

9 January 2014

Dear Councillor

**DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 14TH JANUARY 2014**

I am now able to enclose, for consideration at the above meeting of the Development Control Committee, the following reports that were unavailable when the agenda was printed.

**Agenda No    Item**

2.    **Minutes (Pages 101 - 106)**

To confirm the minutes of the Development Control Committee held on 10 December 2013 as a correct record and be signed by the Chair.

4.    **Planning applications to be determined**

- a)    13/01061/FUL - 2 Heath Paddock, Hut Lane, Heath Charnock, Chorley PR6 9FP  
(Pages 107 - 116)

**Proposal**

Variation of Condition 1 of planning permission 13/00385/COU to allow the replacement of wood chippings with limestone chippings to a depth of 6-8 cm.

**Recommendation**

Temporary Conditional Planning Approval

Yours sincerely



Gary Hall  
Chief Executive

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Democratic and Member Services Officer  
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## **Distribution**

1. Agenda and reports to all Members of the Development Control Committee for attendance.

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**Development Control Committee****Tuesday, 10 December 2013**

**Present:** Councillor Paul Walmsley (Chair), Councillor Dave Rogerson (Vice-Chair) and Councillors Henry Counce, Jean Cronshaw, John Dalton, David Dickinson, Graham Dunn, Dennis Edgerley, Christopher France, Danny Gee, Harold Heaton, June Molyneaux, Mick Muncaster and Geoffrey Russell

Also in attendance:

**Officers:** Jennifer Moore (Head of Planning), Paul Whittingham (Development Control Team Leader), Alex Jackson (Senior Lawyer), Iain Crossland (Planning Assistant) and Louise Wingfield (Democratic and Member Services Officer)

**13.DC.91 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**13.DC.92 MINUTES**

**RESOLVED – That the minutes of the Development Control Committee held on 19 November 2013 be confirmed as a correct record and signed by the Chair.**

**13.DC.93 DECLARATIONS OF ANY INTERESTS**

In accordance with the Council's Members Code of Conduct, Councillor Harold Heaton declared an interest in relation to agenda item 5a: Enforcement Notice for Lancaster House Farm, Charnock Richard.

**13.DC.94 PLANNING APPLICATIONS TO BE DETERMINED**

The Director of Partnerships, Planning and Policy submitted seven applications for planning permission consideration.

In considering the applications, Members of the Development Control Committee took into account the agenda reports, the addendum and the verbal representations and submissions provided by officers and individuals

- a) **Application:** 13/00811/FULMAJ - Land bounded by Black Brook, Tithe Barn Lane, Heapey

**Proposal:** Refuse full planning permission

**Speakers:** objector – Peter Smith, Ward Councillor – Councillor Marie Gray and the applicant's agent.

**RESOLVED (unanimously) – That full planning permission be refused on the following grounds:**

- 1. The proposed solar farm would be located within the Green Belt (as defined by the Adopted Central Lancashire Core Strategy (2012), the Adopted Chorley Borough Local Plan Review (2003) and the emerging Local Plan 2012-2026. The proposed development would be**

inappropriate within the Green Belt, as defined in the Framework. There are insufficient very special circumstances to outweigh the harm that will be caused to the Green Belt by reason of inappropriateness; and to the character and openness of the Green Belt as a result of the proposals

2. The proposed solar farm would be harmful to the visual amenity and character of the local area, by reason of the size, scale, incongruous appearance and inappropriate nature of the proposals. Additionally, inadequate information has been provided to demonstrate that the visual impact of the proposals can be adequately mitigated. As such the proposal is contrary to Government advice in the framework, Guidance for Renewable and Low Carbon Energy, and Policy 28 of the Adopted Central Lancashire Core Strategy (2012).
3. The application cannot be fully assessed due to the provision of insufficient information in respect of the ecological impacts of the scheme. In particular further clarification is required on:
  - Detail ecological surveys in respect of protected species, in particular Great Crested Newts;
  - Whether the proposed development has been designed to avoid/minimise losses; or that loss of semi-natural habitat will be adequately compensated for;
  - An assessment of the habitat connectivity and maintenance of habitat connectivity

As such it is not possible for the Local Planning Authority to discharge its obligations in respect of the three 'derogation' tests of the Habitats Directive implemented by the Conservation (natural Habitats) Regulations 1994. Additionally, the proposals are contrary to Government advice in the Framework, Policy 22 of the Adopted central Lancashire Core Strategy (2012), Policy EP4 of the Adopted Chorley Borough Local Plan Review (2003) and Policy BNE10 of the Emerging Local Plan 2012-2016.

