

## **APPLICATION REPORT – 18/00416/OUT**

**Validation Date: 2 May 2018**

**Ward: Chisnall**

**Type of Application: Outline Planning**

**Proposal: Outline application for the erection of 6 detached dwellings following demolition of existing dwelling and stables including details of access, layout and scale**

**Location: Latvian Consulate Pemberton House Farm Park Hall Road Charnock Richard Chorley PR7 5LP**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr Gareth Jones**

**Agent: Mr Chris Weetman**

**Consultation expiry: 29 May 2018**

**Decision due by: 20 July 2018**

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### **RECOMMENDATION**

1. It is recommended that the application is approved subject to conditions and a Section 106 Agreement to secure a commuted sum payment in lieu of 35% affordable provision on site and a financial contribution towards the provision or improvement of public open space.

### **SITE DESCRIPTION**

2. The application site comprises a large dwellinghouse and stables located in the Green Belt at Charnock Richard. The site is positioned to the south of Park Hall Road opposite the major developed site of Park Hall / Camelot, which is to the north side. The site is well screened by mature landscaping to the periphery and the topography slopes gradually down from the highway before dropping more steeply into the valley formed by Syd Brook to the south.
3. The site consists of a large split level dwelling of modern appearance that has been extended over time. There is also a large timber stables building and large areas of hard standing within the site curtilage. The site is presently unoccupied and in a severe state of disrepair following recent fire damage and bouts of vandalism to the dwelling and outbuildings. The grounds themselves are somewhat overgrown.
4. There is an existing vehicular access to the site from Park Hall Road.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

5. The application seeks outline planning permission for the erection of 6 detached dwellings following the demolition of the existing dwelling and stables. Consent is sought for the details of access, layout and scale with other matters reserved for subsequent approval.

### **REPRESENTATIONS**

6. One letter of objection has been received raising the following issues:
  - The development is in the Green Belt but not wholly on the footprint of the buildings.
  - Not identified for growth in the Central Lancashire Core Strategy.
  - Not a sustainable location with poor footpath links.
  - No proposals for upgrading the public right of way or bus stops.
  - There are no proposals for crossing facilities for pedestrians.
  - The manege is overgrown.
  - Park Hall is not lightly trafficked.
  - The application should be determined at committee level to ensure clarity and consistency

## **CONSULTATIONS**

7. Lancashire County Council Archaeology Service: Have no objection and recommend a condition.
8. Greater Manchester Ecology Unit: Have no objection subject to conditions.
9. Waste & Contaminated Land: Have no objection subject to a condition requiring a ground investigation report to be carried out.
10. Lancashire Highway Services: Have no objection subject to conditions.
11. United Utilities: Have no objection subject to conditions.
12. Charnock Richard Parish Council: Have no objections provided the proposals meet all the relevant planning policy for development in the green belt and complies with the necessary provisions in relation to the permitted percentage volume increase in development for the site.

## **PLANNING CONSIDERATIONS**

### Principle of the development and impact on the Green Belt

13. The application site is located wholly within the Green Belt. The National Planning Policy Framework (the Framework) states at paragraph 145 that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in a limited number of specific circumstances.
14. The Framework seeks to support the Governments objective of significantly boosting the supply of homes and states that a sufficient amount and variety of land should come forward to meet the needs of groups with specific housing requirements. Paragraph 61 identifies people wishing to commission or build their own homes as one such group.
15. Charnock Richard is not specified as an area for growth within Core Strategy Policy 1 and falls to be considered as an 'other place'. Criterion (f) of Core Strategy Policy 1 reads as follows:

*"In other places – smaller villages, substantially built up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes."*
16. Although this part of the Borough is not identified for growth within Policy 1 of the Core Strategy, this policy does allow for small scale development, limited to appropriate infilling, conversion of buildings and proposals to meet local need. The proposed development is a small scale scheme and is considered to meet a need for self-build plots for people wishing to commission or build their own homes. There is a demand for self-build plots within the Borough as identified by the Council's self-build register.
17. National guidance on Green Belt is contained in Chapter 13 of the Framework which states:

