitats and Species Regulations.
91. In respect of ecological considerations the applicant has stated they are amenable to providing positive ecology/biodiversity features at the application site. Paragraph 118 of The Framework states that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by (amongst other things) seeking opportunities to encourage biodiversity in and around development.
92. The applicant has stated they would implement the recommendations within the submitted ecology report as compensation for bat roosts. It is acknowledged that the Ecology report suggests erecting a 'bat barn' within the adjoining field however a bat barn is usually only considered necessary to mitigate large scale development, it is not considered in this case that the imposition of a bat barn by condition would be reasonable in respect of the development proposed. The applicant has proposed 6no. bat boxes at the site in areas close to retained trees and hedgerows within the site, and on the proposed building close to the eaves. This can be secured by condition.

93. Additionally the applicant has indicated they intend to bring forward separate proposals for horse stables on the adjoining field which would create an opportunity to design a building with the potential to incorporate features suitable for bat roosting (but this would be done through a separate planning application).
94. In terms of the impact on the BHS, it should be noted that the application site recently formed the domestic curtilage of Middle Derbyshire Farm, having more of a formal character rather than that of the open fields surrounding the site. It is therefore not considered the development would result in any significant detrimental harm to the BHS being sited firmly within the site and not directly affect habitats of known ecological importance.
95. Whilst the development before Members does not include the demolition which directly impacted on bats it is considered that the ecological mitigation measures proposed by the applicant, addresses the impact in respect of bats and as such the development is therefore considered to be in accordance with The Framework, Policies EP2 and EP4 of the Adopted Chorley Borough Local Plan Review 2003 and Policy BNE10 of the Emerging Local Plan (2012-2026).

#### Section 106 Agreement

96. The development would result in the erection of a new dwelling at the site and so the Council's Planning Policy Team have been consulted with regard to any requirement for a financial contribution towards the provision of amenity greenspace, equipped play areas and playing pitches off site. This is with reference to the Interim Planning Guidelines for New Equipped Play Areas Associated with Housing Developments, Policy HS21 of the Adopted Chorley Borough Local Plan Review and the Council's Playing Pitch Strategy (published June 2012).
97. In respect of amenity greenspace, the Council's Planning Policy Team have advised that Local Plan Policy HS21 sets a standard of 0.45 hectares per 1,000 population. There is currently a deficit of provision in the Heath Charnock and Rivington ward in relation to this standard and so a contribution towards new provision is therefore required from this development. The amount required is £85 per dwelling.
98. In respect of equipped play areas, the Council's Planning Policy Team have advised that Local Plan Policy HS21 sets a standard of 0.25 hectares per 1,000 population. There is currently a deficit of provision in the Heath Charnock and Rivington ward in relation to this standard and so contribution towards new provision is therefore required from this development. The amount required is £426 per dwelling.
99. In respect of playing pitches, the Council's Planning Policy Team have advised that the Playing Pitch Strategy (published in June 2012) identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The financial contribution required is £868 per dwelling.
100. As such, a Section 106 Agreement is therefore necessary in this case to secure the requisite contribution in lieu of the above requirements. This would be a total of £1379 for the provision of 1 new dwelling at the site.

#### Community Infrastructure Levy

101. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for housing - £65 per sq m. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be chargeable development and this will become liable at the commencement of the development. The total residential floor space proposed is 579m<sup>2</sup> which equates to £37,635.

## Overall Conclusion

102. The proposal amounts to inappropriate development for which 'very special circumstances' need to be demonstrated. In this case it is noted that the former buildings have been demolished and although the 'need' to demolish the buildings is not entirely clear, in this case the result is a cleared site which constitutes previously developed land in the Green Belt.
103. As highlighted previously, it is important to refer back to paragraph 79 of The Framework which states that *"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"*.
104. Additionally, paragraph 80 of The Framework sets out the five purposes of the Green Belt, including, amongst other things, *"to assist in safeguarding the countryside from encroachment"*.
105. It is considered the submitted scheme, including the site specific design choices made by the applicant to minimise the impact on the openness of the Green Belt and a reduced undercroft garaging area, together with negating the need for garaging above ground in the form of an further outbuilding at the site, constitutes the most appropriate solution for this previously developed site.

## Planning Policies

### National Planning Policy Framework

### Adopted Central Lancashire Core Strategy

Policy 17, Policy 27

Rural Development Supplementary Planning Document

### Adopted Chorley Borough Local Plan Review

Policies DC1, GN5, HS4, TR4, EP2, EP4 and HS21

### Emerging Local Plan 2012-2026

Policies BNE1, BNE5, and BNE10

## Planning History

The site history of the property is as follows:

**76/00429/FUL:** Alterations to provide warden's accommodation and office. Approved 15 June 1976

**78/01238/FUL:** Temporary works depot for use by M.S.C. STEP, comprising sheds, caravans and toilet accommodation. Approved 30 April 1979

**80/00597/FUL:** Change of Use: Storage building to outside toilet. Permitted Development 3 June 1980

**87/00866/FUL:** Alterations and extensions to enable change of use to country hotel and restaurant with associated car parking. Refused 12 April 1988

**12/00834/FUL:** Extensions and alterations to existing residential property and demolition and re-build of adjoining barn to include: first and second floor accommodation in place of existing barn structure, the re-modelling of existing barn door to front and the erection of first floor balcony to rear; to raise the ridge height of the application property; the erection of a first floor extension above an existing single storey side extension; the erection of a two storey rear/side extension; the installation of windows, doors, bi-folding doors and roof lights to elevations and; to demolish and re-build 1 no. outbuilding to create a detached double garage (see submitted plans for more detail). Pending consideration

**13/00033/FUL:** Retrospective application for the temporary siting of a static caravan for living accommodation and the creation of associated hardstanding. Pending determination.

