

3 March 2009

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 3RD MARCH 2009

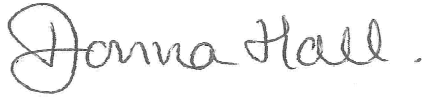
The following report was tabled at the above meeting of the Development Control Committee.

Agenda No Item

11. **Addendum (Pages 175 - 184)**

Report of Corporate Director (Business) circulated at the meeting

Yours sincerely



Donna Hall
Chief Executive

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આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپکی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون
کیجئے: 01257 515823

COMMITTEE REPORT

REPORT OF	MEETING	DATE	ITEM NO
Corporate Director (Business)	Development Control Committee	03/03/09	

ADDENDUM

ITEM1: 08/01170/OUTMAJ- Outline application for the erection of 71 dwellings including access and scale. Site Of Former Social And Athletic Club, Duke Street

Councillor Mark Perks would like to record his support for the application and option 3, set out within the Update Section of the report, relating to the use of Hall Gate and changing facilities in the village.

Following further discussions the applicants have agreed to increase the amount of commuted sum for the improvements at Rangleetts Recreation Ground. The figure has increased to £80,000.

The following condition has been attached to the recommendation:

Before the use of the site hereby permitted is first commenced, full details of facilities to be provided for the cleaning of the wheels of vehicles leaving the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include information in respect of the amount of imported material required, the number of vehicles required to import the material and the timing of the delivery of material to the site. The wheel wash facility shall be provided, in accordance with the approved details, before the use of the site hereby permitted is first commenced and thereafter retained at all times during operation of the site.

Reason: To prevent the tracking of mud and/or the deposit of loose material upon the highway, in the interests of public safety and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.

It has been queried whether traffic calming will be necessary along Duke Street/ Brindle Street in respect of the increased volume of traffic created by the proposal. The Highway Engineer at Lancashire County Council has confirmed the following:

In response to your enquiry about the possible need for some traffic calming on Duke Street and/or Brindle Street, this of course, has been considered. However, there are no collisions recorded for either street and local knowledge confirms that there is little history of traffic mis-use on either road. For that reason a large traffic-calming scheme would be difficult to justify and care needs to be taken not to demand something that could even be counter-productive, especially after the development is completed. However, this will be reviewed when the full scheme is submitted and if we are able to ask the developer to fund a traffic scheme, we will. This could be achieved through a Section 278 Agreement with the Highway Authority.

ITEM 2: 09/00024/FUL – Erection of Multi Use Games Area including provision of 3m steel fencing, tarmac playing surface and access footpaths. East of Buckshaw Primary School.

Astley Village Parish Council wish to register their support for this proposal.

Councillor Mark Perks would like to record his support for the application.

Please note that the original description of the application incorrectly identified its location as being west of the Primary School when it is quite clearly to the east. The distance from the school building is a product of the Local Land and Property Gazetteer which uses the centre point of buildings and plots of land for identification purposes. The School name has been corrected.

There has been a late letter of objection raising the following issues:

- The design of the structure is not acceptable in this prominent location
- There are alternative locations available such as the car park to the rear of the shops and the recently reinstated land between the car park and Astley Hall
- If approved it should only have a two year permission to monitor its impact
- The Parish Council should supervise its operation

In the report, there is an inadvertent reference to Chancery Lane, this should be read as Chancery Road.

ITEM 3: 08/01253/OUTMAJ – Outline application for residential development for 33 dwellings including access and scale. Waggon and Horses Public House Coppull Moor Lane.

The applicants have asked that it should be pointed out that their agreement to provide 11 affordable dwellings represents a contribution of 33%.

A late letter of objection has been received raising the following matters:

- Extra vehicles on Chapel Lane would add to the already heavy congestion
- There has been a deliberate policy of running the public house down but it filled an important social function for the local community

ITEM 6: 09/00044/OUTMAJ- Outline application for the demolition and clearance of existing warehouse and outbuildings and erection of proposed 2 storey primary health care centre (Use Class D1) including ancillary office accommodation. Friday Street Depot

Sustrans have made the following comments on the application:

- Pedestrians and cyclists should have safe and convenient access to the site.
- Convenient cycle parking should be provided for staff and visitors
- A route through the car park to Brown Street for cyclists should be created.

