

## **APPLICATION REPORT – 16/00668/FUL**

**Validation Date: 10 August 2016**

**Ward: Eccleston And Mawdesley**

**Type of Application: Full Planning**

**Proposal: Demolition of existing store and stables and erection of dormer bungalow.**

**Location: Stables West Of Verona, Wrennalls Lane Eccleston PR7**

**Case Officer: Andrew Williams**

**Applicant: Mr Gary Bretherton**

**Agent: Mr Chris Weetman**

**Consultation expiry: 22 September 2016**

**Decision due by: 13 October 2016**

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### **RECOMMENDATION**

**Full Planning Permission**

### **SITE DESCRIPTION**

1. The application site is located within the designated Green Belt and consists of an area of land containing a timber built stable block with a mixture of timber storage buildings under flat and pitched roofs to the eastern boundary. The stables are accompanied by a 30 meter x 20 meter sand paddock to the rear which is bound by a post and rail fence. An area of hardstanding is confined to the front of the stable yard.
2. The stables and associated storage buildings are positioned to the west of a neighbouring residential property, Verona, which in itself is a brick built dwelling constructed in a traditional Flemish bond under a slate hipped roof with two pitched dormer windows. The north, south and west are bound by fields with a group of properties located further along Wrennalls Lane to the western aspect, all constructed in brick under either pitched or hipped tiled roofscapes.
3. The site is accessed by a single entrance point along Wrennalls Lane, enclosed by an established high hedgerow.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

4. The proposal seeks the demolition of the existing stables and associated storage buildings and removal of the sand paddock to provide a two storey dormer bungalow in a similar position to the stables, constructed in brick with pitched roof dormer windows to the principal and rear elevations.
5. The property will contain a lounge, dining room, study, kitchen, utility room and W.C to the ground floor and three double bedrooms with bathroom to the first floor.

6. The property will maintain the existing access point and contain an area of hardstanding for the parking of at least two cars.
7. No information has been received in regards to landscaping.

## **RELEVANT HISTORY OF THE SITE**

8. No relevant history associated with the site.

## **REPRESENTATIONS**

9. Two letters of representation received from neighbouring occupiers objecting to:
  - Lack of notification;
  - Loss of privacy through overlooking from the first floor rear windows of the proposed development;
  - The proposal does not meet the exceptions of para.89 or 90 of the NPPF (2012) and is therefore considered inappropriate development. It is not brownfield land as it is still in use for stabling horses, fodder and tractor storage;
  - Additional properties in the Green Belt seem unnecessary given Chorley's current plan covers the needs of the area already;
  - Wrennalls Lane is a narrow and access to any new property should consider visibility;
  - The design does not integrate within the immediate area;
  - Loss of habitat for swallows and potential impact upon bat roosts; and
  - Should the application be approved, they request the council consider using its powers to enforce controlled hours of operation and other restrictions that might make the duration of the works more bearable.

## **CONSULTATIONS**

**Parish Council** – No response received.

**Regulatory Services - Environmental Health** – No response received.

**Lancashire Highway Services** – No objection

**Planning Policy** – No requirement for POS contributions.

**Waste & Contaminated Land** – No objection.

**Greater Manchester Ecology Unit** – No objection.

**United Utilities** – No response received.

## **PLANNING CONSIDERATIONS**

10. It is considered that the main issues in the determination of this application are:
  - Principle of development;
  - Siting, scale and design;
  - Highways implications;
  - Ecological implications; and
  - Amenity of neighbouring properties.

### **Principle of development**

11. Paragraphs 87-89 of the National Planning Policy Framework (NPPF) state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt and “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. Subject to a number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt.
12. The listed exceptions include the partial or complete redevelopment of previously developed sites, 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.

