

## **APPLICATION REPORT – 21/01166/FUL**

**Validation Date: 12 October 2021**

**Ward: Chorley North East**

**Type of Application: Full Planning**

**Proposal: Demolition of an existing dwelling with detached garage, and construction of 1no. self-build eco-home**

**Location: The Croft Lower Simpson Fold Blackburn Road Higher Wheelton Chorley PR6 8HL**

**Case Officer: Johndaniel Jaques**

**Applicant: Carrie Sharp**

**Agent: Miss Zara Moon, Zara Moon Architects**

**Consultation expiry: 21 February 2022**

**Decision due by: 5 April 2022 (Extension of time agreed)**

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### **RECOMMENDATION**

1. It is recommended that planning permission is granted subject to conditions.

### **SITE DESCRIPTION**

2. The application site is situated within the Green Belt, as defined by the Chorley Local Plan Policies Map. It is located approximately 50m to the north west of the A674 Blackburn Road, and is accessed from a single track lane that leads from the main road. The existing property is a large detached dwelling set within a large plot with substantially sized gardens which wrap around to the rear (south western) and side (north western) facing elevations of the application property.
3. The site bounds with open land to the north and the nearest neighbouring property, Fairway, is located to the east of the site. There are also three dwellings located to the south east - nos. 307, 309 and 311 Blackburn Road.
4. The rear garden is screened from the adjoining land by mature boundary treatments in the form of hedging/shrubs; and a timber panelled fence which delineates the southern boundary and part of the eastern boundary along with a timber gate and stone piers to the site access. There is a fall of approximately 2 metres across the site from east to west.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

5. This application seeks planning permission for the demolition of an existing dwelling and detached garage, and construction of 1no. self-build eco-home. The proposed dwelling would have external terraces to the rear and side at first floor level. To the front of the dwelling would be a driveway with an area for cycle and bin storage towards the north eastern corner of the site. To the rear of the proposed dwelling would be a main terrace area and a sunken terrace. Existing trees on the site would be retained apart from one oak which is located on the north eastern boundary which is identified as being in decline. New

tree and hedge planting is proposed as part of the proposal, mainly along the existing timber fencing between the site and the adjacent properties located to the south/south west.

6. The submitted Design and Access Statement sets out the rationale behind the proposal including the applicant's desire to rationalise and improve the property following a previous application for extensions being refused, as set out below.
7. The proposed dwelling would be two storey and of a modern design with a flat roof. It would include an annexe for a dependent family member. Glazing to the front elevation is minimised to maintain privacy and the glazed elements are focussed to the rear. There are projecting elements to the roof and a projecting central band at first floor level. These allow for covered inset terraces and inset balconies to be provided to the rear of the property at first floor level.
8. The materials proposed include natural stonework render and timber cladding as well as marble tiling, which the applicant considers creates a contemporary rural property.
9. The applicant says that one of the key design drivers for the project was the desire to create a highly sustainable eco-home.

## **REPRESENTATIONS**

10. 20no. letters from 9no. individuals (including Cllr Margaret France) have been received which cite the following grounds of objection:
  - How much has the original building increased, as it has been extended on many occasions including by around 60% already and want to add another 30% to a building already exceeding the 50% allowance by some margin. Surely these increases mean that the proposal is unacceptable?
  - Does the proposal violate planning policy given a government press release states permission is not needed to demolish and rebuild vacant and redundant residential buildings if they are rebuilt as homes? The property is not redundant or vacant but apparently unsuitable due to the way it has been extended.
  - The size, scale, appearance and design are totally inappropriate and out of character with both surrounding properties and this rural Green Belt area. The property proposed is out of proportion with the site, and this could set a precedent. The proposal will demolish the unique rural quality of the fold.
  - Overbearing and impact on privacy given overlooking especially from the proposed first floor balcony contrary to planning policy.
  - Although there are inconsistencies in the drawings regarding the size/shape of the building, views will be dominated by the building due to its size and shape and it will impact on outlook, privacy, light. The reduction in height of the building is only reduced by 10cm yet it is a wider building span across the majority of the objector's rear garden.
  - There may be an intention to create a wrap around first floor balcony around the south east corner and side above the ground floor external covered terrace, due to the central projecting band at the first floor level. This would create a viewing platform directly into homes and gardens violating privacy.
  - Glazing to the rear and side elevations will lead to increased light pollution, even more so than is currently suffered from lights seen through the existing Velux roof lights, which will also be detrimental to ecology.
  - Noise and dust from construction over a long period impacting on health and wellbeing and quality of life.
  - Detrimental impact on businesses, including a yoga/wellbeing business that adjoins the site which is particularly sensitive to noise.
  - Detrimental impact on local beauty spots.
  - Proposed trees along the site boundary will block out sun and light and make gardens feel hemmed in and claustrophobic and affect what can be grown in neighbours gardens.

