

## **APPLICATION REPORT – 19/00375/FUL**

**Validation Date: 5 July 2019**

**Ward: Chorley South East**

**Type of Application: Full Planning**

**Proposal: Construction of a new entrance onto Wigan Lane and blocking up of existing access point.**

**Location: Land Adjacent To Wigan Lodge Wigan Lane Chorley Duxbury Chorley PR7 4DB**

**Case Officer: Mrs Hannah Roper**

**Applicant: Mr Dave BALBI**

**Agent: N/A**

**Consultation expiry: 29 November 2019**

**Decision due by: 30 August 2019**

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### **RECOMMENDATION**

1. It is recommended that the application is approved.

### **SITE DESCRIPTION**

2. The application relates to an area of land situated along Wigan Lane. The area of land was historically associated with the adjacent Wigan Lodge, a grade II listed building, but has now been segregated to form an independent parcel of land. An application for a certificate of lawfulness to determine the formally designated use of this land is being considered concurrently.
3. The site is located within the Green Belt and the trees upon it are protected under Chorley Borough Council Tree Preservation Order 5 which is stated to comprise sycamore, beech, ash and oak. A hedge runs the length of the site frontage along Wigan lane

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

4. The application seeks planning permission for the construction of a new access to the site and to block up the existing access point. The access point would be moved to a more central location for the site along Wigan Lane. The new access point would be funnelled to allow access of the highway before entering a 2.5m high wooden gate. The existing access point would be blocked off with the reinstatement of the removed hedge from the proposed access.

### **REPRESENTATIONS**

5. Twelve letters have been received citing the following grounds of objection:
  - That the land is a key part of the Duxbury Estate and approval would start its erosion
  - The land has been decimated
  - There was no legal right of access to the land to block up

- The site has no legal status
  - The fence has been constructed without planning permission
  - Permission should be required for the works on the boundary of a listed building as it is clear that the site still maintains a close relationship with this building
  - The works would lead to further unlawful blocking off of an access with additional unlawful fence
  - The fence would have a negative impact on the Green Belt and is not in keeping with the adjacent listed building
  - There would be loss and harm to the trees
  - Protected trees have been damaged on the site
  - The condition to enter and leave in forward gear cannot be achieved and it will require that cars will still need to reverse onto the highway and the funnel entrance should be reduced.
  - The land is 'amenity land' and as such no development should take place. A larger entrance will increase the possible uses of the site
  - The application should not be determined until 19/00645/CLEUD has been determined
  - The applicant has disregarded the planning process on the site
  - The applicant has contravened the lease agreement
  - Would result in an overbearing impact
  - The proposal would result in erosion of the lands Green belt status
6. The applicant has submitted comments in support of his application stating that the proposal would improve road safety, especially for cyclists. He has also stated that the new access would not have any impact on those who have objected as they live some distance away.

## **CONSULTATIONS**

7. Lancashire County Council Highway Services – Have no objection subject to a condition and an informative.
8. Council's Tree Officer – Has no objection.
9. CIL Officers – Comment that the proposal is not CIL liable.

## **PLANNING CONSIDERATIONS**

### Principle of development in the Green Belt

10. The National Planning Policy Framework (The Framework) states that there is a general presumption against inappropriate development in the Green Belt and advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
11. National guidance on Green Belt is contained in Chapter 13 of the Framework which states:

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

*Paragraph 134 Green Belt serves five purposes:*

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

12. The Framework sets out a number of exceptions to inappropriate development in the Green Belt. Paragraph 146 of the Framework states that:

*Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:*

- a. mineral extraction;*
  - b. engineering operations;*
  - c. local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
  - d. the re-use of buildings provided that the buildings are of permanent and substantial construction;*
  - e. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
  - f. development brought forward under a Community Right to Build Order.*
13. The construction of a new access point is considered to be an engineering operation in accordance with paragraph 146 of the Framework. Engineering operations are not necessarily inappropriate development within Green Belt locations providing that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.
14. As such there are two considerations in respect of the proposal and the appropriateness of the development in the Green Belt as follows:

*Does the development preserve the openness of the Green Belt?*

Whilst the test for sites such as this relates to preserving openness it is important to note that the Framework contains no specific definition of 'openness'. The site currently has an existing access point that would be blocked up to enable the construction of the new access. An area of hardstanding would be required to facilitate the access, however this in itself potentially would not require planning permission. A wooden gate would be installed across the access point. The site area would not be altered by the approval of the access and as such it is not considered that the creation of the access and the installation of the gate would impact on the openness of the Green belt.

