

**Item 4g**                      **12/01158/FULMAJ**

**Case Officer**              **Caron Taylor**

**Ward**                         **Wheelton And Withnell**

**Proposal**                    **Erection of a replacement dwelling, new commercial stable building (for livery use) and sand paddock following the demolition of existing buildings (apart from cattery)**

**Location**                  **Close Gate Farm and land to rear Buckholes Lane, Wheelton**

**Applicant**                  **Mr Alasdair Morgan**

**Consultation expiry:** **8 January 2013**

**Application expiry:** **5 March 2013**

### **Proposal**

1. Erection of a replacement dwelling, new commercial stable building (for livery use) and sand paddock following the demolition of existing buildings (apart from cattery).

### **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
  - Levels
  - Impact on the neighbours
  - Layout and Design
  - Trees and Landscape
  - Flood Risk and Coal Mines
  - Traffic and Transport
  - Drainage and Sewers
  - Sustainable Resources

### **Representations**

4. One letter of objection was initially received from the neighbouring property. They have written a second letter stating that they have met with the applicant and his architect, who has taken on board their concerns, made some amendments to the plans to address the bridleway/access issue and agreed an on-going consultation regarding their property, final finish, drainage and landscaping. They state with these amendments confirmed and committed to they would be happy to accept the proposal. The amended plans have been sent to the neighbour and any comments received will be reported on the addendum.
5. Wheelton Parish Council  
Have no objections to the application but request that the style of building is in keeping with the properties in the area. The Parish Council questioned whether the application site is within the Green Belt.

### **Consultations**

6. **Lancashire County Council (Highways)**

Initially objected to the proposal on the grounds of visibility from the access point. Amended plans have been received and sent to Highways. Comments will be placed on the addendum.

## **Assessment**

### Background Information

7. The existing dwelling on the site is attached to its former barn, converted to a dwelling under permission reference 08/00477/FUL. The application proposes to demolish the existing dwelling and replace it further to the south-east. There is a commercial cattery on the site that will remain. The existing buildings to the rear of the dwelling will be demolished and replaced by 10 commercial stables, sand paddock and associated parking and hardstanding.

### Principle of the development

8. The principle of a replacement dwelling in the Green Belt is acceptable in accordance with Policies DC1 and DC8A of the Adopted Chorley Borough Local Plan Review and the National Planning Policy Framework (NPPF). This is subject to the replacement not being materially larger than the one it replaces.
9. The NPPF also allows replacement buildings, providing the new buildings are in the same use and not materially larger than the ones replaced.
10. The dwelling proposed would result in approximately a 164% increase in volume over the existing dwelling on the site. This would be materially larger and therefore contrary to policy. However, the applicant has put forward a Unilateral Undertaking legal agreement which is a material consideration in determining the application. This not only removes the Permitted Development Rights of the replacement dwelling but also prevents submission of future applications for extensions and outbuildings.
11. This situation therefore needs to be compared to what could be achieved on the site under the planning policies without a legal agreement being in place. In planning policy terms an increase of up to 30% of the volume of the existing dwelling is considered not to be materially larger and therefore in accordance with policy. If such an increase is allowed the Permitted Development Rights of the replacement dwelling are not removed (as it is appropriate development in the Green Belt). The dwelling as replaced would start a new chapter in the history of the site and therefore would become the 'original dwelling' for the purposes of assessing future extensions.
12. In terms of extensions to properties in the Green Belt, policy allows them providing they do not result in disproportionate additions over and above the size of the original dwelling. The replaced dwelling (30% larger than existing) could then be extended further as it would then be the 'original dwelling'. In such situations the Council normally considers extensions up to 50% to be considered as not being disproportionate. Therefore if a dwelling of 30% was permitted and then extended under this policy in the future it could result in an increase over the existing dwelling of 95%.
13. The applicant is proposing a 164% increase in the size of the dwelling, including a garage with office above to run the existing cattery building.
14. There is a second part to the application that relates to the land to the rear of the existing property. At present there are a number of buildings on this part of the site that are proposed to be demolished. These include former agricultural buildings and stables. The existing buildings on the site amount to a volume of 782m<sup>3</sup>. The stables now proposed have a volume of 373m<sup>2</sup>. Therefore a reduction of 410m<sup>3</sup> in built for is proposed on this part of the site. The NPPF does allow the partial or complete redevelopment of previously developed sites (brownfield sites) 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.
15. Although the proposed dwelling is larger than would normally be allowed, there is a large reduction in the amount of development on the brownfield part of the site to the rear of it.

However notwithstanding this, there will be an increase in 21.6% volume on the site overall taking the volume of the new house added to that of the stables. However this increase is not considered to be materially larger than exists at present on the site in line with the NPPF and it is not considered that the layout of the buildings as proposed will have a greater impact on the openness of the Green Belt than the existing site.

