

Item 3g **14/00626/FUL**

Case Officer **Ian Heywood**

Ward **Heath Charnock and Rivington**

Proposal **Eco dwelling of exceptional design with an ancillary garden storage building and a gatehouse.**

Location **Bramblewood Nursery
Wigan Lane
Heath Charnock
PR7 4DD**

Applicant **Mr & Mrs Martyn and Sasha Warren**

Consultation expiry: **21 August 2014**

Decision due by: **28 October 2014**

Recommendation **Permit Full Planning Permission (Subject to legal agreement)**

Executive Summary

The main issues to consider are whether the proposals accord with the policies contained within the current and emerging Local plan. For the reasons set out below it is considered that the proposals are consistent with the aims of the development plan and the Framework and represent a sustainable form of development within the Parish of Heath Charnock.

Representations

Heath Charnock Parish Council: raises no objections as regards the proposed development.
In total 14 representations have been received which are summarised below
Objection
Total No. received: 14
<ul style="list-style-type: none">• Unsympathetic design• Concern for future development of further dwellings on the site or on adjacent sites – potential to open the flood gates for further development in the future.• Harm to wildlife• Disturbance during construction• Loss of private amenity• Loss of Green Belt land

Consultees

Consultee	Summary of Comments received
Chorley Council Waste & Contaminated Land Officer	No objections, informative suggested.
Chorley Council Tree Officer	Tree protection (Tree Preservation Order) recommended
Lancashire County Council Highways	No objections
Lancashire County Council Ecology	No objections subject to suitably worded conditions.
United Utilities	No objections, inform applicant of the presence of a public sewer that runs across the (entrance drive) into the site close to Wigan Lane.

Policy Position with regard to the emerging Chorley Local Plan 2012 – 2026

1. The Inspector has issued her Partial Report on her findings into the soundness of the Chorley Local Plan which is a material consideration in the consideration of any planning application.
2. 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 & Travellers.
3. 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.”*
4. The Council accepted the Inspectors modifications for Development Control purposes at its Executive Committee on 21st November 2013 and as such the policies referred to below can be afforded significant weight.

Description of the site

5. The site is located within the Green Belt in the Parish of Heath Charnock on the eastern side of Wigan Lane and is comprised of a former nursery including greenhouses, polytunnels, substantial timber sheds and storage containers, significant areas of hardstanding and a substantial natural pond. The site also includes a significant number of trees.
6. The site lies behind (i.e. to the east of) a number of residential properties that front onto the eastern side of Rawlinson Lane (which branches off Wigan Lane in a southerly direction a short distance south of the entrance to the site) and to the south west of a cluster of houses on Martins Avenue. Liptrot’s Farm lies to the south of the site whilst open countryside is to be found to the east of the site.
7. To the west of the site on the western side of Wigan Lane is Duxbury Park golf course.
8. As the site has been empty and unoccupied for a number of years now it has begun to take on an appearance of dilapidation and neglect, with one of the greenhouses having collapsed in upon itself.

Assessment

Principle of the Development

9. Pertinent Policies are: Adopted Chorley local Plan Review (2003), Policy DC1; Adopted Central Lancashire Rural development SPD (2012). Also of relevance is the Framework (National Planning Policy Framework) paragraph 55 and 87 – 88.
10. The site is within the Green Belt. Paragraph 55 of the Framework states that, *‘...Local authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:(fourth bullet point) The exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
 - *Be truly outstanding or innovative, helping raise standards of design more generally in rural areas;*
 - *Reflect the highest standards in architecture*
 - *Significantly enhance its immediate setting; and*
 - *Be sensitive to the defining characteristics of the local area.’*
11. Paragraphs 87 - 88 of the Framework state:
(para 87) *‘As with previous Green Belt Policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.’*

