

**Item 4e**                    **13/01160/FUL**

**Case Officer**            **Mrs Nicola Hopkins**

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

**Proposal**                **Erection of a detached dwelling incorporating basement living space (amendment to the previously approved scheme 13/00741/FUL to include a basement)**

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

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

**Consultation expiry: 29 January 2014**

**Application expiry: 14 February 2014**

### **Proposal**

1. The application proposes the erection of a detached dwelling incorporating basement living space.
2. Full planning permission was granted to erect a detached dwelling on this site on October 2013 (13/00741/FUL) and this current application proposes an amendment to that approval to include a basement.

### **Recommendation**

3. It is recommended that this application is granted conditional planning approval subject to the associated Section 106 Agreement

### **Main Issues**

4. The main issues for consideration in respect of this planning application are:
  - Background information
  - Principle of the development under Green Belt policies
  - Site Specific Considerations
  - Current Proposals
  - Design and Impact on the street scene
  - Impact on neighbour amenity
  - Impact on highways/ access
  - Impact on Ecology
  - S106 Agreement
  - Community Infrastructure Levy

### **Applicants Case**

5. The applicant has forwarded the following points in support of the application:
  - The massing and external appearance of the new house would remain as previously approved but a full basement floor would be constructed below ground level.
  - The application site is previously developed land for the purposes of Green Belt policy, as confirmed in the Planning Officer's Report, which informed the local planning authority's decision to grant planning permission for the erection of a new house on the site in October 2013 (LA Ref: 13/00741/FUL). On this basis, proposals for redevelopment fall to be considered against Paragraph 89 Bullet 6 of the NPPF and Policy BNE5 of the emerging CLP.
  - The Council was advised that the previous redevelopment proposals would not conflict with the purposes of including land within the Green Belt (Para. 31 of the Committee Report on

Application 13/00741/FUL) and the following assessment confirms that there are no grounds for reaching a different conclusion in relation to the current scheme.

- Given the location of the application site, it is clear that the proposed house would not contribute to the unrestricted sprawl of a large built up area, nor lead to the coalescence of neighbouring towns, nor harm the setting or special character of a historic town.
- Furthermore, as the house would stand within a previously developed residential curtilage, it would not encroach on the countryside and, given that it would consist of a single dwelling built on a site previously occupied by a single dwelling, it would have no appreciable effect on the recycling of derelict or other urban land.
- As to openness, the Council was initially informed that the earlier proposals (LA Ref: 13/00741/FUL) would reduce openness because the pre-existing development had been cleared and, in consequence, the scheme must be regarded as inappropriate development in the Green Belt for which very special circumstances would be needed before permission could be granted (see Para. 31 of the Committee Report on Application 13/00741/FUL). The Council was further advised, however, that there was no evidence to contradict the findings of the structural report and, effectively recognising that the 'inappropriateness' of the scheme was an extraordinary technicality, arising solely from the necessary (and then very recent) demolition of the pre-existing buildings and constituting 'very special circumstances', the Committee Report went on to remind members that officers had previously indicated support in principle for a development that 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 would have been taken if a building still existed on site' and went on to say that 'the most pragmatic way forward is to consider a dwelling which is not materially larger than the buildings which previously occupied the site' (see Paras. 46 & 48 of the Committee Report on Application 13/00741/FUL).
- In the light of this advice, planning permission was then granted for a dwelling with undercroft parking space (LA Ref: 13/00741/FUL) and this extant planning permission for the erection of a house on the previously developed site at Middle Derbyshires is part of the context in which the current scheme must be considered.
- Whilst the decision of the 9 October 2013 was welcome, it is clear that had the pre-existing buildings stood on the previously developed site at the time of that decision, the pre-eminent applicable test for appropriateness would have been that set out in NPPF, Para 89 Bullet 6. Consequently, any assessment that relied on the comparative volumetric scale of the existing and proposed buildings would be unwarranted because the relevant (Bullet 6) criterion for assessing impact on openness is simply that the impact of the proposed development should be no greater than that of the existing (in this instance, immediately pre-existing) development.
- It is therefore significant that, in relation to the preceding (and subsequently approved) proposals for redevelopment, the Council was further briefed on the matter of openness with direct reference to the previous developed status of the site; and that this advice confirmed that the new dwelling would have no greater impact on openness than the formerly existing development and, indeed, by some measures, would have a smaller impact on openness than the previous development (see Para. 56 of the Committee Report on Application 13/00741/FUL).
- As to the current scheme, the volume of development would be greater than that represented by the previously approved design but this is, of itself, of little account in assessing impact on openness because the entire increase would be confined underground. It follows that the current proposals would therefore have precisely the same implications for openness as the recently approved scheme (PA Ref: 3/00741/FUL): in other words, the impact would be no greater than and, by some measures would be less than, that of the pre-existing development.
- Although the final form of the CLP has yet to be formulated and policy BNE5 therefore carries less force than adopted development plan policy, an assessment of the current proposals confirms that the scheme fulfils the requirements of both the amended version recommended by the examining Inspector and of the Council's submitted draft. The assessment at Para 4.3 above demonstrates compliance with Criterion d) of the draft policy; and as the visual impact of the current proposals would be no different from that of the approved scheme, it can be deduced that the requirement set out in Criterion e) would also be met. Criterion f) (the only one recommended for retention, with amendment) is also

