

Representations

Heskin Parish Council has advised that any comments on the application will be submitted after their next meeting on 11th December 2014. Any comments received will be reported on the addendum.

In total, three representations have been received:

Objection

Total No. received: Three

Comments in relation to amended plans for a single dwelling: -

- The amended application does address some of the issues raised in a previous letter of objection dated 20th Oct, but previous comments should still be considered against the amended application

Comments in relation to original plans for 2 no. dwellings: -

- The site plan is not clear
- The roof may contain asbestos
- The additional traffic will reduce the tranquillity and safety of Town Lane
- The development would lead to a loss of residential amenity and loss of privacy
- Two dwellings and constant vehicular traffic would prejudice security
- There may be a stream which passes under the current access to the stables so the proposed soakaway could exacerbate current flooding problems
- The development is contrary to Green Belt policy as the stables do not constitute previously developed land
- How will the applicants fields be accessed as it will only be possible to access them through the site of the proposed dwellings
- There are bats and barn owls in the area contrary to the survey

Consultees

Consultee	Summary of Comments received
LCC (Highways)	No objections to the original scheme for 2 no. dwellings subject to full details of the car parking being approved prior to first occupation of either of the dwellings. Comments on the amended plans, which include a new access are being awaited and will be reported on the addendum.
LCC (Ecology)	Requested additional information in relation to a building adjoining the building to be demolished in the form of survey information to establish if there is any use of the building by bats, nesting birds or barn owls. The applicant has submitted further information and the comments of LCC (Ecology) are being awaited so will be reported on the addendum. LCC (Ecology) recommend conditions if the above the concerns with the application are addressed to secure protection of trees and hedgerows during construction, appropriate outside lighting, no clearance works

	during 1 st March to 31 st August, submission of replacement House Sparrow nesting opportunities, a further precautionary Barn Owl survey and the carrying out of the development in accordance with the mitigation measures proposed in the Bat, Barn Owl and Nesting Bird Survey.
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Proposed Development

1. This application proposes the demolition of an existing building which has a lawful use as livery stables and the erection of a two storey detached dwelling in its place along with the formation of a new access and the erection of a timber stable building on an existing sand paddock.
2. The application site is located in the Green Belt on Town Lane, Heskin and adjoins the north western edge of the village.

Planning Policy

3. The relevant national planning policy guidance/statements are as follows:
 - National Planning Policy Framework (the Framework)
4. The Framework confirms that for 12 months from the day of publication (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework.
5. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
6. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to, the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Adopted Chorley Borough Local Plan Review

7. The Framework confirms that for 12 months from the day of publication of the Framework (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The Local Plan Policies were adopted in 2003 and saved by the Secretary of State in 2007 which was in accordance with the Planning and Compulsory Purchase Act 2004. The Framework also confirms that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans.
8. The relevant policies of the Local Plan are as follows:
 - DC1 – Green Belts
 - GN5 - Building Design and Retaining Existing Landscape Features and Natural Habitats
 - EP4 – Species Protection
 - HS4 – Design & Layout of Residential Developments
 - HS6 – Housing Windfall Sites
 - TR4 – Highway Development Control Criteria

Central Lancashire Core Strategy July 2012

9. The adoption of the Core Strategy (July 2012) postdates the Framework and as such is wholly consistent with the Framework. The following Core Strategy Policies are of relevance to this application:
 - Policy 17 – Design of New Buildings
 - Policy 22 – Biodiversity and Geodiversity
 - Policy 29 – Water Management

Chorley Local Plan 2012-2016

10. In terms of the emerging Chorley Local Plan, the Council accepted the Inspector's modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered significant weight can be given to the policies and proposals of the emerging Local Plan, as amended by the main modifications. The Policies relevant to this application are as follows:

- ST4: Parking Standards
- HS4A: Open Space Requirements in New Housing Developments
- HS4B: Playing Pitch Requirements in New Housing Developments
- BNE1: Design Criteria for New Development
- BNE5: Redevelopment of Previously Developed Sites in the Green Belt
- HW2: Protection of Existing Open Space, Sport and Recreation Facilities

Principle of the Development

11. The application site is located within the Green Belt. In such areas, the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in a limited number of specific circumstances. One of these exceptions is the redevelopment of previously developed sites (brownfield land), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it.