- b) **Application:** 13/00875/FUL - 109 Chorley Road, Heath Charnock, Chorley, PR6 9JT

**Proposal:** Permit full planning permission

**Speakers:** objector – Magdalen Heywood, and Ward Councillor – Councillor Kim Snape.

**RESOLVED (6:6:2) - with the Chair using his casting vote to accept the proposal that full planning permission be approved subject to the conditions detailed within the agenda and further conditions detailed in the addendum.**

- c) **Application:** 12/01131/FUL - The Beeches Care Home, 25 Park Road, Coppull, Chorley, PR7 5AH

**Proposal:** Permit full planning permission

**Speakers:** objector – Neil Dickinson, supporter – Krystyna Kolodziejewski and the applicant.

**RESOLVED (12:2:0): That full planning permission be approved subject to the conditions detailed within the report in the agenda.**

- d) **Application:** 13/00991/OUT - Land 75m East of Hilfred, Crosse Hall Lane, Chorley

**Proposal:** Refuse outline planning permission

**Speakers:** objector – Dawn Roberts, and Ward Councillor – Councillor Julia Berry.

**RESOLVED (unanimously) – That outline planning permission be refused on the following grounds:**

1. **The site forms part of a larger land holding and it appears that the size of the site has been artificially reduced to eliminate the affordable housing requirement by sub-dividing the site. No information has been provided in respect of the potential to develop the remainder of the land holding and as such, as no affordable housing has been proposed, the proposal is contrary to Policy 7 of the Adopted Central Lancashire Core Strategy 2012 and the accompanying Adopted Central Lancashire Affordable Housing SPD 2012.**
2. **In accordance with The Framework Chorley has a 5 year land supply including the 5% buffer (7.3 year supply) and as such there is no presumption to approve housing on this greenfield site. Whilst the Framework puts the presumption on sustainable development, development within this area has developed incrementally over time. It is considered that improvements to create a safe access for all of the road users is necessary to give the future occupants choice in respect of noncar modes of transport. The information currently before the Council does not confirm that the works identified:**
  - **Provision of passing places**
  - **Improvements to the bridleway**
  - **Upgrading of the bus stop**

**could be secured as the Lane is a private unadopted Lane outside of the applicant's control. As such it is not possible to secure the safety and sustainability of the site contrary to advice contained with The Framework, Policy 3 of the Adopted Central Lancashire Core Strategy 2012 and Policy TR4 of the Adopted Chorley Borough Local Plan Review 2003.**

- e) **Application:** 13/00715/FUL - Kem Mill, Kem Mill Lane, Whittle le Woods

**Proposal:** Permit (subject to legal agreement)

**RESOLVED (unanimously) – That full planning permission be approved subject to a section 106 legal agreement, the conditions detailed within the report in the agenda, and the additional and amended conditions detailed in the addendum.**

- f) **Application:** 13/00982/CB3 - Land to the rear of 3-4 Barn View, 11-17 Maytree Court and 52-78 Fairview Drive, Adlington

**Proposal:** Permit full planning permission

**RESOLVED (unanimously) – That full planning permission be approved subject to the conditions detailed within the report in the agenda.**

- g) **Application:** 13/00989/CB4 - 15 Westfields, Croston, Leyland, PR26 9RT

**Proposal:** Permit full planning permission

**RESOLVED (unanimously) – That full planning permission be approved subject to the conditions detailed within the report in the agenda.**

### 13.DC.95 ENFORCEMENT REPORTS

*(At this point Councillor Heaton left the meeting for the duration of the following items taking no part in any discussion or subsequent vote.)*

- a) **Enforcement Report - Lancaster House Farm, Charnock Richard**

The Director of Partnerships, Planning and Policy submitted a report regarding land at Lancaster House Farm, Preston Road, Charnock Richard which sought Members' instruction as to whether it was felt expedient to issue an enforcement notice in respect of a breach of planning control in that without permission there had been the siting of a static caravan for use as an office.

