

Item 4e **12/00037/FUL**

Case Officer **Matthew Banks**

Ward **Wheelton and Withnell**

Proposal **Section 73 application to vary the approved plans from the application 08/00934/FUL to include: 2 additional garage doors to the west elevation of previously approved garage; first floor extension above existing ground floor office to form additional bedroom; first floor side facing window in west elevation to serve bedroom 4; first floor side facing window in east elevation to serve bedroom 3 and; additional hardstanding to link existing access to proposed garage doors.**

Location **South Miry Fold Farm, Briers Brow, Wheelton, Lancashire, PR6 8JN**

Applicant **Mr Jamie Banks**

Consultation expiry: **16 March 2012**

Application expiry: **3 April 2012**

Proposal

1. Section 73 application to vary the approved plans from the application 08/00934/FUL to include: 2 additional garage doors to the west elevation of previously approved garage; first floor extension above existing ground floor office to form additional bedroom; first floor side facing window in west elevation to serve bedroom 4; first floor side facing window in east elevation to serve bedroom 3 and; additional hardstanding to link existing access to proposed garage doors.

Recommendation

2. It is recommended that this application is approved subject to conditions.

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Background information;
 - Principle of the development;
 - Design and impact on the streetscene;
 - Impact on neighbour amenity;
 - Impact on highways / access ;
 - Impact on ecology;
 - Section 106 agreement;
 - Other considerations.

Representations

4. To date, 1no. neighbour letter of objection has been received concerning this application. The comments received can be summarised as follows:
 - The applicant does not own the part of the track that he is seeking to tarmac and has no right to do anything other than cross the land;
 - The applicant cannot alter the access at Briers Brow End or tarmac or change it at the southern end of the right of way;
 - The declaration Certificate "B" regarding land ownership is incorrect. The applicant is trying to claim the land which is quite clearly owned by Miry Fold Farm;
 - The first floor window in the east elevation to serve bedroom 3 and additional hardstanding

to link the existing access to the proposed garage doors will have an extremely harmful effect and will directly overlook Miry Fold Farm which has the benefit of planning permission to develop a dwelling.

5. In addition to the above **Cllr Alison Hansford** has formally requested the application to be heard at the Development Control Planning Committee and not determined under delegated powers by the Chair / Vice Chair at Chair's Brief.
6. **Cllr Alison Hansford** has raised a number of concerns which can be summarised as follows:
 - The impact of the proposed development on the neighbours, particularly those residing at Miry Fold Farm;
 - The applicant has not fulfilled the requirement of declarations of ownership in Certificate "B";
 - The location plan shows inaccuracies in relation to ownership and rights of way;
 - The proposed development is within close proximity to a Grade II Listed Building.

Consultations

7. **Chorley Borough Council Conservation Officer** – no objections
8. **Parish Council** – no objections.

Assessment

Background Information

9. Planning permission was granted in November 2008 for the Conversion of an existing barn and coach house to form 2no. dwellings at South Miry Fold Farm (ref: 08/00934/FUL).
10. Work has commenced in relation to this development, however, as the scheme progressed, the applicant identified a number of issues and alterations which they wanted to incorporate into the scheme. As a result, this Section 73 application (variation of condition) seeks various alterations to the previously approved plans (Condition 1) of the original scheme. The alterations sought specifically include: the installation of 2no. additional garage doors to the west elevation of the previously approved garage; a first floor extension above the existing ground floor office to form an additional bedroom; the installation of a first floor side facing window to the west elevation; the installation of a first floor side facing window in the east elevation and additional hardstanding to link the existing access arrangements to the proposed garage doors.

Principle of the development

11. The application site is within the Green Belt and so guidance outlined in the National Planning Policy Framework (NPPF) and Policies DC1 and DC8A of the Adopted Local Plan Review apply.
12. In accordance with the above, the extension and alteration of a building can be considered appropriate within the Green Belt, provided the extension(s) do not result in disproportionate additions to the original building. To quantify this restriction, the Council uses a rule that any extensions should not exceed a 50% increase in volume over that of the original building.
13. The application site comprises a farmhouse, barn and coach house which have undergone limited alterations to date. The proposed amendments sought under this application largely relate to physical alterations to the barn and coach house, including the addition of a first floor extension above an existing ground floor office. The first floor extension is not considered to be disproportionate to the original building and is positioned internally within the confines of the existing built development. As such, it will only impart a limited impact on openness in the context of development which currently exists on site.
14. It is considered the addition of 2no. garage doors, the installation of a first floor window to both the east and west elevations and creation of additional hardstanding are minor in the context of existing development at the site and would not result in inappropriate development within the Green Belt or cause significant detrimental harm to the openness of the Green Belt to warrant refusal of the application on these grounds.