addressed, as the scheme encompasses the whole of the previously developed site and provides for comprehensive landscaping; and, in view of the fact that the new house would not occupy a larger area than the buildings it replaces, nor result in any greater impact on the surrounding countryside, the requirement of Criterion g) is also fulfilled.

- The amended scheme raises no new issues in relation to design or visual impact; impact on residential amenity; highway safety; ecology; or other material planning considerations; and offers the same benefits in relation to the use of renewable technologies and the Code for Sustainable Homes as the scheme approved in October 2013.

## **Assessment**

### Background information

6. The information below sets out a brief account of the events which have occurred to date.
7. **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. Decision never issued as building was demolished prior to determination.
8. **October 2012** the barn and house were demolished based on the verbal advice from a structural engineer and their observations on site.
9. **January 2013** application submitted for the temporary siting of a static caravan for living accommodation and the creation of associated hardstanding.
10. **February 2013** application submitted for the erection of a detached dwelling incorporating basement living space (13/00179/FUL) which was considered and refused by Members on the 6th 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.”*

11. **August 2013** application submitted for the erection of detached dwelling incorporating undercroft garaging.
12. **DC Committee 1<sup>st</sup> October 2013** both the planning application for the detached dwelling with undercroft parking and temporary caravan were approved.

### Principle of the development under Green Belt policy

13. The application site is within the Green Belt and so the relevant guidance within the National Planning Policy Framework (The Framework), Policy DC1 of the Adopted Chorley Borough Local Plan Review and Policy BNE5 of the Emerging Local Plan apply.
14. Policy DC1 of the Adopted Chorley Borough Local Plan Review (which was derived from 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.
15. 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”.*

16. 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”.*
17. 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’.
18. 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.
19. 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*

20. *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.*
21. 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 *“The replacement of existing dwellings need not be inappropriate in the Green Belt and the West Pennine Moors Area of Other Open Countryside, providing the new dwelling is not materially larger than the dwelling it replaces. Proposals for the replacement of dwellings in the Green Belt or Other Open Countryside, which have an increase of over 30% of the volume of the building that it replaces, will be considered inappropriate”.*
22. 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.
23. 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*

24. *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”.*
25. 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.
26. On 25<sup>th</sup> October, the Inspector issued her Partial Report on her findings into the soundness of the Chorley Local Plan 2012 – 2026. The Inspector’s Partial Report is a material consideration

in the consideration of this planning application. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies and Travellers. The examination of the local plan remains open, and the Inspector will reconvene the examination in April 2014 to consider Gypsy & Traveller Matters, which would enable adoption of the local plan by September 2014, following a supplementary report.

27. Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*
28. The policies of the emerging Local Plan (subject to any modifications) are therefore given significant weight in the decision making process.
29. 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.
30. 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.
31. The test therefore, is whether the proposed dwelling would have a greater impact on the openness of the Green Belt than the “existing development”.
32. 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.
33. 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

34. Planning permission has been granted on this site previously to erect a dwelling. This approval was based upon the site specific considerations forwarded by the applicant and his agent. When the previously application was approved 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, was brought into question however it was clear in this case that no evidence could be produced to dispute the ‘need’ to demolish all the structures on site.
35. As such, taking into account the considerations in respect of this case, a pragmatic approach was adopted and the new dwelling was assessed against the previous building which stood on the site as to whether it was materially larger in accordance with bullet point 4 of The Framework.
36. The approved volume of the dwelling (above ground) and the under-croft garaging (below), the development (as a whole) is 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.

Planning permission was granted however based upon the material considerations in respect of the site specific factors. These are as follows:

- Whilst subterranean parking area would contribute to the volume of the new dwelling, it lessened 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.
- The scheme was designed to respect the landscape value of the area and the specific design considerations were taken into account in respect of the openness of the Green Belt. What was key was that the design with undercroft parking negated the need for additional outbuildings within this Green Belt location. This was controlled by the following conditions:

*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.*

*The under-croft garaging hereby approved shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending or revoking and re-enacting that order, shall be undertaken to alter/convert the space into living or other accommodation.*

37. As such the principle of erecting a dwelling on this site has been established. The applicants now wish to amend the approved dwelling on this site by incorporating a basement the same size as the footprint of the dwelling. This will accommodate additional living accommodation in the form of a cinema, gym, shower room, wine store, utility room and boot room. This is considered further below.

#### Current Proposals

38. It is clear from the site history that planning permission for a dwelling on this site with a basement was considered unacceptable and refused.
39. A Planning Statement supports the application undertaken by FrancesVerityPerspectives (FVP), on behalf of the applicant and the supporting points are set out above within the Applicants Case section. The Statement asserts that the previously developed land status of this site *informed the local planning authority's decision to grant planning permission*. Whilst it is clear that this site falls within the definition of previously developed land (as set out within The Framework) it should also be noted that the assessment in respect of the previous application did not rely on this land status in approving the scheme. The Framework is clear that development of previously developed land will only be considered appropriate where the development 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. In the case of this site there are no structures/ buildings on this site to assess the proposed development against. As this is a cleared site any development will inevitably have a greater impact on the openness of the Green Belt.
40. The previous assessment made it clear that any development on this site does not fall within any of the exceptions set out within paragraph 89 of The Framework and is inappropriate development. This fact is acknowledged within the Planning Statement along with the recognition that the approved development was assessed against whether it was materially larger than the building that previously occupied the site.
41. 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)]. As assessing the proposals against the restrictions set out bullet point 4 was considered the pragmatic approach previously, notwithstanding the fact that there is nothing to 'replace' on site, it is considered that this approach is the only reasonable approach when considering this application and in accordance with the case cited above the volume of the basement is a material consideration.

