

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 12TH SEPTEMBER 2017, 6.30 PM
COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

1 **MINUTES OF MEETING TUESDAY, 15 AUGUST 2017 OF DEVELOPMENT CONTROL COMMITTEE**

(Pages 3 - 6)

2 **DECLARATIONS OF ANY INTERESTS**

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

3 **PLANNING APPLICATIONS TO BE DETERMINED**

The Director (Customer and Digital) has submitted six items for planning applications to be determined (enclosed).

Plans to be considered will be displayed at the meeting or may be viewed in advance by following the links to the current planning applications on our website.

<https://planning.chorley.gov.uk/online-applications/search.do?action=simple&searchType=Application>

A **16/01021/OUT - HIGHER HEALEY FARM, HIGHER HOUSE LANE, HEAPEY, CHORLEY (TO FOLLOW)**

B **17/00411/OUTMAJ - LAND AT CARRINGTON ROAD, ADLINGTON**

(Pages 7 - 22)

C **17/00438/FULMAJ - CALDER HOUSE AND RYDAL HOUSE, HIGHFIELD ROAD NORTH, CHORLEY, PR7 1PH (TO FOLLOW)**

D **17/00549/FUL - 267B THE GREEN, ECCLESTON, CHORLEY, PR7 5TF**

(Pages 23 - 30)

**E 17/00539/FUL - HIGH HEYS FARM, LANGTON BROW,
ECCLESTON, CHORLEY, PR7 5PB**

(Pages 31 - 40)

**F 17/00621/FUL - BACK HOUSE FARM, HALL LANE,
MAWDESLEY, ORMSKIRK, L40 2QY**

(Pages 41 - 50)

4 APPEALS AND OTHER DECISIONS

Report of the Director of Customer and Digital (to follow).

5 ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR

GARY HALL
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Development Control Committee Councillor June Molyneaux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Martin Boardman, Charlie Bromilow, Henry Counce, John Dalton, Gordon France, Danny Gee, Tom Gray, Keith Iddon, Alistair Morwood, Mick Muncaster, Richard Toon, Paul Walmsley and Alan Whittaker.

Electronic agendas sent to Development Control Committee reserves for information.

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MINUTES OF DEVELOPMENT CONTROL COMMITTEE

MEETING DATE Tuesday, 15 August 2017

MEMBERS PRESENT: Councillor June Molyneux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Martin Boardman, Henry Counce, John Dalton, Gordon France, Tom Gray, Keith Iddon, Mick Muncaster, Richard Toon and Alan Whittaker

RESERVES: Councillors Jean Cronshaw

OFFICERS: Asim Khan (Director (Customer and Digital)), Adele Hayes (Planning Services Manager), Caron Taylor (Principal Planning Officer), Alex Jackson (Legal Services Team Leader) and Nina Neisser (Democratic and Member Services Officer)

APOLOGIES: Councillors Charlie Bromilow, Danny Gee, Alistair Morwood and Paul Walmsley

17.DC.296 Minutes of meeting Tuesday, 18 July 2017 of Development Control Committee

RESOLVED – That the minutes of the Development Control Committee held on 18 July 2017 be approved as a correct record for signature by the Chair.

17.DC.297 Declarations of Any Interests

There were four declarations of interest:

Councillor John Dalton declared an interest on item 3a 16/00601/FUL – Drinkhouse Farm, Drinkhouse Road, Croston, Leyland, PR26 9JH and left the meeting for consideration of this item.

Councillors Chris France and Gordon France declared an interest on item 3h 17/00663/FUL – Land to the rear of 56 School Lane, Withnell Fold Old Road, Brinscall and left the meeting for consideration of this item.

Councillor Martin Boardman declared an interest on item 3m 17/00546/FULHH – 1 Brookfield, Mawdesley, Ormskirk, L40 2QJ and left the meeting for consideration of this item.

17.DC.298 Planning applications to be determined

The Director of Customer and Digital submitted thirteen reports 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 16/00601/FUL - Drinkhouse Farm, Drinkhouse Road, Croston, Leyland PR26 9JH

Cllr John Dalton left the room for consideration of this item.

Registered speaker: Richard Barton (agent)

RESOLVED (8:2:1) – That full planning permission be approved, subject to conditions in the report and a legal agreement.

b 17/00356/REMAJ - Land Surrounding Euxton Lane, Euxton

Cllr John Dalton returned.

RESOLVED (10:2:0) – That reserved matters consent be approved, subject to conditions in the addendum.

c 17/00369/REMAJ - Land North Of Lancaster Lane And Bounded By Wigan Road And Shady Lane, Lancaster Lane, Clayton-Le-Woods

RESOLVED (10:1:1) – That reserved matters consent be approved, subject to conditions in the addendum.

d 17/00547/CB3 - Chorley United Reformed Church, Hollinshead Street, Chorley PR7 1EP

RESOLVED (unanimously) – That full planning permission be approved, subject to conditions in the report.

e 17/00533/OUT - Baysbrown, Copthurst Lane, Whittle-Le-Woods, Chorley PR6 8LR

Registered speakers: Adrian Melling (objector) and Louise Leyland (agent)

RESOLVED (unanimously) – That outline planning permission be refused for the reasons set out below.

Reasons: 1) The proposed development would be located within the Green Belt as defined by the Chorley Local Plan 2012 – 2026. It would not constitute infilling and is not located within a village. The proposed development would have a greater impact on the openness of the Green Belt than the existing development and would result in other harm to the Green Belt as a consequence of the substantial amount of hardstanding to the front of the proposed dwellings with no boundary treatments which would result in a visual urbanising of the immediate vicinity. It is not considered that there are very special circumstances to outweigh the harm to the Green Belt and, therefore, the proposed development is inappropriate development contrary to the National Planning Policy Framework, Policy 1(f) of the Central Lancashire Core Strategy of the Chorley Local Plan 2012 – 2026.

2) The proposed development, by virtue of its density and massing, would have an unacceptable impact on the general appearance of the application site. The proposed development is, therefore, contrary to the National Planning Policy Framework and policy BNE5 of the Local Plan 2012 – 2026.

3) The proposed development, by virtue of its density and building to plot ratio, would result in a substantial amount of hardstanding to the front of the proposed dwellings with no boundary treatments and would result in a visual urbanising of the immediate vicinity which would be detrimental to and out of character with the existing street scene of this part of Cophurst Lane. The proposed development is, therefore, contrary to policy BNE1 of the Chorley Local Plan 2012 – 2026.

f **17/00423/FULMAJ - Beech Grove Farm Black Moor Road Mawdesley Ormskirk L40 2QE**

RESOLVED (11:1:0) – That full planning permission be approved, subject to conditions including a construction management plan including a wheel wash, addressing dirt on the vehicle wheels and a condition to require the council's approval of the materials to be used in the construction of the access road prior to the commencement of work.

g **17/00578/FUL - 40 Park Road, Chorley PR7 1QU**

RESOLVED (unanimously) – That full planning permission be approved, subject to conditions in the report and the addendum.

h **17/00663/FUL - Land To The Rear Of 56 School Lane, Withnell Fold Old Road, Brinscall**

Cllrs Chris France and Gordon France left the room for consideration of this item.

RESOLVED (6:4:0) – That full planning permission be approved, subject to conditions in the report.

i **17/00635/FUL - 41 Cunliffe Street, Chorley PR7 2BA**

Cllrs Chris France and Gordon France returned.

RESOLVED (unanimously) – That full planning permission be approved, subject to conditions in the report as amended in the addendum.

j **17/00490/FULMAJ - Garside and Son Plumbers, 5 - 9 Queens Road, Chorley PR7 1JU**

RESOLVED (unanimously) – That full planning permission be approved, subject to conditions in the report as amended in the addendum and a legal agreement.

k **17/00521/FUL - Cockers Farm, Long Lane, Heath Charnock, Chorley PR6 9EE**

Registered speakers: Paul Prescott (objector) and Joe Makepeace (agent)

RESOLVED (unanimously) – That full planning permission be refused for the reasons set out below.

Reasons: The proposed development would be located within the Green Belt as defined by the Chorley Local Plan 2012 – 2026. The proposed development would have substantial impact on the openness of the Green Belt, would conflict with the purposes of including land within the Green Belt and as such represents inappropriate development. No very special circumstances have been presented which outweigh the harm to the Green Belt which would be caused by the proposed development. As such, the proposed development is contrary to the National Planning Policy Framework.

RESOLVED (unanimously) – That enforcement action be authorised in relation to the unauthorised development in consultation with the Head of Legal, Democratic and HR Services.

17/00625/FUL - Laneside Farm, Brown House Lane, Higher Wheelton, Chorley PR6 8HR

This item was withdrawn from the agenda.

17/00546/FULHH - 1 Brookfield, Mawdesley, Ormskirk L40 2QJ

Councillor Martin Boardman left the room for consideration of this item.

RESOLVED (unanimously) – That full planning permission be approved, subject to the conditions in the report.

17.DC.299 Town and Country Planning Act 1990 - Section 257 Chorley Borough Council (Part of Public Footpath No. 23, Coppull) Public Path Diversion Order 2017

Cllr Martin Boardman returned.

RESOLVED (unanimously) – That the public footpath diversion be approved, subject to the recommendations in the report as amended in the addendum.

17.DC.300 Proposed Right of Way Diversion - Pear Tree Lane, Euxton

RESOLVED (unanimously) – That the public footpath diversion be approved, subject to the recommendations in the report as amended in the addendum.

17.DC.301 Appeals and Other Decisions

The Director of Customer and Digital submitted a report for information on planning appeals between 11 July and 7 August 2017.

There were no planning appeals or decisions received.

Chair

Date

APPLICATION REPORT – 17/00411/OUTMAJ

Validation Date: 13 April 2017

Ward: Adlington And Anderton

Type of Application: Major Outline Planning

Proposal: Outline application for residential development for up to 25 dwellings with all matters reserved save for access from Carrington Road.

Location: Land At Carrington Road Adlington

Case Officer: Mike Halsall

Authorising Officer: CT

Applicant: Hollins Strategic Land

Agent: Sedgwick Associates

Consultation expiry: 31 May 2017

Decision due by: 22 September 2017

RECOMMENDATION

1.1 The outline application is recommended for refusal.

SITE DESCRIPTION

1.2 The application site forms part of an area designated as Safeguarded Land within the Chorley Council Local Plan. The site is relatively flat, is previously undeveloped and consists of grassland with trees and shrubs around the perimeter and scrub is beginning to colonise the land. The site is relatively well contained, bordered by allotment gardens to the north east, residential properties to the south east and south west and there is a sand quarry present off the north western site boundary.

DESCRIPTION OF PROPOSED DEVELOPMENT

1.3 The applicant is seeking outline planning permission for erection of 25 dwellings with all matters reserved apart from a new access from Carrington Road. The proposal includes a range of dwelling types and sizes, including larger homes and smaller dwellings which will include both market and affordable homes. The access strategy is to utilise Carrington Road, which currently runs up to the boundary of the site with the creation of two internal cul-de-sacs to access the dwellings. Open space provision is included in the development to the northwest corner of the site and additional tree planting is also proposed. The existing hedgerow would be maintained where possible.

