

**Item 3h**                      **14/00952/FUL**

**Case Officer**            **Helen Lowe**

**Ward**                        **Chisnall**

**Proposal**                  **Demolition of existing buildings and erection of three detached dwellings (resubmission of application 14/00709/FUL)**

**Location**                 **Green Farm, Wood Lane, Heskin**

**Applicant**                 **Mr Brian Thornley**

**Consultation expiry:**    **15<sup>th</sup> October 2014**

**Decision due by:**        **31<sup>st</sup> October 2014**

**Recommendation**      **Approve**

**Executive Summary**    **The proposal would represent the redevelopment of a previously developed site within the Green Belt. It is considered that the proposed development would not have a significantly greater impact upon the openness of the Green Belt than the existing buildings. Lancashire County Council Highways have not raised any objections to the proposals. The impact on neighbouring residents would not warrant refusal of the proposals. The proposal is accordingly recommended for approval.**

## Representations

<b>Heskin Parish Council</b> no comments received
<b>In total three representations have been received which are summarised below</b>
<b>Objection</b>
Total No. received: Three
<ul style="list-style-type: none"><li>• The houses would be built on Green Belt land</li><li>• There would be increased traffic on a shared driveway, it will only be wide enough for one vehicle at a time;</li><li>• There will be an impact on the character of the area, as at present it is rural;</li><li>• Bats, swallows and other creatures live in the barns now.</li><li>• Will lead to further applications.</li><li>• On the south side of the site for the proposed dwelling is an underground pipe taking surface water, this has been blocked on many occasions. The foundations or constructions of properties must not affect this drain.</li><li>• Will obstruct views and sunlight;</li><li>• Will reduce privacy and quiet enjoyment</li><li>• The development will devalue properties</li></ul>

## Consultees

<b>Consultee</b>	<b>Summary of Comments received</b>
Lancashire County Council	Have stated that they have no objections to the proposals
Planning Policy	A financial contribution towards the provision and improvement of public open space is required.
Waste and Contaminate Land Officer	Recommends addition of informative
United Utilities	No objections, do not recommend any conditions

## **Assessment**

### Principle of the Development

1. The application site is located within the Green Belt, The Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in a limited number of specific circumstances. One of these exceptions is the redevelopment of previously developed sites (brownfield land), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it.
2. Within Annex 2, the glossary, of the Framework previously developed land is defined as:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

3. The applicant has stated that the buildings that are to be demolished are used as an equestrian enterprise (buying horses from Ireland to retrain and sell). It is evident that the buildings are used for commercial equestrian purposes and therefore the site falls to be considered as previously developed land, in accordance with the definition in the framework.
4. The applicant has provided calculations to show that the volume of the buildings on the site that are to be demolished is greater than that of the new dwellings to be erected. The buildings presently on site are of a design and appearance that would be expected to be seen in a rural environment, although they are in relatively close proximity to other residential dwellings. The height of the proposed dwelling would not be significantly higher than the existing buildings on the site (0.8m higher).
5. It is considered that commercial equestrian activities of the scale existing on the site could potentially generate a significant number of vehicle movements and level of activity, with much of the site area presently being given over to hard standing and a number of vehicles and equipment being stored on the site.
6. Balancing the size and scale of the existing buildings, together with the character of the site and existing and potential level of activity on the site; it is considered that the proposed three dwellings (together with associated gardens, driveways and planting) would not have any significantly greater impact on the openness of the Green Belt. The proposal is therefore considered to be appropriate development within the Green Belt and in accordance with the Framework.

### Neighbour Amenity

7. Policy BNE1 of the emerging Local Plan states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
8. To the north of the application site lies Green Farm House and Green Farm View. Plot 1 of the proposed development would be closest to the boundary with Green Farm View, with the north side facing elevation parallel to the site boundary with the rear garden of Green Farm View. There would be a dormer with a window facing the boundary of the rear garden of Green Farm View, this would be approximately 5.3m from the boundary. This window would serve a bathroom and could be conditioned to remain obscure glazed to ensure no overlooking is created.

9. The proposed layout of the development is such that the front (west facing elevation) of plot 1 would be set further to the east (rear) than that of Green Farm View, meaning that the proposed windows to the front would only offer oblique views of the front garden area of Green Farm View and the proposed rear windows would offer only oblique views of the rearmost part of the rear garden of Green Farm View.
10. As plot 1 would be to the south of Green Farm View it would cause a degree of overshadowing to the rear garden area of Green Farm View, and those windows of the property that are closest to the side boundary. The roof would be hipped away from Green Farm View and the dormer style design of the proposed dwellings reduces their bulk and scale
11. Plot 3 would be oriented so that the front elevation (north facing) would look towards the front garden area of Green Farm View, although due to the position of Green Farm View, this is also a relatively private area, not directly visible from Wood Lane. The proposed dwelling would be 15m from the boundary. This complies with the Council's interface standards.
12. The rear garden of Green Farm would be overlooked by a first floor window serving a bathroom, this is a non-habitable room and Green Farm is in the control of the applicant. This relationship is considered to be acceptable.
13. The proposed development would have some impact upon the amenities of neighbouring residents in particular Green Farm View. The proposals would, however, comply with the Council's interface standards and, on balance, it is considered that it would not be reasonable to refuse the proposals on this basis.

