

Item 4a **13/01061/FUL**

Case Officer **Mr Peter Willacy**

Ward **Heath Charnock And Rivington**

Proposal **Variation of Condition 1 of planning permission 13/00385/COU to allow the replacement of wood chippings with limestone chippings to a depth of 6-8 cm.**

Location **2 Heath Paddock Hut Lane Heath Charnock ChorleyPR6 9FP**

Applicant **Mr Michael Linfoot**

Consultation expiry: 3 January 2014

Application expiry: 27 January 2014

PROPOSAL

1. This application relates an area of land of located on the eastern side of the M61 between the motorway and Hut Lane and lying to the south of residential properties at Olde Stoneheath Court and Red Row. The site is situated between the settlement areas of Adlington and Chorley.
2. The application is to vary condition 1 of the temporary planning permission for a residential Gypsy and Traveller site involving the siting of 2 mobile homes, 3 touring caravans and retention of a utility block, and access at the north west corner of the site for a temporary period of 4 years to allow the replacement of the existing wood chipping surfacing covering the site with the laying of limestone stone chippings to a depth of 6-8 cm.

3. RECOMMENDATION

It is recommended that this application is granted temporary conditional planning approval.

4. MAIN ISSUES

The main issue for consideration in respect of this planning application is whether the development is appropriate within the Green belt, and whether it causes harm to the Green Belt and amenities of neighbouring residents.

5. REPRESENTATIONS

A total of 35 letters of objection have been received and can be summarised as follows:-

- Adds to permanency of site.
- Not previously been a problem with wood chippings.
- Increased cost of remediation when site has to be cleared.
- Current development held to be inappropriate development at two previous appeals so why add anything to enhance permanence.
- The applicant has previously been prosecuted by the Environment Agency for importing material onto site.
- Inappropriate development in the Green Belt.
- Not in character with the land.

- Temporary site no need for further work.
- More difficult to walk on gravel than wood chippings and falling would cause more injury.

A total of 44 letters of support have been received and can be summarised as follows

- Will enhance the area.
- Temporary permission already in place.
- Would have very little impact.
- Do not see any harm and easily removed.
- Take pride in appearance of site.
- Will keep site cleaner.
- Needed on health and safety grounds.

Councillor Kim Snape

6. I am writing in objection to the above application on behalf of the residents of the locality who have raised the issue with me.
7. The land is greenbelt
8. The occupiers stay is temporary and therefore is totally inappropriate to more stone on the site.
9. Limestone chippings will breakdown and compact to a solid surface and make it even more difficult to return to its original state.

Heath Charnock Parish Council

10. Objects to this application on the grounds that limestone chippings will make it more difficult to restore the site after Mr Linfoot and family leave. The present bark chippings will decompose, and the land which was adulterated during the construction of the M61 can continue to regenerate naturally.

CONSULTATIONS

11. Environment Agency- Have no comments to make on the application
12. Waste and Contaminated Land Officer – No comments

APPLICANT'S CASE

13. The applicant has submitted a supporting statement in respect of the application which is reproduced below:-
14. The proposal is to vary the approved plans by being authorised to lay the site (apart from the area of the utility block, the concrete bases on which the mobile homes stand, and the grassed play area) with natural limestone stones, which are available from Stan Stock Aggregates, to replace the current wood chipping surface, which is approved as part of the permission. The applicant proposes to remove the wood chippings, which would leave the existing hard-core exposed, and to fill in any holes in the hard-core, so it has a relatively level surface. The hard-core would then be covered to a depth of 6 to 8 cm. with the stones.
15. The application is to replace all of the areas of wood chippings. However, to keep costs down, particularly given the temporary period of the permission, in practice the applicant will only cover that proportion of the site necessary to address the worst of the current problems. Hence in practice, different parts of the site surface will be covered by a mix of wood chippings and the stones.
16. The application is being submitted as the most appropriate way to authorise what the applicant is seeking to achieve, following discussion with Mr Willacy. We would stress

that the proposed development will have no additional impact on the surrounding area, compared with the existing authorised surface treatment, and will barely be noticeable, particularly taking account of the boundary treatment and planting around the site, which will be unaffected.