REPRESENTATIONS

1.4 46 objections have been received which raise the following concerns:

- Additional vehicles using Park Road and Carrington Road which are already congested
 - Access is near a school which is a safety concern
 - Green Belt land should be preserved along with the wildlife it supports
 - The land is safeguarded until 2026
 - One exit is not sufficient for 25 houses
 - There are other more suitable sites in Adlington
 - Noise, dust, highways and vibration impacts during construction work
 - Structural integrity of the bridge over the canal, including heavy trucks during construction works
 - Pressure will be added to local infrastructure, such as the schools and health services
 - Loss of pasture land and trees
 - There is a pipeline running through the site which requires a stand-off meaning a section of the site will not be able to be developed
 - Inadequate sewage infrastructure
 - Impact on wildlife
 - The information in the Transport Statement is misleading with regards to level of movements and public transport
 - Impacts upon privacy and overshadowing
 - Visual impact
 - Ecology surveys were undertaken at sub-optimal time of year and are not sufficient
 - Site is not at low risk of flooding, the ecological report refers to marsh land and a pond
 - Damage to cars parked on the road
 - Surface water drainage
 - Design and Access Statement refers to 11m high houses – three storeys is higher than existing properties
 - Loss of Public Right of Way to the north
- 1.5 One response was received which neither objects nor supports the planning application but asks that surface water management forms part of the considerations. Where relevant, the above issues are dealt with within the Planning Considerations section below or are addressed by the responses of expert consultees in the following section.

CONSULTATIONS

1.6 Adlington Town Council –object to the proposed development on the following grounds:

- The site is allocated as Safeguarded Land in the Chorley Local Plan
- The only access to the site is via Park Road. All traffic to the lower end of Adlington uses this route in addition to the vehicles accessing Adlington Primary School. As a result there are often problems with access and parking along much of the road.
- All traffic using Park Road must use the canal bridge. Residents have raised concerns that the bridge is at its full capacity and is showing signs of stress related damage near to the Bridge Inn. The Town Council has recently raised concerns with the Highways Authority regarding emergency access to this section of the village as any incident near to the bridge can block off access completely.
- Adlington Primary schools are already reaching capacity and the recent Lancashire County Council Draft School Place Provision Strategy predicts a shortfall of 63 primary school places in the Adlington/Rivington area by 2022. All secondary schools are outside Adlington.
- Serious flooding problems were experienced by residents of Lower Adlington in winter 2015 and the building of additional houses is likely to exacerbate the existing drainage problems
- Residents adjacent to the site report the use of its old and thick hedgerows by a variety of bird species and hedgehogs. They also report that the nearby sand quarry has recently installed “newt nets” indicating the presence of one or more species of newt, and bats have been seen in the area. The ecological survey included with the application took place in October, which is out of season for many of these animals.

- The location of the site is not well served by public transport, as there is no regular bus service to Lower Adlington
- Any building work in this location would cause serious disruption to existing residents as the access roads are unsuitable for heavy vehicles.

The response also lists a number of concerns which residents expressed during a meeting; however, these are already covered within this report under representor comments.

- 1.7 The Coal Authority – a low risk area and therefore standing advice is applied this requires an informative is added a planning decision notice, should the application be approved.
- 1.8 Canal & River Trust – responded to state that, in summary, the site is located to the south of the Leeds and Liverpool Canal. The application details indicate that the existing surface water drain which crosses the application site would be diverted to allow for the proposed layout of the development. The existing drainage outfalls into the canal next to Rigshaw Bridge. Section 12 of the application form indicates that surface water on the site would be dealt with via a sustainable urban drainage system and the drainage strategy shows a layout with an attenuation pond within the development. Therefore, provided the development is only altering the line/route of the drain and not putting any additional flow into the diverted surface water drain which crosses the site, then this should be acceptable.
- 1.9 Environment Agency – responded with no objection to the principle of the development and made a number of comments in relation to the management of foul drainage, advising the applicant of their requirements with regards to applying for an Environmental Permit.
- 1.10 Greater Manchester Ecology Unit – responded to state that, in summary, the ecological survey undertaken in support of the planning application has been undertaken by an experienced ecological consultancy whose work is known to the Ecology Unit. The Ecology Unit has recommended conditions to be added to any grant of planning permission to ensure that recommended mitigation measures, identified within the ecological survey report, are implemented. The Unit also recommends that an Ecological Enhancement and Management Plan for this area be submitted with any reserved matters application. These details should include measures for long term monitoring, funding and details of the responsible party.
- 1.11 Regulatory Services - Environmental Health – responded to state that it has no objection to the proposed development, however if the application is approved the construction phase should comply with the Chorley Council document "Code of Practice for Construction and Demolition" which covers acceptable working hours, noise, vibration, dust and air pollution.
- 1.12 Lancashire Highway Services
- Park Road is an urban, single 2-way local access road. It is just over 800m long and serves as the arterial route to the area west of the A6 (Market Street, Market Place and Church Street). It is within a 20mph zone reinforced by road humps and is of standard width, sufficient to accommodate refuse lorries and large service vehicles and has good quality footways of adequate width on both sides. Sandy Lane and Carrington Road which would provide access to the proposed development also have 20mph speed limits, accessible by large vehicles and have footways on both sides.
 - There have been no recorded traffic incidents on Park Road or indeed Sandy Lane and Carrington Road in the past 5 years and although parking currently takes place on both sides of these roads, especially Park Road, this is not unusual in areas where the road is lined predominantly with terraced houses with no off-street parking provision and where the primary function of the road is to provide residential access. It was noted during site assessments that the footways largely remained unobstructed by on-street parked vehicles. As rightly noted by residents who provided comments on the planning application, on-street parking is at its peak during school drop-off and pick-up periods on Park Road and nearby streets to the Adlington Primary School such as Stonor Road, the section of Carrington Road with junction to Stonor Road, Crook Street and Holden Street, however as is always the case with residential areas close to schools, on-street parking dissipated quickly once children have been dropped off or picked up. The

School-Keep-Clear Order outside the school was also noted to have been generally observed during the highway assessments.

- As regards the stability of White Bear Canal Bridge and its capability to sustain additional traffic trips to be generated by the proposed development, they can confirm that the bridge is owned by Lancashire County Council (LCC). The bridge is a masonry arch structure with concrete beam widening to the north side. LCC carries out inspections of the bridge structure every two years in accordance with national guidelines. The most recent inspection was carried out in May 2017 and this has not revealed any issues which require attention. Each of these inspections provides a condition score for the bridge which helps identify if the bridge is deteriorating. The condition score for this bridge has not changed since LCC started using the current inspection system in 2006. The cracking on the bridge structure, which has been mentioned by Adlington Town Council and other residents in their submissions on the planning application, is to the face of the northern edge beam at the west abutment. This crack has been noted in LCC inspections since at least 1997 and it does not appear to be deteriorating. The crack is not due to overloading or stress but may have happened during construction. The bridge structure is not weight restricted so is able to carry normal traffic loading.
- Although the additional 13 and 14 two-way traffic movements to be generated by the proposed 25 dwellings during the AM and PM peaks would undoubtedly result in higher traffic flows on Park Road and the surrounding highway network, any impact as a result of these increased flows should not adversely affect the operation of the local highway network, including the White Bear Canal Bridge. As such, LCC as the highway authority would not object to Carrington Road, Sandy Lane and Park Road being used to access the proposed development
- To facilitate walking and cycling which are key objectives of both Lancashire County and Chorley Councils to tackling emissions, congestion and poor air quality, additional pedestrian and cycle link north of the site would be required by either improving Footpath 10 or 11, both of which are Public Rights of Way to link the canal towpath which is widely used by pedestrians and cyclists and for wider access to Westhoughton Road. It appears these improvements would require third party land consents, however the improvements are essential for improved accessibility of the site.
- The applicant has sufficiently demonstrated that the site is accessible by public transport. LCC would therefore not require additional measures in respect of public transport.
- Parking should be provided in accordance with the Chorley Council parking standard with garages provided to recommended sizes of 6.0m x 3.0m for a single garage and 6.0m x 6.0m for a double garage to be accepted as parking spaces.
- Overall, the proposed development is considered acceptable in principle from highways perspective, however, approval should be subject to conditions [conditions are listed within the full response from LHS]. Conditions relate to the submission and implementation of a scheme for the construction of the site access and off-site works and Public Right of Way improvement works.

1.13 Lead Local Flood Authority – responded to state that, in summary, it has no objection to the proposed development subject to a number of conditions and an informative to be added to any grant of planning permission [conditions and informative are listed within the full response from the Lead Local Flood Authority]. Conditions relate to the submission and implementation of a surface water drainage scheme and surface water lifetime management and maintenance plan with the Reserved Matters application.

1.14 Planning Policy (Open Space) – please see Public Open Space section within Planning Considerations section below.

1.15 Tree Officer – responded with a summary of the trees and hedges on-site but did not recommend that any of the trees should be retained.

1.16 United Utilities – responded to state that it has no objections to the scheme and recommended a number of planning conditions to be attached to any grant of planning permission. The response also highlights the location of a water main/trunk main which

crosses the site. As they need access for operating and maintaining it, they will not permit development in close proximity to the main. An access strip of no less than 10 metres, measuring at least 5 metres either side of the centre line of the pipe is required.

- 1.17 Whilst the outline application is not seeking approval for the site layout, an indicative plan was submitted with the application and this has been amended to reflect the above requirements of United Utilities.
- 1.18 Community Infrastructure Levy (CIL) Officers – responded to state that at present, no floorspace has been determined for the purposes of calculating the CIL Levy. A CIL Determination Form will be required during the submission of the Final Reserved Matters detailing layout, so that ALL CIL Liable floorspace is declared. The CIL Levy will then be calculated on the final GIA for the whole development.
- 1.19 Lancashire Fire and Rescue Service – responded to provide advice in respect of access for fire appliances and water supplies for firefighting purposes to the site. The response contains recommendations to make the applicant aware of conditions which will have to be satisfied on a subsequent Building Regulation application and request that it is notified when more detailed site layout proposals have been provided.
- 1.20 Contaminated Land Officer – responded to state that, in principal, they have no objections to the development. They have reviewed the Desk Study Assessment Report (ref: LC/C3429/6571 Rev A) which recommends some further work (section 6.3), specifically a radon search and intrusive site investigations comprising window sampling and ground gas monitoring. These would be expected to be undertaken prior to commencement of building. If the further work identifies any necessary remediation measures, the development should thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated and approved by the Council. These matters could be controlled by suitably worded planning conditions.

