

Item 3d	14/01300/FUL
Case Officer	Adele Hayes
Ward	Chisnall
Proposal	Demolition of garage, stables and haulage workshop and replacement with two dwellings
Location	Barlow Farm Wood Lane Heskin Chorley PR7 5NP
Applicant	Mr & Mrs C E Thompson
Consultation expiry:	27 February 2015
Decision due by:	9 February 2015

Recommendation

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

Proposal

1. This application seeks full planning permission for the erection of two dwellings following the demolition of a garage, stables and haulage workshop.
2. The site is located in the Green Belt as defined by the Chorley Local Plan and is on the east side of Wood Lane, with direct vehicular access off Wood Lane. It is located to the east of a purpose built residential dwelling that serves the farming and haulage business.
3. The vehicular access is a tarmac road which serves a bungalow that is not part of the application site, the existing farmhouse and the haulage yard. There is a public footpath which runs along the northern side of the access road, which is not affected by this proposal.
4. Immediately beyond the access gate to the south side is a large workshop which is used in connection with the haulage business. It is constructed in breezeblock and profiled sheeting. Then there is the red brick farmhouse beyond which is a garage again built of brick, small stables and a oil/fuel tank used in connection with the haulage business. Beyond that is the main haulage yard and a number of buildings which serve both the haulage business and the farm. Materials from both uses are intermingled with storage for the haulage business being in the farm buildings and straw bales in the haulage yard. The haulage business is long established and is an authorised use.

Representations

5. The application has been publicised by way of individual letters and a site notice has been displayed. As a result of this publicity no representations have been received.

Consultations

6. Lancashire County Council Highways - no objection and recommend the imposition of a condition

7. Greater Manchester Ecology Unit - recommend conditions.
8. Heskin Parish Council - have expressed concern about the traffic during construction and the preservation of public rights of way that run through this site.

Assessment

Acceptability of the Principle of Development

9. The application proposes demolition of existing buildings on the site and the erection of 2 no. detached dwellings.
10. The site is wholly located in the Green Belt. Paragraph 89 of the Framework sets out the acceptable forms of development in such areas and one of these, which partly forms the basis of the applicant's case, is the limited infilling or the partial or complete redevelopment of previously developed sites (PDL) (brownfield land), whether redundant or in continuing use (excluding temporary buildings), 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.
11. Paragraph 87 of the Framework places great weight on the harmful nature of inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the Framework stipulates that any harm to the Green Belt should be afforded substantial weight by LPA's and very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. The applicant has not specifically set out any very special circumstances as part of the application for consideration.
12. The Planning Statement submitted indicates that the site is a hybrid site with intermingling uses, of agriculture and haulage. It states that it is one planning unit with no internal boundaries, no differences in the use of one part of the site compared to the other and with one access point. It states that it is impossible to say that the site is purely agricultural (non-previously developed land) or that it is entirely a haulage site (previously developed sui generis use). The Planning Statement indicates that the volume of the proposed dwellings is less than that of the existing buildings and that the new dwellings would be sited in the footprint location of the buildings to be demolished.
13. The proposed development does not affect any of the buildings or land used for agricultural purposes and these activities will continue.
14. It is accepted that the land that forms the application site is previously developed, and as such the proposal is, in principle, appropriate development, providing it does not have a greater impact on the openness of the Green Belt, or the purpose of including land within it than the existing development.
15. Policy BNE5 of the emerging Local Plan deals with the reuse, infilling or redevelopment of previously developed sites in the Green Belt. In the case of redevelopment it states that the appearance of the site as a whole should be maintained or enhanced and put forward in the context of a comprehensive plan for the site as a whole. Therefore, this proposal is required to maintain, or enhance the appearance of the site.
16. Balancing the size and scale of the existing buildings, together with the character of the site and existing and potential level of activity on the site; it is considered that the proposed dwellings (together with associated gardens, driveways and planting) would not have any significantly greater impact on the openness of the Green Belt. The proposal is therefore considered to be appropriate development within the Green Belt and in accordance with the Framework.
17. Haulage use is a sui generis use, so does not fall within a B use class, so Core Strategy Policy 10 on Employment Premises and Sites is not applicable to this application.