(para 88) *'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.'*

12. The Adopted Central Lancashire Rural development SPD (2012) mirrors paragraph 89 of the Framework. Policy DC1 of the Adopted Chorley Borough Local Plan Review (2003) sets out exceptions where development can be considered to be appropriate in the Green Belt, however none of the exceptions are applicable in this case.
13. The issue raised by paragraph 55 of the Framework has been, on the advice of the Council, tested in terms of an assessment of the quality of architecture proposed by opening up the proposal, prior to submission of the application, to independent scrutiny by the Places Matter design Review Panel. They overwhelmingly support the proposal, praising the quality of the design and agreeing that it is of exceptional quality. It is therefore considered that the requirements of the Framework in respect to paragraph 55 have been met.
14. With regard to the proposed gate house a condition is proposed that will restrict this building, and the storage building, to be forever only used as ancillary accommodation to the dwelling thereby precluding their future sale as a separate dwelling. A similar situation to that when ancillary accommodation is used as a 'granny flat'. Whilst the scale of development is greater than would normally be acceptable, in respect of a house with two ancillary buildings, the design review panel considered the inclusion of two ancillary buildings to be an essential part of the overall design concept and contribute to the exceptional quality of the design in this case.
15. Whilst new dwellings are considered as inappropriate development in the Green Belt, consideration must be given as to whether very special circumstances exist that are sufficient to overcome that inappropriateness and any other harm caused. In this case the exceptional quality of the design, as accepted by the independent Places Matter Design Review Panel, is considered to represent very special circumstances. The innovative high quality of the design achieves all the objectives set out in Framework paragraphs 56, 57 and 60 – 65. It is the quality and innovative characteristics of the design that set this proposal apart from previous proposals on this site. Added to this the nature of the design and the positioning within it mean that overall the perceived scale of development is reduced from that which is currently the case. The significant reduction in the floor plate of the proposed development compared to that currently occupying the site together with the removal of significant areas of hardstanding are considered to considerably enhance the openness of the Green Belt at this point and to greatly improve the quality of the landscape such that any other harm to the Green Belt is considered to be overcome.
16. Furthermore the enhanced landscape management proposed is considered to further improve both the openness and the quality of the landscape throughout the site.
17. On balance it is considered that very special circumstances have been demonstrated and that these overcome the inappropriateness of development and any other harm caused and that the end product will enhance the openness and the quality of the Green Belt at this point.

Design

18. Pertinent Policies are: Chorley Borough Householder Design Guidance SPD (2008); Adopted Central Lancashire Core Strategy (2012), Policy 17; Adopted Central Lancashire Design SPD (2012); Emerging Chorley Local Plan 2012 – 2026, Policy BNE1. Also of relevance is the Framework paragraph 56, 57 and 60 – 65.
19. A key thrust of these policies is the desire to encourage high quality and innovative design. Paragraph 56 of the Framework states that, *'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute*

positively to making places better for people. Paragraph 57 continues, It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider development schemes.'

20. Paragraphs 60 – 65 not only reinforce the need for good design and design which responds to context, but also the benefits of using independent design review arrangements to ensure high standards of design. Paragraph 63 states that, '*In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.*' Paragraph 65 concludes that, '*Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.*'
21. On advice from the Council the applicant sought the independent advice of the Places Matter Design Review Panel prior to the submission of the application. Indeed the scheme submitted is the second one considered by the Design Review Panel, the first being rejected as it did not take proper account nor did it assess the quality of the landscape and furthermore it failed to propose an adequate or acceptable design response to the landscape or the context of the site. The comments received from the Design Review Panel confirm that the proposed design is both high quality and innovative. They confirm that the gatehouse leads the observer in suggesting something rather special beyond. They also recognise the correlation with Wigan Lodge to Duxbury Hall, which is located only a short distance from the site on Wigan Lane. Whilst Duxbury Hall is long gone the principle of having a gate house or lodge at the entrance to a much grander house beyond is well established and there are numerous other examples within the Borough – the lodge to Shaw Hill or the lodge to Heskin Hall.
22. It is therefore considered that the proposal represents the highest quality of design and that consequently it accords with the aforementioned policies.

Impact on the amenity of neighbours

23. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy HS4; Chorley Borough Householder Design Guidance SPD (2008); Emerging Chorley Local Plan 2012 – 2026, Policy BNE1. These policies/ guidance suggest that any proposed development should not have an unacceptable impact upon the amenity currently enjoyed by neighbouring properties. The proposed dwelling is to be located a considerable distance (not less than 90 metres) from neighbouring residential properties, and boundary planting (existing and proposed) will safeguard the privacy of the occupants to both the existing and proposed residential properties. These are now protected by a Tree Preservation Order (Chorley BC TPO No.8 (Heath Charnock) 2014). Views to/from the proposed gatehouse, which is only single storey, will be restricted by existing and proposed boundary treatments.
24. This being the case it is considered that the proposed development will have no material impact upon the amenity currently enjoyed by neighbouring properties.

Highway Safety and Parking

25. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy TR4; Emerging Chorley Local Plan 2012 – 2026, Policy ST4. The Lancashire County Council Highways Officer has commented that he has no objections to the proposed development. The development will accord with the Council's parking standards as set out in Appendix A of the emerging Chorley Local Plan 2012 – 2026. This requires dwellings with three bedrooms, as is proposed here, to have two parking spaces. The proposed scheme includes garaging for three cars.
26. The proposed development is therefore considered to accord with the aforementioned policies.