PLANNING CONSIDERATIONS

- 1.21 The northern tip of the site identified as being within the Green Belt. The remainder of the site is located on land safeguarded for future development needs, as defined in policy BNE3 'Areas of Land Safeguarded for Future Development Needs'. This application site forms part of a wider parcel known as 'North of Bond's Lane, Adlington', Policy BNE3.3.
- 1.22 Policy BNE3 states that development other than that permissible in the Green Belt or Area of Other Open Countryside (under Policy BNE2) will not be permitted on Safeguarded Land. The proposal is therefore contrary to Policy BNE3.
- 1.23 Policy BNE3 is in accordance with paragraph 85 of the National Planning Policy Framework (the Framework) which states that local planning authorities should "where necessary identify in their plans areas of safeguarded land between the urban area and the Green Belt, in order to meet longer term development needs stretching well beyond the plan period" and "make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development."
- 1.24 National Planning Policy Framework (the Framework) provides clear details on the importance of the Green Belt and paragraph 87 states that:
- "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."*
- 1.25 Paragraph 88 of the Framework goes on to say 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'

- 1.26 The application does not propose any built development within the Green Belt with this section of the site being proposed as an ecological enhancement area / open space. As such, there would be no impact upon the openness of the Green Belt and so this part of the proposal is not inappropriate in the Green Belt.
- 1.27 The principle of developing the section of the site within the area of Safeguarded Land is not established by the development plan and the consideration is therefore whether there are any other material considerations that would outweigh the weight afforded to the development plan that is considered carry significant weight.

Housing Need

The Applicant's Initial Case

- 1.28 The applicant's original submission argues that the Council's housing requirement is based on out of date information and the Council do not have a Framework compliant housing requirement. As a result they argue that the Council are unable to demonstrate a five year supply of deliverable housing sites and the application should fall to be considered under paragraph 14 of the Framework which sets out a presumption in favour of sustainable development. It states that where the development plan is absent, silent or relevant policies are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

The Council's Case

- 1.29 The Council do not believe that the adopted housing land supply policies set out in Core Strategy Policy 1: Locating Growth, Core Strategy Policy 4: Housing Delivery and Local Plan Policy HS1: Housing Site Allocations are out of date.
- 1.30 The Core Strategy was adopted in July 2012 and is framework compliant. The housing requirement in Policy 4 was based on Regional Strategy housing figures however the Core Strategy Inspector considered the requirement sound and stated in his report "The amount of housing proposed, together with the policies which seek suitable densities and high quality design and other relevant policies, accord with the Government's policy, set out in the Framework, of delivering a sufficient amount and wide choice of high quality homes, widening opportunities for home ownership and creating sustainable, inclusive and mixed communities. As a result, everybody should have the opportunity of living in a decent home which they can afford in a community where they want to live. In these respects the Local Plan is sound."
- 1.31 The Chorley Local Plan 2012-2026 was adopted in July 2015. Representations were received during preparation of the Local Plan that the housing requirement is not based on a robust, up to date objective assessment of need as required by the Framework. The Inspector concluded in her report that the Core Strategy target for 417 dwellings remained appropriate. She also stated "The Regional Strategy for the North West (RS) was revoked by the Secretary of State during the examination period. The impact of this on the soundness of the Plan, particularly regarding the justification for retaining the RS housing and employment targets, was consulted upon and discussed at the hearing sessions. I conclude that no soundness issues have arisen as a consequence."
- 1.32 Furthermore, in a recent appeal decision APP/N235/W/15/3007033 for up to 150 dwellings at Land at Preston Road, Grimsargh (within Preston Borough) dated 9th May 2016 the Inspector concluded that the Central Lancashire Core Strategy housing policies were not out of date. She stated in paragraph 21 "I have no reason to conclude that the relevant policies for the supply of housing are out of date with respect to the strategy for the location of housing. The Core Strategy was adopted in July 2012 in the context of the NPPF and the Local Plan was adopted as recently as July 2015." The Chorley Local Plan was also adopted in July 2015 therefore it should be considered up to date in light of this appeal

decision. The appeal was allowed but this was due to the uncertainties surrounding the delivery of housing and five year supply figures in Preston borough.

- 1.33 Chorley Council believes that the Core Strategy policies are not out of date and comply with paragraph 47 of the Framework, however it is accepted that it is timely to review the objectively assessed housing needs and housing requirements set out in the Core Strategy. The Central Lancashire authorities are commissioning a review of objectively assessed housing need and the outcomes of that review and the final report will be reported in the future.
- 1.34 As it is considered that the Core Strategy housing requirement is not out of date the Council can demonstrate a five year supply. The Five Year Housing Supply Statement for Chorley published in September 2016 identified that there was a 7.2 year deliverable housing supply in the Borough over the period 1st April 2016 – 31st March 2021.
- 1.35 In total there are 2,424 deliverable dwellings over the five year period. 1,681 are on allocated sites with planning permission, 600 on windfall sites with planning permission and a windfall allowance of 143 dwellings has been included.
- 1.36 The Council considers that the adopted housing land supply policies are up to date, therefore the proposal is contrary to the development plan. Paragraph 12 of the Framework states “Proposed development that accords with an up to date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.”
- 1.37 The applicant has identified a number of planning benefits of the proposed development. They have identified several social benefits including provision of market and affordable housing and public open space. They argue that the proposal will boost the supply of land for housing, make a valuable contribution to the five year housing supply and provide a balanced mix of dwellings. However, the Council considers that sufficient land has been allocated for housing in Adlington in the Local Plan in accordance with Core Strategy Policies 1 and 4. In the Local Plan Inspectors Report the Inspector stated “I conclude that the allocations are consistent with the development strategy of the Core Strategy and that they reflect the most sustainable locations for growth.” The Council is also able to demonstrate a five year supply.
- 1.38 With regards to affordable housing, they argue that the provision of 35% (the policy requirement for this area is 30%) affordable homes should be regarded as a significant material benefit of the application. In accordance with Core Strategy Policy 7, all residential developments in Adlington would be required to provide a minimum of 30% affordable homes therefore this is not considered a significant benefit especially given that affordable housing will be provided as part of development on other sites in Adlington that are allocated for housing in the Local Plan. There is no need for this development to come forward for affordable housing to be provided.
- 1.39 The applicant is proposing some on site amenity green space within the Green Belt portion of the site which they also claim is a significant material planning benefit. It is not clear how much they are proposing. However, this open space is outside the development area within the green belt and is not suitable in this location and will mainly serve the needs of the development itself therefore it is not considered a significant benefit. The requirement for development is 0.04ha, and this would be required to be provided on-site.
- 1.40 They also claim that the proposal will have economic benefits as housing development is a key component of economic growth. Benefits include the employment created during construction and the spending power of the additional residents. Consideration needs to be given to whether these benefits are significant given the existing amount of proposed housebuilding in Adlington.
- 1.41 Overall it is not considered that these benefits are material considerations that outweigh the presumption against the proposal.

Further comments from the applicant

- 1.42 The applicant was informed of the Council's stance on housing need, as outlined above, and responded with the following comments.
- 1.43 The planning application has been brought forward not specifically to meet any specific housing need now but as a modest development which will contribute to boosting the supply of housing in conformity with national policy objectives. It is not considered that the development would be a significant offence to the policy safeguarding land for future development, given its small scale. Reserving it for future development would have an imperceptible impact on the overall future housing land requirement. Rather it is an opportunity to provide some new houses as part of a highly sustainable urban area adjoining the town centre and within very easy access of shops, schools, health services, recreation and employment. In particular, it provides an opportunity for houses to be built very close to the soon-to-be-enhanced railway services from Adlington station following completion of rail electrification. These rail enhancements will provide more capacity in better and more sustainable services to the main employment hubs of Manchester and Preston.
- 1.44 A more strategic approach to Chorley's planning policies shows that whilst the district claims a substantial surplus in housing delivery, this is related primarily to the one-off opportunity provided by Buckshaw Village, which attracted substantial immigration from Preston and South Ribble, and is calculated on the basis of the historical, policy-on requirement of the Regional Spatial Strategy and which dated from the 2003 household forecasts. With respect to the references to the local plan inspector's acceptance of the Core Strategy policy, it was never in her remit to review the adopted Core Strategy's housing land requirement. Her task was to ensure that the allocations local plan was in general conformity with the Core Strategy policies, which it is.
- 1.45 There are many examples of planning appeal decisions and High Court judgements (e.g. Gladman v. Wokingham) that confirm the policy-on approach of the Regional Spatial Strategy's is not compliant with the Framework's requirement to establish the policy-off full objectively assessed need for housing. There is no comfort to be gained from the technical point that the CS was adopted following the publication of the Framework. It was examined on the basis of Regional Spatial Strategy housing requirement, which was obligatory at the time and subsequently, when the Framework was published, there was a round of correspondence that did not raise any issue (but the Inspector was expecting the promised early review of housing policy because of the anticipated publication of the Framework). This is hardly surprising as the ramifications of the Framework's approach had not been fully examined or comprehended in the few weeks between the close of the Examination in Public and the adoption of the Core Strategy, and indeed it took a year or more for these to become apparent through High Court judgements and appeal decisions.
- 1.46 Time has moved on but the Core Strategy housing requirements have not been reviewed, as required by the Core Strategy Inspector, and as a result they do not comply now with the approach established in the Framework and National Planning Practice Guidance.
- 1.47 The latest household projections, which are the starting point for the Fully Objectively Assessed Need (FOAN), show a significant increase in housing requirements for Chorley over and above those established in Regional Spatial Strategy and the Core Strategy. It is probable that taking these matters into account, Chorley needs to be actively allocating more land for development and approving developments such as that at Carrington Road or risk returning to the 'planning by appeal' position it was in prior to the adoption of the local plan.

Conclusion on housing need

1.48 The Council's stance remains as stated above that the adopted housing land supply policies are up to date and the Council can demonstrate a five year supply. Therefore the proposal is contrary to the development plan.

Affordable Housing

1.49 Core Strategy policy 7 sets down the approach to the delivery of affordable and special needs housing:

- a) *“Subject to such site and development considerations as financial viability and contributions to community services, to achieve a target from market housing schemes of 30% in the urban parts of Preston, South Ribble and Chorley [...]”*
- b) *“Aside from rural exception sites the minimum site size threshold will be 15 dwellings (0.5 hectares or part thereof) but a lower threshold of 5 dwellings (0.15 hectares or part thereof) is required in rural areas.”*

1.50 The adopted Central Lancashire Affordable Housing Supplementary Planning Document provides additional information on the delivery of affordable housing, with paragraph 34 stating:

“The size of development should not be artificially reduced to reduce or eliminate the affordable housing requirement as set out in the Core Strategy and at page 5 of this document, for example by sub-dividing sites or reducing the density of all of part of a site.”

1.51 This proposal should contribute towards the policy target of 30% of affordable housing (though it is noted that 35% is proposed as a material consideration in favour of the development) with 8 of the 25 proposed units being delivered as affordable units on site to meet this target requirement, and ensuring conformity with paragraph 49 of the SPD. This affordable housing would need to be secured through a Section 106 legal agreement if the application was approved.