17. The application is being made for health and safety and quality of life reasons, and to address a significant existing problem on the site, which has emerged in recent months. In the relatively damp local conditions, the existing wood chippings are retaining moisture and not drying out, and turning into a mush. This means that vehicles are at risk of becoming stuck, particularly when pulling caravans.
18. The wood chippings are unpleasant, but also potentially unsafe to walk on because of the risk of slipping. This is particularly problematic for the applicant family as Romany Gypsies given their cultural tradition of having bathroom facilities separate (in the utility block) from kitchen and sleeping accommodation, and hence they need to be able to walk across the site in safe, appropriate conditions. This is a particular issue for the applicant's mother in law who has circulation problems, and needs to walk regularly, but is particularly at risk of slipping. There is related issue about the challenge of keeping the caravans clean with the Linfoot's children bringing in wet, slushy chippings.
19. As with other elements of the development, in accordance with condition 4 of the decision notice, the stones would need to be removed within 3 months of 9 July 2015.

ASSESSMENT

Green Belt

20. The replacement of the wood chippings with limestone chippings would involve the carrying out of an engineering operation. National Planning Policy which supercedes policy DC1 of the Local Plan Review, states that the carrying out of engineering operations in the Green Belt is not inappropriate development provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt. Whether the development is appropriate will depend on the scale of the development and the specific circumstances of each case.
21. Policy 8 of the Central Lancashire Core Strategy relates to development for Gypsy and Traveller or Travelling Show people sites. The proposed development would comply with the requirements of the policy and in particular would not have an unacceptable impact on the immediate surrounding area or the wider landscape.
22. Policy BNE1 of the Emerging Local Plan (2012-2026) sets out criteria to be considered in assessing new development. The proposed development when assessed against the policy criteria a) to h) do not give raise any any objection.
23. The laying of the chippings is to improve the underfoot conditions on the site in connection with the temporary permission for a Gypsy Traveller site which expires in 2015. The laying of stone to a depth of 6-8 cm on the site would have very little outward impact based on the scale and use of the site and the existing site landscaping. It would not affect the openness of the Green Belt to any greater extent than the temporary use already granted which will have to be removed once the permission expires.

Effect on Residential Amenity

24. Views into the site are limited due to screening from existing boundary features and the stone surface would only be partially visible and would have no adverse impact on the amenity of the nearest residential property at 3 Stone Heath Court.

Equalities & Race Relations

25. The Council has duties under the Equality Act 2010 which prohibits direct and indirect discrimination because of a relevant 'protected characteristic' - age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity (except for indirect discrimination), race, religion, belief, sex, and sexual orientation. For example, it would be unlawful to treat a person less favourably, in relation to planning matters, because that person is a gypsy, or if the Council applies a provision, criterion or practice (PCP) which puts that person and other members of the same group at a particular disadvantage when compared to others not in the group, and the PCP has no legitimate

aim and is disproportionate. It is considered that the Council's equality duty is satisfied in the consideration of the planning application.

Human Rights

26. This application engages Human Rights, as the applicant is seeking to resolve problems of waterlogging on the site which affects both the health and safety and well-being of its occupants.
27. However the grant of temporary permission in July 2013 also engaged for the use of the land as a Gypsy Traveller site in July 2013 with Article 1, First Protocol (Protection of Property) and Article 8 (Right to respect private and family life) of the Human Rights Act 1998. It was considered that while the site was within the Green Belt where such development would be inappropriate, the grant of a temporary permission was considered appropriate in relation to the circumstances at that time, and the matter of Human Rights was also addressed in that conclusion.
28. Given that permission has already been granted for the temporary use of the site which will expire in July 2015, then it would also be reasonable and consistent to grant permission for this development, provided that the development is removed at the same time as the expiry of the temporary permission for the site in July 2015.