15. As a result, the proposed alterations sought under this application are considered to be appropriate development within the Green Belt and therefore, the principle of the development is acceptable in accordance with the NPPF and Policies DC1 and DC8A of the Adopted Chorley Borough Local Plan Review.

Design and impact on the streetscene.

16. At a national level the NPPF states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development.
17. The NPPF also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
18. Policy 17 of the Central Lancashire Core Strategy states that the design of new buildings will be expected to take account of the character and appearance of the local area, including (amongst other things) the siting, layout, massing, scale, design, materials and landscaping. Development should also safeguard and enhance the built environment.
19. Policy GN5 of the Adopted Chorley Borough Local Plan Review states that the design of proposed developments will be expected to be well related to their surroundings. Applicants are expected to demonstrate that they have followed a methodology which sets out the design principles adopted, and have carried out a full survey of the site and its surroundings. Applicants should propose a design which is specific to the site including (amongst other things) the height, bulk and roof shape; external facing materials; layout and levels.
20. The Council's Adopted Supplementary Planning Guidance: Conversion of Rural Buildings in the Countryside states that the extension of rural buildings can be acceptable provided the extensions are (1) minor, (2) complementary to the character, scale style and materials used in the existing building and (3) the extension physically relates to the architectural form of the building. Extensions should only appear as minor alterations and significant alterations will lead to a loss of character to the building.
21. The existing property has a traditional agricultural character and so it is important the proposed alterations respect this. It is considered the addition of 2no. garage doors and the installation of a first floor window to both the east and west elevations are minor in the context of existing development at the site. Therefore, provided the materials used are of an appropriate finish, these elements of the development will not result in any significant detrimental harm to the character or appearance of the existing building or result in any significant detrimental harm to the character of the streetscene.
22. With regard to the proposed first floor extension, it has been acknowledged that this would have a greater impact on the character of the existing buildings than the other alterations sought. However, the proposed extension would not rise above the ridge height of the existing barn and would be positioned at first floor level above a proposed ground floor office. Additionally, it is considered the extension would respect the character and appearance of the area and would be positioned within the confines of existing built development at the site, thereby not resulting in any significant detrimental harm to the character of the streetscene.
23. The proposed extension is considered minor in the context of existing built development and will respect the character and appearance of the existing barn. The materials proposed would be of similar appearance to the existing building, to ensure it physically relates to the architectural character of the barn.
24. As a result, it is not considered the proposed alterations sought under this application would result in significant detrimental harm to the character or appearance of the existing buildings or result in any detriment to the character of the surrounding area to warrant refusal of the application on these grounds.
25. Therefore, in terms of design, appearance and impact on the character of the area, the development is considered to be in accordance with the NPPF, Policy 17 of the Central

Lancashire Core Strategy, Policy GN5 of the Adopted Chorley Borough Local Plan Review, the Adopted Supplementary Planning Guidance: Conversion of Rural Buildings in the Countryside and the Adopted Supplementary Planning Guidance: Design Guidance.

Impact on Neighbour Amenity

26. At a national level, the NPPF states within one of its twelve core planning principles that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
27. Policy 17 of the Central Lancashire Core Strategy states that the design of new development should take account of the character and appearance of the local area, including ensuring that the amenities of occupiers of the development will not be adversely affected by neighbouring uses and vice versa. The Central Lancashire Core Strategy also states that development should be sympathetic to surrounding land uses and occupiers, and should not result in demonstrable harm to the amenities of the local area.
28. The development approved with the application 08/00934/FUL resulted in the conversion of a barn and adjoining coach house to form two separate residential dwellings. This, together with the existing farmhouse, would mean South Miry Fold Farm would result in a total of three dwellings.
29. As such, in deliberating the proposed alterations in terms of neighbour amenity, it is not only relevant to consider the outward impact on surrounding residential properties (namely Miry Fold Farm), but any issues raised within the site, given the unusual relationship of the existing farm buildings.
30. Firstly, with regard to outward looking, it is considered the greatest impact would be on the nearby collection of buildings to the east of the application site which comprise Miry Fold Farm. The only elements of the development (under consideration with this application) which are considered to have an impact on Miry Fold Farm are the first floor extension and the installation of the first floor window to the eastern gable end. However, in assessing this impact, it must be noted that Miry Fold Farm is positioned over 40m from the first floor extension and would be separated from it by the existing farmhouse building. As a result, it is considered the proposed development would comply with the Council's relevant interface guidance in respect of this property and furthermore, views of the proposed development would be extremely limited given the position of the existing farmhouse.
31. It is therefore not considered a refusal of the amendment application could be sustained in respect of the impact to Miry Fold Farm.
32. With regard to any overlooking issues within the site. It has been noted that the proposed extension would be visible in the context of surrounding residential development (i.e. the coach house to be converted and existing farmhouse). However, the extension will have no first floor windows in the north elevation facing the coach house or have an overbearing impact in terms of amenity. As a result, it is not considered the proposed first floor extension would result in any significant detrimental harm to the future amenity of the occupiers of the coach house or the amenity of the existing farmhouse.
33. The other alterations sought under this application are not considered to result in any significant detrimental harm to the amenity of future occupiers of the coach house or the amenity of the existing farmhouse.
34. As a result, it is therefore considered the proposed amendments sought under this application would not cause any significant detrimental harm to the amenity of neighbouring occupiers to warrant refusal of the application on these grounds. The development is therefore in accordance with the NPPF, Policy 17 of the Central Lancashire Core Strategy, the Council's Adopted Supplementary Planning Guidance: Conversion of Rural Buildings in the Countryside and the Adopted Supplementary Planning Guidance: Design Guidance.