Design & Scale

18. In terms of scale, given the site is in the Green Belt, the starting point in this case is what exists on the site at the present time. The applicant has provided volumetric calculations of the existing buildings and it is accepted that the development would not have a greater impact on the openness of the Green Belt than what exists at the present.
19. The proposed dwellings would be similar in appearance to Morris Farm. The properties would not be visible from within the streetscene. Surrounding properties in this area of Wood Lane are constructed in a wide variety of styles and designs and from a variety of materials. It is considered that the proposed design, scale and materials are appropriate.

Neighbour Amenity

20. The nearest residential properties are located to the west (Lindee) and on Wood Lane. Neither of the proposed dwellings would directly face these dwellings and it is considered that the relationship between the proposed dwellings and existing ones in the immediate vicinity would be an acceptable.
21. The layout of the development would also provide each dwelling with satisfactorily sized garden.

Ecological Impact

22. The application submission includes a Bat, Barn Owl and Breeding Bird survey and Assessment (Ribble Ecology, Ref: RB-14-141, Aug-Sept 2014).
23. A day light survey was undertaken on 22nd August 2014 which comprised an internal and external inspection of the buildings. The buildings are numbered 1, 2, 3 and 4 for ease of reference in the report. Building 1 was found to have no potential to support roosting bats and is not part of the planning application so can be disregarded. Buildings 3 and 4 were also found to have no potential to support roosting bats and therefore there are no implications, concerns or constraints regarding the two buildings. Building 2 was found to have features which could support roosting bats and therefore this building was subject to an emergence survey on 26th August 2014. No bats or signs of bats were found during the daylight inspection and no bats were found to emerge from the building during the evening emergence survey. However given that the building has features which could support roosting bats and the bat activity which was recorded in the vicinity a number of recommendations have been made as a precautionary approach. The recommendations outlined in the report should be implemented in full and this can be secured through the imposition of a condition.
24. Evidence of previous nesting by swallow was found in building 3 and 4. All birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended). A condition is therefore suggested to prevent works to these buildings in the main bird breeding season (March to July inclusive), unless birds are found to be absent, by a suitably qualified person.
25. Buildings 1, 2, and 3 were considered to have no potential to support barn owls. Building 4 was identified as having some potential to support barn owls, although no evidence of barn owl was found during survey. The recommendations outlined in the report should be implemented in full and again this can be secured through the imposition of a condition.

Highway safety

26. Access to the application site from Wood Lane is shared by the occupiers of an adjoining dwelling. Each dwelling would have four bedrooms. The Council's parking standards within policy ST4 require that four bedroom dwellings should have at least three of street parking spaces. The relevant parking standards would be met, and Lancashire County Council Highways have not objected to the proposals.

27. The applicant will be advised, through the imposition of an informative note, that Public Rights of Ways (FP10 &11) pass through the site and that the grant of planning permission does not entitle the developer to obstruct a Right of Way and any proposed stopping-up or diversion of a Right of Way should be the subject of an Order under the appropriate Act.

CIL

28. The Chorley CIL Charging Schedule provides a specific amount for housing - £65 per sq. m. This was adopted in July 2013 and charging commenced on 1 September 2013. As the proposal results in new residential floor space being created a CIL liability notice will be issued for the development.