- Fear and safety concerns regarding plant and machinery accessing the site off a small lane due to potential damage to the lane itself, and concern about who would be liable for that, drainage ditches, trees and the road surface, as well as obstructing the access, and traffic including emergency services backing up on the main road.
- The required dropped crossing will affect an objector's property as it lies on its boundary.
- Dangerous effect on drainage as there are many hidden underground springs and drainage, including impact on the integrity of the lane and the ditch running down it could get blocked/contaminated. No protection is provided to the drainage ditch of water supply to the well that supply livestock drinking water. Surface water is proposed to drain to the sewer which is the least sustainable option. The works should not materially affect drainage at adjacent properties.
- Serious threat to ecology, veteran oak trees (including their root protection areas) and hedgerows. The trees particularly have immense value, and have a much longer lifespan than the AIA states. Threats come from construction traffic and the existing site surface being inadequate to protect roots. The root protection fencing is minimal.
- Inconsistencies on the plans regarding trees, boundaries and ownership.
- The lane is a well-used and largely unspoiled public footpath and this will undermine its character.
- It's unreasonable to experience so many applications for construction at this site.
- There are two properties at the site not one as claimed.
- Demolishing and rebuilding a property is at odds with the eco-house claim.
- The application does not address whether the site is suitable for excavation.
- There are no exceptional reasons to allow the development.
- The existing gates and pillars at the site entrance are likely to require planning permission and are not shown on the plans.
- Although the originally proposed basement has been removed the latest alterations fail to address other issues.
- Smells and noise from the indoor swimming pool and associated plant.
- Having removed the garage and basement from the proposals it is likely that these will be applied for in the future.
- One letter says that it does not object to the principle of redeveloping the site but raises concerns. Another letter says that if the boundary is moved back off the objector's land it would be fine.

## **CONSULTATIONS**

11. Wheelton Parish Council – Have objected on the following grounds:

- The ownership of the lane is not confirmed as stated in the application. Highways have stated they want changes to the access which the landowner would need to do.
- There are a number of trees on the property that are significant and should be protected
- Protected Wildlife – there is a bat roost in the roof of the existing buildings
- The balcony overlooks neighbouring properties and is intrusive.
- The size of the building is excessive for the plot and is a substantial volume increase
- Size, scale and design are not in keeping with the surrounding area.
- The removal of the basement does not address any of the concerns previously identified.

12. Greater Manchester Ecology Unit (GMEU) – Raise no objections subject to conditions regarding securing mitigation and compensation measures for bats, works of demolition to avoid bird nesting season (March – August) and ensuring that existing trees and hedgerows are suitably protected during construction.

13. Lancashire County Council Highway Services (LCC Highway Services) – Raise no objections and recommend an informative regarding a dropped crossing.

14. United Utilities (UU) – Raise no objections and recommend informatives regarding drainage water supply and their assets.
15. Health and Safety Executive – Do not advise against granting planning permission.
16. Lancashire County Council Public Rights Of Way - No comments have been received.
17. National Grid UK Transmission - No comments have been received.
18. CIL Officers – Comment that the development is CIL Liable.

