

Report of	Meeting	Date
Director of Partnerships, Planning and Policy	Development Control Committee	26 March 2013

PLANNING CONDITIONS FOR THE ERECTION OF AN EQUESTRIAN HORSE BREEDING AND TRAINING FACILITY COMPRISING NEW STABLES, TACK ROOM AND STORAGE. CREATION OF OPEN DRESSAGE ARENA AND ASSOCIATED PARKING AREAS AT LOGWOOD STABLES

PURPOSE OF REPORT

1. The purpose of this report is to set out the recommended conditions for planning application 13/00034/FUL which was approved, subject to conditions, at Development Control Committee on 5th March 2013.

RECOMMENDATION(S)

2. It is recommended that members consider whether the recommended conditions adequately secure the proposals which were considered and approved (subject to conditions) at Development Control Committee on 5th March

EXECUTIVE SUMMARY OF REPORT

3. This report lists the recommended planning conditions based on the information submitted in support of the application.

Confidential report Please bold as appropriate	Yes	No

CORPORATE PRIORITIES

4. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	X
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

5. It was resolved by members of the Development Control Committee on 5th March 2013 for planning application 13/00034/FUL that planning permission be granted on the grounds that the development related to:
 1. Positive economic benefit to the rural area of this particular business with the individual circumstances submitted and;

2. This is a specialist rural business located within a rural community.
6. Permission was subject to conditions including lighting, hours of working, control of manure, external materials and a restorative scheme should the building no longer be used for the approved purpose the wording for which to be delegated to officers, in consultation with the Chair and Vice Chair of Development Control Committee. Discharge of the lighting condition to be reported back to Development Control Committee.
7. The conditions are brought back before members for members to confirm whether these conditions adequately secure the proposals considered by them at the 5th March committee meeting following consultation with the Chair and Vice Chair in accordance with the resolution.

Recommended Conditions

- 1) The proposed development must be begun not later than 18 months from the date of this permission.

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

- 2) The hereby permitted shall be carried out in accordance with the following approved plans:

Title	Drawing Reference	Received date
Location Plan		14 January 2013
Existing Topographical Site Survey	10/055/P01 Rev D	6 February 2013
Proposed Elevations	10/055/P05 Rev F	5 March 2013
Proposed Floor Plans	10/055/P04 Rev E	14 January 2013
Proposed Site Layout	10/055/P03 Rev H	14 ^h January 2013

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 plans 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 Nos. DC1, GN5 and EP8 of the Adopted Chorley Borough Local Plan Review.

- 4) 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 that the materials used are visually appropriate to the locality and in accordance with Policy Nos. DC1, GN5 and EP8 of the Adopted Chorley Borough Local Plan Review.

- 5) The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans or as may otherwise be

agreed in writing with the Local Planning Authority before any development is first commenced.

Reason: To protect the appearance of the locality and in accordance with Policy No. DC1 and GN5 of the Adopted Chorley Borough Local Plan Review.

- 6) Notwithstanding the submitted details the permission hereby granted does not permit the inclusion of external illumination (including flood lights and lighting columns) or sound amplification.

Reason: Insufficient information was submitted in respect of lighting and/or sound amplification to enable full consideration of these elements. As such in order to protect the open and rural character of the locality, in accordance with Policies DC1 and EP8 of the Adopted Chorley Borough Local Plan Review and the Rural Developments DPD, these elements do not form part of this approval.

- 7) The development hereby permitted shall not commence until a management plan has been submitted to and approved in writing by the Local Planning Authority, detailing how waste material from the horses on the site will be dealt with. Waste generated on the site shall only thereafter be managed in accordance with the approved management plan.

Reason: To prevent the pollution of the water environment. To ensure adequate measures are put in place to deal with waste material and in accordance with Policy No. EP8 of the Adopted Chorley Borough Local Plan Review.

- 8) The sand paddock/ manège hereby permitted shall only be used for training/riding horses by the applicant (Mrs Rebecca McNair) plus the groom employed at the application site and for the training of horses owned by Mrs Rebecca McNair, Mr Steve Watson, Mr Andrew McNair and Mrs Carol McNair (the horses passports for each of the horses to be stabled at the site, specifically referred to in condition 9, shall, when the horse is stabled at the application site, be available at all times for inspection) and shall not be used for the training or schooling of other privately owned horses and/or their riders. The sand paddock/ manège hereby permitted shall not be used for the holding of any public or private training events, clinics, competitions, trials, horse/pony club meetings or gymkhanas. This condition does not preclude its use for veterinary care or other expert assessment or rehabilitation of the horses owned by those detailed within the condition.

Reason: To define the permission and taking into account the very special circumstances forwarded in support of the application. Any secondary use could have implications for additional and more regular traffic to and from the site which the Local Planning Authority would have to consider. In accordance with policy Nos. DC1, EP8 and TR4 of the Adopted Chorley Borough Local Plan Review, the NPPF (National Planning Policy Framework) and the Rural Developments DPD.