**RESOLVED (unanimously) – That it was expedient to issue an enforcement notice in respect of the sited caravan for office purposes constitutes inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. No such 'very special circumstances' have been submitted in support of the application to clearly outweigh the harm to the Green Belt by reason of inappropriateness. As such, the development is contrary to guidance within the National Planning Policy Framework and Policy DC1 of the Adopted Chorley Borough Local Plan Review.**

- b) **Enforcement Report - Land adjacent 367 Southport Road, Ulmes Walton**

The Director of Partnerships, Planning and Policy submitted a report regarding land adjacent to 367 Southport Road, Ulmes Walton which sought Members' instruction as to whether it was felt expedient to issue an enforcement notice in respect of a breach of planning control in that without permission a building for use as a feed store had been erected. In the Addendum report the recommendation was modified to exclude the alleged breach of planning control at Point 2.2 of the report as this relates to uses ancillary to the use of the land for keeping horses.

**RESOLVED (unanimously) – That it was expedient to issue an enforcement notice in respect of the erection of a building for use as a feed store in order to protect the residential amenities of neighbouring residents.**

### 13.DC.96 PARISH COUNCIL SPEAKING RIGHTS

The Director of Partnerships, Planning and Policy submitted a report which sought Members' endorsement of a proposal to introduce speaking rights to Parish/Town Councillors in relation to the determination of planning applications by this committee.

**RESOLVED (unanimously) – That the proposal be endorsed to recommend to Full Council that speaking rights for Parish and Town Councillors for planning applications heard by this committee be established.**

**13.DC.97 PLANNING APPEALS AND OTHER DECISIONS REPORT 10 DECEMBER 2013**

**RESOLVED – That the report be noted.**

Chair

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<b>Item 4a</b>	<b>13/01061/FUL</b>
<b>Case Officer</b>	<b>Mr Peter Willacy</b>
<b>Ward</b>	<b>Heath Charnock And Rivington</b>
<b>Proposal</b>	<b>Variation of Condition 1 of planning permission 13/00385/COU to allow the replacement of wood chippings with limestone chippings to a depth of 6-8 cm.</b>
<b>Location</b>	<b>2 Heath Paddock Hut Lane Heath Charnock ChorleyPR6 9FP</b>
<b>Applicant</b>	<b>Mr Michael Linfoot</b>
<b>Consultation expiry: 3 January 2014</b>	
<b>Application expiry: 27 January 2014</b>	

### **PROPOSAL**

1. This application relates an area of land of located on the eastern side of the M61 between the motorway and Hut Lane and lying to the south of residential properties at Olde Stoneheath Court and Red Row. The site is situated between the settlement areas of Adlington and Chorley.
2. The application is to vary condition 1 of the temporary planning permission for a residential Gypsy and Traveller site involving the siting of 2 mobile homes, 3 touring caravans and retention of a utility block, and access at the north west corner of the site for a temporary period of 4 years to allow the replacement of the existing wood chipping surfacing covering the site with the laying of limestone stone chippings to a depth of 6-8 cm.

### **3. RECOMMENDATION**

It is recommended that this application is granted temporary conditional planning approval.

### **4. MAIN ISSUES**

The main issue for consideration in respect of this planning application is whether the development is appropriate within the Green belt, and whether it causes harm to the Green Belt and amenities of neighbouring residents.

### **5. REPRESENTATIONS**

A total of 35 letters of objection have been received and can be summarised as follows:-

- Adds to permanency of site.
- Not previously been a problem with wood chippings.
- Increased cost of remediation when site has to be cleared.
- Current development held to be inappropriate development at two previous appeals so why add anything to enhance permanence.
- The applicant has previously been prosecuted by the Environment Agency for importing material onto site.
- Inappropriate development in the Green Belt.
- Not in character with the land.