Design and Amenity

1.52 Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.

1.53 The appearance, scale, layout and landscaping aspects of the proposal do not form part of this outline application and would follow at any Reserved Matters stage. From the indicative layout plan submitted, it is considered that adequate residential curtilage would be provided with adequate space for parking and general amenity. It is considered that the dwellings could be designed without detriment to the appearance of the site, the character of the street scene or residential amenity from privacy, light or outlook. Nevertheless, this could only be fully assessed at Reserved Matters stage.

1.54 With regards to amenity, during the construction phase, the Council's Environmental Health Team has responded to state that it has no objection to the proposed development, however if the application is approved the construction phase should comply with the Chorley Council document "Code of Practice for Construction and Demolition" which covers acceptable working hours, noise, vibration, dust and air pollution. Any impacts during the construction phase would be temporary and suitable mitigation measures could be imposed by planning condition.

1.55 In light of the above, it is considered that the proposed development complies with policy BNE1 of the Local Plan.

Highways and Access

- 1.56 Policy ST4 'Parking Standards' of the Chorley Local Plan 2012-2026 requires that proposals for development will need to make parking provision in accordance with the standards set out in Appendix A of the Local Plan. Appendix A identifies the Council's minimum parking standards for new development. It is not currently known how many bedrooms would be provided within each dwelling. It is considered that there is sufficient room on-site for the provision of parking spaces to accord with policy ST4 at Reserved Matters stage and their provision could be required by planning condition.
- 1.57 Highways and access issues have been the main concern expressed by representors during the consultation period. Lancashire County Council is the Local Highway Authority that manages and maintains the highway network in Lancashire and promotes safe travel and developments in accessible and sustainable locations within the county. As such, at certain stages in the planning process Chorley Council formally seeks the views of the County Council as a statutory consultee to assist in making an informed decision about the proposed development. Lancashire Highway Services has provided a detailed response which addresses the concerns expressed by representors and concludes that the development is acceptable in principle, subject to a number of conditions.
- 1.58 The Framework is clear at paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. This is not the case in this instance. The proposal is considered to be acceptable in terms of access and parking.

Public Open Space

- 1.59 Local Plan Policy HS4A - Open Space Requirements in New Housing Developments explains that all new housing developments will be required to make provision for open space and recreation facilities, where there are identified local deficiencies in the quantity, accessibility or quality and/or value of open space and recreation facilities. The requirements for the proposed development are as follows:

Amenity Greenspace

Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population.

There is currently a deficit of provision in Adlington in relation to this standard, a contribution towards new provision in the settlement is therefore required from this development. As the development is 10 or more dwellings the required amenity greenspace should be provided on-site. The amount required is 0.04 hectares. A maintenance cost of £17,500 is also required for a 10 year period if private maintenance is not proposed.

Provision for children/young people

Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population.

There is currently a deficit of provision in Adlington in relation to this standard; a contribution towards new provision in the settlement would normally be required from this development however there are no identified schemes for new provision, so no contribution is currently sought.

Parks and Gardens

There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

Natural and Semi-Natural Greenspace

There is no requirement to provide new natural/semi natural greenspace on-site within this development.

The site is within the accessibility catchment (800m) of an area of natural/semi-natural greenspace that is identified as being low quality and/or low value in the Open Space Study (site 1852 - Rear of Outterside Avenue), a contribution towards improving this site is therefore required. The amount required is £557 per dwelling.

Allotments

There is no requirement to provide allotment provision on site within this development.

The site is within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site HW5.3 – Harrison Road, Adlington. A contribution towards new allotment provision is therefore required from this development. The amount required is £15 per dwelling.

Playing Pitches

A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.

THE TOTAL FINANCIAL CONTRIBUTION REQUIRED FROM THIS DEVELOPMENT IS AS FOLLOWS:

Amenity greenspace	= £17,500 if to be adopted by Council
Equipped play area	= £0
Parks/Gardens	= £0
Natural/semi-natural	= £13,925
Allotments	= £375
Playing Pitches	= £39,975
Total	= £71,775

1.60 This would need to be secured through a Section 106 legal agreement if the application was approved.

Mineral Safeguarding

1.61 The site is located within a Mineral Safeguarding Area, covered by policy M2 of Lancashire County Council's Site Allocation and Development Management Policies document. Policy M2 explains that planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals, unless the applicant can demonstrate one of a number of criteria, as follows:

- The mineral concerned is no longer of any value or has been fully extracted.
- The full extent of the mineral can be extracted satisfactorily prior to the incompatible development taking place.
- The incompatible development is of a temporary nature and can be completed and the site returned to its original condition prior to the minerals being worked.
- There is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource.
- That prior extraction of minerals is not feasible due to the depth of the deposit.
- Extraction would lead to land stability problems.

1.62 The applicant has submitted a sufficiently detailed Minerals Resource Assessment which concludes the following:

- The sand and gravel deposits known to be present to the north at the existing sand and gravel quarry are not indicated to extend and be present at the proposed development site, which is shown to be underlain by glacial till/clay.
- The site has no indicated viable coal seams present.
- Sandstone extraction from depth is unlikely to be economically viable given the small nature of the site.
- The entire site falls within a 100m environmental buffer zone from the existing houses to the south and west.

1.63 In light of the above, it is considered that the proposal meets the criteria of policy M2 by virtue of mineral extraction from beneath the site and adjoining land being not feasible due to the depth of deposit, particularly once sufficient buffers from residential receptors have been applied. There are also negative environmental impacts associated with mineral extraction which in this location would likely be significant and unacceptable.

Ecology

1.64 The Greater Manchester Ecological Unit (the Council's ecology advisor) has reviewed the applicant's ecological assessment and concluded that the proposal is acceptable, subject to conditions and submission of an Ecological Enhancement and Management Plan with any reserved matters application. These details should include measures for long term monitoring, funding and details of the responsible party. The proposal is therefore not anticipated to have any unacceptable impacts upon ecological receptors.

Community Infrastructure Levy

1.65 The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

CONCLUSION

1.66 The proposed development would be located mostly within an area of Safeguarded Land as defined by the Chorley Local Plan 2012 – 2026. The Council has a five year housing land supply as required by the National Planning Policy Framework. The proposal therefore conflicts with policy BNE3 'Areas of Land Safeguarded for Future Development Needs' of the Chorley Local Plan 2012 – 2026. It is not considered that the material considerations put forward in favour of the development are sufficient to outweigh the presumption against it.

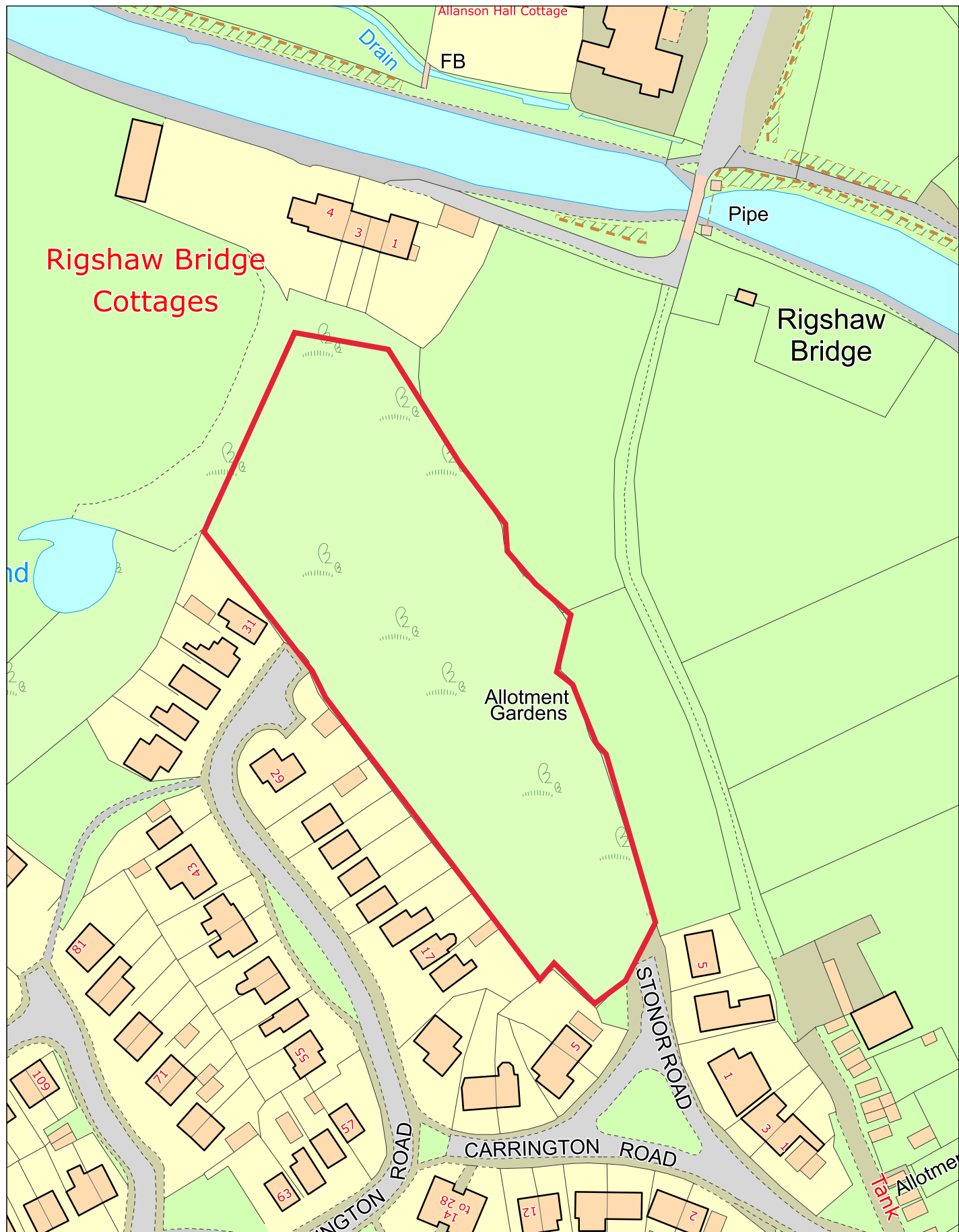
RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless 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.

Reasons for refusal

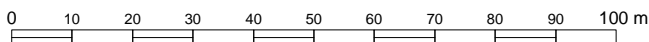
1.67 The proposed development would be located within an area of Safeguarded Land as defined by the Chorley Local Plan 2012 – 2026. The Council has a five year housing land supply as required by the National Planning Policy Framework. The proposal therefore conflicts with policy BNE3 of the Chorley Local Plan 2012 – 2026. It is not considered that

the material considerations put forward in favour of the development are sufficient to outweigh the presumption against it.