42. The Planning Statement asserts that *had the pre-existing buildings stood on the previously developed site at the time of that decision, the pre-eminent applicable test for appropriateness would have been that set out in NPPF, Para 89 Bullet 6. Consequently, any assessment that relied on the comparative volumetric scale of the existing and proposed buildings would be unwarranted because the relevant (Bullet 6) criterion for assessing impact on openness is simply that the impact of the proposed development should be no greater than that of the existing (in this instance, immediately pre-existing) development.*
43. However it is important to note that firstly that was not the case in this site and as such is irrelevant and secondly if the buildings had still be in situ when the application was considered the proposals would have been assessed as a replacement building in accordance with bullet point 4 of the Framework as the development would have been for a replacement building.
44. When assessing the proposals is it important to acknowledge that the proposals are inappropriate development and as such are, by definition, harmful to the Green Belt. In accordance with The Framework such development will only be considered acceptable where very special circumstances are demonstrated. Assessing this proposal against the circumstances of the previous approval:
- The pragmatic approach of treating the development as a replacement building. This development is significantly larger than the building which formally occupied the site whereas the approved scheme was restricted in this regard.
  - Subterranean parking lessened 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. This justified a larger dwelling than would typically be approved on this site and whilst the scheme still incorporates undercroft parking the volume of the proposals are significantly larger than the building which previously occupied this site which results in disproportionate additions.
45. Whilst it could be argued that basement accommodation has limited impact on the openness of the Green Belt it is important to note that Government guidance within The Framework seeks to limit the impact of new development on the openness of the Green Belt and the development needs to be taken as a whole. Even if the development of this site did fall to be considered an exception to The Framework the extent of new development would be restricted. It is confirmed in case law that basements need to be taken into account when assessing whether a development is materially larger and in this case the proposed development would be a minimum of 75% larger than the buildings which formally occupied this site (excluding the detached outbuildings and utilising the figures submitted in support of the application) which results in a materially larger building. The height of the basement also exceeds that included within the figures provided which actually increases the volume of the proposed dwelling over and above a 75% increase.
46. It is also important to note that any development at this site would become the original dwellinghouse on this site and any future extensions would be assessed against the original dwelling. Permitted development rights for extensions to the approved dwelling at this site were not removed as there are no immediate neighbours and as such no justification to remove these rights. At both a national and local level extensions to dwellings within the Green Belt are restricted to ensure that they do not result in disproportionate additions over and above the size of the original building. The Council has a guideline of 50% when assessing such extensions which in the case of this site would relate to the whole dwelling including any basement accommodation. As such whilst basement accommodation can be argued to have limited impact on the Green Belt further potential above ground extensions have the potential to create disproportionate additions, when based upon the size of the original building, which would impact on the openness of the Green Belt. It is for this reason that at both a national and local level the size of replacement buildings is restricted initially to further limit future potential to impact on the openness of the Green Belt.

47. It is not considered that there are any very special circumstances to permit the erection of a dwelling on this site as the site proposed and as such the proposals are contrary to national and local planning policy and guidance.
48. From the planning history at this site it is clear that the applicant aspires to have basement accommodation. Whilst the applicant could construct a basement at a later date by applying for planning permission once the dwelling is established on the site (such an application would be assessed as to whether the extension was a disproportionate addition or not in accordance with The Framework) it is appreciated that constructing the basement during the construction of the dwelling is much easier when it comes to basement accommodation. As a way forward it has been suggested to the applicant that if he is willing to waive both his permitted development rights and his ability to apply for further extensions in the future then this would ensure that there would be no further impact on the openness of the Green Belt by future disproportionate additions and effectively the basement accommodation would be treated as an extension to a yet to be constructed dwelling. This would be a significant material consideration in respect of the proposed development.
49. The agent for the application has confirmed that the applicant is happy to enter into a legal agreement which removes his permitted development rights for extensions and will agree not to extend the property again in the future. This will be secured within the S106 Agreement. As this is a legal agreement it will be enforceable upon any future occupiers/ owners.
50. The development is inappropriate development within the Green Belt however the principle of a dwelling on this site has been established. In the case of the proposals currently being considered the following considerations are taken into account:
  - Subterranean parking and other forms of living accommodation lessens 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.
  - The removal of permitted development rights and the applicant's (and any future owners) ability to extend the dwelling further in the future ensures that the extent of dwelling proposed will be the complete development of the site.

### **Other considerations**

#### **Design and impact on the streetscene**

51. 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.
52. 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.
53. 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.
54. 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.
55. 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.

56. 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.
57. 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.
58. 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.
59. 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.
60. 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.
61. 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.
62. 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.
63. 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.
64. 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.
65. 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.
66. 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

67. 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.

68. 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.
69. 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.
70. 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.
71. 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

72. 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.
73. 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.
74. The development is therefore considered to be in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

#### Impact on Ecology

75. 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.
76. 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.
77. 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.
78. 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.
79. As part of the previous application LCC Ecology raised concerns in respect of the demolition of the buildings which formally occupied the site. 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.