16. The sand paddock proposed is considered appropriate development in the Green Belt under the NPPF as a facility for outdoor sport and recreation.
17. The proposal is therefore considered acceptable in principle.

#### Levels

18. The site is reasonably flat although it does slope down gradually away from the road. It is considered that acceptable finished levels can be achieved via a condition.

#### Impact on the neighbours

19. The nearest property is Close Gate Barn attached to the application property. The proposed dwelling will be further away from this dwelling and the stables will be sited to the rear of the existing cattery building with the sand paddock proposed on the southern boundary. It is not therefore considered that the proposal will impact on this property subject to boundary treatments being secured.
20. Sundale and The Hollies are the nearest properties opposite the site. However the proposals will move the dwelling further away from them and therefore it is not considered there will be an unacceptable impact on them.
21. Grasmere is the nearest property to the south-east. It is situated over 60m from the nearest part of the application site. It is considered that although the replacement dwelling would be nearer this property and the sand paddock will be located on the south-east boundary of the site that there is sufficient distance between them that the relationship is acceptable.

#### Layout and Design

22. Although the dwelling will be repositioned on the site it will not result in the creation of an infill plot as the site is not within a continuous built up frontage.
23. The proposed dwelling is relatively contemporary in its style with large areas of glazing and boarding to the first floor, however its design will incorporate a pitched roof and stone detailing to reflect traditional building styles. Subject to conditions relating to materials the design is considered acceptable.
24. The stables will be constructed of timber, with block work internally only up to 1.2m, to reduce the likelihood of conversion in the future.
25. The sand paddock is against an existing boundary and subject to conditions controlling its construction and boundaries it is considered acceptable.
26. The proposal is therefore considered acceptable in relation to Policy 17 of the Core Strategy.

#### Trees and Landscape

27. There are a number of trees on the site. There are existing trees on the site frontage that will be removed but these are evergreen and mainly coniferous trees. These are not native and it is not considered that they would warrant protection. There are native trees within the site. These are mainly located next to the existing cattery and will be unaffected by the proposal. Other trees towards the rear situated immediately adjacent existing buildings will also remain as part of the layout. However, given their distance from the road and therefore their limited amenity value in the street it is also considered they would not warrant protection.

## Flood Risk and Coal Mines

28. The site is not within Flood Zone 2 or 3. The site is in a Low Risk Area as identified by the Coal Authority, therefore an informative note is required to be applied to any permission.

## Traffic and Transport

29. There is an existing vehicular access serving the whole site including the existing dwelling and cattery immediately to the south-east of the property. The dwelling also has a pedestrian access immediately in front of it.
30. The proposal seeks to retain this access for use by the stables and new dwelling. Amended plans have been sought moving the gate into the curtilage of the dwelling back from the access point to avoid conflict between vehicles. LCC Highways have been sent the amended plans for comment and their response will be placed on the addendum.
31. The proposed dwelling would have sufficient parking for over three vehicles in line with the Council's parking standards.
32. 10 parking spaces are proposed to serve the stables along with extra horse box parking. This is considered acceptable.
33. The proposal is therefore considered acceptable in terms of parking.

## Drainage and Sewers

34. The development is proposed to be served by main sewerage. A condition will be applied to ensure sufficient drainage is incorporated into the scheme.

## Sustainable Resources

35. Policy 27 of the Core Strategy requires all new dwellings to meet Level 4 of the Code for Sustainable Homes, increasing to Code 6 from January 2016. This can be secured by conditions that the agent is aware of.

## **Overall Conclusion**

36. The application is recommended for approval subject to LCC Highways finding the amended plans acceptable, which will be reported on the addendum and the Unilateral Undertaking is acceptable.

## **Planning Policies**

### National Planning Policies:

NPPF

### Adopted Chorley Borough Local Plan Review

Policies: DC1, DC8A.

### Joint Core Strategy

Polices 17 and 27

## **Planning History**

**05/00920/FUL** Relocation of existing cattery into previous dog kennels building. Permitted November 2005.

**07/00221/FUL** Proposed erection of 3 timber stables, conversion of existing stable to create tack room and feed store and construction of 20m x 40m fenced sand paddock. Permitted May 2007. Not implemented.