133. *The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*

134. *Green Belt serves five purposes:*

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

143. *Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

144. *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.*

145. *A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*

- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
- *not have a greater impact on the openness of the Green Belt than the existing development; or*
  - *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

18. *The application site constitutes previously developed land within the Green Belt, which would engage with exception g) contained within paragraph 145 of The Framework involving the complete redevelopment of a redundant previously developed site on the proviso that the development does not have a greater impact on the openness of the Green Belt.*

19. *Policy BNE5 of Chorley Local Plan 2012 – 2016 relates to previously developed land within the Green Belt and reflects guidance contained within the Framework as follows:*

*The reuse, infilling or redevelopment of previously developed sites in the Green Belt, will be permitted providing the following criteria are met:*

*In the case of re-use*

- a) *The proposal does not have a materially greater impact than the existing use on the openness of the Green Belt and the purposes of including land in it;*
- b) *The development respects the character of the landscape and has regard to the need to integrate the development with its surroundings, and will not be of significant detriment to features of historical or ecological importance.*

*In the case of infill:*

- c) *The proposal does not lead to a major increase in the developed portion of the site, resulting in a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

*In the case of redevelopment:*

- d) *The appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.*

20. 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'.
21. It is considered that in respect of the Framework the existing site currently has an impact on the openness of the Green Belt. However, it is important to note that merely the presence of existing buildings 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".
22. Whether the proposed buildings 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 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 145 of the Framework, which is reflected in policy BNE5 of the Chorley 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.
23. It is noted that the dwelling is an unusually large linear property covering a large area of the site and combined with the stables buildings represents a significant volume of built development on the site. In addition to this are areas of hard standing forming the driveway and turning areas as well as a sand paddock. The proposed layout would largely reflect the position of existing buildings and hardstandings on the site, whilst areas of hardstanding would become gardens or landscaped areas. The proposed development would not stray beyond the curtilage of this previously developed site and would not result in any form of encroachment.
24. The proposed scale of the six dwellings combined would not be materially larger than the combined scale of the existing buildings to be removed. Although the layout of the dwellings would spread the built volume out across the site, this would have the benefit of breaking up the mass of the existing dwelling and would largely reflect the developed portion of the site.
25. The proposed development would result in the comprehensive redevelopment of this somewhat dilapidated site, which would enhance the appearance of the site, although it is not particularly visible from public land.
26. Given the above, it is considered that the proposed development would not have a greater impact on the openness of the Green Belt and as such would not represent inappropriate development in the Green Belt.

#### Impact on neighbour amenity

27. The application site is located a significant distance from any other dwellings and would, therefore, have no impact on the amenity of any existing occupiers. The relationship between the proposed dwellings themselves, as set out on the proposed layout plan, would meet with the Council's adopted interface standards and is considered to be acceptable.

#### Impact on character and appearance of the locality

28. The application site is currently occupied by a large modern dwelling faced in white render that has a linear form. The dwelling has suffered fire damage and vandalism and is in a state of severe disrepair. The stables are of typical stable construction and there are large areas of hardstanding. The site has become overgrown due to a lack of maintenance. The site is not particularly visible from public areas due to mature landscaping within the site and around the periphery, however, its current appearance contributes negatively to the character of the area.
29. The proposed development would introduce six dwellings set out in an arc radiating off the existing access drive. The proposed development would improve the appearance of the site, replacing existing dilapidated buildings. The proposed development would, however, have little impact on the character of the area more generally as the site is not particularly visible from public areas.