12. Within Annex 2, the glossary, of the Framework, previously developed land is defined as:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

13. The existing building has a lawful use as livery stables for which a certificate of lawfulness was granted in 2012 (Ref No. 11/01101/CLEUD). This being the case, the site falls to be considered as previously developed land, in accordance with the definition in the Framework outlined above.

14. Calculations show that the volume of the building on the site which is to be demolished is approximately the same as the proposed dwelling and the stables combined. The building presently on site is of a design and appearance that would be expected to be seen in a rural environment although it is utilitarian in appearance so does not have any architectural merit nor does it make a significant contribution to the character and appearance of the locality.

15. It is considered that livery stables on the site could potentially generate a significant number of vehicle movements and level of activity, with much of the site area presently being given over to hard standing and a number of vehicles and equipment being stored on the site.

16. The dwelling is proposed just west of the existing building on the site and 10m from the eastern site boundary. This has been negotiated with the applicant to address neighbour amenity concerns. Whilst the building is not on the same footprint, it is still within the confines of the site and due to its acceptable scale and the total volume of it and the stable building; the impact on the openness of the Green Belt will not be materially different to the current situation.

17. Balancing the size and scale of the existing building, the location of the new dwelling and stables together with the character of the site and existing and potential level of activity on the site; it is considered that the 'principle' of the proposed dwelling, stables and new access would not have a significantly greater impact on the openness of the Green Belt. The proposal is therefore considered to be appropriate development within the Green Belt and therefore in accordance with the Framework and Policy BNE5 of the emerging Chorley Local Plan.

Design and Scale

18. The proposed dwelling is two storey in scale and can be described as having a cottage style. Its scale does not exceed that of the existing building on the site although its volume is approximately 200m³ less. It also incorporates a porch at the front and two pediments as part of the roof at the rear which adds visual interest and character to the property. The nearest property is Walmsley's Barn which is a former barn converted to a dwelling. This has stone faced elevations and a slated roof. Beyond this on Wood Lane is a mix of two storey detached and semi-detached traditional and more modern properties along with post war bungalows which are predominantly faced with red brick. Therefore, in terms of the context of the dwelling being proposed in a rural setting and with regards to the properties on Wood Lane, the design and scale of the dwelling is considered to be acceptable.
19. The building housing 3 no. stables is of typical design and scale and in this rural context; it will not appear out of character with its setting. Also, it is proposed on the existing sand paddock utilising its south and west boundaries.

Impact on character and appearance of locality

20. The existing building has the appearance of a traditional agricultural building given its external facing materials so the building is therefore utilitarian in appearance and is not of any architectural merit.
21. The proposed dwelling can be described as 'cottage style' and the plans state that it will be constructed using rustic brickwork to the elevations and natural slate to the roof. Feature cills and lintels are also detailed on the plans. The stable building is to be clad with timber and the roof will be slated. As already stated, the volume of the dwelling and the stables is approximately the same as the existing building so on the site, the amount of built development in volume terms will be the same. Whilst it cannot be disputed that the dwelling would have a more attractive appearance than the existing building, this is not sufficient to make it acceptable.
22. In looking at the scale of the building, the existing building has a ridge height of 5.9m but the proposed building has a ridge height of approximately 7.8m. However, the width of the dwelling is just over 12m whereas the existing building is over 16m wide. The scale of the dwelling in comparison to the existing building is considered to be no greater especially given the original volume of this building is split between the dwelling and stables. Whilst the footprint of the dwelling is set back from that of the existing building, it is within the confines of the curtilage of the existing building and the position of the dwelling has been dictated by the boundary with Walmsley's Barn to the east.
23. The stables are proposed to be sited on part of the existing sand paddock and comprise a timber building housing 3 no. stables. This structure is modest in scale and typical of small scale stable buildings which are more often than not located in rural areas such as this one.
24. The new access track to the site utilises the eastern boundary of the existing sand paddock and a short section of hedgerow will be removed to form the opening onto Town Lane. The access is to be surfaced with gravel and hard surfaced where it is splayed at the point it joins Town Lane. Given the access runs over part of the existing sand paddock and utilises its existing eastern boundary, it is not considered that it will have a