- Temporary site no need for further work.
- More difficult to walk on gravel than wood chippings and falling would cause more injury.

A total of 44 letters of support have been received and can be summarised as follows

- Will enhance the area.
- Temporary permission already in place.
- Would have very little impact.
- Do not see any harm and easily removed.
- Take pride in appearance of site.
- Will keep site cleaner.
- Needed on health and safety grounds.

Councillor Kim Snape

6. I am writing in objection to the above application on behalf of the residents of the locality who have raised the issue with me.
7. The land is greenbelt
8. The occupiers stay is temporary and therefore is totally inappropriate to more stone on the site.
9. Limestone chippings will breakdown and compact to a solid surface and make it even more difficult to return to its original state.

Heath Charnock Parish Council

10. Objects to this application on the grounds that limestone chippings will make it more difficult to restore the site after Mr Linfoot and family leave. The present bark chippings will decompose, and the land which was adulterated during the construction of the M61 can continue to regenerate naturally.

**CONSULTATIONS**

11. Environment Agency- Have no comments to make on the application
12. Waste and Contaminated Land Officer – No comments

**APPLICANT'S CASE**

13. The applicant has submitted a supporting statement in respect of the application which is reproduced below:-
14. The proposal is to vary the approved plans by being authorised to lay the site (apart from the area of the utility block, the concrete bases on which the mobile homes stand, and the grassed play area) with natural limestone stones, which are available from Stan Stock Aggregates, to replace the current wood chipping surface, which is approved as part of the permission. The applicant proposes to remove the wood chippings, which would leave the existing hard-core exposed, and to fill in any holes in the hard-core, so it has a relatively level surface. The hard-core would then be covered to a depth of 6 to 8 cm. with the stones.
15. The application is to replace all of the areas of wood chippings. However, to keep costs down, particularly given the temporary period of the permission, in practice the applicant will only cover that proportion of the site necessary to address the worst of the current problems. Hence in practice, different parts of the site surface will be covered by a mix of wood chippings and the stones.
16. The application is being submitted as the most appropriate way to authorise what the applicant is seeking to achieve, following discussion with Mr Willacy. We would stress

that the proposed development will have no additional impact on the surrounding area, compared with the existing authorised surface treatment, and will barely be noticeable, particularly taking account of the boundary treatment and planting around the site, which will be unaffected.

17. The application is being made for health and safety and quality of life reasons, and to address a significant existing problem on the site, which has emerged in recent months. In the relatively damp local conditions, the existing wood chippings are retaining moisture and not drying out, and turning into a mush. This means that vehicles are at risk of becoming stuck, particularly when pulling caravans.
18. The wood chippings are unpleasant, but also potentially unsafe to walk on because of the risk of slipping. This is particularly problematic for the applicant family as Romany Gypsies given their cultural tradition of having bathroom facilities separate (in the utility block) from kitchen and sleeping accommodation, and hence they need to be able to walk across the site in safe, appropriate conditions. This is a particular issue for the applicant's mother in law who has circulation problems, and needs to walk regularly, but is particularly at risk of slipping. There is related issue about the challenge of keeping the caravans clean with the Linfoot's children bringing in wet, slushy chippings.
19. As with other elements of the development, in accordance with condition 4 of the decision notice, the stones would need to be removed within 3 months of 9 July 2015.

## **ASSESSMENT**

### **Green Belt**

20. The replacement of the wood chippings with limestone chippings would involve the carrying out of an engineering operation. National Planning Policy which supercedes policy DC1 of the Local Plan Review, states that the carrying out of engineering operations in the Green Belt is not inappropriate development provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt. Whether the development is appropriate will depend on the scale of the development and the specific circumstances of each case.
21. Policy 8 of the Central Lancashire Core Strategy relates to development for Gypsy and Traveller or Travelling Show people sites. The proposed development would comply with the requirements of the policy and in particular would not have an unacceptable impact on the immediate surrounding area or the wider landscape.
22. Policy BNE1 of the Emerging Local Plan (2012-2026) sets out criteria to be considered in assessing new development. The proposed development when assessed against the policy criteria a) to h) do not give raise any any objection.
23. The laying of the chippings is to improve the underfoot conditions on the site in connection with the temporary permission for a Gypsy Traveller site which expires in 2015. The laying of stone to a depth of 6-8 cm on the site would have very little outward impact based on the scale and use of the site and the existing site landscaping. It would not affect the openness of the Green Belt to any greater extent than the temporary use already granted which will have to be removed once the permission expires.