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APPLICATION REPORT – 17/00549/FUL

Validation Date: 9 June 2017

Ward: Ecclestone And Mawdesley

Type of Application: Full Planning

Proposal: Creation of outdoor drinking area including erection of boundary fence

Location: 267B The Green Ecclestone Chorley PR7 5TF

Case Officer: Mr Iain Crossland

Applicant: Mr Neil Marginson

Consultation expiry: 30 June 2017

Decision due by: 4 August 2017

RECOMMENDATION

1. It is recommended that this application is refused for the following reasons:
 - i) The proposed outside drinking area would result in people congregating to consume alcohol and intoxicating spirits outside of an enclosed building that would result in noise and disturbance, which would be harmful to the amenity of neighbouring occupiers contrary to Policy BNE1 of the Chorley Local Plan 2012 – 2026.
 - ii) The proposed outside drinking area would result in an unacceptable reduction in parking availability in the area that would lead to more haphazard parking practices and parking along the highway to the detriment of pedestrian safety and the amenity of local residents contrary to Policy BNE1 of the Chorley Local Plan 2012 – 2026.

SITE DESCRIPTION

2. The application site comprises a small former retail unit that is located within the settlement area of Ecclestone and is currently in use as a drinking establishment. The unit is located within a short parade of shops in a prominent location on The Green, close to the junction with Bannister Lane. The building is of a utilitarian low level type with a glazed frontage. There is a large apron of tarmac between the parade of shops and the highway that is commonly used for the parking of vehicles.
3. The character of the area is largely residential although there are also commercial and community uses in close proximity.
4. Planning permission was granted in November 2015 to use the unit as a drinking establishment (re.15/00775/FUL) subject to a condition (no. 4) stating:
No area for outside drinking or seating shall be created at the premises and no chairs and/or tables shall be placed outside.
Reason: To minimise the risk of disturbance to properties in the area and to maintain parking areas at the premises.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. This application seeks planning permission for the creation of an outdoor drinking area, defined by the erection of boundary fence. The area would extend 2.4m from the front of the building and would span the 6.5m width of the premises. The applicant proposes that the boundary fence would be no more than 0.9m in height and would be constructed of pallets with decorative planting within the structure.

REPRESENTATIONS

6. 61 representations in support of the application have been received from 55 addresses. These make the following comments about the proposal:
 - It would add vitality to the village.
 - The outdoor drinking area needs defining to prevent people spilling out over the wider area.
 - There is no evidence of antisocial behaviour.
 - The parking of cars on the pavement area is dangerous to pedestrians and should be prevented in any case.
 - Little cross over with adjacent business opening times.
 - The Institute opposite have no problems with outside drinking.
 - No impact on neighbour amenity.
 - It would look attractive.
7. 12 representations in objection to the application have been received. These make the following comments about the proposal:
 - Loss of customer parking in the area.
 - Antisocial behaviour.
 - The drinking area would block vehicular access and create highway safety issues.
 - Noise and disturbance to neighbouring businesses.
 - Opening times of businesses overlap.
 - The owners are unable to control customers.
 - It would affect adjacent businesses.
 - Out of character with the area.
 - Opposite a school.

CONSULTATIONS

8. **Eccleston Parish Council:** Comment that the creation is of the proposed outdoor drinking area is contrary to condition 4 of the original planning permission 15/00775/FUL (change of use application from retail to micro pub) which states:
No area for outside drinking shall be created at the premises and no chairs and/or tables shall be placed outside.
Reason: to minimise the risk of disturbance to properties in the area and to maintain parking areas at the premises.
9. Given that the condition effectively precludes drinking outside the premises the Parish Council objects to this application on the grounds of impact on neighbour amenity, potential loss of the only parking spaces associated with the premises and safety of customers, given the relative narrowness of the pavement in this area.
10. **Lancashire Highway Services:** Have no objections.

PLANNING CONSIDERATIONS

Principle of the development

11. The National Planning Policy Framework (the Framework) states that there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. This means that development proposals that accord with the development plan should be approved without delay.

12. The application site is located in the settlement area of Ecclestone. The adopted Chorley Local Plan 2012 - 2026 states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.
13. Policy BNE1 of the Local Plan 2012-2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.

Character and appearance of the area

14. The proposal would result in the erection of a 0.8m to 0.9m high timber pallet fence with decorative planting within the structure. This would be used to delineate the outdoor drinking area that is the subject of this application. The structure would be low level and relatively low key. The design is intended to reflect a current trend for industrial aesthetic elements, and would be softened through the use of decorative planting. If the pallets were to be stained or painted and planted up as proposed then it is considered that the visual impact on the appearance of the area would be limited and would not alter the character of the area. It would also have the benefit of defining the drinking area and containing customers, discouraging them to spill out onto the wider area.
15. The creation of an area for outdoor drinking, and the patronage that it would result in, has the potential to contribute positively to the character of the area and result in an increased perception of vitality.

Neighbour amenity

16. There are residential properties to the north and south of the unit beyond the row of shops and to the rear on Bannister Lane. The unit itself is positioned between other units in commercial use. To the left (south) is a kitchen and bathroom shop that was previously a hairdressers and to the right (north) is a unit that is used by a homeopath for the treatment of clients. Beyond this is a dress shop, charity shop, hairdressers and dental surgery.
17. When the planning application for the use of unit as a drinking establishment was assessed, it was considered at that time that the location of the proposed micro pub immediately adjacent to non-residential uses was an acceptable location for such a use. However, it was considered that an outside drinking area would not be appropriate as it could lead to unacceptable noise to nearby properties late in the evening, especially in the summer months and would also reduce the parking available to the premises. There is, therefore, a restrictive condition attached to the planning permission that prevents an outside drinking area being formed or table and chairs being put outside.
18. Since planning permission was first granted for the use of the premises, the operator of the drinking establishment has changed and appears to have been successful in attracting greater custom.
19. The unit to the north side, which was vacant at the time of the initial application, is now used by a homeopath that treats clients within the unit and is particularly sensitive to the inevitable noise that would be generated from people congregating in an outdoor drinking area due to the nature of the treatment requiring a quiet and calm environment. The operating hours of the two businesses coincide by approximately four hours each evening and during the afternoons on Saturdays. This has some limited weight in terms of the harm that would be created to neighbouring amenity.
20. More significantly, the situation at the site, and in the immediate area, does not appear to have altered in any significant way since the original planning application for the change of use of the unit was determined. Therefore, the original conclusion of the Local Planning Authority that outside drinking would not be appropriate, as it could lead to unacceptable noise to nearby properties late in the evening, especially in the summer months, is still relevant.

21. It is noted that objectors have referred to the presence of, and potential for anti-social behaviour, however, there is no substantive evidence of this.
22. On the basis of the impact on neighbour amenity through noise and disturbance, as a result of the creation of an outdoor drinking area, it is considered that the proposed development would result in unacceptable harm.

Parking and highway safety

23. There is a small forecourt associated with the unit immediately in front of it, beyond which is the public pavement. There are double yellow lines on the carriageway beyond this. It is noted that it has become custom and practice over the years for those using the businesses to park their cars on the area between the parade of shops and the highway. The proposed outdoor drinking area would interfere with the way in which this area operates for parking, and would inevitably divert some users onto the highway. It is noted that in this location on street parking is severely limited, and any subsequent reduction in parking would be detrimental.
24. It is noted that when planning permission was granted for the drinking establishment itself, the impact on parking availability was specified as a reason for the restrictive condition that prevents the creation of an outdoor drinking area to the front of the unit. The parking difficulties in the area would appear to be unchanged and, therefore, it is considered that the proposed development would result in an unacceptable reduction in parking availability in the area that would lead to more haphazard parking practices and parking along the highway, to the detriment of pedestrian safety and the amenity of local residents.
25. The proposed boundary fence is not considered to result in any harm to highway safety in itself. It is noted that the LCC Highways officer states that in order to maintain the necessary inter-visibility, the height of the proposed wooden enclosure for the drinking area should be limited to 1.0m. The proposed structure would be no more than 0.9m in height.

Other Issues

26. The parking of cars on the pavement area is dangerous to pedestrians and should be prevented in any case: This issue cannot be addressed as part of this application.
27. The Institute opposite have no problems with outside drinking: The Eccleston Institute is located on the opposite side of the main carriageway and is not directly comparable with the situation considered here.
28. The site is opposite a school: There is no impact on the school from the proposed development, and the drinking establishment operates outside school hours.

CONCLUSION

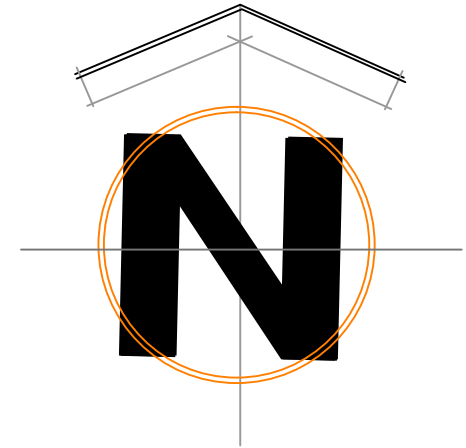
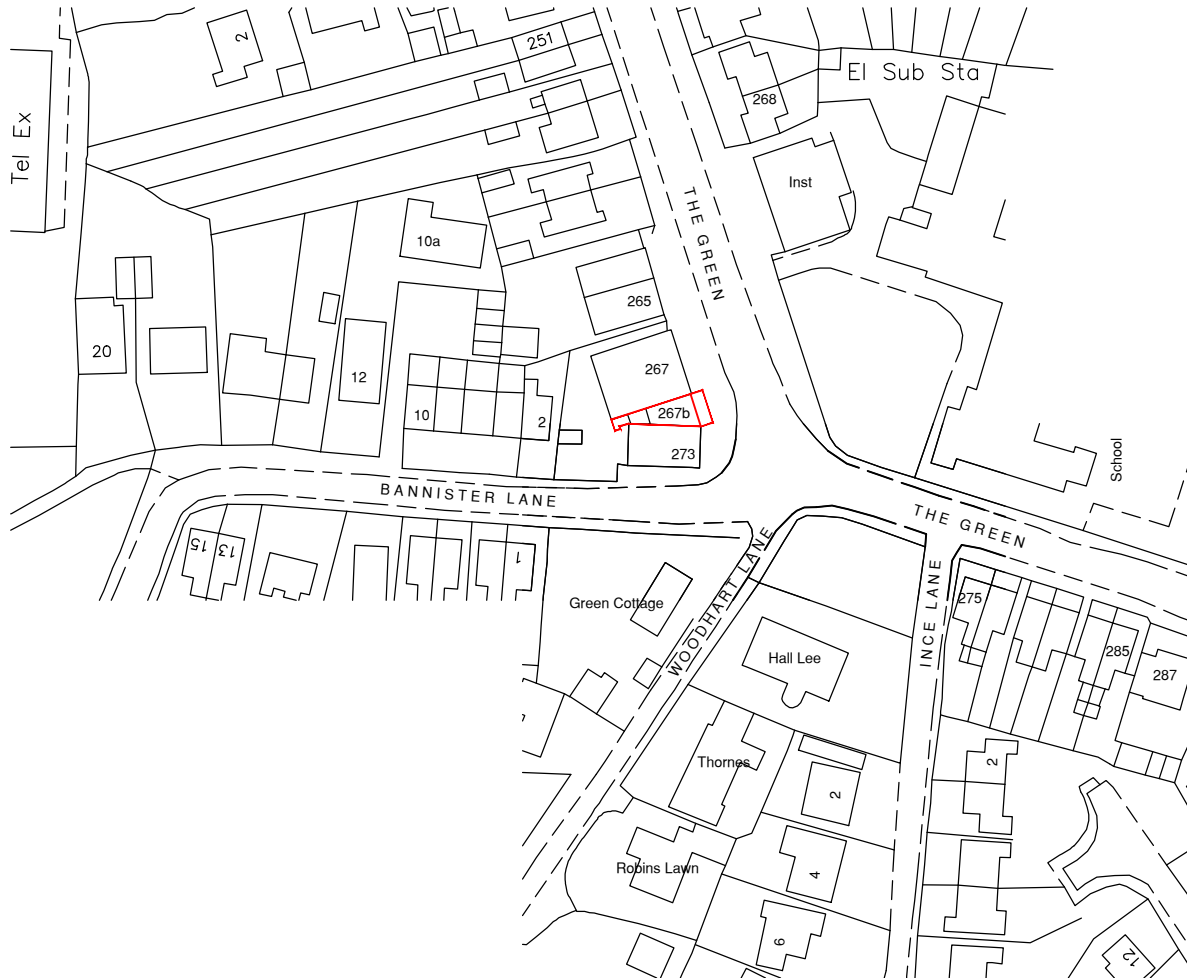
29. The proposed creation of an outdoor drinking area would not have any unacceptable impact on the character of the area, however, due to the potential noise and disturbance associated with people congregating to consume alcohol and intoxicating spirits outside of an enclosed building, it is considered that there would be a harmful impact on the amenity of neighbouring occupiers contrary to Policy BNE1 of the Chorley Local Plan 2012 – 2026. It is also considered that parking availability in the area would be reduced, forcing car users to park on surrounding streets to the detriment of residential amenity.