Following discussions in respect of the sale of the land the application will now be determined by a General Purposes Committee on Thursday 26th March. As such the recommendation is now:

Defer to General Purposes Committee for the Decision with a recommendation to Permit Outline Planning Permission (subject to the legal agreement)/ Refuse if the legal agreement is not signed by 24th April 2009.

Following further discussions with the PCT they have requested that the permitted opening hours are extended on Saturdays to enable more flexible working in line with the communities needs. Although the Centre will be permitted to open during the hours set out in the condition it is likely that the Centre won't actually be open all of the time

as the opening hours will be dependent on need in the area. As such condition 17 has been amended as follows:

The use hereby permitted shall be restricted to the hours between 8am and 10pm on weekdays, between 8am and 8pm on Saturdays and there shall be no operation on Sundays or Bank Holidays.

Reason: To safeguard the amenities of local residents and in accordance with Policy Nos. EM2 and EP20 of the Adopted Chorley Borough Local Plan Review.

A combined Phase 1 and Phase 2 Ground Investigation and Risk Assessment Report for the site was received today (3rd March 2009). This has been sent to the Council's Environmental Services Section for comment. There is, however, a condition attached to the recommendation which deals with ground investigations and contamination.

ITEM 7: 09/00023/FUL- New dwelling for agricultural workers including detached garage. Land West Of Knowleswood, Wrenalls Lane, Heskin

A letter has been received from the applicant's agent in response to the comments made by Lancashire County Council's Land Agent. A copy of this letter can be found in appendix A to this addendum.

ITEM 8: 08/01252/OUT - Erection of proposed country house hotel (outline application). Rivington Village Club, Horrobin Lane, Rivington, Horwich

Two further letters objections have been received. They object on the following grounds:

- Not enough parking would lead to an increased requirement for parking and lead to on street parking at this very congested sharp bend especially at school times, weekends and public holidays;
- When the hotel is full and the roadway blocked with cars then the alternative is to park on the nearby bridlepath which people who use this access to their homes and fishing would not allow;
- The whole conservation area would be under greater threat if the application were allowed.

The recommendation of the application remains the same.

ITEM 9: 08/01070/FUL- Land 73m South Of 62 Lancaster Lane Clayton-Le-Woods. Erection of one detached dwelling on land to the rear of 62 Lancaster Lane, Clayton Le Woods (utilising access road approved by 07/00685/FUL and 08/00862/FUL

An amended layout plan has been received detailing the trees protected by a Tree Preservation Order to the rear boundary of the application site. These trees will be retained as part of the proposal.

ITEM 10: 09/00018/TEL - Prior notification for the erection of a 15m high monopole, 3 No. 3G antennas and equipment cabinet. Land 100m South Of BWFC Training Ground Building, Euxton Lane, Euxton.

Councillor Mark Perks has raised the following concerns:

- All the street structures in the area are low profile, with the exception of another telecommunications pylon/pole located near to the railway lines, away from public view.
- Streetlights and telegraph poles are smaller and have a slimmer visual impact siting next to the bus stop will also look out of place.

- It could set a harmful precedent for others to be sited in one of the few remaining green areas along Euxton Lane. In my opinion not all the other current existing sites have been fully explored.
- The location would be unsafe (distracting drivers), and would be at odds with the consistently low profile appearance of structures in the area. Euxton Lane does have a number of vehicle accidents quite near to this site at the entrance to BWFC training ground.
- Siting the proposal on this particular site would result in a prominent feature in the streetscape, and the mast would dominate existing street furniture.
- Locating a telecommunications mast here would worsen the existing streetscene, which is in need of enhancement.
- This particular part of Euxton Lane did not receive highway improvement following the building of the Buckshaw site and as such siting a mast here may prevent any possible highway safety improvements in the future.
- The proposed mast does not comply with the requirements of Policy PS12.

ITEM 11: 09/00053/FUL - Retrospective application to retain 4 no. lighting columns.

The Parish Council has no observations on the application.

Appendix A

Caron Taylor
Planning Officer
Chorley Council
Civic Offices
Union Street
Chorley
PR7 1AL

Dear Ms Taylor

Application Number 09/00023/FUL
Land West of Knowleswood, Wrennals Lane, Ecclestone – Proposed New Dwelling for Agricultural Workers

I refer to the above matter.