OVERALL CONCLUSION

29. The development based on the location, scale and site specific conditions would constitute appropriate development within the Green Belt and would not impact on the openness of the Green Belt or residential amenity. It is therefore recommended that planning permission is granted subject to the requirement that on cessation of the temporary permission for the Gypsy Traveller site, the stone chippings shall be removed from the land, which accords with the conditions of the temporary permission which requires reinstatement of the land following expiry of that permission on 9 July 2015.

30. PLANNING POLICIES

National Planning Policy Framework

Central Lancashire Adopted Core Strategy

Policy 8

Adopted Chorley Borough Local Plan Review

DC1

Emerging Local Plan (2012-2026)

Policy BNE1

PLANNING HISTORY

08/00984/FUL: Erection of stables to include exercise area, midden and hardstanding,
Decision: PERFFP Decision Date: 13 November 2008

09/00437/COU: Retrospective application for the use of land for stationing of two mobile homes and up to 14 touring caravans for residential occupation for temporary period of 3 - 4 years with associated development (hard standing, utility building, septic tank, 6 small toilet buildings, second access off Hut Lane, brick pillars and gates)
Decision: REFFPP Decision Date: 19 August 2009

11/00351/DIS: Application to discharge condition 6 attached to planning approval
08/00984/FUL
Decision: WDN Decision Date: 27 April 2011

11/00484/COU: Change of use of land for the siting of 2 No static caravans and 4 No touring caravans for residential use, the storage of 2 No touring caravans when not in use for working away, retention of double utility block, provision of double stable block, retention of reduced area of hard surface for exercising horses, retention of hard standing for 3 No vehicles plus horse box trailer to north of site and provision of new hard standing for 3 No vehicles plus horse box trailer together with retention of existing access at North West corner of site

Decision: PDE Decision Date:

11/00501/DIS: Erection of stables to include exercise area, midden and hardstanding

Decision: WDN Decision Date: 14 June 2011

13/00385/COU: Change of use to a residential Gypsy and Traveller site involving the siting of 2 mobile homes, 3 touring caravans (1 of which is for storage only when not away travelling), and retention of a utility block, and access at the north west corner of the site for a temporary period of 4 years

Decision: PCO Decision Date:

13/00385/COU: Change of use to a residential Gypsy and Traveller site involving the siting of 2 mobile homes, 3 touring caravans (1 of which is for storage only when not away travelling), and retention of a utility block, and access at the north west corner of the site for a temporary period of 4 years

Decision: PERTCA Decision Date:

09/00010/ENF: Appeal against Enforcement Notice EN622

Application No:

Decision: DISMIS Decision Date: 13 May 2010

09/00011/ENF: Appeal against Enforcement Notice EN621

Application No:

Decision: DISMIS Decision Date: 13 May 2010

09/00012/REFUSE: Retrospective application for the use of land for stationing of two mobile homes and up to 14 touring caravans for residential occupation for temporary period of 3 - 4 years with associated development (hard standing, utility building, septic tank, 6 small toilet buildings, second access off Hut Lane, brick pillars and gates)

Application No:

Decision: DISMIS Decision Date: 13 May 2010

11/00024/NONDET: Change of use of land for the siting of 2 No static caravans and 4 No touring caravans for residential use, the storage of 2 No touring caravans when not in use for working away, retention of double utility block, provision of double stable block, retention of reduced area of hard surface for exercising horses, retention of hard standing for 3 No vehicles plus horse box trailer to north of site and provision of new hard standing for 3 No vehicles plus horse box trailer together with retention of existing access at North West corner of site

Application No:

Decision: WDN Decision Date: 22 May 2012

Recommendation: Temp Conditional Approval

Conditions

1. The permission shall expire on the 9 July 2015, following which the limestone chippings laid on the land shall be removed within 3 months of the expiry of the permission. *Reason: To reserve to the Local Planning Authority control over the long-term use of the land, as the development is inappropriate development in the Green Belt and not acceptable on a permanent basis.*