Ecology

27. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy EP4; Adopted Central Lancashire Core Strategy (2012), Policy 22; Emerging Chorley Local Plan 2012 – 2026, Policy BNE9. These policies, together with other legislation, seek to safeguard protected and endangered species and their habitats. The Lancashire County Council Ecologist has commented that protected species and their habitats will be safeguarded and that the application is acceptable, subject to the inclusion of suitably worded conditions.

Trees

28. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy EP9; Emerging Chorley Local Plan 2012 – 2026, Policy BNE10. These policies seek to protect trees from development pressure where they have some amenity value.

29. The application includes a detailed arboricultural report and proposes that the majority of trees, groups of trees and boundary hedges are to be retained. To safeguard the trees all of those categorised as being of category A or B (best quality and highest amenity value) plus one group of trees defined as category C, close to the entrance drive, have been protected by a Tree Preservation Order (TPO). In this way all the better quality trees that give a degree of amenity value have been protected.

30. The proposal is therefore considered to be in conformity with the aforementioned policies.

S.106 Agreement

31. Pertinent Policies are: Adopted Central Lancashire Open Space and Playing Pitch SPD (2013). A Section 106 Agreement has been drafted that seeks financial contributions with the following heads of terms:

Amenity Greenspace

A contribution of £140 towards new provision in the ward of Heath Charnock and Rivington

Provision for children/young people

A contribution of £134 towards new provision in the ward of Heath Charnock and Rivington

Allotments

A contribution of £15 to be spent on either of the following:

Towards improving the quality/value of the following sites as identified in the Central Lancashire Open Space Study, Final Open Space Audit Report, May 2012:

Site 1644 – Whittam Road/Moor Road Allotments, Chorley

Site 1646 – Allotments rear of Worthy Street, Chorley

Site 1647 – Rear of 297-315 Chapel Lane, Coppull.

Or

Towards the provision of new allotments at the following site allocated in the Chorley Local Plan 2012-2026:

HW5.3 Harrison Road, Adlington

Playing Pitches

A contribution of £1,599 towards the improvement of existing playing pitches in the Borough as identified in the Chorley Action Plan within the Central Lancashire Playing Pitch Strategy & Action Plan, June 2012.

CIL

32. The development is liable for the Community Infrastructure Levy (CIL) which equates to £62,335.00. The applicant has applied for exemption on the basis that the development will be constructed as a 'self build project' which is set out as a recognised exemption within the 2014 CIL Regulations, however the determination as to whether full or partial

exemption will be applicable in this case is dependent on the supply of further information by the applicant.

Overall Conclusion

33. The proposed development falls to be considered as inappropriate development in the Green Belt. However it is considered that the high quality and innovative nature of the design, which has been determined through independent scrutiny by the Places Matter Design Review Panel, represents very special circumstances as defined by paragraph 55 of the Framework. It is considered that it will result in no material impact upon the amenity of neighbours and accords with local and national policy in terms of highway, arboriculture and ecology. Consequently the application is recommended for approval.

Planning Policies

34. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

Ref: 88/00702/FUL	Decision: PERFPP	Decision Date: 31 January 1989
Description:	Conversion of barn to residential unit	
Ref: 89/00180/FUL	Decision: PERFPP	Decision Date: 21 April 1989
Description:	Provision of one access to fields for agricultural purposes	
Ref: 02/00965/FUL	Decision: WDN	Decision Date: 22 November 2002
Description:	Erection of two storey dwelling for agricultural worker,	
Ref: 03/01016/FUL	Decision: REFFPP	Decision Date: 28 November 2003
Description:	Erection of agricultural workers house, (Resubmission of 02/00965),	
Ref: 04/00208/FUL	Decision: WDN	Decision Date: 4 March 2004
Description:	Temporary use of mobile home as an agricultural dwelling (for period of 3 years),	
Ref: 04/00209/FUL	Decision: PERFPP	Decision Date: 26 May 2004
Description:	Erection of propogation glasshouse,	
Ref: 04/00210/FUL	Decision: PERFPP	Decision Date: 26 May 2004
Description:	Erection of production glasshouse,	
Ref: 04/00211/FUL	Decision: PERFPP	Decision Date: 26 May 2004
Description:	Erection of liner production glasshouse,	
Ref: 04/00731/FUL	Decision: PERFPP	Decision Date: 26 August 2004
Description:	Erection of replacement glasshouse,	
Ref: 04/00159/INV	Decision: WDN	Decision Date: 26 February 2009
Description:	Erection of agricultural workers dwelling,	
Ref: 04/00817/FUL	Decision: REFFPP	Decision Date: 17 September 2004
Description:	Erection of agricultural workers dwelling,	
Ref: 05/00217/FUL	Decision: REFFPP	Decision Date: 25 April 2005