13. The NPPF defines previously developed land in Appendix 2 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. The definition excludes, amongst other things, land that is or has been occupied by agricultural buildings, land in built-up areas such as private residential gardens and land that was previously developed but where the remains of the permanent or fixed surface structure have blended into the landscape in the process of time.
14. Policy BNE5 of the Chorley Local Plan (2016-2026) reflects the guidance set out in paragraph 89 of the Framework that the redevelopment of previously developed sites in the Green Belt is not inappropriate, provided that it does not have a greater impact on the openness of the Green Belt and the purposes of including land within it. Additionally, Policy BNE5 specifies that in the case of redevelopment, any new buildings should not occupy a larger area than the buildings they replace or result in a significant impact on the surrounding countryside.
15. It is understood within the Framework that the redevelopment of existing previously developed sites within the Green Belt may only be acceptable where it would not cause harm to the openness of the Green Belt, nor conflict with the purposes of including land within the Green Belt. The purposes of including the land within the Green Belt include: to check the unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another and to safeguard the countryside from encroachment.
16. The proposal seeks the demolition of group of buildings used for equestrian and storage purposes. It is therefore considered that for the purposes of this proposal, the applicant has demonstrated that the existing buildings and the associated sand paddock on the site constitutes previously developed land and meets the first exception of paragraph 89 of the Framework. They are not agricultural buildings.
17. It is considered that whilst the impact of development upon the openness of the Green Belt is a subjective judgment, case law establishes that the following objective criteria can be employed in formalising a balanced assessment. This can include the volume, the footprint and the height although it is important to note that the Framework does not require such an allowance or capacity test. It is also established that the openness of an area is affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not and therefore in response to the above, the following table has been created:

	<b>Existing</b>	<b>Proposed</b>	<b>Difference</b>
<b>Volume</b>	935m <sup>3</sup>	660m <sup>3</sup>	-29%
<b>Footprint</b>	188sqm	130sqm	-31%
<b>Height</b>	Stables: 2.8m Storage building: 3.4m	6.5	+ 3.7m + 3.1m
<b>Area of Hardstanding</b>	870sqm	142sqm	-98%

18. In evaluating the compliance of the proposal to paragraph 89 of the Framework, the scheme demonstrates a marked reduction in the volume (-29%) and footprint (-31%) of development compared to the existing level of built form which would result, in visual terms, a noticeable reduction in the sprawl of development across the site. Whilst it is acknowledged that the height of the proposed built form would be higher than the existing arrangement, it is not considered that this represents significant harm given that volumetrically, the proposal seeks a reduction in size. Consequently, given that there is a reduction in volume and footprint of development across the site the proposal would have no greater impact upon the openness of the Green Belt.
19. The proposal also involves the formation of hardstanding which would be significantly reduced from the existing arrangement (by 93%) and is largely contained to the principle elevation and within a similar area to the existing. The proposed hardstanding would have some impact on openness however its size is not considered to be greater than is necessary and will result in an improvement in parking and access arrangements within the site.
20. With regards to assisting the safeguarding of the countryside from encroachment the proposal does not result in the incursion of further built development into the open Green Belt and is contained within the existing established curtilage. Furthermore, the removal of the sand paddock to the rear aspect is considered a visual improvement of the site which despite its domesticity, will visually integrate within the landscape more successfully with appropriate landscaping.
21. Taking these factors into account, it is not considered that the proposed development will have a greater impact on the “openness” or the purposes of including land within the Green Belt and is therefore appropriate development in the Green Belt.
22. Paragraph 55 of the Framework states that '*to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities*' with the avoidance of new isolated homes in the countryside. In this instance, it is not considered that the site is positioned amongst an isolated location, being within walking distance of Eccleston to the north and the local facilities and services it provides within the community. To this end the proposal complies with the stipulations of paragraph 55.
23. It is therefore considered that the principle of development is acceptable providing the overall development is in accordance with the following material considerations.

#### **Siting, scale and design**

24. Policy BNE1 of the Local Plan states that planning permission will be granted for new development provided that the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ration, height, scale and massing, design, orientation and use of materials.
25. The application seeks the demolition of a group of buildings constructed largely in timber with a range of mono-pitched, pitched and flat roof forms. The buildings are spread across the site and are not considered to neither maintain nor enhance the character and appearance of the area.
26. In respect to the surrounding built form, the site is bound to the eastern aspect by a detached chalet bungalow, Verona, which is constructed from brick under a hipped tiled roof with gabled dormer windows. Beyond the field to the west lies a group of detached properties constructed in similar materials with corresponding fenestration patterns which form a mixture of bungalows and two storey dwellings on accommodating curtilages. Near to the entrance to Wrennalls Lane, approximately 100m to the east of the application site, eight semi-detached properties are located along Bannister Green which have been constructed in brick with rendering under plain pitched tiled roofscapes.