significant impact on the character and appearance of the locality or the openness of the Green Belt.

25. Overall, when balancing the existing building against what is proposed on the site and the new access, it is not considered that the redevelopment of this previously developed site will have a materially greater impact on the openness of the Green Belt. The proposal is therefore considered to be consistent with the Framework and Policy BNE5 of the emerging Chorley Local Plan.

Impact on neighbours

26. The dwelling contains habitable room windows in its front (east) facing elevation at first floor and ground floor level. The dwelling will be set back approximately 10m from the boundary with the curtilage of the adjacent residential property to the east (Walmsley's Barn) whereas at the present time, the existing building is located hard against the boundary. This being the case, there will be an improvement to the outlook of the occupiers of Walmsley's Barn and the position of the dwelling also accords with the Council's Spacing Standards which require first floor windows to be set 10m from the boundary they face onto.
27. In relation to the other properties, the next nearest one is Walmsley's Farm, again to the east and this property is sited over 30m away so the proposed dwelling will not lead to overlooking or cause a loss of outlook, loss of light or overshadowing. Also, there are no first floor windows in the gable end of the proposed dwelling facing this property and its curtilage.
28. With regards to the stables, these will be positioned more than 30m away from the nearest residential property (other than the one proposed) so the position of the stables is in accordance with guidance in the Rural Development SPD.

Traffic & Transport

29. The application proposes the formation of a new access to the site from Town Lane as at the present time, a right of access over the adjoining land provides access to the site from Town Lane. The new access would only serve the property and would be surfaced with gravel.
30. The layout also includes sufficient off road car parking space to serve the property which is at least 3 no. spaces and this accords with Policy ST4 of the emerging Chorley Local Plan.
31. Whilst LCC (Highways) did not object to the original scheme for 2 no. dwellings, the existing access was being retained. LCC (Highways) have been consulted on the amended layout and reduction to a single dwelling so the comments received will be reported in the addendum.

Ecological impacts

32. The application includes a Bat, Barn Owl and Nesting Bird Survey. This report concludes that no further surveys are required and that mitigation measures are sufficient to make the development acceptable. The mitigation measures comprise the following: -

- Contractors on site made aware of possible presence of bats and who to contact if bats are discovered
- Contractors made aware how to remove any bats found and to cease work if bat roosts are found
- All coverings to be removed by hand
- If barn owls are found nesting, all work should cease and a Natural England licence may then be needed although the probability of barn owls using the site is deemed to be very low
- Work should not commence while any Swallow or other bird nests are still in use as birds usually finish nesting by early September.

- A check of the site for active nest sites should be made prior to work commencing if this is in the period March –September. A delay in the start of work may be required if active nest sites are located.
33. However, LCC (Ecology) have requested additional information in relation to a building adjoining the building to be demolished in the form of survey information to establish if there is any use of the building by bats, nesting birds or barn owls. The applicant has submitted further information and the comments of LCC (Ecology) are being awaited so will be reported on the addendum.
 34. Notwithstanding the above, LCC (Ecology) recommend conditions if the above the concerns with the application are addressed to secure protection of trees and hedgerows during construction, appropriate outside lighting, no clearance works during 1st March to 31st August, submission of replacement House Sparrow nesting opportunities, a further precautionary Barn Owl survey and the carrying out of the development in accordance with the mitigation measures proposed in the Bat, Barn Owl and Nesting Bird Survey.