I have recently had sight of the County Land Agent's report and am very disappointed by the tone of the advice provided to the Council. There is not one element of the report which is supportive of the proposals and this is not considered to be reasonable given the compliance with the tests set out in PPS7 Annex A. This has been comprehensively addressed in the Planning Statement submitted with the planning application.

It is not considered necessary to produce counter-arguments to all the County Land Agent's points as this has previously been covered in precise detail in the Planning Statement.

Having spoken to you recently I understand that you share the County Land Agent's concern regarding the relatively low profit margins, with particular concern over the method in which funds will be raised for the construction of the new dwelling.

It can not be argued that the profits shown in the accounts submitted with the application are not relatively low. However, it is respectfully suggested that you consider the finer details of this application and the personal circumstances of the Martland family before making your final recommendation based on this matter. It is clear to anyone who speaks to Mr and Mrs Martland and witnesses their living conditions first hand that they have a passion for two things; their farm and their family. Michael Martland has worked the land all his life in some form or other and his wife, Rosie, is now heavily involved in their business and has no other income from outside of the farm.

This application is seeking to give the couple the much needed security of a house for their family and their business. Once the permission is in place, firm plans can be made for the expansion of the farm and it will signal an end to the long period of uncertainty that the family have found themselves in through no fault of their own. Mr and Mrs Martland would never put their farming business at risk and will take their time with the construction of their new home. They are a responsible family and would not risk their livelihood by attempting to build the house within an unrealistic time frame. Michael informing the County Land Agent that credit cards will help fund the build should not be considered a binding comment which hinders the approval of the application. It has since become apparent that there are many funding options available to the Martlands, something which is touched upon in Rosie Martland's statement below.

It is fair to state that Michael has always been a man of modest income and he has had to combat this over the years by learning many skills which have proved useful to the

farm, his family and the local community. These skills will prove invaluable when the time comes to build the new house. The family will save a fortune by Michael doing the majority of the work himself and will have help from friends and associates who he has similarly helped over the years. You are respectfully reminded that the land upon which the dwelling will be built is in Mr Martland Senior's ownership, therefore significantly reducing the usual overall cost of acquiring land and building a property.

It is acknowledged that the application has to be determined in line with the tests set out in PPS7 yet the frustrating matter is that these tests have been undoubtedly complied with. It is accepted that there have been previous cases whereby the costs of constructing the new dwelling has been felt to be material. However, having read relevant case law it is clear that, as with all case law, each case is inherently different from the next and the Martland's situation does not fall within any such case. In the cases I have read the issue of low profits and the construction costs of the house are not the sole reason for the applications failing. This matter has also arisen in appeals and High Court cases where the enterprises are on a much larger scale to the Martland's with more workers to pay a regular wage; something which would obviously become difficult to sustain with low profits and a dwelling to construct. You are reminded that Mr and Mrs Martland do not employ anyone else and therefore do not have this issue to contend with.

A relevant appeal case found was in the Peak District National Park Authority where a dwelling was required at a herb farm and the functional test was failed, but an inspector noted that a financial appraisal prepared by a consultant concluded that the business was profitable, although not by a substantial margin. The balance sheet was prepared without the benefit of accounts, making a detailed assessment impossible, although updated information provided at a hearing lent support to the claim that turnover was increasing month by month. There was no reason to question the sustainability of the enterprise in what was an expanding market. Whilst the absence of a detailed business plan made it difficult to be certain that the enterprise could fund both the necessary investments, and the costs of building the dwelling, it was concluded that on balance the unit should be capable of sustaining the house proposed (Peak District National Park Authority 4/8/99 COMPASS Ref No.045301673).

Although the above appeal decision was not favourable to the appellant, it nonetheless provides evidence that decisions can be made on balance when the finances may not appear to be at an expected level for an agricultural enterprise. It is not a clear issue of assessing the figures and making a decision that the construction of a house can not be funded because profits are relatively low. Other issues have to be considered material and Michael's life has always been in agriculture and there is no evidence to discount the notion that he will be involved with agriculture for the rest of his life and may well pass the baton on to his children like his father before him. If anything is going to hold the security and expansion of the farming business back it is going to be the lack of a family home on the site.