27. The proposed development seeks the construction of a brick chalet bungalow with two dormer windows to the front elevation and three to the rear, serving a gable ended pitched roof. The dwelling will be positioned to the western side of the application site, on a similar footprint to the existing stables, with the curtilage landscaped.
28. In reviewing the appropriateness of the design, consideration is given to the neighbouring built form and the presence of chalet bungalows on accommodating curtilages along Wrennalls Lane. In addition, it has been recognised that these properties are constructed in a mixture of materials with a variety of hipped and pitched roof forms. It is therefore considered that the proposed dwelling corresponds appropriately with the general character and appearance of the area and is suitably positioned and of a scale which respects the density of its surroundings.
29. It is acknowledged that the visual amenities of the area will be altered through the creation of a building which is higher and therefore more noticeable within the landscape, however its position within close proximity to Verona, coupled with other properties along Wrennalls Lane would not allude to the proposal being within an isolated location. Additionally, it is envisaged that the established hedgerow running alongside the main boundary of the application site will be retained whereby softening and reducing its visual impact upon the streetscene.

#### **Highways implications**

30. Policy BNE1 of the Chorley Local Plan (2012-2026) indicates that planning permission will be granted where the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces.
31. Further to advice provided by Lancashire County Council's Highways department the proposed development is considered acceptable and fully accords the parking standards for dwelling in Appendix D of the Chorley Local Plan (2012-2026). Furthermore, the access arrangements are considered acceptable with sufficient visibility to ensure highway and pedestrian safety.
32. The proposal adheres to the stipulations of Policy BNE1 of the Local Plan.

#### **Ecological implications**

33. Policy BNE9 of the Chorley Local Plan (2016-2026) states that priority will be given to protecting, safeguarding and enhancing habitats for European, nationally and locally importance species.
34. The application is supported by the submission of an Inspection and Assessment in Relation to Bats and Breeding Birds produced by The Tyrer Partnership and dated 26<sup>th</sup> May 2016 which has been reviewed by the Council's ecology advisor.
35. The survey results identified that there was neither current nor recent presence of bats or any potential roosting opportunities in or around the site. However, the overall nature of the site was considered suitable for the foraging and commuting of bats and therefore it is recommended that any future development should ensure that light spillage does not occur on the undeveloped areas described as being of value to foraging bats. This can be negated through a lighting scheme approved through an appropriately worded condition.
36. In respect to protected birds, the surrounding habitat was considered suitable for barn owls however no signs were found within the buildings. It has been noted however that the proposal would result in the loss of a Swallow nesting site and therefore the council's ecology advisor recommends that the demolition of the stable block should be carried out outside of the bird breeding season (March – September), unless otherwise

proven to be absent for a suitably qualified person as birds and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended).

37. In line with the recommendations of the council's ecology advisor and Section 11 of the NPPF, given the loss of the nesting site, opportunities for biodiversity enhancement should be incorporated into the new development by way of an appropriately worded condition.
38. The proposal is therefore considered acceptable in relation to ecology subject to conditions.

#### **Amenity to neighbouring properties**

39. 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.
40. Further to undertaking a site visit and reviewing the comments made by the neighbouring occupiers at Verona to the eastern boundary, it is considered that the proposal is suitably positioned to reduce any perceived level of overlooking or loss of privacy to the neighbouring property. The occupiers have raised concerns over the potential for overlooking onto the raised deck, however given the degree of screening to the boundary in addition to the position of the proposed dwelling, being 25 meters to the south east and with no direct facing habitable room windows, the likelihood of any unacceptable adverse impacts is considered negligible.
41. As indicated above, the distance between the side elevation of the proposed development to the nearest wall of the neighbouring property is approximately 25 meters which is an appropriate distance to negate any overbearing effect. It is also noted that a habitable first floor room window faces onto the application site, nevertheless this again would not be adversely impacted to an unacceptable degree given the distances involved.
42. It is not considered that there would be any impact upon the amenities of other properties along Wrennalls Lane and therefore the proposal meets the requirements of Policy BNE1 of the Local Plan.

#### **Sustainable resources**

43. Policy 27 of the Core Strategy currently requires dwelling houses to be built to meet Code for Sustainable Homes Level 6. The Ministerial Statement on the 25th March 2015 however, announced that the Code for Sustainable Homes had been withdrawn, however, it also sets out transitional arrangements which includes local planning authorities being able to continue to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations (but not above a Code Level 4 equivalent) until commencement of amendments to the Planning and Energy Act 2008. From then onwards energy performance requirements will be set in Building Regulations.
44. Compliance with the Code can therefore no longer be required however in accordance with the transitional arrangements the Council will still require an energy efficiency standard equivalent to Code Level 4 which is a 19% improvement over 2013 Building Regulations, which can be secured via conditions.
45. **Other**
46. It is noted that the proposed sit layout plans show a possible detached garage on the site plan, however not plans have been provided of the garage so it cannot be covered by this application. This will be made clear on any approval decision notice.