Description: Erection of agricultural workers dwelling,

Ref: 05/00213/INV **Decision:** APPVAL **Decision Date:**

Description: Temporary retention of the siting of a residential mobile home for a period of 3 years for occupation by agricultural worker,

Ref: 05/00536/COU **Decision:** NONALL **Decision Date:** 15 September 2006

Description: Continued temporary use of land for the siting of a residential mobile home for a period of 2 years for occupation by agricultural worker,

Ref: 06/00915/FUL **Decision:** PRRRTF **Decision Date:** 19 October 2006

Description: Retrospective application for the erection of 2 No. horticultural polytunnels and 1 No above ground water storage tank

Ref: 10/00137/FUL **Decision:** REFFPP **Decision Date:** 11 November 2010

Description: Erection of a two storey agricultural dwelling to create three bedroom house

Ref: 11/00964/CLEUD **Decision:** REFEUD **Decision Date:** 12 January 2012

Description: Application for a Certificate of Lawfulness for use of site as a garden centre

Proposed Conditions

No.	Condition
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</p>
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Drawing: 788/A/002 Proposed Site Plan Received on 6 June 2014</p> <p>Drawing: 788/A/003 Proposed Ground Floor</p> <p>Drawing: 788/A/004 Proposed First Floor</p> <p>Drawing: 788/A/005 Proposed Roof Plan</p> <p>Drawing: 788/A/006 Proposed Elevations</p> <p>Drawing: 788/A/009 Proposed Gate House</p> <p>Drawing: 788/A/008 Rev C Proposed Storage Building Received on 26 August 2014</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning</p>
3.	<p>Due to past processes and activities upon/adjacent to the above site, there is a potential for ground contamination. Given the proposed sensitive end-use, no development shall take place until:</p> <p>a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011 'Investigation of potentially contaminated sites - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;</p> <p>b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;</p> <p>c) the Local Planning Authority has given written approval to the remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of the remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority for approval.</p> <p>Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.</p> <p>Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use. In accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</p>
4.	<p>Prior to the commencement of any development, plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by, the Local Planning Authority. Such works shall be carried out in accordance with the approved details concurrently with the rest of the</p>

	<p>development and in any event shall be finished before the building is occupied.</p> <p>Reason: To ensure a satisfactory means of drainage.</p>
5.	<p>Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p>Reason: To ensure that the materials used are visually appropriate to the locality.</p>
6.	<p>During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.</p> <p>Reason: To safeguard the trees to be retained</p>
7.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof no extension to the dwelling(s), porch, garden shed, greenhouse, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission.</p> <p>Reason: In the interests of neighbour amenity.</p>
8.	<p>The gate house and storage building included within the development hereby permitted shall be used solely for residential purposes ancillary to the main property and shall not be used at any time as a separate unit of living accommodation.</p> <p>Reason: In order to satisfy the need for this type of accommodation and to ensure that the whole building remains as one dwelling</p>
9.	<p>The dwelling hereby permitted will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that Code for Sustainable Homes Level (6) for that dwelling has been achieved, shall be submitted to the Local Planning Authority.</p> <p>Reason: In the interests of minimising the environmental impact of the development</p>
10.	<p>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 dwellings will meet the relevant Code Level of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.</p> <p>Reason: In the interests of minimising the environmental impact of the development</p>
11.	<p>No dwelling shall be occupied until a letter of assurance, detailing how that plot has met the necessary Code Level, has been issued by a Code for Sustainable Homes Assessor and submitted to the Local Planning Authority.</p> <p>Reason: In the interests of minimising the environmental impact of the development</p>

12.	<p>. The development hereby permitted shall not commence unless and until the applicant has received approval in writing from the local planning authority that the recommendations of the Ecology Services Ltd ecology report dated July 2014 have been implemented in full.</p> <p>Reason: to safeguard protected and endangered species and their habitats.</p>
13.	<p>The tree works included and hereby permitted shall be undertaken in accordance with British Standard BS 3998:2010 or any subsequent amendment to the British Standards.</p> <p>Reason: To safeguard the health and appearance of the trees being retained.</p>
14.	<p>The only tree works for which consent is hereby granted as part of the planning application are only as specified in the JCA Ltd Arboricultural Consultants report reference 11456/PH. No other tree works are permitted.</p> <p>Reason: To define the consent and to safeguard the appearance and health of the tree(s)</p>