

Item 3i	16/00277/FUL
Case Officer	Helen Lowe
Ward	Chisnall
Proposal	Change of house type including a detached garage on Plot 2 of the current planning approval 14/00952/FUL
Location	Green Farm, Wood Lane, Heskin
Applicant	Mrs J Sheffield
Consultation expiry:	29th April 2016
Decision due by:	17th May 2016
Recommendation	Approve
Executive Summary	The application seeks to revise one of the house types approved under application 14/00952/FUL. The application site is within the Green Belt. Taking into consideration the extant consent and the provisions of the Framework it is considered that the proposals would not be inappropriate and would not have an unduly harmful impact on the openness of the Green Belt.

Representations

Heskin Parish Council

This is a change of house type from that previously approved. This application seems to be larger and consequently there is a distinct possibility of more surface water runoff. The subject of foul and surface water is a real concern and work has been stopped until a proper scheme has been submitted and approved by yourselves. Before plans for foul and surface water are approved it is requested that the Parish Council are consulted.

In total 0 representations have been received which are summarised below

Objection	Support	Not specified
Total No. received:	Total No. received:	Total No. received:
•	•	•

Consultees

Consultee	Summary of Comments received
Lead Local Flood Authority	Consultation not required
Chorley Council Planning Policy	An invoice has recently been sent for the full amount relating to application 14/00952/FUL, no further payment is required.

Assessment

Background

1. The application site has the benefit of full planning permission for the erection of three dwellings (application 14/00952/FUL). The current application seeks to revise the house type proposed on one of the previously approved plots (plot 2).
2. 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. The fact that an extant consent exists for all the dwelling proposed is considered to be a material consideration to which significant weight should be attached.
3. 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. The application site formerly comprised a number of large buildings (now demolished) that were used for an equestrian enterprise, which falls within the definition of previously developed land. The proposed redevelopment for three houses was also considered not to have any significantly greater impact on the openness of the Green Belt and was therefore considered to be not inappropriate development.
4. The main issues to consider in determining the current application are therefore considered to be whether the revised proposals would have a significantly different impact on the Green Belt or neighbour amenity.

Green Belt

5. The construction of a new dwelling within the Green Belt constitutes inappropriate development unless one of the exceptions in the Framework is engaged. To benefit from the relevant exception in the case of this site, the applicant must demonstrate that the construction of the new buildings constitute:
 - The partial or complete redevelopment of previously developed land;
 - Which would not have a greater impact on the “openness” of the Green Belt; and
 - Which would not have a greater impact on the purposes of including land in the Green Belt.
6. Whilst the test for sites such as this relates to the impact on openness it is important to note that the Framework contains no specific definition of ‘openness’. It is important to note that merely the presence of an existing building on the application site currently does not justify any new buildings. The new buildings must also not “have a greater impact on the openness of the Green Belt”.
7. The definition of previously developed land is set out in the Framework as land which is or was occupied by a permanent structure, including the curtilage of the developed land. Land that is or has been occupied by agricultural or forestry buildings is excluded from the definition and it is also emphasised that it should not be assumed that the whole of the curtilage should be developed.
8. Whether the revised dwelling would have a greater impact on openness is a subjective judgment which is considered further below. Objective criteria could include the volume of the existing buildings, the footprint of the existing building and the height of the existing buildings although it is important to note that the Framework does not include such an allowance or capacity test. To engage with the exceptions of paragraph 89 of the Framework, which is reflected in policy BNE5 of the Local Plan, the test relates to the existing development. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the application site.

9. Although the existing buildings on the site have now been demolished, as stated previously the previous consent for three dwellings remains extant and this is an important material consideration.
10. When the previous application was approved, the applicant provided calculations to show that the volume of the buildings on the site that were to be demolished would be significantly greater than the volume of the buildings to be constructed. The volume of the proposed amended dwelling would be greater than that previously approved, and the proposals also now include a detached double garage. However, the volume of the three dwellings, and additional detached garage, would still be significantly less than the volume of the buildings to be demolished. The ridge height of the revised dwelling would be the same as previously approved and the width narrower.
11. The revised dwelling would be located within the same plot as the previously approved dwelling, and although it would be larger in size overall, the width would be narrower and the height would be the same. Together with the introduction of the access track to the field at the rear, which introduces a degree of separation between the proposed dwelling and the adjacent plot to the north, it is considered that the proposed revised dwelling would not appear to have a significantly greater impact on the openness of the Green Belt than the originally approved dwelling.
12. The proposed detached garage does include some storage accommodation at first floor level, which would not normally be considered to be appropriate in the Green Belt. However it is considered to be acceptable in this instance as, due to the location and position of the garage, it would not be possible for this to become severed from the proposed dwelling in the future. Furthermore, as discussed above the volume of the proposed buildings on the site as a whole would still be considerably less than the original buildings on the site.