### Highways safety

30. The site has an existing access to Park Hall Road where visibility is good. Park Hall Road has a footway along its north side and there are two bus stops south of the site within the recommended walking distance of 400m where school services and regular public services are provided to various destinations within the Chorley district.
31. The applicant proposes to improve the junction of the site access with Park Hall Road to 5.5m wide with 6.0m corner radii. As shown on the indicative proposed site plan, 1741-02 (July 2017), the 5.5m width would be reduced to 4.8m after 10.0m or so from the highway boundary and then to 4.5m for the rest of the site access road. The access from the end of the south arm of the site access road up to the existing electricity substation would be made up of grasscrete and would remain private and un-adopted.
32. The proposal would see the existing house and the equestrian facilities on site demolished and replaced with residential development of 6 dwellings as shown on plan. Each dwelling is likely to comprise of at least 4 bedrooms which requires 3no car parking spaces per property to comply with the council's parking standards. The site layout plan demonstrates that there would be adequate space on site to provide the number of car parking spaces required.
33. Although the proposed scale of development does not require the submission of a Transport Statement (TS), the applicant has submitted a TS setting out the transport issues of the proposed development. As noted, the TS is a revision of one associated with a previously refused planning application for the site. The traffic incident occurrences referred to in paragraph 2.0.8 of the TS are not considered sufficiently close to the site access as to give rise to highway concern. As such, no accident impact mitigation measures would be required. Also, it is not considered that the traffic to be generated by the proposed 6 dwellings would negatively impact the operation of Park Hall Road and the surrounding highway network.
34. The proposed development is not of a scale that would justify the upgrade of any public rights of way or bus stops, and would not warrant the provision of crossing facilities for pedestrians.
35. LCC Highways confirm that the proposed access and layout are acceptable and the development would comply with policy ST4 of the Adopted Chorley Local Plan 2012 – 2026.

### Ecology

36. The applicant has submitted an ecology survey in support of the application. Surveys in 2012 identified a bat roost in the garage on the site, although a nocturnal survey undertaken in 2013 found the roost to not be in current use. Nevertheless the consultant concluded that a European Protected Species Licence would be required and provided an outline mitigation method statement for the loss of the roost, including compensation measures.
37. The 2017 submitted survey found the features that were being used by roosting bats previously still to be present and further surveys were recommended. A nocturnal survey was provided in August 2018 and the presence of an active bat roost was identified in the garage. The presence of roosting bats is a material planning consideration, and since a European protected species Licence would be required to be obtained from Natural England in order to implement any planning approval the 'three tests' of the EU Habitats Regulations will need to be met before a Licence can be granted. The tests are –
  - i) That the development is "in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment";
  - ii) That there is "no satisfactory alternative";
  - iii) That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".

38. In considering planning applications that may affect European Protected Species, Local Planning Authorities are bound by Regulation 9(1) and 9(5) of the Conservation of Habitats and Species Regulations 2010 to have regard to the Habitats Directive when exercising their function. Government Circular 05/06 gives guidance to local authorities on how these issues should be considered. All three tests must be satisfied before planning permission is granted.
39. The first two tests are essentially land-use planning tests. The application includes 6 dwellings for people wishing to commission or build their own homes. As there is an identified housing need in the borough and a register of people wishing to commission or build their own homes then the proposal is considered to be imperative for social reasons. The site is also in a dilapidated condition, which detracts from the character of the area and has become a target for anti-social behaviour. As such the proposed development would address the current poor appearance of the site and remove the opportunity for anti-social behaviour, providing a further social benefit and an environmental improvement. Together these factors are considered to override the public interest in relation to a small impact upon known bat roosts.
40. The alternative to the proposed development is that the site could be brought back into use as a dwelling and for equestrian activities. This would be highly likely to impact on the bat roost contained within the garage in any event. Aside from this the site may continue to deteriorate further, which would be an unsatisfactory outcome. As such it is considered that there are no satisfactory alternatives.
41. As regards the third test, the Council's ecology advisors consider that this test could be satisfied providing that appropriate conditions as recommended by them are applied. Notwithstanding this given the close proximity of the site to habitat that is of high value to foraging bats, an appropriate lighting scheme is required for the site, which is recommended should be secured by condition.
42. The application site lies directly adjacent to Syd Brook Valley Biological Heritage Site (BHS). While the proposed buildings are shown to be somewhat distant from the BHS, precautionary measures would still be required to prevent accidental damage to the BHS during construction works. It is, therefore, recommended that a Construction Environmental Management Plan is required by condition.
43. In addition, any landscaping for the site should include measures to ensure that the BHS is protected once the dwellings are occupied. A secure boundary for the site should be required that prevents garden extensions being made into the BHS, garden waste being dumped into it and garden species being able to escape into it. It is, therefore, recommended that an Ecological Design Strategy is required by condition.
44. Further conditions are also recommended in relation to the protection of nesting birds and measures to address Himalayan balsam that was found to be abundant on the site.