Open Space

29. The NPPG was updated by Government on 28 November 2014 in respect of contributions for affordable housing and tariff style planning obligations. These measures were introduced to support small scale developers by reducing what are in the Government's view disproportionate burdens on developer contributions. The updated guidance confirms that such contributions should not be sought from small scale and selfbuild development. In particular, the guidance states that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000m².
30. Members of the Committee will also be aware that a Ministerial Statement was made to parliament on 25 March 2015, which sought to update the house on various matters in relation to the planning system, including the following clarification to the recent statement of 28 November as detailed above,
31. The Statement relates to 'Support for small scale developers, custom and selfbuilders' - which set aside tariff style obligations for developments of less than 10 units and less than 1,000 sq m.' and was as follows;
- "We have previously revised national policy on Section 106 thresholds to help small builders and to encourage empty buildings to be brought back into use. Some councils have misinterpreted the written ministerial statement of 28 November 2014 - to clarify, this was a change in national policy and we will be updating the online planning guidance/policy website to make this crystal clear."
32. The proposed development is for two dwellings which is below the 10 unit threshold and also has a gross floorspace of less than 1000m². In the case of this development there is no evidence at this time, which is directly related to the development, to seek a contribution towards public open space contrary to the national planning policy.

Conclusion

33. It is recommended that the application is approved.

Planning Policies

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.

Note on the Emerging Chorley Local Plan 2012-2026

The Inspector has issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration of any planning application. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies and Travellers.

Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However because of the very advanced stage in the examination process that the main modifications set out in the Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*

The Council accepted the Inspector’s modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.

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>The approved plans are:</p> <table border="0" data-bbox="280 1048 1034 1115"> <tr> <td>Plan Ref.</td> <td>Received On:</td> <td>Title:</td> </tr> <tr> <td>051/PL/01A</td> <td>13 December 2014</td> <td>2no. Proposed Dwellings</td> </tr> </table> <p><i>Reason: To define the permission and in the interests of the proper development of the site.</i></p>	Plan Ref.	Received On:	Title:	051/PL/01A	13 December 2014	2no. Proposed Dwellings
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3.	<p>No part of the development shall be occupied or brought into use until details of the car parking provision has been submitted to and agreed in writing by the Local Planning Authority. The details shall accord with the Chorley Council Parking Standard. The approved car parking provision shall be retained at all times thereafter specifically for this purpose.</p> <p><i>Reason: To ensure the provision of adequate car parking on site and in the interests of highway safety.</i></p>						
4.	<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>						
5.	<p>Before the development hereby permitted is first commenced, full details of the alignment, height and appearance of all fences and walls and gates to be erected (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 dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>						
6.	<p>No development approved by this permission shall commence until a scheme for the disposal of foul</p>						

	<p>and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.</p> <p><i>Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.</i></p>
7.	<p>The development shall not be carried out other than in complete accordance with all the recommendations for ecological mitigation and biodiversity enhancement contained within sections F and G of the Bat, Barn Owl and Breeding Bird Survey and Assessment submitted with this application, prepared by Ribble Ecology dated Aug-Sep 2014 (ref:RB-14-141).</p> <p><i>Reason: To provide long-term protection to natural habitats.</i></p>
8.	<p>Demolition work or other works that may affect nesting birds will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections. If the presence of nesting is suspected at any time, works that would disturb nesting must be delayed until such time as nesting is complete (the young have fledged and left the nest and surrounding area, and the nest has been abandoned).</p> <p><i>Reason: In the interests of species protection.</i></p>
9.	<p>All dwellings commenced after 1st January 2013 will be required to meet Code Level 4 of the Code for Sustainable Homes and all dwellings 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.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development.</i></p>
10.	<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.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development.</i></p>
11.	<p>No dwelling shall be occupied until a letter of assurance, detailing how that plot has met the necessary Code Level, has been issued by a Code for Sustainable Homes Assessor and submitted to the Local Planning Authority.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development.</i></p>

Planning History

The site history of the property is as follows:

Ref: 86/00579/CLEUD **Decision:** PEREUD **Decision Date:** 7 April 1987
Description: Application for an established use certificate in respect of cattle rearing farm and haulage depot

Ref: 95/00166/AGR **Decision:** PAAGR **Decision Date:** 31 March 1995
Description: Agricultural Prior Notification for the erection of portal barn type building,