## **PLANNING CONSIDERATIONS**

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

19. The application site is located wholly within the Green Belt. National guidance on Green Belt is contained in Chapter 13 of the Framework which states:

*137. 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.*

*138. Green Belt serves five purposes:*

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

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

*148. 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 resulting from the proposal, is clearly outweighed by other considerations.*

*149. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. There are a number of exceptions to this including the following:*

- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- (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.*

20. Policy HS6 of Chorley Local Plan 2012 – 2026 relates to Replacement Dwellings and is consistent with the guidance contained within the Framework, setting criteria to be satisfied for permission to be granted as follows:

***a) The proposed replacement dwelling respects the surrounding buildings in terms of scale, size, design and facing materials, without innovative and original design features being stifled;***

21. Buildings surrounding the site are a mix of bungalows and two storey dwellings, with detached dwellings being common. The proposed dwelling would be of a simple

contemporary design style with a flat roof, some large glazed openings, and a varied finish utilising a palette of modern materials.

22. In terms of the scale of the proposal overall it is larger than the existing property, however, generally it would be slightly lower (100mm) and its footprint would be similar, being slightly smaller (3.4m<sup>2</sup>) when it is considered against existing buildings on the site.
23. Given its position behind nos.309 and 311 Blackburn Road, the proposed dwelling would not be overly prominent from Blackburn Road and is not of a scale which would appear as an obtrusive feature in the landscape or within the context of the local area, including when viewed from the public footpath that is adjacent the site.
24. The proposed dwelling would be set within a domestic garden and the site would comfortably accommodate a dwellinghouse of this proposed scale and size. The dwelling would not be particularly prominent in the locality as a result of the existing boundary features and landscaping that would filter views and by virtue of its relatively low level height which would be similar to that of the existing buildings. It is acknowledged that the proposed design is contemporary, compared to the existing dwelling and that the look of the site would change from the existing arrangements. However, as previously stated, house types and styles in this locality are varied and there is no distinguished architectural value to preserve. In addition, existing trees and vegetation would be retained (except T3 which is in decline) which is a strong feature of this site within the rural locality. Having regard to the above it is not considered that the proposed dwellinghouse, whilst of modern design, would have a significant detrimental impact on the surrounding area by virtue of its design.
25. The proposal is considered to accord with policy HS6(a) and policy BNE1 of the Chorley Local Plan in respect of design considerations.

***b) There is no unacceptable adverse effect on the amenity of neighbouring properties through overlooking, loss of privacy or reduction of daylight;***

26. A number of principal windows are proposed to the north eastern (front) elevation. Given that the separation distance achieved between the proposed dwelling and the bungalow (Fairway) located on the other side of the lane, is well in excess of the Council's separation standards, it is not considered that there would be any adverse impacts of loss of privacy or over looking to the dwellinghouse opposite.
27. To the first floor there are no windows proposed in the south eastern (side) elevation of the proposed dwelling and as such there would be no overlooking or loss of privacy impacts to the neighbouring dwellings at nos.309 and 311 Blackburn Road. Although there is a window and door proposed to the ground floor in this elevation there would not be any intervisibility between these and the property located to the south east of the site (no.311 Blackburn Road) due to the existing high fencing to the boundary.
28. The current outlook from no.311 Blackburn Road would change as a result of the proposed development, however, it is not considered that this would be to a significant degree given the current relationship and height of the existing dwelling in proximity to the boundary with no.311, and that a separation distance of approximately 31 metres would be achieved. It is, therefore, considered that the resultant outlook would be acceptable. Although there may be some loss of light to the garden of this property and to that of no.309 Blackburn Road it is not considered that this would be significantly detrimental compared to the existing situation given the orientation of those gardens compared to the site as they are to the south east of it.
29. To the north western side of the site there are no residential properties adjacent and the land is open so there are no issues relating to residential amenity in relation to that elevation.
30. To the south west elevation at both ground floor and first floor are proposals for the main living areas of the property. At ground floor the elevation is primarily glazed, and at first floor

there are external terraces. The primary views from these windows and terraces would be over the applicant's own rear garden which would have a depth of over 13 metres. It is recognised that at first floor more wide ranging views would be achieved towards the rear garden of no.307 Blackburn Road, which is a sizeable garden. However, given the garden depth proposed as part of this application, it is considered that the resultant relationship would be acceptable and that a reason for refusal on the basis of unacceptable adverse impacts of overlooking or loss of privacy to the rear garden of 307 Blackburn Road could not be sustained. It is not considered likely that there would be significant impact of overlooking to no.309 Blackburn Road from the rooms or terraces proposed at first floor level in the south west elevation as there would be no directly overlooking relationship to this neighbouring property or garden area.