#### Sustainability

45. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1<sup>st</sup> January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. 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."*

46. Given this change, instead of meeting the code level the dwellings should achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a condition.

#### Affordable housing

47. Policy 7 of the Core Strategy relates to affordable housing and this site would require 35% on-site affordable housing as the site is not located within a defined settlement boundary and does not fall to be considered a rural exception site. The Central Lancashire Affordable Housing SPD includes guidance on the range of approaches, standards and mechanisms required to deliver a range of affordable housing to meet local needs.
48. It is not considered that the site would be appropriate for affordable housing given its location and the nature of the proposed development as a self-build site. The SPD does confirm that the Council's preferred outcome is on-site provision, however, it does allow for off-site provision or financial contributions where robustly justified. In this case an off-site contribution is considered to be more appropriate.
49. A financial contribution can be secured via a Section 106 Agreement and this is considered to be the only appropriate way of securing affordable housing in this instance. The commuted sum in lieu of 35% affordable provision on site has been calculated using the calculation contained within the Affordable Housing SPD.

#### Public open space

50. In line with policy HS4 of Chorley Local Plan 2012 – 2016 a contribution towards the provision or improvement of public open space (POS) would be required to address local needs. A contribution towards the provision for children/young people within the accessibility catchment of the site has been identified and a contribution towards improvements of the relevant site is therefore required from this development.

#### Community Infrastructure Levy

51. 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.

### **CONCLUSION**

52. It is considered that the proposed development of the site would not be inappropriate development as the proposal represents the redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt. The impact on the character and appearance of the area is acceptable and there would be no adverse impact on neighbour amenity or highway safety. On the basis of the above, it is recommended that planning permission be granted.

## RELEVANT HISTORY OF THE SITE

**Ref:** 13/00219/FULMAJ **Decision:** WDN **Decision Date:** 2 July 2013  
**Description:** Demolition of existing buildings and erection of a residential rehabilitation centre

**Ref:** 14/00178/FULMAJ **Decision:** REFFPP **Decision Date:** 16 May 2014  
**Description:** Demolition of existing buildings and erection of a residential rehabilitation and therapy centre at Pemberton House Farm (resubmission of withdrawn application 13/00219/FULMAJ)

**Ref:** 93/00640/FUL **Decision:** PERFPP **Decision Date:** 19 October 1993  
**Description:** Erection of timber stable building

**Ref:** 88/00372/FUL **Decision:** PERFPP **Decision Date:** 2 August 1988  
**Description:** Retention of garage with amendments to elevation

**Ref:** 86/00894/FUL **Decision:** REFFPP **Decision Date:** 13 January 1987  
**Description:** Gateposts and cameras driveway access and driveway lighting

**Ref:** 88/00345/FUL **Decision:** PERFPP **Decision Date:** 14 June 1988  
**Description:** Retention of gate posts and wing walls behind new landscaping at north west entrance (Heskin end of site)

**Ref:** 86/00581/FUL **Decision:** REFFPP **Decision Date:** 13 January 1987  
**Description:** Conversion of barn to accommodation extension to barn two garages dormers etc.

**Ref:** 85/00546/FUL **Decision:** PERFPP **Decision Date:** 1 October 1985  
**Description:** Two storey and single storey extensions to bungalow

**Ref:** 82/00521/FUL **Decision:** PERFPP **Decision Date:** 14 September 1982  
**Description:** Conversion of barn to house

**Ref:** 81/00102/FUL **Decision:** PERFPP **Decision Date:** 16 March 1981  
**Description:** New first floor to bungalow to create house

**Ref:** 80/00710/FUL **Decision:** WDN **Decision Date:** 6 January 1981  
**Description:** Conversion of barn to provide single unit of residential accommodation

**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

To follow.