Neighbour Amenity

13. The revised dwelling would maintain the interface distances previously approved between the east and west site boundaries. Plot 2 does not bound any residential properties to the south. A single storey element to the dwelling is now proposed on the rear elevation that is adjacent to the north boundary with Plot 1. It is also now proposed to have a 3m wide access between the north side elevation of plot 2 and plot 1 to lead to a paddock to the rear. Until recently this land to the rear was occupied by a large agricultural building that has now been demolished. The single storey element to the rear would comply with a 45 degree plus 3m guideline taken from the nearest ground floor window of the adjacent proposed dwelling at plot 1. The proposed access to the land to the rear would also provide a degree of separation between the two properties that would help to ensure that the proposed single storey element does not create an unduly overbearing feature when viewed from the neighbouring garden. No windows to habitable rooms are proposed at ground or first floor level in the north facing elevation of the proposed dwelling.

Other matters

14. The comments of the Parish Council are noted with regard to the site drainage arrangements. The applicant has provided detailed information regarding the proposed drainage arrangements and likely run off rates from the proposed development. This information is currently under consideration. A condition was attached to the original consent requiring the proposed driveways to be constructed from permeable materials. It is recommended that such a condition also be imposed on this application should permission be granted.

Section 106

15. 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 Local Plan.

16. 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 upon the standards within 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.
17. A section 106 agreement requiring a financial contribution towards the provision of and improvement of public open space was attached to planning consent 14/00952/FUL. The planning policy section has confirmed that the payment required has recently been invoiced for and that no further contribution is required.

CIL

18. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

Sustainable Resources

19. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 6. However, the 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015 which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

"For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the [Planning and Energy Act 2008](#) in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent."

"Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance."

20. As such there will be a requirement for the dwellings to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions.

Overall Conclusion

21. It is not considered that the proposed changes to the layout of the site would cause a significant degree of harm to the openness and character of the Green Belt, in comparison with the layout as previously approved. The application 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 Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal

has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

Reference	Description	Decision	Date
15/01164/DIS	Application to discharge condition 4 (materials), 8 (boundary treatments), 9 (drainage), 11 (design stage assessment) and 12 (landscaping) of planning application 14/00952/FUL	Pending	
14/00952/FUL	Demolition of existing buildings and erection of three detached dwellings (resubmission of application 14/00709/FUL)	Approved	30 October 2014
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

Suggested Conditions

No.	Condition																		
1.	<p>The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>																		
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table><tr><th>Title</th><th>Drawing Reference</th><th>Received date</th></tr><tr><td>Location Plan</td><td>15/09/L01</td><td>22 March 2016</td></tr><tr><td>Proposed site plan</td><td>15/091/P01</td><td>22 March 2016</td></tr><tr><td>Proposed house plans and elevations</td><td>15/091/P02</td><td>22 March 2016</td></tr><tr><td>Sketch floor plans and elevations</td><td>15/091/P02</td><td>22 March 2016</td></tr><tr><td>Proposed garage plans and elevations</td><td>15/091/P03</td><td>22 March 2016</td></tr></table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p>	Title	Drawing Reference	Received date	Location Plan	15/09/L01	22 March 2016	Proposed site plan	15/091/P01	22 March 2016	Proposed house plans and elevations	15/091/P02	22 March 2016	Sketch floor plans and elevations	15/091/P02	22 March 2016	Proposed garage plans and elevations	15/091/P03	22 March 2016
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3.	<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. <i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>																		
4.	<p>Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority. <i>Reason: In the interests of highway safety and to prevent flooding.</i></p>																		
5.	<p>All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. <i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>																		
6.	<p>Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each</p>																		

	<p>dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Ascent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.</i></p>
7.	<p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Ascent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>
8.	<p>Prior to the commencement of any development, full details of the alignment, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property.</i></p>
9.	<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 development and in any event shall be finished before the building is occupied.</p> <p><i>Reason: To ensure a satisfactory means of drainage.</i></p>
10.	<p>A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development]. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area. 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 any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p>

	<i>Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.</i>
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