80. As part of the previous application it was considered that whilst the development 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

81. 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 public open space. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17<sup>th</sup> September 2013. Therefore, these comments are based upon the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the SPD.

#### Amenity Greenspace

82. Emerging Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population. There is currently a deficit of provision in the Heath Charnock and Rivington ward in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. The amount required is £140.

#### Provision for children/young people

83. Emerging Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently a deficit of provision in the Heath Charnock and Rivington ward in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. The amount required is £134.

#### Allotments

84. There is no requirement to provide allotment provision on site within this development. A new allotment is proposed at Harrison Road, Adlington (HW5.3) which is within the accessibility catchment (10 mins drive time) of the site. A contribution towards the provision of this allotment allocation is therefore required. The amount required is £15.

#### Playing Pitches

85. A Playing Pitch Strategy was published in June 2012 which 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 amount required is £1,599.

86. 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 £1888 for the provision of 1 new dwelling at the site.

87. The S106 Agreement will also remove permitted development rights and the applicants (plus future land owners/ house owners) ability to apply to extend the property in the future as set out above.

#### Community Infrastructure Levy

88. 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 784.4m<sup>2</sup> which equates to £50,986.

#### **Overall Conclusion**

89. 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.
90. When the previous application at this site was considered officers took a pragmatic approach, which was accepted by Members, which approved a dwelling on this site reflecting the size and scale of the previous building on the site. It is important to note that if the buildings had been in situ when the previous application was considered the barn accommodation would have been discounted from the volumetric calculations as it was not used for residential purposes and The Framework is clear in that replacement buildings should be in the same use as the one they replace. As such the approved scheme as approved is considered to be the maximum achievable whilst protecting this Green Belt location.
91. In the case of the current proposals the specific circumstances which did not exist when the previous application was considered are the fact that the applicant is willing to forego all of his permitted development rights and his ability to apply to extend the dwelling in the future. This ensures that the extent of development currently proposed will be the complete development for this site and as such there will be no further impact on the openness of the Green Belt. Taking these material considerations into account and the fact that there will be no future extensions to this dwelling it is considered that the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed in accordance with the Framework. As such the application is recommended for approval subject to the associated S106 Agreement.

## **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 1no. 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. Approved October 2013

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

**13/00741/FUL:** Erection of detached dwelling incorporating under-croft garaging. Approved October 2013

**Recommendation: Permit (Subject to Legal Agreement)  
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 following approved plans:

Title	Drawing Reference	Received date
Location Plan	103	9 <sup>th</sup> December 2013
Garden Landscaping	DAL001	9 <sup>th</sup> December 2013
Topographical Survey	SSL:15048:200:1:1	9 <sup>th</sup> December 2013
Proposed Elevations and Floor Plans	101 Rev G	11th December 2013
Proposed Site Plan, Gate Details and Site Sections	102 Rev C	11th December 2013

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

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 (notwithstanding any details shown on the 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 using the approved external facing materials. *Reason: To ensure that the materials used are visually appropriate to the locality.*

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.*

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.*

6. 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.*

7. 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*
8. Before the development hereby permitted is first occupied, the 'Bat Boxes' as shown on the approved plan shall be completed in entirety. *Reason: In the interests of biodiversity.*
9. The development shall be carried out in full accordance with the landscaping details as shown on the approved plan. 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.*
10. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans. *Reason: To protect the appearance of the locality.*
11. The under-croft garaging hereby approved shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending or revoking and re-enacting that order, shall be undertaken to alter/convert the space into living or other accommodation. *Reason: The under-croft garaging has been justified on the basis of relocating off-road parking to a subterranean location in the interests of the visual amenities of the Green Belt. Conversion of the under-croft garage to habitable living space could create the need for covered off-road parking space above ground (in the form of a garage) which would undermine the design concept justifying the under-croft garaging in this case. This condition is therefore required in the interests of the visual amenities of the Green Belt and in accordance with the National Planning Policy Framework.*