31. Some planting is proposed mainly to the rear and side of the proposed dwelling. Given the orientation of the property it is considered that the planting is unlikely to cause a significant loss of light to the adjoining gardens, and if the applicant wished to undertake tree and hedge planting they could do so without planning permission.
32. An objection fears that the proposal would enable the creation of a wrap around balcony which would undermine privacy. However, the application is assessed on the basis as it currently proposed and consideration would be given to the removal of permitted development rights.
33. Issues are also raised in neighbour objections regarding light pollution being worse than currently is the case. However, as the proposal is for a replacement dwelling, and any level of light would be of a domestic nature.
34. Given the above considerations, it is not considered that the proposed development would cause an unacceptable adverse effect on the amenity of neighbouring properties through overlooking, loss of privacy or reduction of daylight, and would be a compatible form of development in land use terms.
35. Having regard to the above, the proposal accords with policy HS6(b) and policy BNE1 (b) of the Chorley Local Plan in respect of amenity considerations

***c) Safe and suitable access to the site can be achieved;***

36. The existing site access arrangements would be utilised and the level of traffic associated with the proposed dwelling would similar to the existing arrangements given that the proposal involves a replacement dwellinghouse. 3no parking spaces are required to serve the proposed development in accordance with the standards set out at Annex A of the Chorley Local Plan, and it is clear from the plans that this can be achieved.
37. LCC Highway Services have reviewed the application and advise that the proposal is acceptable from a highway safety perspective.
38. LCC Highway Services do, however, advise that there is a need to improve the condition of the existing dropped vehicle crossing at the junction of the site access with Blackburn Road. The improvements required do not, however, arise from the proposed development itself or an intensification of use as a result of the proposal, and is an existing situation which currently serves a number of dwellings. Accordingly, it is not considered that the improvements are directly related to the proposed development and cannot be secured by way of a planning condition as it would not meet the necessary tests.
39. LCC Highway Services have not raised any objections to the use of the lane by construction traffic or delivery vehicles. There is often some disturbance caused by construction traffic and deliveries at any construction project. Given that the proposal is for a single dwelling any impact would be low, even though there is a yoga and well-being business operating adjacent the site. However, in light of the concerns raised by objectors it is considered prudent to recommend that a construction management plan is submitted prior to any demolition works being undertaken.

40. It is not considered that the proposal would prejudice highway safety and accords with policy HS6(d) and policy BNE1(d) of the Chorley Local Plan in respect of highway safety considerations.

***And in the Case of the Green Belt,***

***d) the proposed replacement dwelling would not detract from the openness to a greater extent than the original dwelling; and***

***e) would not be materially larger than the dwelling it replaces nor involves enlarging the residential curtilage. Increases of up to 30% (volume) are not considered to be materially larger.***