S106 and CIL

35. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. A contribution of £1754 is required, to be secured through a S106 agreement, based on the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the SPD. Each element of the contribution is justified as follows: -

Amenity Greenspace

Emerging Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population. There is currently a deficit of provision in the Chisnall ward in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. The amount required is £140 per dwelling.

Allotments

There is no requirement to provide allotment provision on site within this development. The site is within the accessibility catchment (10 minutes' drive time) of allotments that are identified as being low quality and/or low value in the Open Space Study (sites 1647 – Chapel Lane, Coppull, 1644 – Whittam Road/Moor Road Allotments, Chorley). A contribution towards improving these sites is therefore required from this development. The amount required is £15 per dwelling. The site is also within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site at Land at Sylvesters Farm, Euxton (HW5.2). A contribution towards new allotment provision or improving existing provision is therefore required from this development. The amount required is £15 per dwelling.

Playing Pitches

A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.

36. However, following updated guidance provided in the National Planning Practice Guidance on 28th November 2014 the requirement for a contribution towards the provision of Public Open Space is subject to review pending further advice from the Department of Communities and Local Government (DCLG) and the Head of Legal Services. An update will be provided to Members on the addendum.
37. With regards to CIL, the existing building has a floor area of 172m² and the proposed dwelling has a floor area of 178m² so the CIL charge is only on the additional floor space of 6m² which equates to £390. The proposed stable block is exempt from CIL.

Sustainability

38. In Heskin, there is a primary school (Heskin Pembertons Church of England Primary School) approximately 600m away from the site, a pub approximately 240m away and a post office/shop approximately 300m away. There are also bus stops approximately 320m from the site on Wood Land wherein services to Preston, Chorley and Wigan are available. The site adjoins the village of Heskin so it is not considered that the dwelling proposed would be 'isolated' hence would not be contrary to paragraph 55 of the Framework which seeks to promote sustainable development in rural areas which would enhance or maintain the vitality of rural communities.
39. The dwelling will be required to be built to meet level 4 of the Code for Sustainable Homes and if commenced after 1st January 2016, it will be required to be constructed to meet level 6. This requirement will be secured through planning conditions.

Overall Conclusion

40. The 'principle' of the proposed development is considered to be acceptable given it constitutes the re-development of a previously developed site in the Green Belt. It is also not considered that the re-development of this site will have a greater impact on the openness of the Green Belt in comparison to the existing development on site at present. It is also considered that the location of the dwelling would not be isolated so would not be contrary to paragraph 55 of the Framework, as detailed in paragraph 38 of this report.
41. The design and scale of the dwelling and the stables is considered to be acceptable and it is not considered that the development will harm the living conditions of the occupiers of the adjacent properties.
42. Adequate car parking will be provided although the final comments of LCC (Highways) are awaited as to the acceptability of the access. The same can be said of ecological impacts in that the final comments of LCC (Ecology) are awaited on the additional information submitted by the applicant. Updates on both of these issues will therefore be provided on the addendum.

Planning Policies

43. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

Reference	Description	Decision	Date
08/00824/AGR	Erection of agricultural building for storage of hay and machinery	Withdrawn	37.07.2008
08/01208/FUL	Erection of a 3 bay agricultural building	Withdrawn	26.01.2009
09/00065/FUL	Erection of an agricultural storage building (amended re-submission of application no. 08/01208/FUL)	Permitted	30.03.2009
11/00069/FUL	Proposed demolition of existing stables to be replaced by new stables	Withdrawn	01.04.2011
11/00713/FUL	Erection of replacement stable building following demolition of existing stable building (Re-	Permitted	05.10.2012

	submission of application no. 11/00069/FUL).		
11/01101/CLEUD	Application for a Certificate of Lawfulness for use of existing building as livery stables	Granted	16.01.2013
12/00274/DIS	Discharge of condition no. 2 (colour, form, texture of external materials including painting) of planning permission no.09/00065/FUL	Discharged	03.04.2012