Impact on Highways/Access

35. The proposed alterations sought under this application would result in an additional bedroom as well as modifications to the access and parking arrangements immediately surrounding the barn and coach house.
36. The addition of a further bedroom will marginally increase the demand for off-road parking provision at the site. However, the application site has ample parking and turning space to serve each of the three properties. Additionally, the alterations to the garaging and additional hardstanding proposed to the west of the barn are considered to be sited logically in relation to the existing access and parking arrangements.
37. The development is therefore considered to be in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

Impact on Ecology

38. A bat and barn owl survey was submitted with the application 08/00934/FUL which identified bats have visited the barn in the past, but there was no evidence of bat roosts and none of the buildings were identified as being used by barn owls.
39. As a result it was recommended a nocturnal survey should be carried out between May and August 2009 and if bats were to be found absent, then roofing work should commence immediately. This recommendation was not imposed by planning condition, and the Council has no record of this survey being carried out. However, works have been on-going at the site a significant period, with substantial inroads made to the barn structure, including the roof. As such, it is considered unlikely that bats would still be using the barn following the works undertaken since 2008.
40. As a result it is not considered the amendments sought under this application would result in any significant detrimental harm to protected species at the site and the development is in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review.

Section 106 Agreement

41. A Section 106 agreement was signed, paid and completed with the original application 08/00934/FUL which secured £5052 towards off-site equipped play space. As a result a supplemental agreement is not required in this case.
42. The Development is therefore considered to be in accordance with the Interim Planning Guidelines for New Equipped Play Areas Associated with Housing Developments and Policy HS21 of the Adopted Chorley Borough Local Plan Review Policy.

Other considerations

43. Concern has been raised by a neighbouring resident and Cllr Alison Hansford regarding the proposed access arrangements at the site. This specifically relates to the junction with Briars Brow and access track leading to the application site.
44. The original permission (08/00934/FUL) included a planning condition (Condition 6) which required access improvements to the junction of the access track with Briars Brow. This condition was imposed with the original permission to secure the conversion and long term future of the traditional stone built barn and to overcome the concerns raised by Lancashire County Council (LCC) Highways. Furthermore, the proposed condition was considered an appropriate resolve at the time of determining the application because the neighbouring resident at Miry Fold Farm (who owns the other half of the access track) wrote to the Council on the 13 October 2008 indicating they would be happy to enter into negotiations with the applicant, in order to achieve the required highway visibility. Condition 6 reads:

No development shall take place until a plan has been submitted detailing improvements to the junction of the access track with Briars Brow showing the access track widened to a width of 4.5m for a distance of 10m from the adopted highway, visibility splays of 2.4m by 60m, traffic calming measures and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be carried out in accordance with the approved

scheme before the first occupation of the new dwellings.

Reason: In the interests of highway safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