47. It is noted that the nearest neighbour has request that should the application be approved, the council consider using its powers to enforce controlled hours of operation and other restrictions that might make the duration of the works more bearable. Given the size of the development, one dwelling, it is not considered that an hours of operation for construction, or construction management plan could be justified under planning legislation. There are however powers that the council's Environmental Health Department have to control working at unsocial hours.

#### **Community Infrastructure Levy (CIL)**

48. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for housing - £65 per sqm. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. This development is CIL liable which is index linked, unless an exemption is applied for.

#### **Public Open Space**

49. The proposed development would generate a requirement for the provision of public open space (POS) in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026 and the Open Space and Playing Pitch SPD.

50. A written Ministerial statement from the 28 November 2014 sought to set a National Policy and remove the ability of Councils to secure S106 contributions on small sites (i.e. 11 or less) and resulted in the National Planning Practice Guidance (NPPG) being changed. This was challenged by a consortium of Councils in the High Court who were successful and the change to the NPPG was removed. Chorley resisted the change to the NPPG and applications were processed through Committee rather than delegated decision (officers gave up their delegated powers).

51. The Government challenged the decision of the High Court in the Court of Appeal on four grounds and the outcome was that on the 13 May 2016 the decision gave legal effect to the written Ministerial Statement of 28 November 2014. The NPPG has been changed again but highlights that the Ministerial statement should be taken into account. The Ministerial Statement (28 November 2014) carries weight in the decision making process, as does the National Planning Policy Guidance.

52. The Court of Appeal judgement does however state that "the aim or goal of a policy's author is that his policy should be followed" this remains subject to "the proper operation of s 38(6)" and that the policy guidance does not have to explicitly express that an alternative view can be reached as "the changes were introduced as policy, not binding law". The judgement goes on to highlight "In the determination of planning applications the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy" (evidence submitted on behalf of the SoS)

53. The Council must determine what lower thresholds are appropriate based on local circumstances as an exception to National Policies and how much weight to give to the benefit of requiring a payment for 1 or 2 dwellings.

54. It is considered that the benefit of securing a public open space contribution on the basis of one dwelling (which would now be £134) would not be sufficient or carry significant weight to outweigh the national policy position. The benefit to the Council is the delivery of improvements to play space however the cost of managing the end to end process of delivering those improvements is high and not commensurate to the benefit. The likely success of delivering improvements is also in doubt due to the difficulty of identifying schemes to pool small amounts of money secured through Section106 agreements.

55. Therefore a POS commuted sum is not sought for this scheme.

## CONCLUSION

56. It has been demonstrated that the proposal does not represent inappropriate development in the Green Belt and through integrative design corresponds with the character and appearance of the surrounding built form. There are no overriding concerns relating to ecology or highway safety with a negligible impact envisaged upon the amenities of neighbouring occupiers. To this end the proposal adheres to local and governmental planning policy and is recommended for approval.

**RELEVANT 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.

### Suggested 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 approved plans below:

Title	Plan Ref	Received On
Location Plan	LOCATION PLAN	20 July 2016
Proposed Site Plan	SITE PLAN	27 October 2016
Proposed Dwelling	13/03/010	20 July 2016

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

3. Prior to the commencement of any above groundworks to construct the dwelling, 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.

*Reason: To ensure that the materials used are visually appropriate to the locality.*

4. A scheme for the landscaping of the development and its surroundings shall be submitted prior to occupation of the dwelling hereby permitted. 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, minor artefacts and structures. The scheme should include a landscaping/habitat creation and management 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 is carried out to mitigate the impact of the development and secure a high quality design.*

5. All trees and hedgerows being retained in or adjacent to the application area shall be adequately protected during construction, in accordance with BS5837: 2012 Trees in relation to design, demolition and construction-Recommendations.

*Reason: To safeguard trees and hedgerows during the course of development.*

6. 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.

*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.*

7. All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.

*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 reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.*

8. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.

*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 is can be assured that the design meets the required dwelling emission rate.*

9. The recommendations as specified within Section 8 of the Inspection and Assessment in Relation to Bats and Breeding Birds by The Tyreir Partnership dated 26 May 2016 shall be implemented in full and prior to first occupation of the dwelling house here permitted. The biodiversity enhancements shall include at least 2 bird boxes (swallow cups) and native tree and shrub planting.

*Reason: In the interests of providing biodiversity enhancements given the loss of a nest site in line with Section 11 of the NPPF (2012).*