- 9) The stable building hereby permitted shall only be used for the stabling of a maximum of 10 horses (excluding foals with mares) owned by Mrs Rebecca McNair, Mr Steve Watson, Mr Andrew McNair and Mrs Carol McNair (the horses passports for each of the horses to be stabled at the site shall, when the horse is stabled at the application site, be available at all times for inspection) and shall not be used for the stabling of other privately owned horses. The building shall be laid out internally in accordance with the approved plans and that layout shall be retained thereafter.

Reason: To define the permission and taking into account the very special circumstances forwarded in support of the application. Any secondary use could have implications for additional and more regular traffic to and from the site which the Local Planning Authority would have to consider. The layout of the building was considered essential by the applicant and resulted in the particular scale of building and was taken into consideration in the determination of the application. In accordance with policy Nos. DC1, EP8 and TR4 of

the Adopted Chorley Borough Local Plan Review, the NPPF (National Planning Policy Framework) and the Rural Developments DPD.

- 10) A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development. These details shall include all existing trees and hedgerows on the application site and any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform. Landscaping proposals should comprise only native plant communities appropriate to the natural area.

All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, 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: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design. In accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

- 11) Where use of the stables for the authorised purposes ceases for a period exceeding 6 months within 10 years of their substantial completion then the stable building, the associated midden, and manège shall be removed from the land and the land restored to its former condition.

Reason: To protect the character and appearance of the area, and avoid the proliferation of buildings in a countryside area for which there is not a continuing need and taking into account the particular justification that was given weight in the determination of this application. In accordance with the National Planning Policy Framework and Policy Nos. DC1 and EP8 of the Adopted Chorley Borough Local Plan Review.

8. These conditions have been forwarded to the agent for the application who has discussed them with his client. The agent has confirmed that the applicants are satisfied with conditions 1-5, 7, 9-11.
9. There is concern however over the wording of conditions 6 and 8.
10. Condition 6 relates to lighting and the agent has commented that the recommendation at Committee was to condition the lighting, not to exclude it and formed part of discussions with the Development Control Team Leader following the committee meeting. The agent has stated that they wish to seek further advice on this condition and respond prior to the meeting on 26th March 2013. This will be reported on the addendum.
11. In respect of lighting and floodlights the committee report confirmed (para 81):
The application includes the erection of six 6 metre high lighting columns around the proposed riding arena and security lights. The Rural Development SPD confirms that floodlighting of sand paddocks and yards is generally inappropriate in the open countryside or near to neighbouring residents. No justification has been provided in respect of the need for the proposed lighting columns or details of the specification. The SPD states that where floodlighting is proposed, it should be designed to minimise light spillage from the lit area. However without justification for the lighting columns or security lights and/ or specification details it is not considered that this element of the proposals is acceptable.

12. As such this element of the proposals, without full details or very special circumstances, was unacceptable hence why the recommended condition removes this element from the scheme. Additionally neighbours have not been given the opportunity to comment on the lighting elements of the scheme.
13. However it is not clear whether Members actually approved this element of the proposal at the committee meeting on the 5th March and notwithstanding the discussions had by members at the meeting the resolution which appears on the printed minutes includes: *Discharge of the lighting condition to be reported back to Development Control Committee.*
14. As such members are requested to consider whether condition 6 as drafted secures the scheme approved or whether the following condition addresses the consideration of the proposals:
 Prior to the installation of any lighting or lighting columns and notwithstanding the submitted details, full details of the proposed lighting including the times of operation, the level of illumination across the sand paddock/ménage (including light spillage) and the design and height of the proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented and thereafter maintained in accordance with the approved details and not used outside the approved hours of operation. The permission hereby granted does not permit sound amplification.
Reason: To protect the open and rural character of the locality. In accordance with Policies DC1 and EP8 of the Adopted Chorley Borough Local Plan Review and the Rural Developments DPD.
15. Condition 8 is a restrictive condition which restricts the riding and training of horses to the applicant, Mrs Rebecca McNair, and the groom employed at the site and only for the training of horses owned by Mrs Rebecca McNair, Mr Steve Watson, Mr Andrew McNair and Mrs Carol McNair.
16. The agent for the application has commented that the wording of this condition has been significantly altered from discussions had with the Development Control Team Leader following the committee meeting and he is seeking further advice on this prior to the meeting of the 26TH March 2013. This will be reported on the addendum.
17. It is considered that the condition reflects the details of the proposed business, submitted in support of the application. It is considered that if the permission is not restricted by way of the recommended condition then other riders/ trainers could utilise the site which has not been assessed, in terms of traffic generation, by the Highway Engineer and additional visitors/ users of the site did not form part of the submitted application. The original application was based on the applicant, Mrs Rebecca McNair, training horses (based on the business plan) which are co-owned by Mrs Rebecca McNair, Mr Steve Watson, Mr Andrew McNair and Mrs Carol McNair (confirmed by the agent in support of the application). Any other activities at the site have not been assessed as part of the application and have not been subject to neighbour consultation.