45. In response to Condition 6, a plan was submitted by the applicant to the Council (on the 15th January 2009) and consequently approved (on the 13th February 2009) showing the required access alterations stipulated by the planning condition. The works were then to be carried out in accordance with the approved plan before first occupation of the new dwellings.
46. Since submission and approval of the highway plan, the Council is also in receipt of information from the neighbouring resident's solicitor at Miry Fold Farm which highlights issues of land ownership and questions the applicant's ability to complete the approved access works.
47. This issue was identified by the Council when dealing with the current application and the applicant was contacted to this effect. The Council sought to try and resolve the highway issues raised by the neighbour by informally engaging with the applicant and LCC Highways. It is important to note at this point that the applicant did not seek to formally vary the highway condition (Condition 6) as part of the current application and the discussions which took place were informal.
48. In seeking to resolve the issues around Condition 6, LCC Highways requested that (1) a traffic speed count and (2) alternative highway plans should be submitted to try and overcome the highway issues raised by the neighbour. This information was submitted by the applicant and consequently considered by LCC Highways who (1) queried the integrity of the traffic speed count and (2) requested a further traffic speed count to be carried out (using rumble counters). This was requested to establish the traffic speeds on this section of Briars Brow (by a different method) and to identify what additional information/alterations would be required to bring the proposed access alterations in line with the relevant highway guidance. In addition, LCC Highways also suggested traffic calming measures should be installed in the vicinity of the access (in the form of red rumble strips and edge of carriageway markings) to further reduce traffic speeds. Such works would be secured by Section 106 Agreement through a commuted sum of approximately £5000 - £7000.
49. The applicant was contacted with regard to the additional information requested by LCC highways and decided to pass the opportunity to seek to resolve the highway issues in full knowledge that they were unresolved. With this in mind, the applicant instructed the Council to determine the application on the basis of the original information submitted and to not formally consider the information submitted in respect of Condition 6.
50. As such, in the interests of openness and transparency of decision making, Condition 6 has not been formally varied as part of this application as neighbours and contributors have not been given the opportunity to comment on the informal information submitted in respect of Condition 6.
51. The Council has therefore had no other option but to consider the application as originally submitted (i.e. varying Condition 1) and re-impose Condition 6 in the interests of openness and transparency.

Overall Conclusion

52. On balance of the above, the application to vary Condition 1 is accordingly recommended for approval subject to conditions.

Planning Policies

National Planning Policy Framework

Central Lancashire Publication Core Strategy

Policy 17

Adopted Chorley Borough Local Plan Review

Policies: DC1, DC8A, GN5, TR4 and EP4

Development Plan Documents and Supplementary Planning Documents/Guidance.

- Adopted Supplementary Planning Guidance: Conversion of Rural Buildings in the Countryside;
- Adopted Supplementary Planning Guidance: Design Guidance.

Planning History

The site history of the property is as follows:

Ref: 02/00519/FUL **Decision:** PERFPP **Decision Date:** 31 July 2002
Description: First floor rear extension, alterations to outbuilding to create two garages and change of use of agricultural land to domestic curtilage,

Ref: 02/00520/FUL **Decision:** WDN **Decision Date:** 26 July 2002
Description: Conversion of farm buildings (barn, stables and sheep pens) into two dwellings,

Ref: 03/00581/FUL **Decision:** REFFPP **Decision Date:** 18 August 2003
Description: Re-submission of 02/520 for conversion of farm buildings (barn, stables and sheep pen) into 2 dwellings,

Ref: 05/00301/FUL **Decision:** REFFPP **Decision Date:** 25 May 2005
Description: Formation of hardstanding and retention of previously constructed earth bund

Ref: 05/00576/FUL **Decision:** REFFPP **Decision Date:** 31 August 2005
Description: Revised application for provision of hardstanding for unloading and storage of palletised materials and fodder bales for farm use (approx. 250m²)

Ref: 08/00934/FUL **Decision:** PERFPP **Decision Date:** 21 November 2008
Description: Conversion of existing barn and coach house to 2 No dwellings including landscaping

Ref: 11/00742/DIS **Decision:** PEDISZ **Decision Date:** 12 September 2011
Description: Discharge of conditions 3 (materials), 4 (roof lights), 5 (windows and doors) & 7 (hard ground surfacing) for planning approval (08/00934/FUL) for the conversion of barn and coach house to 2 dwellings

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- Approve subject to conditions.
- 3 April 2012.

Recommendation: Permit Full Planning Permission Conditions

1. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).**

Reason: To protect the appearance of the locality and in accordance with Supplementary Planning Guidance – Conversion of Rural Buildings in the Countryside.

2. 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.
3. The development hereby permitted shall only be carried out in accordance with the slate and stone samples as submitted and viewed on site with the discharge application 11/00742/DIS.
Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.
4. The development hereby permitted shall only be carried out in accordance with the hard ground-surfacing materials shown on the plan 610.611.p.s. approved with the discharge application 11/00742/DIS.
Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.
5. The development hereby permitted shall only be carried out in accordance with the window and door details shown on the plans 610.P0100, 610.P.101 and 610.P.102 approved with the discharge application 11/00742/DIS.
Reason: In the interests of the character and appearance of the building and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.
6. No new dwelling hereby permitted shall be occupied until the approved highway alterations (received 15th January 2009, Drawing no. AD 01; Title: access detail) have been completed in entirety.
Reason: In the interests of highway safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.
7. The development hereby permitted shall only be carried out using 'flush' fitting roof lights as shown on the plan (610.P0103) approved with the discharge application 11/00742/DIS.
Reason: To protect the character and appearance of the building and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.