#### Design and Appearance

14. The proposed dwellings would be similar in appearance to the Green Farm and Briarsfield, adjacent properties to the west fronting Wood Lane. The three proposed dwellings would not be visible from within the streetscene of Wood Lane. Surrounding properties in this area of Wood Lane are constructed in a wide variety of styles and designs and from a variety of materials. The exact materials have not been specified, but it is indicated that a red brick, to match Green Farm would be used. The details could be secured by condition. It is considered that the proposed design, scale and materials are appropriate.

#### Highway Safety

15. Access to the application site from Wood Lane is shared by Green Farm House, Green Farm View and Green Farm. The proposed plans show that an access to the fields to the rear (east), owned by the applicant, would be retained. Lancashire County Council highways have stated that they have no objections to the proposals.
16. Each dwelling would have four bedrooms. The Council's parking standards within policy ST4 require that four bedroom dwellings should have at least three of street parking spaces. In order for garage accommodation to be considered large enough to be used as a parking space, it must measure at least 6m by 3m internally. Each house would have a garage with these internal dimensions. It is considered that there would be sufficient space on the driveway for each dwelling to park an additional two vehicles.
17. As the relevant parking standards would be met, and Lancashire County Council Highways have not objected to the proposals, it is not considered that a refusal on the grounds of highway safety could be sustained.

#### Ecology

18. An extended phase 1 habitat survey has been submitted with the application, carried out in May 2014. The survey also includes a preliminary bat roost evaluation of the equestrian buildings, and evaluation of Barn Owl of the equestrian buildings and an

evaluation of the potential effects on Great Crested Newts,. The survey found that no significant areas of vegetation would be affected by the proposals. The buildings to be demolished offer little bat roosting potential and no signs of bat habitation were found. The potential for barn owls in the buildings is limited to roosting birds only. No evidence of use was found. The possibility of Great Crested Newts being affected is considered to be remote. No further surveys are required however to avoid impacts on nesting birds it is recommended that the buildings are dismantled outside of the breeding season between October and March. The findings of the survey are considered to demonstrate that the proposal would not give rise to any harm to protected species

#### Section 106 agreement

19. There is a requirement for a financial contribution towards equipped play space, casual/informal play space and playing fields for all new housing planning permissions in the Borough irrespective of size. This is set out in policies HS4A and HS4B of the Emerging Local Plan.
20. Also, in September 2013 the Council adopted The Open Space and Playing Pitch Supplementary Planning Document. The Council's requests for financial contributions towards the provision and improvement of public open space within the Borough are therefore now based on comments are based upon the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the SPD. The Council has also produced an Open Space Study and Playing Pitch Strategy which provides detailed information on local needs, deficits and surpluses, therefore such requests for contributions are based on a robust and up to date assessment on the level of need and existing provision in the local area.
21. The Council's Planning Policy have advised that a figure of £5262 is required in this instance. The applicant has been made aware and a draft s106 agreement has been produced.

#### CIL

22. The Chorley CIL Charging Schedule provides a specific amount for housing - £65 per sq m. This was adopted in July 2013 and charging commenced on 1 September 2013. As the proposal results in new residential floor space being a CIL liability notice will be issued for the development.

#### Other Matters

23. One of the letters of objection has raised concerns with regard to the drainage of the site and the condition of existing field drains within the site. Whilst the means of drainage of the proposed development can be secured by conditions ( and is also dealt with the through the building control process), the potential of damage to existing infrastructure is not a matter that can be addressed through the planning process and is a private matter between the applicant and the neighbour.
24. The impact of a development on property values is not a material planning consideration and cannot be taken into consideration in determining the planning application.

#### **Overall Conclusion**

The proposal would represent the redevelopment of a previously developed site within the Green Belt. It is considered that the proposed development would not have a significantly greater impact upon the openness of the Green Belt than the existing buildings. Lancashire County Council Highways have not raised any objections to the proposals. The impact on neighbouring residents would not warrant refusal of the proposals. The proposal is accordingly recommended for approval.

#### **Planning Policies**

In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core

Strategy, the Adopted Chorley 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.

### **Emerging Local Plan**

The Inspector has issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration of any 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. .

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 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 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.”*

The Council accepted the Inspector’s modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.

### **Planning History**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
14/00709/FUL	Demolition of existing buildings and erection of three detached dwellings	Withdrawn	26 August 2014
10/00246/AGR	Application for agricultural prior notification for a steel portal framed agricultural building	Prior approval not required	26 April 2014
09/00346/FUL	Proposed extension to existing barn	Refused	2 July 2009
06/00448/FUL	Proposed barn extension	Approved	1 June 2006
03/01079/FUL	Erection of barn and formation of sand paddock	Approved	1 April 2004
03/00753/AGR	Agricultural determination for the erection of a portal frame building,	Withdrawn	21 August 2003

### **Conditions to follow on the addendum**