Sustainable Resources

18. The original committee report (para 89) confirms that as the proposed building exceeds 500m² both parts of Policy 27 of the Core Strategy will need to be satisfied in respect of the proposals. Within the submission the applicants did not demonstrate how this would be achieved however the requirements of policy 27 could be secured by appropriately worded conditions, which are recommended below:
 - 12) The building hereby permitted shall be constructed to achieve a minimum Building Research Establishment (BREEAM) standard of 'very good'. Within 6 months of occupation a 'Post Construction Stage' assessment and a Final Certificate shall be submitted to the

Local Planning Authority certifying that a BREEAM standard of 'very good' has been achieved.

Reason: In the interests of minimising the environmental impact of the development. In accordance with Government advice contained in the NPPF and Policy 27 of the Core Strategy

- 13) Prior to the commencement of the development a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: In the interests of minimising the environmental impact of the development. In accordance with Government advice contained in the NPPF and Policy 27 of the Core Strategy

- 14) Prior to the use of the building hereby permitted a letter of assurance; detailing how the building has achieved BREEAM has been issued by a licensed BREEAM Assessor/Auditor and approved in writing by the Local Planning Authority

Reason: In the interests of minimising the environmental impact of the development. In accordance with Government advice contained in the NPPF and Policy 27 of the Core Strategy

- 15) Prior to the commencement of the development a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant BREEAM rating.

Reason: In the interests of minimising the environmental impact of the development. In accordance with Government advice contained in the NPPF and Policy 27 of the Core Strategy

19. The agent for the application has queried the BREEAM requirements particularly due to the proposed use of the building. He has confirmed that they have spoken to the BRE and will provide a response prior to 26th March. This will reported on the addendum.
20. It is however considered that there are opportunities on the building to reduce carbon emissions such as photovoltaic panels/ rainwater harvesting and as such condition 15 would ensure that the second part of Policy 27 is achieved.

Additional Conditions

21. At the 5th March Development Control Committee Councillor Hansford requested that a condition was attached to any positive recommendation requiring the site to be restored to its former condition if the business were to fail within 3 years of the permission.
22. A planning condition must meet certain tests, as detailed within Circular 11/95: Use of conditions in planning permission. The Circular confirms that conditions should not be imposed unless they are both necessary and effective, and do not place unjustifiable burdens on applicants. All conditions should be:
- i. necessary;
 - ii. relevant to planning;
 - iii. relevant to the development to be permitted;
 - iv. enforceable;
 - v. precise; and

vi. reasonable in all other respects.

23. It is noted that it was considered that this application should be approved due to the positive economic benefit to the rural area. However it is not considered that a restrictive condition in respect of the success of the business would meet the above tests. The condition would have to precisely set out the information needed to demonstrate whether the business was successful and it is not clear what level of information would satisfy this requirement. For example the applicant could choose to continue with the business for a number of years whilst making a loss to develop the business and as such the financial records would not indicate failure of the business. The condition would have to clearly set out what would constitute a failure and due to the specific nature of the business it is not clear what information this would entail which could be precise and enforceable.
24. The only potential way forward may be to include a condition which states that if the following elements no longer take place at the site then the building and sand paddock shall be removed from the site:
- The breeding of horses and
 - The training of horses
25. However the question then is what should the site be restored to (the current site includes 2 large concrete slabs one of which will be removed to create the sand paddock); and where will the applicants stable their horses when the building is removed. However if members consider that this is an appropriate way forward then the following condition could be attached:

Where the use of the stable building, hereby approved, for the authorised purposes (breeding and training of horses) ceases for a period exceeding 6 months within 10 years of their substantial completion they, the associated midden, and manège (including the top surface, sub-surface and associated fences), shall be removed from the land and the land restored to its former condition.

Reason: To protect the character and appearance of the area, and avoid the proliferation of buildings in a countryside area for which there is not a continuing need and taking into account the particular justification that was given weight in the determination of this application. In accordance with the National Planning Policy Framework and Policy Nos. DC1 and EP8 of the Adopted Chorley Borough Local Plan Review.

IMPLICATIONS OF REPORT

26. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	X	Policy and Communications	

COMMENTS OF THE MONITORING OFFICER

27. It is considered that the proposed conditions meet the statutory tests detailed at paragraph 22 of the report. If members feel that the conditions do not serve to overcome the harm to the greenbelt caused by this development then they should revisit the resolution of 5 March and consider refusal.

LESLEY-ANN FENTON
DIRECTOR OF PARTNERSHIPS, PLANNING AND POLICY

Background Papers			
Document	Date	File	Place of Inspection
Logwood Stables Committee Report	5 th March 2013	13/00034/FUL	Development Control Committee Reports Pack for 5 th March Development Control Committee
Development Control Addendum	5 th March 2013		Development Control Committee Addendum for 5 th March Development Control Committee

Report Author	Ext	Date	Doc ID
Nicola Hopkins	5214	19 th March 2013	***