**Recommendation: Permit (Subject to Legal Agreement)  
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. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2012 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.  
*Reason: To safeguard the trees to be retained and in accordance with Policy 17 of the Core Strategy.*
3. No part of the development hereby permitted shall be occupied or used until the vehicular access has been constructed in accordance with the approved plans.  
*Reason: In the interests of highway safety and policy TR4 of the Adopted Chorley Borough Local Plan Review.*
4. That part of the access extending from the kerb line/edge of carriageway for a minimum distance of 5 metres into the site shall be paved in permanent construction, such as tarmacadam, concrete, block pavements or other permanent fixed material before the access is used for vehicular purposes. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 no gates or other obstructions shall be constructed in that standing space unless planning permission is first obtained.  
*Reason: To prevent loose surface material from being carried on to the public highway, and to prevent obstructions being erected that would cause vehicles accessing the site to stop in the highway, thus causing a potential source of danger to other road users and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*
5. Prior to the construction of the new dwelling hereby permitted the existing property on the site shall have been demolished in full. Prior to this demolition details of the finish to the south-east elevation of the adjacent property Close Gate Barn shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on Close Gate Barn within six months of the demolition of the existing dwelling taking place.  
*Reason: The existing property is attached to another residential property and negotiations will need to take place between the owners regarding demolition of the existing property. Therefore to avoid two dwellings in the Green Belt that would be contrary to the NPPF and secure an acceptable finish to the Close Gate Barn.*
6. Prior to the commencement of any development, plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by, the Local Planning Authority. Such works shall be carried out in accordance with the approved details concurrently with the rest of the development and in any event shall be finished before the building that it serves is occupied.  
*Reason: To ensure a satisfactory means of drainage and in accordance with the NPPF.*
7. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab levels (all relative to ground

levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.

*Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

8. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

*Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property and in accordance with Policy Nos. GN5 and EM2 of the Adopted Chorley Borough Local Plan Review.*

9. Prior to the stables hereby permitted being brought into use details of a midden shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of its construction and location. The midden shall then be constructed in accordance with the approved details and retained at all times thereafter.

*Reason: To safeguard the amenities of the neighbouring property and to prevent runoff into nearby water course and in accordance with Policy EP9 of the Adopted Chorley Borough Local Plan Review and the Rural Development Supplementary Planning Document.*

10. The stables shall only be constructed of timber frame with timber cladding in accordance with the materials as shown on the approved plans, with brick/block work internally only to a height of 1.2m.

*Reason: To avoid a proliferation of buildings in the Green Belt for which there is not an on-going need and in accordance with the NPPF.*

11. The hereby permitted shall be carried out in accordance with the following approved plans:

Title	Drawing Reference	Received date
Preliminary Site Plan	8140-P01e	15 February 2013
House Elevations	8140-P03d	15 February 2013
Proposed House Plans	8140-P02e	15 February 2013
Proposed Stables	8141-P04c	22 February 2013

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

12. The existing buildings shown on drawing reference 8141-L02 shall be demolished and all resultant materials not to be reused in the development hereby permitted shall be removed from the site before construction of the dwelling or stables is commenced.

*Reason: Weight has been given to the removal of these buildings in permitting the development, therefore to prevent a proliferation of buildings in the Green Belt for which there is not an on-going need and in accordance with the NPPF.*

13. The dwelling hereby permitted if commenced after 1st January 2013 will be required to meet Code Level 4 of the Code for Sustainable Homes and if commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority.

*Reason: In the interests of minimising the environmental impact of the development and in accordance with Policy 27 of the Core Strategy.*

14. Prior to the commencement of the dwelling a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level.  
*Reason: In the interests of minimising the environmental impact of the development and in accordance with Policy 27 of the Core Strategy.*
15. The dwelling hereby permitted shall be occupied until a letter of assurance; detailing how it has met the necessary Code Level has been issued by a Code for Sustainable Homes Assessor and approved in writing by the Local Planning Authority.  
*Reason: In the interests of minimising the environmental impact of the development and in accordance with Policy 27 of the Core Strategy.*
16. Details of any lighting to be installed to the stable building shall be submitted to and approved in writing by the Local Planning Authority before any such installation is carried out. The installation shall then be implemented precisely in accordance with these agreed details which shall then not be varied. Furthermore, no additional external lighting shall be installed without the express permission of the Local Planning Authority.  
*Reason: To safeguard the amenities of the area and to minimise the possibility of inconvenience to nearby residents and in accordance with the NPPF.*
17. No source of external illumination shall be installed to serve the sand paddock hereby permitted or sound amplification installed to serve any part of the development hereby permitted.  
*Reason: To protect the open and rural character of the locality and in accordance with the NPPF.*
18. Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.  
*Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy 17 of the Core Strategy.*
19. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.  
*Reason: In the interest of the appearance of the locality and in accordance with Policy 17 of the Core Strategy.*
20. Prior to the commencement of dwelling hereby permitted samples of all external facing and roofing materials to be used to construct it (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 and in accordance with Policy 17 of the Core Strategy.*