### **Effect on Residential Amenity**

24. Views into the site are limited due to screening from existing boundary features and the stone surface would only be partially visible and would have no adverse impact on the amenity of the nearest residential property at 3 Stone Heath Court.

### **Equalities & Race Relations**

25. The Council has duties under the Equality Act 2010 which prohibits direct and indirect discrimination because of a relevant 'protected characteristic' - age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity (except for indirect discrimination), race, religion, belief, sex, and sexual orientation. For example, it would be unlawful to treat a person less favourably, in relation to planning matters, because that person is a gypsy, or if the Council applies a provision, criterion or practice (PCP) which puts that person and other members of the same group at a particular disadvantage when compared to others not in the group, and the PCP has no legitimate

aim and is disproportionate. It is considered that the Council's equality duty is satisfied in the consideration of the planning application.

### Human Rights

26. This application engages Human Rights, as the applicant is seeking to resolve problems of waterlogging on the site which affects both the health and safety and well-being of its occupants.
27. However the grant of temporary permission in July 2013 also engaged for the use of the land as a Gypsy Traveller site in July 2013 with Article 1, First Protocol (Protection of Property) and Article 8 (Right to respect private and family life) of the Human Rights Act 1998. It was considered that while the site was within the Green Belt where such development would be inappropriate, the grant of a temporary permission was considered appropriate in relation to the circumstances at that time, and the matter of Human Rights was also addressed in that conclusion.
28. Given that permission has already been granted for the temporary use of the site which will expire in July 2015, then it would also be reasonable and consistent to grant permission for this development, provided that the development is removed at the same time as the expiry of the temporary permission for the site in July 2015.

### OVERALL CONCLUSION

29. The development based on the location, scale and site specific conditions would constitute appropriate development within the Green Belt and would not impact on the openness of the Green Belt or residential amenity. It is therefore recommended that planning permission is granted subject to the requirement that on cessation of the temporary permission for the Gypsy Traveller site, the stone chippings shall be removed from the land, which accords with the conditions of the temporary permission which requires reinstatement of the land following expiry of that permission on 9 July 2015.

### 30. PLANNING POLICIES

National Planning Policy Framework

Central Lancashire Adopted Core Strategy

Policy 8

Adopted Chorley Borough Local Plan Review

DC1

Emerging Local Plan (2012-2026)

Policy BNE1

### PLANNING HISTORY

**08/00984/FUL:** Erection of stables to include exercise area, midden and hardstanding,  
Decision: PERFFP Decision Date: 13 November 2008

**09/00437/COU:** Retrospective application for the use of land for stationing of two mobile homes and up to 14 touring caravans for residential occupation for temporary period of 3 - 4 years with associated development (hard standing, utility building, septic tank, 6 small toilet buildings, second access off Hut Lane, brick pillars and gates)  
Decision: REFFPP Decision Date: 19 August 2009

**11/00351/DIS:** Application to discharge condition 6 attached to planning approval  
08/00984/FUL  
Decision: WDN Decision Date: 27 April 2011

**11/00484/COU:** Change of use of land for the siting of 2 No static caravans and 4 No touring caravans for residential use, the storage of 2 No touring caravans when not in use for working away, retention of double utility block, provision of double stable block, retention of reduced area of hard surface for exercising horses, retention of hard standing for 3 No vehicles plus horse box trailer to north of site and provision of new hard standing for 3 No vehicles plus horse box trailer together with retention of existing access at North West corner of site

Decision: PDE Decision Date:

**11/00501/DIS:** Erection of stables to include exercise area, midden and hardstanding

Decision: WDN Decision Date: 14 June 2011

**13/00385/COU:** Change of use to a residential Gypsy and Traveller site involving the siting of 2 mobile homes, 3 touring caravans (1 of which is for storage only when not away travelling), and retention of a utility block, and access at the north west corner of the site for a temporary period of 4 years

Decision: PCO Decision Date:

**13/00385/COU:** Change of use to a residential Gypsy and Traveller site involving the siting of 2 mobile homes, 3 touring caravans (1 of which is for storage only when not away travelling), and retention of a utility block, and access at the north west corner of the site for a temporary period of 4 years

Decision: PERTCA Decision Date:

**09/00010/ENF:** Appeal against Enforcement Notice EN622

Application No:

Decision: DISMIS Decision Date: 13 May 2010

**09/00011/ENF:** Appeal against Enforcement Notice EN621

Application No:

Decision: DISMIS Decision Date: 13 May 2010

**09/00012/REFUSE:** Retrospective application for the use of land for stationing of two mobile homes and up to 14 touring caravans for residential occupation for temporary period of 3 - 4 years with associated development (hard standing, utility building, septic tank, 6 small toilet buildings, second access off Hut Lane, brick pillars and gates)

Application No:

Decision: DISMIS Decision Date: 13 May 2010

**11/00024/NONDET:** Change of use of land for the siting of 2 No static caravans and 4 No touring caravans for residential use, the storage of 2 No touring caravans when not in use for working away, retention of double utility block, provision of double stable block, retention of reduced area of hard surface for exercising horses, retention of hard standing for 3 No vehicles plus horse box trailer to north of site and provision of new hard standing for 3 No vehicles plus horse box trailer together with retention of existing access at North West corner of site

Application No:

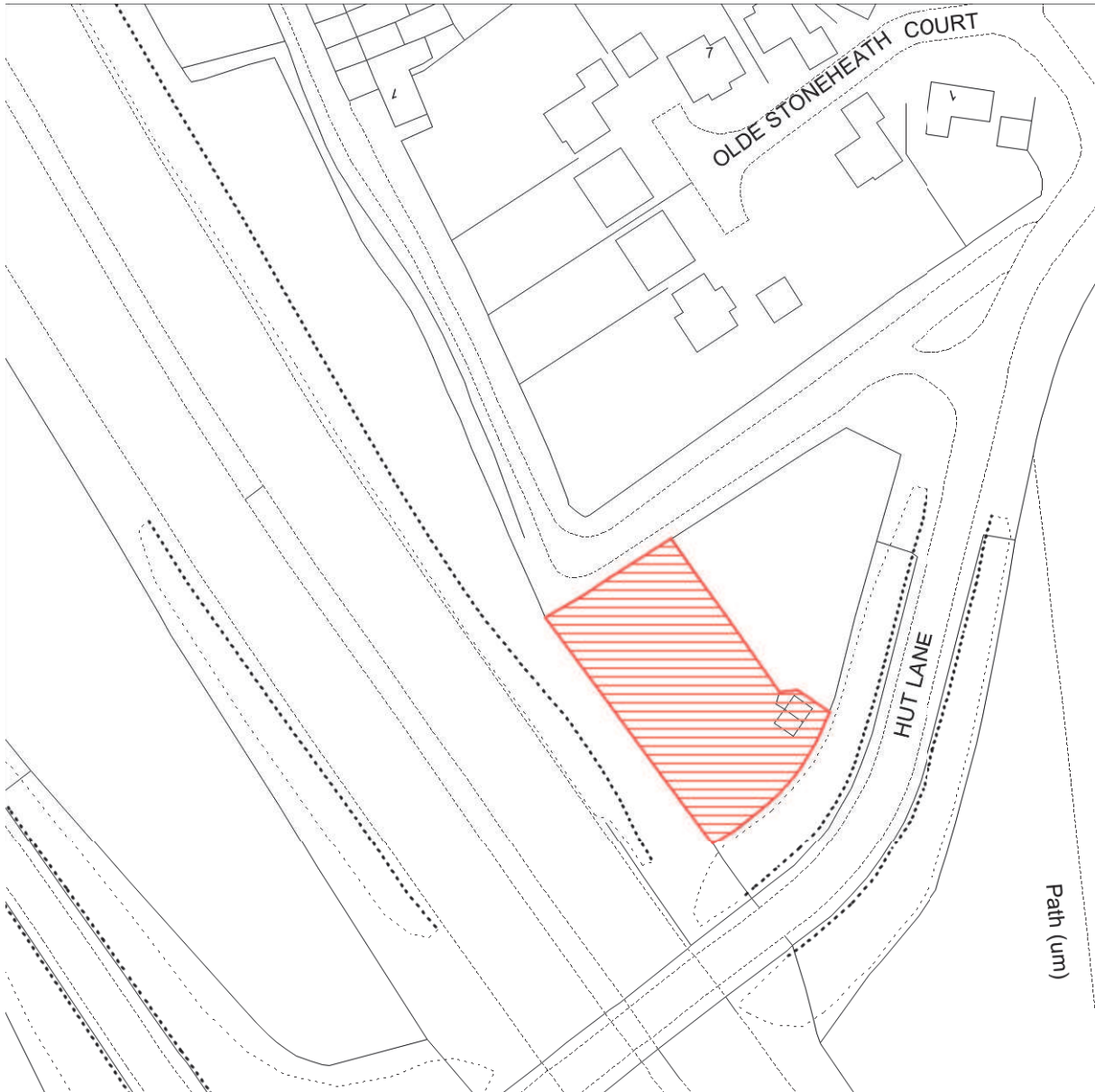
Decision: WDN Decision Date: 22 May 2012