Other issues should not be allowed to cloud the fact that the fundamental purpose of the financial test is to ensure that a dwelling is not permitted at a unit which does not have a clear prospect of continuing viability in the future. Despite low profits, there is no indication that the Martland's farm does not have a clear prospect of continuing viability in the future. Concerns over the financial means of my clients is ironic given that a refusal of the planning application may well lead to a costly appeal process and the outlay of money which would be much better spent on expanding the farm or building their new house.

It is highly relevant that PPS7 differs from PPG7 as it includes an extra paragraph (para 8) in Annex A which allows the financial test to be more flexible to allow for subsistence farming. This paragraph acknowledges that some farms will have wider benefits and can be sustained on relatively low financial returns. It must be stressed that my clients

are not subsistence farmers but it is material that they offer benefits to the Eccleston community. These benefits are detailed below in Rosie Martland's statement. The following statement was written by Mrs Martland in response to the County Land Agent's report. It has not been edited or amended in any way and gives a good impression of the realities of the situation (something that is easy to forget when immersing ourselves in planning policy and guidance):

"In Reply To Assessment for Agricultural Workers Dwelling

1) 'Limited time' 6 months to me is not limited, actually it is most times when you consider 24 hours a day between the two of us, we can put in more than 24 hours a day at busy times. We don't think lambs should be allowed to die and possibly sheep too because someone believed we were not needed to assist. I do not feel that this is acceptable and leads to poor animal health and ultimately cruelty and neglect.

2) Rosie (I) spends 24h a day on the farm during lambing. I only leave when Mick is here or to collect the children from school. I have paid work nowhere else. During winter months lambing Mick is also present most of the time. Previous years he has done it all himself due to pregnancy etc. Ground is unfit to fence on during wet winter months so is not very busy anyway! Mick gets up every two hours during the night and may be out there for hours or decide to get up in an hour if sheep are unsettled. A lot of time is spend by him checking heavily pregnant ewes before they are due to come in or new lambs turned out. Winter time we also have a lot of sheep movement due to lack of grass growth and electric fencing to erect.

3) We are trying to boost profits in summer as lambing is seasonal with fencing which is relatively new to us. Seems to fit in very well. Lambs have been a poor price for 2006 and 2007, however 2008 price for lambs has nearly doubled and held. Mick knew it would turn around.

We would more than likely spend a good few years building house, getting a small mortgage and doing it as we could afford it. Getting footings in first doing the labour ourselves. It is the only realistic way of us being in our own house.

We have subsidy on most of the land we farm which makes the land more profitable and the landlords are happy for us to continue farming it as long as needed. Some of the fields have tennancys on them and as we have farmed them for so long they are secure. It is not a worry of ours at all and we have some more land in the pipeline anyway. We have never had any problems with grass we usually have more than we can manage and share with local friend farmers.

4) We would not successfully be able to run a sheep farm without knowingly neglecting our stock. Living away from where they were lambing getting up 2 hourly, sometimes hourly travelling in the car and maybe not returning for hours is not a humane possibility and cruel to my husband. We could never afford a house in Eccleston as for shared accommodation with three children that is no security for my family (can't think of anything mild to say so I won't!) This is our only way of a permanent house and security, (not sharing a bed with our son because there is nowhere else to put him).

I'm very sure the neighbours would be unhappy with vehicles back and forth all night and it is unfair to expect my children to be disturbed every night I value their health and wellbeing.

5) We love the design of the house it is perfect for our growing family.

Dwelling proposal for the only Fully functional sheep farm in Eccleston

How our farm benefits our community and other local farmers

Every year we have other smaller farmers use our sheep facilities and expertise, When we dip our sheep other peoples sheep also use our dip. Mick also shears and foot trims for other local hobby farmers both here and on other premises, without them having this help, maintaining health would be hard. We help out local farmers who are friends sharing land when we may have too much and they haven't got any grass.

Our local community and it's children benefit from having access to a local sheep farm. For the past 3 years and again this year we take lambs into the local primary school and educate the children about farming lambs. All the children get to hold or pet the lambs which is one of the highlights of the school year for the teachers and children. There are a few special needs children at the school who also get to benefit from this experience.