Suggested Conditions

No.	Condition
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</i></p>
2.	<p>Prior to the commencement of development samples of all external facing and roofing materials (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.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
3.	<p>Prior to the commencement of development samples of all external facing and roofing materials (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.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
4.	<p>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.</p> <p><i>Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.</i></p>
5.	<p>Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished floor 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 be carried out strictly in conformity with the approved details.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>
6.	<p>A scheme for the landscaping of the development and its surroundings shall be submitted to and approved in writing prior to the commencement of the development. Landscaping proposals should comprise only native plant communities appropriate to the natural area.</p> <p>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.</p> <p><i>Reason: To ensure that a satisfactory landscaping scheme for the development is</i></p>

	<i>carried out to mitigate the impact of the development and secure a high quality design.</i>
7.	<p>The dwelling shall be constructed 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 the dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for the dwelling has been achieved, shall be submitted to the Local Planning Authority.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development</i></p>
8.	<p>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 assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development</i></p>
9.	<p>The stables hereby permitted shall be used for the stabling of horses and storage of associated equipment and feed only and, in particular, shall not be used for any trade, business or other storage purposes.</p> <p>Reason: To define the permission and in the interests of the visual amenities and character of the area.</p>
10.	<p>Where use of the stables for the authorised purposes ceases for a period exceeding 6 months within 10 years of their substantial completion they, and the associated midden, menage and hardstanding, shall be removed from the field and the land restored to its former condition.</p> <p><i>Reason: To avoid the proliferation of buildings in the Green Belt for which there is not a continuing need.</i></p>
11.	<p>The existing building shall be demolished and all resultant materials removed from the site before development pursuant to this permission is commenced.</p> <p><i>Reason: To safeguard the amenity of the locality.</i></p>
12.	<p>No vegetation clearance works, site preparation works, demolition work or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys have first been carried out by a competent ecologist which shows that nesting birds would not be affected.</p> <p><i>Reason: In the interests of safeguarding nesting birds.</i></p>
13.	<p>No works shall commence until full details of replacement nesting opportunities for House Sparrow to be installed within the re-developed site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and thereafter retained and maintained in accordance with the approved details and timescales contained therein.</p> <p><i>Reasons: In the interests of safeguarding nesting opportunities for House Sparrows on the site.</i></p>
14.	<p>The precautionary measures to ensure that impacts on bats are avoided as detailed in section 9.2.1.1 of the Bat, Barn Owl and Nesting Bird Survey at Town Lane Farm, Heskin (Envirotech NW Ltd, August 2014) shall be implemented in full during the course of the development and in accordance with the timescales specified.</p>

	<i>Reasons: To ensure the development minimises the potential impact on bats.</i>
15.	<p>A further precautionary survey for Barn Owl shall be carried out immediately prior to works commencing on site. No works shall commence until evidence has been provided to, and approved in writing by the Local Planning Authority, which demonstrates that barn owls are not nesting in any of the buildings to be affected by the development to which this approval applies immediately prior to works commencing. If Barn Owl are found or suspected to be roosting and/or nesting then no works shall commence between March and August inclusive or at any other time when Barn Owl are nesting and until details of alternative and permanent provision in accordance with relevant guidance (Barn Owls and Rural Planning Applications "What needs to happen": A guide for planners, Natural England and The Barn Owl Trust) have been submitted to and approved in writing by the Local Planning Authority. The approved provisions shall be implemented in full.</p> <p><i>Reasons: In the interests of safeguarding any barn owls which may be on the on the site.</i></p>
16.	<p>All trees and hedgerows being retained in or adjacent to the application area shall be adequately protected during construction, in accordance with BS5837: 2012 Trees in relation to design, demolition and construction-Recommendations.</p> <p><i>Reason: To safeguard trees and hedgerows during the course of development.</i></p>
17.	<p>No development approved by this permission shall be commenced until a scheme for the containment and storage of manure has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with approved plans and maintained at all times thereafter.</p> <p><i>Reason: To prevent the pollution of the water environment.</i></p>