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: 15/00775/FUL **Decision:** PERFPP **Decision Date:** 5 November 2015
Description: Change of use from retail unit (Use Class A1) to micro pub (Use Class A4)

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			FINAL/AS BUILT	<input type="checkbox"/>
			checked by	
			Approved by	

Project:
The Greenhaus, 267b The Green, Ecclestone

Title:
Proposed external seating area
Site location Plan

Client:
Mr N Margison

drawn:
date: 05 June 2017

scale:
? : ??

drawing number:
Greenhaus 01



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APPLICATION REPORT – 17/00539/FUL

Validation Date: 25 May 2017

Ward: Eccleston And Mawdesley

Type of Application: Full Planning

Proposal: Erection of detached two storey dwelling with garage/workshop and stables following demolition of existing stables, kennels and workshop.

Location: High Heys Farm Langton Brow Eccleston Chorley PR7 5PB

Case Officer: Mike Halsall

Applicant: Mr & Mrs Karl Whaite

Agent: Clark Planning Consultants Ltd.

Consultation expiry: 30 June 2017

Decision due by: 15 September 2017

RECOMMENDATION

1.1 Grant full planning permission.

SITE DESCRIPTION

1.2 High Heys Farm includes dog kennels and cattery, stables and fishing lakes. There is a variety of buildings on the site including a farmhouse and agricultural buildings as well as buildings associated with the established uses on the site. Access is gained via a track from Langton Brow which winds up towards the farmhouse and beyond to the other elements.

DESCRIPTION OF PROPOSED DEVELOPMENT

1.3 The proposal relates to the erection of a detached two-storey dwelling with a garage/workshop and stables, following the demolition of existing stables, kennels and a workshop.

RELEVANT HISTORY OF THE SITE

Ref: 01/00443/FUL **Decision:** PRRRTF **Decision Date:** 5 July 2001

Description: Rebuilding and replacement of 23 kennels,

Ref: 12/00442/AGR **Decision:** PAAGR **Decision Date:** 29 May 2012

Description: Application for prior notification of agricultural building to be used for housing sheep and lambs and for storing farm machinery and a straw or hay crop

Ref: 15/01085/FUL **Decision:** PERFPP **Decision Date:** 9 February 2016

Description: Erection of detached single storey dwelling following the demolition of the existing kennels/workshop

REPRESENTATIONS

- 1.4 One letter of objection has been received which, in summary, questions the established use of the site, claims the buildings are agricultural, hence not previously developed land, and so the proposed new dwelling should be assessed against policy HS10 of the Chorley Local Plan (Agricultural workers dwellings). The objection states that the buildings in question by virtue of their design and construction are typical of an agricultural building and not materials of choice for either kennels or stables. It also states that the current use of the buildings has not been the subject of any planning permission nor certificate of lawfulness. The objection claims that the proposed residential development is contrary to both the local plan and the National Planning Policy Framework and there is no very special circumstances argument offered to justify a departure from such policies.
- 1.5 The above issues raised within the objection letter are dealt with at the Planning Considerations section of this report.

CONSULTATIONS

- 1.6 Parish Council – no response received to date.
- 1.7 CIL Officers – On approval, this application would be CIL Liable, as it involves the creation of a new dwelling.
- 1.8 Health & Safety Executive – responded stating they have no comments to make.
- 1.9 Planning Policy – to avoid repetition, the comments from planning policy are incorporated into the planning considerations section below.
- 1.10 Lancashire Highway Services – responded stating they have no objections.
- 1.11 United Utilities – has offered general guidance to the applicant on a drainage strategy which has been forwarded to them.
- 1.12 Greater Manchester Ecology Unit – responded to state that it has no overall objections to the application on ecological grounds but advise the following, which can be controlled by condition:
- If bats are found at any time during any approved building demolition works then works must cease immediately and advice sought from a suitably qualified person about how best to proceed.
 - The applicant should check the buildings for nesting birds before commencing any demolition works. If nesting birds are present works will need to be delayed until young birds have fledged.

PLANNING CONSIDERATIONS

Principle of the development

- 1.13 This proposal is for a new dwelling, garage/workshop and stables located in the Green Belt, outside of any defined settlement boundaries. The application site is currently the location of a mixture of uses as stables, kennels and workshop. As identified within the Planning History section of this report, there is an extant planning permission on this site for the demolition of the kennels/workshop building and erection of a single storey dwelling.
- 1.14 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

1.15 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.

1.16 Paragraph 89 of the National Planning Policy Framework (the Framework) states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. There are exceptions to this, as follows:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

1.17 Policy BNE5 of the Local Plan reflects paragraph 89 of the Framework in allowing the reuse, infilling or redevelopment of previously developed sites in the Green Belt, as follows:

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

In the case of re-use

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

In the case of infill:

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

In the case of redevelopment:

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

1.18 The construction of the new dwelling will constitute inappropriate development unless one of the exceptions in the Framework is engaged. To benefit from the relevant exception in the case of this site, the applicant must demonstrate that the construction of the new buildings constitute:

- The partial or complete redevelopment of previously developed land;
- Which would not have a greater impact on the “openness” of the Green Belt; and
- Which would not have a greater impact on the purposes of including land in the Green Belt.

1.19 The Framework contains a definition of previously developed land which includes land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be

developed) and any fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings. It is therefore necessary to determine the established use of the site to see if meets the Framework's definition of previously developed land.

- 1.20 The existing site consists of stables, kennels and a workshop with an area of hardstanding. The combined footprint of the existing buildings which are to be demolished is 562m². The combined footprint of the three proposed buildings is 261m². The difference in floorspace is -304m².
- 1.21 Whilst the proposed development is located on a farm, the existing uses of the buildings it is proposed to demolish are not agricultural in their use. High Heys Farm is considered to be a hybrid site with intermingling uses of agriculture, stables, kennels / cattery and leisure fishing. This has been demonstrated by a site visit undertaken by the current case officer and also historic visits to the site by other members of the Council's planning team. The application site is therefore considered to meet the definition of previously developed land as set out in Annex 2 of the Framework. Therefore, contrary to the assertions of the objector to this scheme, policy HS10 of the local plan is not considered relevant to this proposal as it relates to agricultural workers dwellings.
- 1.22 Given the site is in the Green Belt, the starting point is what exists on the site at the present time. Whether the proposed dwelling has a greater impact on openness is a subjective judgment which is considered further below. Objective criteria could include the volume of the existing buildings, the footprint of the existing building and the height of the existing buildings although it is important to note that the Framework does not include such an allowance or capacity test.
- 1.23 Given the decrease in floor area and overall volume of built development which would be realised by the implementation of the proposed development, 304 square metres and 880 cubic metres respectively, it is considered that the proposal would have no greater impact upon the openness of the Green Belt than what currently exists.
- 1.24 Finally, it is necessary to establish whether the proposal would have a greater impact on the purposes of including land in the Green Belt than the existing development. Paragraph 80 of the Framework lists the purposes of including land within the Green Belt, as follows:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 1.25 The proposed development is located on a previously developed site and would be contained within the same footprint as existing buildings which are of a larger scale. The proposal would therefore have no greater impact upon the five purposes of including land within the Green Belt, listed above, than the existing development.
- 1.26 In light of the above, the proposal is not considered therefore to represent inappropriate development in the Green Belt and is acceptable in principal.

Design and amenity

- 1.27 Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that:
- a) *The proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.*

- b) *The development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or overbearing.*
- c) *The layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area;*
- d) *The residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction;*
- e) *The proposal would not adversely affect the character or setting of a listed building and/or the character of a conservation area and/or any heritage asset including locally important areas;*
- f) *The proposal would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features then mitigation measures to replace the feature/s will be required either on or off-site;*
- g) *The proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses;*
- h) *The proposal includes measures to help to prevent crime and promote community safety.*

1.28 The proposed buildings are of a modest scale would be located on a similar, albeit much smaller footprint, compared to the existing buildings. The design is considered appropriate for the location.

1.29 Section F of the Central Lancashire Rural Development SPD, paragraph 39 provides information on the types of information the Council will take into account when assessing applications for equestrian development. Regarding scale “*a small private development will involve no more than three horses. For development proposals involving more than three horses, the applicant should submit a statement with the planning application detailing why accommodation of the size proposed is needed.*” In terms of design/materials, traditional designs will generally be the most appropriate, clad externally in timber and with an internal timber frame, with a maximum ridge height of 3.5 metres for stables. The proposed design of the stables was amended by the applicant during the determination process, at the request of the case officer, to meet the requirements of the SPD.

1.30 There are no other dwellings located in the vicinity of the application site, meaning there would be no impacts upon residential amenity from overlooking, overbearing or overshadowing.