13/00179/FUL: Erection of a detached dwelling incorporating basement living space. Refuse August 2013

**Recommendation: Permit (subject to legal agreement)  
Conditions**

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

| Indexed    | Drawing reference:  | Revision: | Drawing title                                      |
|------------|---------------------|-----------|--|
| 12/08/2013 | DALTON/01           | -         | Existing Ground Floor Layout                       |
| 12/08/2013 | DALTON/02           | -         | Existing First Floor Layout                        |
| 12/08/2013 | DALTON/03           | -         | Existing Elevations Sheet 1 of 2                   |
| 12/08/2013 | DALTON/04           | -         | Existing Elevations Sheet 2 of 2                   |
| 12/08/2013 | DALTON/05           | -         | Existing Elevations Outbuildings                   |
| 12/08/2013 | 101                 | J         | Proposed Elevations and Floor Plans                |
| 12/08/2013 | 102                 | D         | Proposed Site Plan, Gate Details and Site Sections |
| 12/08/2013 | DaltonGarden002.vwx | -         | Landscaping Plan                                   |
| 12/08/2013 | SSL:15048:200:1:1   | -         | Topographical Survey                               |

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

2. 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.*

3. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed building(s) (notwithstanding any details shown on the previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with the National Planning Policy Framework, Policy No. 17 of the Adopted Central Lancashire Core Strategy and Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

4. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground-surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

*Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with the National Planning Policy Framework, Policy No. 17 of the Adopted Central Lancashire Core Strategy and Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

5. The dwelling hereby permitted shall be constructed to meet Code Level 4 of the Code for Sustainable Homes and shall be constructed to meet Code Level 6 of the Code for Sustainable Homes if commenced after 1st January 2016. Within 6 months of occupation of the dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level has been achieved, shall be submitted to the Local Planning Authority.

***Reason: In the interests of minimising the environmental impact of the development and in accordance with the National Planning Policy Framework and Policy No. 27 of the Adopted Central Lancashire Core Strategy.***

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Class E) or any subsequent re-enactment thereof, no garage or outbuilding shall be erected other than those expressly authorised by this permission.

***Reason: The proposed dwelling includes subterranean under-croft garaging which takes the volume of the development (as a whole) to 43% over that of the former farmhouse and barn which exceeds the guideline of 30% adopted by the Council. The specific design considerations of the proposed development are considered to be key to this application in respect of reducing the impact of the development on the openness of the Green Belt. It is considered the design with under-croft parking negates the need for additional outbuildings at this site, in accordance with the National Planning Policy Framework.***

7. The dwelling shall not be occupied until a letter of assurance; detailing how that dwelling has met the necessary Code Level has been issued by a Code for Sustainable Homes Assessor and approved in writing by the Local Planning Authority.

***Reason: In the interests of minimising the environmental impact of the development and in accordance with the National Planning Policy Framework and Policy No. 27 of the Adopted Central Lancashire Core Strategy.***

8. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan titled: 'Proposed Site Plan, Gate Details and Site Sections'; Drawing number: 102; Revision: D; Indexed: 12/08/2013.

***Reason: To protect the appearance of the locality and in accordance with the National Planning Policy Framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.***

9. Before the development hereby permitted is first occupied, the 'Bat Boxes' as shown on the approved plan: Indexed: 12/08/2013; Drawing Reference: 101; Revision: J; Drawing Title: Proposed Elevations and Floor Plans shall be completed in entirety.

***Reason: In the interests of biodiversity and in accordance with the National Planning Policy Framework and Policy EP4 of the Adopted Chorley Borough Local Plan Review 2003.***

10. The development shall be carried out in full accordance with the landscaping details as shown on the approved plan titled: 'Landscaping Plan'; Drawing number: DaltonGarden002.vwx; Indexed: 12/08/2013 and the details submitted in table format by Kirman (Contemporary space design); Indexed 12/08/2013.

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 the dwelling 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, mitigate the loss of potential habitats and secure a high quality design. In accordance with the National Planning Policy Framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policy No. GN5 and EP4 of the Adopted Chorley Borough Local Plan Review.***

11. Prior to the commencement of the development, a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwelling will meet the relevant Code Level.

***Reason: In the interests of minimising the environmental impact of the development and in accordance with the National Planning Policy Framework and Policy No. 27 of the Adopted Central Lancashire Core Strategy.***