Every year we also have veterinary students wanting to gain lambing experience and education to help them get into university. We welcome interested people to our farm to see the lambs or even to see one being born. Footpath walkers love seeing new lambs.

Trying to be Self sufficient

We are by no means totally self sufficient, but we don't buy any pork or lamb and very little other meat. Our shopping bill is dramatically reduced in doing this. We know that what we are eating is in its purest natural form free from additives, preservatives and not 40% water. We know that our animals have good health and are not mistreated in anyway. We are hoping to have some Beef next year too. I have tried veges but I seem to have more success with animals.

Funding and Finance

We have had a tough few years financially, the bottom dropped out of the price of lambs and we were unable to work Aug-Oct 2005 at all as our son nearly died just after birth. I was in hospital for 5 Weeks after our youngest Harry had emergency open heart surgery, complications and was on life support for nearly a month. Just after lambing so no income. Mick did all the lambing himself as I was pregnant so no money. Mick couldn't work at all as he had to look after a 4yr old and 19m old as well as maintain sheep. We had to pay all the feed bills etc incurred from lambing on the credit cards as well as shopping and living bills, diesel to and from Liverpool everyday, car broke 2000 pounds. We were under huge financial strain and emotional. Only now are we recovering from this, which is why we took an opportunity to diversify around lambing. We would never have been able to get our heads above water with sheep alone especially when lamb prices were so bad. Harry is fab now and a good farm helper. Sheep prices have recovered and look to be profitable based on last year. Much more viable now I can share in the work load which was more difficult with very young and sick child. I had to avoid totally when pregnant.

We are never going to be rich, so this could be the only way of us owning our own home and security for our precious family.

Diversification

Fencing work was a diversification for quieter times on the farm and started as a favour for a local farmer, before we knew it others were asking for work to be done. It fits in very well. I am on the farm when mick fences and check the sheep. However during lambing busy times we are both needed here. During the summer Mick subsidises the farm fencing, he only works till 5 then does any sheep work I can't in the long nights of summer, its cooler then as well. Obviously sheep come first and time is taken to shear, dip, foot trim, worm, move, check, weigh and take in fat lambs. It fits in really well as ground at lambing time is too wet to go on with a tractor. The fencing is a new thing which could dry up next year we take things as they come, being a farmer Mick is used to working a 16+ hour day as until last year he used to milk twice a day, which he no longer does.

Land Farmed

Short term leases is the way most landlords like to rent out land for their security and ours. We have gentleman's agreements with some land that we have the land as long as we need it as it is sometimes hard to find reliable tenants. We do have tenancy for at least 18 acres so is ours to rent indefinitely. Winter grazing is ours as long as we still want it. Grazing has never been an issue for us at all. If we do ever run short we have haylage. We have very good local connections and if we have too much grass we share with others and likewise. Mick is only too happy to help out other local farmers. Last year I was called out to lamb a sheep that a shepherd couldn't manage he had been trying for hours, so I went along and sorted it out with two live lambs. Mick is often to Hobby farmers aid at lambing time.

Funding for Home

We plan to build over the next 2-4 years as we can afford it. Putting the footings in and doing alot of the labour ourselves. Taking out a small mortgage, doing more bits as we can afford. Hopefully lambs will hold their great price from last year which will give us a good start. Can't wait to start buying bricks !!"

The County Land Agent has questioned the size of the proposed dwelling but this is not considered to be an issue. Tom Lockwood has designed a high quality dwelling which is sympathetic to its Green Belt setting. It is not considered overly large for a family home and any amendments to it could be to the detriment of its quality design.

It is respectfully suggested that the information provided in this correspondence and the previously submitted Planning Statement is enough to make a balanced judgment in support of the application. The fact that there is case law which confirms the cost of house construction to be a material consideration does not necessarily mean that this application cannot be supported. There are various other material considerations which show that the farm is in no danger of being 'fazed out' once approval is given for a dwelling. It is appreciated that the Council has to exert great caution because of unscrupulous people in the past attempting to get a new dwelling in the Green Belt by dubious means. However, Mr and Mrs Brooks should not be tarred with the same brush as theirs is a very genuine case.

Yours sincerely

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