1.31 It is considered that there is no conflict between the proposed development and policy BNE1 of the Local Plan.

Ecological Impacts

1.32 An ecological survey has been carried out in support of the application. The findings of the survey are that bats were not present at the time of survey, but that the building has at least some limited potential to allow bat access. If bats are found at any time during any approved building demolition works then works must cease immediately and advice sought from Natural England. All UK bats and their resting places are protected in law. A suitable informative will be added to the planning permission.

1.33 Several swallow and other bird nests were found in buildings. Informative notes, as advised by the Council’s ecology advisor, will be imposed on any permission in relation to this.

1.34 Whilst the Greater Manchester Ecology Unit have responded to state that it has no overall objections to the proposal and has made recommended mitigation measures similar to

those suggested within the applicant's ecological survey report. No unacceptable impacts upon ecological receptors are therefore expected subject to the imposition of conditions.

Access and Parking

- 1.35 Policy ST4 'Parking Standards' of the Chorley Local Plan 2012-2026 requires that proposals for development will need to make parking provision in accordance with the standards set out in Appendix A of the Local Plan. Appendix A identifies the Council's minimum parking standards for new development. The proposed dwelling would include three bedrooms and so the provision of two parking spaces would be required to comply with Policy ST4. It is considered that there is sufficient room on-site for the provision of two parking spaces and their provision could be required by planning condition. Furthermore, Lancashire County Council Highways have responded to the consultation on the planning application and has raised no objections. The proposal is therefore considered acceptable in this regard.

Community Infrastructure Levy

- 1.36 The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

Public Open Space

- 1.37 The Development Plan requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.
- 1.38 A written Ministerial statement from the 28 November 2014 sought to set a National Policy and remove the ability of Councils to secure S106 contributions on small sites (i.e. 11 or less) and resulted in the National Planning Practice Guidance (NPPG) being changed. This was challenged by a consortium of Councils in the High Court who were successful and the change to the NPPG was removed. Chorley resisted the change to the NPPG and applications were processed through Committee rather than delegated decision (officers gave up their delegated powers).
- 1.39 The Government challenged the decision of the High Court in the Court of Appeal on four grounds and the outcome was that on the 13 May the decision gave legal effect to the written Ministerial Statement of 28 November 2014. The NPPG has been changed again but highlights that the Ministerial statement should be taken into account. The Ministerial Statement (28 November 2014) carries weight in the decision making process, as does the National Planning Policy Guidance.
- 1.40 The Court of Appeal judgement does however state that "the aim or goal of a policy's author is that his policy should be followed" this remains subject to "the proper operation of s 38(6)" and that the policy guidance does not have to explicitly express that an alternative view can be reached as "the changes were introduced as policy, not binding law". The judgement goes on to highlight "In the determination of planning applications the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy" (evidence submitted on behalf of the SofS)
- 1.41 The Council must determine what lower thresholds are appropriate based on local circumstances as an exception to National Policies and how much weight to give to the benefit of requiring a payment for 1 or 2 dwellings.

1.42 It is considered that the benefit of securing a public open space contribution on the basis of one dwelling (which would be £134) would not be sufficient or carry significant weight to outweigh the national policy position. The benefit to the Council is the delivery of improvements to play space however the cost of managing the end to end process of delivering those improvements is high and not commensurate to the benefit. The likely success of delivering improvements is also in doubt due to the difficulty of identifying schemes to pool small amounts of money secured through Section 106 agreements.

1.43 Therefore a POS commuted sum is not requested for this scheme.

CONCLUSION

1.44 The application proposes the redevelopment of a previously developed site within the Green Belt which would have no greater impact upon the openness of the Green Belt or the purposes of including land within it than the existing development. Other aspects are also considered to be acceptable. The application is therefore recommended for approval.

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Suggested Conditions

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Location Plan	16/038/L01	25 May 2017
Proposed Site Layout & Indicative Drainage Layout	16/038/P01	31 July 2017
Proposed Stables and Garage & Workshop - Floor Plans & Elevations	16/038/P03	31 July 2017
Proposed Dwelling - Floor Plans & Elevations	16/038/P02	25 May 2017

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

3. Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

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

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

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy

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

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

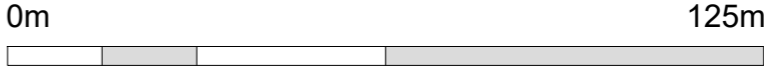
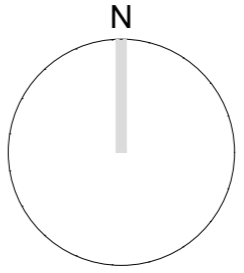
Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.

6. No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

7. No part of the development shall be occupied or brought into use until details of the car parking provision has been submitted to and agreed in writing by the local planning authority. The details shall accord with the Chorley Council Parking Standards. The approved car parking provision shall be retained at all times thereafter specifically for this purpose.

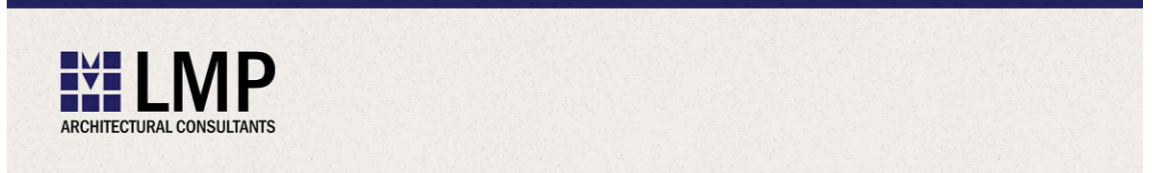
Reason: To ensure the provision of adequate car parking on site and in the interest of highway safety.



Scale: 1:1250

Revision Notes:
A: Minor alteration to the red edge

ASL 31/08/17



CLIENT
Karl & Francis Whaite

PROJECT NAME
Proposed Dwelling & Replacement Outbuildings

High Heyes Farm, Langton Brow, Ecclestone

DRAWING NAME
Location Plan

SCALE	DRAWN BY	DATE	DRAWING NUMBER	REVISION
1:1250 @ A2	ASL	21/02/17	16/038/L01	A

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APPLICATION REPORT – 17/00621/FUL

Validation Date: 19 June 2017

Ward: Eccleston And Mawdesley

Type of Application: Full Planning

Proposal: Demolition of existing storage buildings and erection of one detached bungalow

Location: Back House Farm Hall Lane Mawdesley Ormskirk L40 2QY

Case Officer: Mike Halsall

Applicant: Mr Ian Austin

Agent: Mr Chris Weetman

Consultation expiry: 16 August 2017

Decision due by: 15 September 2017

RECOMMENDATION

1. The application is recommended for approval.

SITE DESCRIPTION

2. The application site is located on land to the west of Back House Farm. It currently contains two storage buildings of wooden construction, one of which is open fronted. The existing buildings do not benefit from planning permission but have been clearly demonstrated to have been in situ for long enough to be immune from enforcement action. However, during the course of the determination period for this application, there has been some debate as to the established use of the buildings with neighbours claiming an agricultural use, prior to the current owners occupying the buildings in 2010. The applicant claims the buildings have been in an uninterrupted mixed use for a minimum period of 10 years for equestrian and general domestic storage. This issue is addressed later in the report.
3. To the south of the application site is a stable block granted planning permission by virtue of decision ref. 05/00833/FUL. The land to the west consists of agricultural fields. Access to the site is provided off Hall Lane to the north.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The proposal relates to the demolition of the existing buildings and the erection of a detached bungalow in their place.

RELEVANT HISTORY OF THE SITE

Ref: 05/00833/FUL **Decision:** PERFPP **Decision Date:** 17 November 2005
Description: Erection of a stable block

REPRESENTATIONS

5. There was initially an administrative error with the planning application and the initial neighbour notification letters were not posted, despite the system showing that they had been. This was later rectified and the letters were posted and the consultation period extended to account for this error.
6. Objections have been received from five individuals on the following grounds:
 - More and more buildings are being erected in the Green Belt
 - A recent approval at Willowfield has resulted in more cars using the access track
 - The stables have been rented out meaning more horse boxes are using the track
 - The access track has no passing places and has deteriorated, more collisions have been taking place
 - Emergency vehicles using the track is a concern
 - Parking outside the proposed dwelling would cause an obstruction on the road.
 - The track is unsafe for pedestrians
 - The proposal is contrary to Green Belt policy of the National Planning Policy Framework and policies BNE5 and HS9 of the Local Plan
 - The proposal is contrary to policy BNE1 in terms of noise generated by the use of the new property and other issues.
7. One of the five individuals is a former resident of Backhouse Barn, located opposite the application site, from 1997 until 2013. They state that when they moved in the building was actually part of a working agricultural holding and remained in that vein until the previous owners, who used it to store their tractor and associated implements, sold the property in 2010.
8. All of the above issues raised by representors, where relevant to the current planning application, are addressed within the Planning Considerations section below. It is worth noting here that policy HS9 which relates to the conversion of rural buildings in the Green Belt is not relevant to this proposal.

CONSULTATIONS

9. Parish Council – the Parish Council objects to the planning application on the following grounds, (summarised):
 - The form and design would be materially different to the current buildings, not in keeping with the surrounding area and would be out of character
 - The proposal would have greater impact than the present use with permanent human occupation, car movements and the general noise and activity of daily life
 - The site is not brownfield as it is in the Green Belt and has full utility as a hay store and tack room for the adjacent stable which is what it should be used for
 - The proposal would bring substantial change which would degrade the current rural stables setting
 - Loss of visual amenity
 - Increase in noise pollution
 - Increased vehicle movements
 - Approval of this could create a precedent for building on agricultural land in the Green Belt.
10. The above concerns are addressed within the Planning Considerations section below.
11. CIL Officers – responded to state that this is a CIL Liable Development.
12. Greater Manchester Ecology Unit – no response has been received.
13. Lancashire Highway Services – responded with no objections to the scheme due to the addition of two vehicles, which would likely arise from the approval of the proposed development, using the access being negligible. Highway Services have recommended a

condition be attached to any grant of planning permission requiring the submission of car parking details.