*Does the development conflict with the purposes of including land in the Green Belt?*

Paragraph 134 of the Framework sets out the five Green Belt purposes which the scheme is assessed against as below:

*Purpose 1 (to check the unrestricted sprawl of large built-up areas).*

The new access point would not result in the encroachment of built development into the Green Belt.

*Purpose 2 (to prevent neighbouring towns merging into one another)*

The development does not lead to the coalescence of neighbouring towns or neighbouring villages.

*Purpose 3 (to assist in safeguarding the countryside from encroachment;).*

The works do not extend outside the curtilage of the site and do not, therefore, represent encroachment into the countryside.

*Purpose 4 (to preserve the setting and special character of historic towns;).*

This does not apply as the site is not located near a historical town

*Purpose 5 (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land).*

It is not considered that this purpose is relevant in this instance.

15. It is considered that the creation of the access preserves the openness of the Green Belt and does not conflict with any of the purposes of including land in Green Belt in accordance with paragraph 134 of the Framework.

#### Impact on the amenity of neighbouring occupiers

16. *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 development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or by creating overbearing impacts.*
17. The new access point is located along Wigan Lane. The only direct neighbour to this property is Wigan Lodge. The proposal would move the access to the site away from this property and would provide space off-road for a car to wait to open gate.
18. There would be impact on the residents on Rawlinson Lane who are situated over 50m away from the site.

#### Highway Safety

19. *Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety.*
20. Lancashire County Highways have raised no concerns in relation to the proposal subject to conditions and an informative requiring that the applicant enter into a S184 agreement for the construction of the footway crossing.

#### Impact on trees

21. *Policy BNE10 of the Chorley Local Plan 2012 – 2026 states that proposals which would result in the loss of trees and/or involve inappropriate works to trees which contribute positively to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. Replacement planting will be required where it is considered that the benefit of development outweighs the loss of some of the trees or hedgerows.*
22. The application has been accompanied by an Arboricultural Impact Assessment by Lakeland Tree Consultancy, dated May 2019. This survey considers the protection of the trees on the site.
23. The Councils Tree Officer has viewed the information and considers that the information submitted is appropriate to ensure that the creation of the access does not impact detrimentally on the protected trees, however it has been requested that the extent of the root protection areas is confirmed. This can be done through the use of a condition.

#### **CONCLUSION**

24. The creation of the access is not inappropriate development in the Green Belt, nor would it cause any significant harm to the amenity of neighbouring residents or highway safety. Impacts on the protected trees on the site can be minimised through the protection measures put forward. It is, therefore, considered that the development accords the National Planning Policy Framework and policies BNE1 and BNE10 of the Chorley Local Plan 2012 – 2026. Consequently, it is recommended that the application is approved.

#### 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:

<b>Title</b>	<b>Plan Ref</b>	<b>Received On</b>
Planning Permission Submission Drawing	19013-02 Rev A	8 November 2019
Planning Permission Submission Drawing	19013-01 Rev B	8 November 2019

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

3. The trees and their roots on site shall be protected in accordance with the methodology and plan set out in the submitted 'Arboricultural Impact Assessment' by Lakeland Tree Consultancy, dated May 2019 and the approved Root Protection Plan with particular reference to the 'no dig' construction method and zone.

No vehicle shall enter the site through the new access point prior to the installation of the root protection measures outlined in the 'Arboricultural Impact Assessment' by Lakeland Tree Consultancy, dated May 2019. These root protection measures shall be installed in accordance with a Root Protection Plan, to be submitted and agreed in writing with the Local Planning Authority prior to the commencement of development.

*Reason: In order to protect trees subject to a Tree Protection Order.*

4. Prior to the first vehicular use, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials and shall be maintained as such in perpetuity.

*Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users*

## **RELEVANT HISTORY OF THE SITE**

**Ref:** 19/00868/TPO      **Decision:** PDE      **Decision Date:** Pending  
**Description:** Application for works to protected trees - Chorley BC TPO 5 (Chorley) 2008 - Crown lift trees to 5.5m over highway and fell two sycamore trees in centre of site.

**Ref:** 19/00645/CLEUD      **Decision:** PDE      **Decision Date:** Pending  
**Description:** Application for Lawful Development Certificate seeking confirmation that the use of the land for recreational purposes has never been abandoned and that the time for enforcement action in respect of the breach of planning control has expired.

**Ref:** 08/00491/FUL      **Decision:** PRRRTF      **Decision Date:** 8 September 2008  
**Description:** Retrospective application for a timber gazebo,

**Ref:** 89/01181/FUL      **Decision:** PERFPP      **Decision Date:** 12 April 1990  
**Description:** Erection of double garage

**Ref:** 79/00861/FUL      **Decision:** PERFPP      **Decision Date:** 12 September 1979  
**Description:** Garage/bedroom extension