41. In respect of volume calculations, the proposed dwellinghouse would be approximately 34% larger than the existing dwellinghouse. It is, therefore, materially larger.
42. It is noted that the existing detached garage would be demolished, however, this does not form part of the existing dwellinghouse and cannot be taken into account when calculating the volume of the existing dwellinghouse.
43. The proposed replacement dwellinghouse would be materially larger than the dwelling it replaces and as such fails to satisfy the relevant threshold of policy HS6(e) and does not accord with exception (d) of paragraph 149 of the Framework.
44. However, whilst the proposal does not satisfy exception (d) it can also be assessed under exception (g) of paragraph 149 of the Framework as the land falls to be considered as previously developed.
45. To engage with the exceptions of paragraph 149(g) of the Framework, which is reflected in policy BNE5 of the Chorley Local Plan 2012 – 2026, 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 site.
46. Policy BNE5 relates to the redevelopment of previously developed sites in the Green Belt and states that redevelopment of previously developed sites in the Green Belt will be permitted providing that 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.
47. Whether harm is caused to openness depends on a variety of factors such as the scale of the development, its locational context and its spatial and/or visual implications. The existing site is already occupied by detached dwelling, including various domestic paraphernalia and a large detached garage.
48. The presence of this existing development already causes harm to openness by its mere existence; and case law has established that for there to be a greater impact, there must be something more than merely a change. The proposal involves the demolition of the existing dwellinghouse and the detached garage and, when taken together, the overall increase in volume across the site as a whole would be an uplift of approximately 26% in volume. In volumetric terms, the impact on openness would be offset. In addition, the footprint of the proposed development would be slightly smaller than the existing footprint of the buildings to be demolished. Whilst the overall height would increase, as the proposed dwelling would be true two storey, whereas the existing dwellinghouse is of varied two storey and single storey heights, the visual context of a domestic setting with a tightly defined residential curtilage would not be more harmful to the Green Belt.
49. The proposed development accords with exception (g) of paragraph 149 of the Framework, and is not, therefore, inappropriate development in the Green Belt.

50. Whilst objections do note that the property has been extended on many occasions and that should mean the proposal is unacceptable, the assessment is based on existing development and not of the 'original' dwellinghouse.
51. The proposal does not accord with the replacement building exception of paragraph 149(d) of the Framework or Chorley Local Plan policy HS6 (Replacement Dwellings) criterion (e); however, it does satisfactorily fall within exception (g) of paragraph 149 which allows for the redevelopment of previously developed land in the Green Belt.

#### Impact on ecological interests

52. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that biodiversity and ecological network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species.
53. In addition, the policy states that development must adhere to the provisions which includes: Where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs.
54. Policy BNE11 (Species Protection) of the Chorley Local Plan 2012 – 2026 stipulates that planning permission will not be granted for development which would have an adverse effect on a priority species unless the benefits of the development outweigh the need to maintain the population of the species in situ. Should development be permitted that might have an effect on a priority species planning conditions or agreements will be used to:
  - a) Facilitate the survival of the individual species affected;
  - b) Reduce the disturbance to a minimum; and
  - c) Provide adequate alternative habitats to sustain the viability of the local population of that species.
55. The application is accompanied by an ecological assessment which includes a bat survey and assessment, as well as a habitat assessment for commuting/foraging bats. Based on the findings of the initial bat survey further bat activity surveys were carried out, which established that the existing dwelling supports one common pipistrelle bat day roost.
56. The Habitats Directive is imposed through the Conservation of Habitats and Species Regulations 2019 and all species of bats are European Protected Species under these regulations. The Regulations protect individual bats from killing, injury or disturbance and also protects their habitats, in this case the roost, even if the bat is not present in it at the time.
57. If a protected species is known to be present on site and impacted upon by the proposed development, which is the case here, a European Protected Species licence from Natural England would be required, and it is likely that this could be a low impact licence. Under the Habitats Directive a degradation licence may be applied for if certain criteria relating to maintenance of favourable conservation status, no satisfactory alternative and reasons of overriding public interest are satisfied.
58. The Directive sets out the three derogation tests which must be considered, particularly having regard to how likely that Natural England would grant a licence. These are:
  - (1) - Regulation 53(2) (e) states: a licence can be granted for the purposes of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment".



(2) - Regulation 53(9) (a) states: the appropriate authority shall not grant a licence unless they are satisfied "that there is no satisfactory alternative",  
(3) - Regulation 53(9) (b) states: the appropriate authority shall not grant a licence unless they are satisfied "that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".