PLANNING CONSIDERATIONS

The principle of the proposed development

14. The application site is located within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
15. 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.
16. Paragraph 89 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. There are exceptions to this, as follows:
 - buildings for agriculture and forestry;
 - provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
 - the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
 - limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
17. Policy BNE5 of the Local Plan reflects paragraph 89 of the Framework in allowing the reuse, infilling or redevelopment of previously developed sites in the Green Belt, as follows:
18. The reuse, infilling or redevelopment of previously developed sites in the Green Belt, will be permitted providing the following criteria are met:

In the case of re-use

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

In the case of infill:

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

In the case of redevelopment:

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

19. The construction of the new dwelling will constitute inappropriate development unless one of the exceptions in the Framework is engaged. To benefit from the relevant exception in the case of this site, the applicant must demonstrate that the construction of the new buildings constitute:
- The partial or complete redevelopment of previously developed land;
 - Which would not have a greater impact on the “openness” of the Green Belt than the existing development; and
 - Which would not have a greater impact on the purposes of including land in the Green Belt than the existing development.
20. The Framework contains a definition of previously developed land which includes land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings. It is therefore necessary to determine the established use of the site to see if meets the Framework’s definition of previously developed land.
21. As noted earlier in this report, there has been some debate as to the established use of the buildings to which this application relates. For a use to become established it must have been in continued use for 10 years or more. The evidence before the council is as follows:
- Case for previously developed land (i.e. the site having been in equestrian/residential use):

From the site visit by the case officer, the buildings appear to be currently in use as storage associated with the nearby stables and also for domestic purposes as outbuildings for general storage purposes. The buildings are also identified as outbuildings within the case officer report for application ref. 05/00833/FUL in 2005 (for the erection of stables to the south of the application site) in 2005. There is also photographic evidence of this use from that time. The applicant has confirmed this to be the case.
 - Case for agricultural use at some point in the past 10 years (i.e. the site not previously developed land):

Neighbouring residents opposed to the proposal have provided evidence in the form of historic photographs and statements which they claim demonstrate that the buildings were used for agricultural purposes prior to the current owners purchasing the property in 2010. This is by virtue of tractors being parked within the buildings and the use of the buildings to store implements used to maintain the land.
22. It is understandable that someone seeing a tractor and other associated tools/implements within a building would form the assumption that the buildings were in use for agricultural purposes. However, for a use to be classed as agricultural it needs to be tied to an agricultural use. There is no evidence in front of me which suggests the buildings in question have been used in support of an agricultural use during the past 10 years. The parking of a tractor within a building and other industrial grass cutting equipment does not demonstrate an agricultural use and on the balance of probability, it is determined that the application site has an established mixed use associated with the nearby stables and as residential outbuildings. Equestrian uses fall within the definition of previously developed land. Furthermore, the application site sits within a planning unit of mixed use, namely residential and equestrian. The application site is therefore considered to be previously developed land, as defined within the Framework.
23. As it has been established that the site is previously developed land, to be considered appropriate in the Green Belt, it must be determined whether the proposed use would have

a greater impact on the openness of the Green Belt than the existing use. Whilst the test for sites such as this relates to the impact on openness it is important to note that the Framework contains no specific definition of 'openness'. Objective criteria could include the volume of the existing buildings, the footprint of the existing building and the height of the existing buildings although it is important to note that the Framework does not include such an allowance or capacity test.

24. It is considered that in respect of the Framework that the existing site has an impact on the openness of the Green Belt. It is important to note that merely the presence of existing buildings on the application site does not justify new buildings.
25. The proposal has an identical footprint to the existing buildings. Given the decrease in overall volume of built development which would be realised by the implementation of the proposed development, from 315 cu.m to 233 cu.m, it is considered that the proposal would not have a greater impact upon the openness of the Green Belt than what currently exists on site. This is despite an overall increase in height of 200mm which is considered to be outweighed by the overall reduction in volume of built development.
26. Finally, it is necessary to establish whether the proposal would have a greater impact on the purposes of including land in the Green Belt than the existing development. Paragraph 80 of the Framework lists the purposes of including land within the Green Belt, as follows:
 - to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
27. The proposed development is located on a previously developed site and would be on the same footprint of an existing building of a larger scale. The proposal would therefore have no greater impact upon the five purposes of including land within the Green Belt, listed above.
28. In light of the above, the proposal is not considered therefore to represent inappropriate development in the Green Belt.

Access and Parking

29. There has been concern raised by representors and the Parish Council in relation to highway safety with the additional cars which would be using Hall Lane should the proposal be approved and also parking outside the application site causing an obstruction.
30. Policy ST4 'Parking Standards' of the Chorley Local Plan 2012-2026 requires that proposals for development will need to make parking provision in accordance with the standards set out in Appendix A of the Local Plan. Appendix A identifies the Council's minimum parking standards for new development. The proposed dwelling would include two bedrooms and so the provision of two parking spaces would be required to comply with Policy ST4. It is considered that there is sufficient room on-site for the provision of two parking spaces and their provision could be required by planning condition.
31. Lancashire Highway Services has responded to state it has no objection to the proposals due to the negligible impact of an additional two cars using Hall Lane. The Framework is clear at paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. This is far from the case in this instance. The proposal is considered to be acceptable in terms of access and parking.

Design and amenity

32. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that:
- a) *The proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.*
 - b) *The development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or overbearing.*
 - c) *The layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area;*
 - d) *The residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction;*
 - e) *The proposal would not adversely affect the character or setting of a listed building and/or the character of a conservation area and/or any heritage asset including locally important areas;*
 - f) *The proposal would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features then mitigation measures to replace the feature/s will be required either on or off-site;*
 - g) *The proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses;*
 - h) *The proposal includes measures to help to prevent crime and promote community safety.*
33. The proposed dwelling is of a modest scale, being a two bedroom bungalow on the same footprint as the existing buildings. The design is considered appropriate for the location, having a simplistic design with a porch extending to the front which creates visual interest. The construction materials can be controlled by planning condition to ensure these are suitable.
34. There is a substantial separation distance of 25m between the proposed dwelling and the nearest other residential dwelling, Back House Farm, meaning there would be no unacceptable impacts upon residential amenity from overlooking, overbearing or overshadowing. This accords with the Council's minimum recommended separation distances set within the Householder Design Guidance Supplementary Planning Document (SPD).
35. There are trees adjacent to the application site to the north and west which the applicant has confirmed would remain in-situ. As such, their protection during construction works can be controlled by planning condition.
36. Noise has been raised as an issue of concern by local residents and the Parish Council. There is nothing to suggest the proposed residential use of this site would have any greater noise impact than the existing comings and goings associated with the existing use of the buildings. As stated above, there is a substantial separation distance between site of the proposed dwelling and the nearest residential dwelling. Noise is not considered to be a material consideration in the determination of this planning application.
37. With regards to crime and community safety, the replacement of storage buildings with a residential dwelling which would bring additional residents to the area would likely have a positive impact upon community safety and crime.
38. In light of the above, it is considered that there is no conflict between the proposed development and policy BNE1 of the Local Plan.

CIL

39. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

CONCLUSION

40. The proposal is considered to represent an appropriate redevelopment of a previously developed site (brownfield land), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Furthermore, the proposal would have no unacceptable impacts upon the environment or the amenity of occupiers of residential dwellings in the local vicinity. The proposal demonstrably accords with the requirements of the Framework and the policies of the Development Plan and is therefore recommended for approval.

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Suggested Conditions

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

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

Title	Plan Ref	Received On
Location Plan	N/A	19 June 2017
Site Plan	N/A	19 June 2017
Proposed Cottage	143-011	19 June 2017
Proposed Site Layout	143-014	25 August 2017

3. Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

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

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

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy

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

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

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.

6. No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

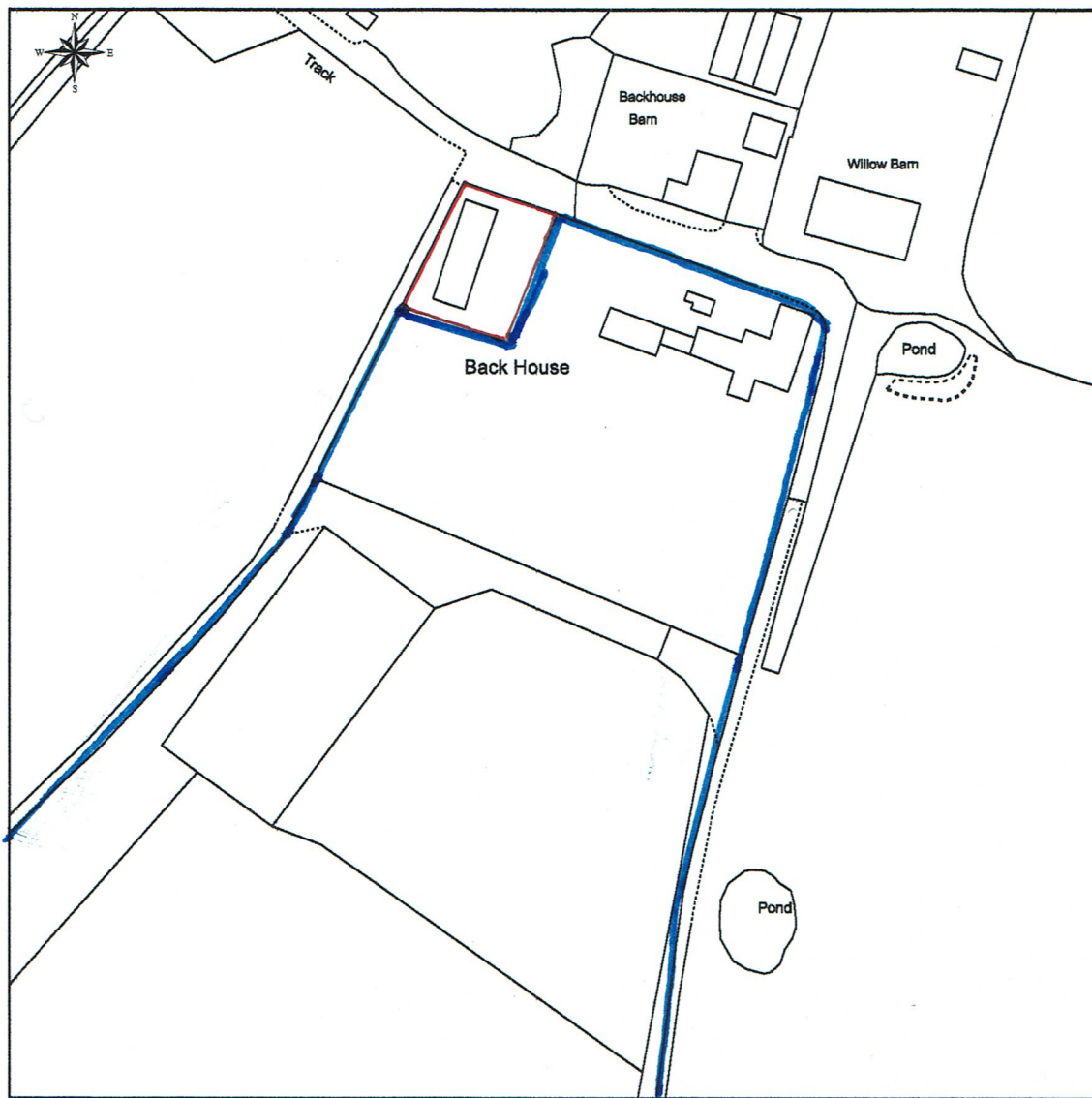
Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

7. No part of the development shall be occupied or brought into use until details of the car parking provision has been submitted to and agreed in writing by the local planning authority. The details shall accord with the Chorley Council Parking Standards. The approved car parking provision shall be retained at all times thereafter specifically for this purpose.

Reason: To ensure the provision of adequate car parking on site and in the interest of highway safety.

8. During the construction period, all trees on or adjoining the site shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.

Reason: To safeguard the trees to be retained.



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