**Recommendation: Temp Conditional Approval**

### Conditions

1. The permission shall expire on the 9 July 2015, following which the limestone chippings laid on the land shall be removed within 3 months of the expiry of the permission. *Reason: To reserve to the Local Planning Authority control over the long-term use of the land, as the development is inappropriate development in the Green Belt and not acceptable on a permanent basis.*

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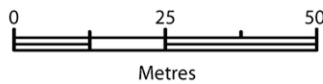
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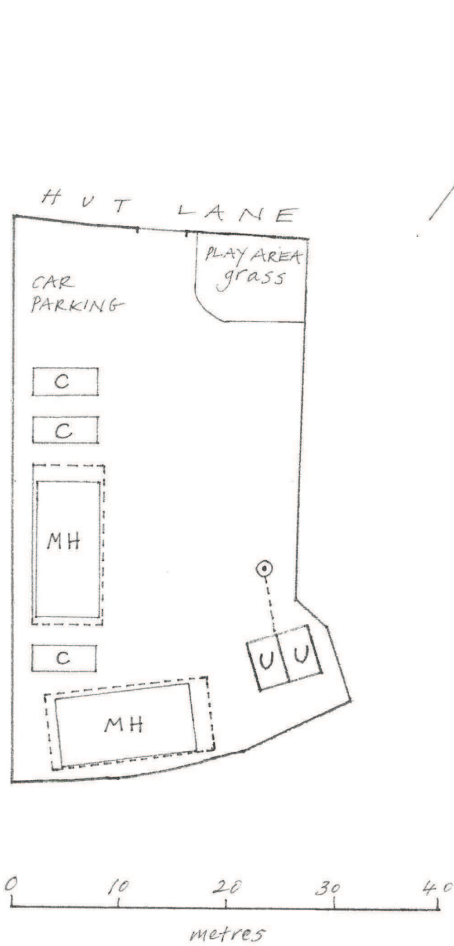


### Hut Lane Stones Location Plan

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DRAWING: HUT LANE TEMPORARY SITE PLAN

SCALE: 1-500 at A3

DRAWN BY CJ TYLER  
 MICHAEL HARGREAVES PLANNING  
 5 HIGH STREET • SWAFFHAM PRIOR  
 CAMBRIDGE • CB25 0LD

KEY:

- U UTILITY BLOCK
- C TOURING CARAVAN
- MH MOBILE HOME ON CONCRETE BASE
- ⊙ SEPTIC TANK

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