59. In considering these three tests (of the Habitat Regulations 2019), the proposal would deliver minor economic benefits through construction. Secured by appropriate conditions, the proposal would deliver environmental enhancements through the landscaping of the site which would include biodiversity gains including addition features for bats, such as bat boxes to compensate for the loss of the single roost.
60. In terms of test 2, the alternative would be not to replace the existing dwellinghouse, however this would not meet the needs of the applicant and regard must be given to the number of bats affected, which is a single bat and roost.
61. In terms of the third test, the roost is not critical to the favourable conservation status of the bat species (the common pipistrelle) and a mitigation strategy has been provided, as set out in the ecological report at section 5.3. Notwithstanding this, it is likely that a licensed bat ecologist would be able to obtain a low impact licence. Accordingly, the loss of the bat roost to facilitate the proposed development would not be detrimental to the favourable conservation status of the population of the bat species (Common Pipistrelle) and as such it would be maintained. The Council's appointed ecologists at GMEU raise no objections and the mitigation strategy could be secured by way of suitable planning condition.
62. Having regard to the above, and the recommended condition, it is considered that the three tests are met.
63. GMEU have also recommended a condition regarding demolition works to avoid the nesting bird season (March to August inclusive) unless nesting birds have been shown to be absent by a suitably qualified person. They also say that existing hedgerows and trees to be retained as part of the proposal should be suitably protected during the course of any approved development.
64. Subject to suitable conditions, the proposed development would not be detrimental to nature conservation interests or the conservation status of bats and accords with the provisions of policies BNE9 and BNE11 of the Chorley Local Plan.

#### Impact on trees

65. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2012 seeks to ensure, among other things, that proposals would not have a detrimental impact on important natural habitats and landscape features such as mature trees and hedgerows.
66. The application is also accompanied by an Arboricultural Impact Assessment (AIA) which indicates there are four trees, a group of trees and two hedgerows in the vicinity of the site. Three of the trees are oaks, two of which are outside the site boundary and lie in the verge of the lane. The other oak (T3) lies on the site boundary. Two of the oaks (outside the site boundary) are categorised as Category B trees of moderate quality. The other oak which lies on the site boundary (T3) is categorised as Category C of low quality because it is in terminal decline as a result of previous excavations within its root protection area (RPA).
67. The AIA sets out that the works required to resurface the driveway with bound gravel and sett edging would go within the RPA of two trees T3 and T4. It states that no special working methods are required given that T3 is in terminal decline, but that within the RPA of T4 there is to be a no dig zone. Therefore, it recommends that the old hard surfaces should be carefully removed without disturbing the soil underneath, which will contain tree roots. If possible, existing sub-bases should be left in place. The new hard surfaces shall then be installed above existing soil level.

68. The Council's Tree Officer has raised no objections to the proposed development, and it is considered that whilst T3 may not be retained, and whilst not an ideal scenario, given its condition, on balance, it is acceptable. Further landscaping and tree planting are proposed which is considered to mitigate the potential loss of T3.
69. Tree protection fencing is to be installed around the RPA of T2 and part of G1 only, as indicated on the Tree Protection Plan. However, it is considered that this should be extended along the south western and south eastern side of G1 and along the existing hedgerows H1 and H2, and a condition is recommended to achieve this.
70. The submitted AIA states that it should be considered a preliminary version until all design details, such as services, drainage, boundary treatments and detailed construction specifications, are confirmed, should permission be forthcoming. A detailed arboricultural method statement, to include a sequence of works and site monitoring schedule, could be secured by way of an appropriate planning condition in the interests of the health and vitality of the trees.

#### Drainage

71. Policy 17 of the Core Strategy promotes designs that will be adaptable to climate change and adopting principles of sustainable construction including Sustainable Drainage Systems. United Utilities have been consulted on this application and raise no objections. They do, however, recommend informatives regarding drainage, (including implementing the scheme in accordance with the drainage hierarchy) water supply and their infrastructure and assets. If drainage ditches/wells were to be affected by the proposal that would need to be pursued as a civil matter or with the relevant legislative body.

#### Sustainability

72. 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."*

73. Given this change, instead of meeting the code level, the dwelling should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the above provisions. Conditions are recommended to secure this.

74. In addition, the application states that the proposal has been designed to minimise energy usage with a reduced carbon footprint. It also provides that this to be achieved by sustainable design, (siting, thermal mass, sustainable heating and ventilation systems), and secondly through a fabric first approach (high levels of insulation, prevention of thermal bridging, achieving high levels of air-tightness). Further, it states that the property would include an air recovery system, rainwater harvesting, thin film solar modules for on-site energy generation, battery storage, a sustainable drainage system, and triple glazing. Materials are to be locally sourced to reduce the embodied energy.
75. An objection raises that demolishing and rebuilding a property is at odds with the eco-house claim. However, the replacement of dwellings is permissible under planning policy, regardless of eco credentials.

#### Public safety

76. Paragraphs 45 and 97 of the Framework require public safety to be taken into account when determining applications and relevant bodies to be consulted when dealing with applications for development around major hazard pipelines. The site lies within the middle consultation zone of a gas feeder pipeline. The Health and Safety Executive do not advise against the granting of planning permission and although no comments have been received from National Grid, it is considered that the proposal is unlikely to increase risk in relation to the gas pipeline given the scale of the proposal.
77. An objection raises whether the site is suitable for excavation, and this is likely to have been raised due to the original proposal which including a basement. However, there is a sunken garden proposed to the rear of the property. The site is not within the coal risk consultation zone and, therefore, it is not considered that safety of excavations is a particular issue in terms of stability or risks from previous coal mining activity.

#### Community Infrastructure Levy (CIL)

78. 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 would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

#### Other matters

79. The agent has confirmed that they served the appropriate notice on owners of land within the red line. If an owner disputes that it is a civil matter to be pursued separately.
80. Although there appears to be accommodation provided in an annexe at the existing property, the site has one address and does not form two properties as an objector says.
81. The gate and gate posts are shown on the existing site plan.
82. The swimming pool that was proposed within the building no longer forms part of the proposal.

#### **CONCLUSION**

83. The proposed development accords with exception (g) of paragraph 149 of the Framework and is not, therefore, inappropriate development in the Green Belt. The proposal would not be harmful to the character and appearance of the area, nor would it result in unacceptable adverse amenity impacts to neighbouring residential properties. The proposal would not prejudice highway safety, nor would it be detrimental to nature consideration interests or the conservation status of the particular bat species, the Common Pipistrelle. It is, therefore, recommended that the application is approved, subject to conditions.

**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.

#### **RELEVANT HISTORY OF THE SITE**

- Ref:** 91/00301/OUT                      **Decision:** REFOPP                      **Decision Date:** 21 May 1991  
**Description:** Outline application for the erection of one detached dwelling
- Ref:** 82/00043/FUL                      **Decision:** PERFPP                      **Decision Date:** 23 February 1982  
**Description:**
- Ref:** 02/00431/FUL                      **Decision:** PERFPP                      **Decision Date:** 12 July 2002  
**Description:** First floor extension to rear
- Ref:** 04/00344/FUL                      **Decision:** PERFPP                      **Decision Date:** 3 June 2004  
**Description:** Erection of single storey extension to side and construction of dormers to front and rear
- Ref:** 05/00703/FUL                      **Decision:** REFFPP                      **Decision Date:** 2 September 2005  
**Description:** Construct dwelling attached to existing garage and provide pitched roof over existing garage
- Ref:** 11/00521/FUL                      **Decision:** PERFPP                      **Decision Date:** 2 August 2011  
**Description:** Erection of a single storey side/rear extension to form enlarged kitchen/dining room and erection of a single storey side extension to form granny annexe.
- Ref:** 11/01008/FUL                      **Decision:** PERFPP                      **Decision Date:** 2 January 2012  
**Description:** Conversion of garage to Games/Store Room including building up of existing garage door opening to form 2no windows openings (permitted development) and conversion of existing flat roof into pitched roof
- Ref:** 17/00984/FUL                      **Decision:** PERFPP                      **Decision Date:** 6 April 2018  
**Description:** Erection of detached outbuilding to form garden room
- Ref:** 20/00787/FULH                      **Decision:** REFFPP                      **Decision Date:** 28 September 2020  
**Description:** Building up of front and rear elevation walls to facilitate roof pitch alteration, replacement of existing roof, two storey rear extension, front porch and detached outbuilding (following demolition of existing garage)

#### Suggested conditions

To follow.