

APPLICATION REPORT – 16/01061/FUL

Validation Date: 14 November 2016

Ward: Eccleston And Mawdesley

Type of Application: Full Planning

Proposal: Demolition of three buildings and partial demolition of stables and store and erection of three dwellings and a granny annexe bungalow

Location: Lynric Farm Blue Stone Lane Mawdesley Ormskirk L40 2RJ

Case Officer: Mr Iain Crossland

Applicant: Mr Alan Birch

Agent: Mr Chris Weetman

Consultation expiry: 9 December 2016

Decision due by: 10 March 2017

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located in the Green Belt, outside the settlement of Mawdesley in an area characterised by agricultural development and open land. The topography of the area is generally flat, and there are mature trees and landscaping filtering views of the site.
3. The application site is a former equestrian livery. It is occupied by three substantial buildings of utilitarian design used for stabling and storage purposes in connection with previous equestrian activities. There are also three smaller buildings, areas of hardstanding and a sand paddock. The site is somewhat hidden from public view due to its position to the rear of the dwelling at Lynric Farm, the distance from the highway and intervening buildings and landscaping.
4. There is an existing vehicular access to the site from Blue Stone Lane.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. Planning permission is sought for the demolition of two buildings, partial demolition of a stables and storage building, removal of two mobile buildings and the erection of three dwellings and a granny annexe bungalow. There is existing vehicular access to the site, which would be enhanced in response to the proposed development.

REPRESENTATIONS

6. One letter has been received objecting to the proposal on the following grounds:

- Impact on highway safety
- Overdevelopment
- A precedent will be set for others to follow

CONSULTATIONS

7. Greater Manchester Ecology Unit – No objections raised.
8. Waste & Contaminated Land – No objection subject to a condition requiring a contamination report.
9. Lancashire Highway Services – Comment that the proposal is acceptable subject to suggested conditions
10. United Utilities – No objection
11. Mawdesley Parish Council – No comments received

PLANNING CONSIDERATIONS

Principle of the development and impact on the Green Belt

11. The application site is located wholly within the Green Belt, The National Planning Policy Framework (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.
12. Mawdesley is not specified as an area for growth within Core Strategy Policy 1 and falls to be considered as an 'other place'. Criterion (f) of Core Strategy Policy 1 reads as follows: "In other places – smaller villages, substantially built up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes."
13. Although this part of the Borough is not identified for growth the site has evolved over time through the growth of an equestrian livery enterprise. There are a number of large stable buildings with associated storage space and large areas of hardstanding. As such the site is a previously developed site in the Green Belt.
14. National guidance on Green Belt is contained in Chapter 9 of the Framework which states:

79. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

80. Green Belt serves five purposes:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.

89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

limited infilling or the partial or complete redevelopment of previously developed sites (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.

15. Policy BNE5 of Chorley Local Plan 2012 – 2016 relates to previously developed land within the Green Belt and reflects guidance contained within the Framework as follows:

The reuse, infilling or redevelopment of previously developed sites in the Green Belt, will be permitted providing the following criteria are met:

In the case of re-use

- a) The proposal does not have a materially greater impact than the existing use on the openness of the Green Belt and the purposes of including land in it;*
- b) The development respects the character of the landscape and has regard to the need to integrate the development with its surroundings, and will not be of significant detriment to features of historical or ecological importance.*

In the case of infill:

- c) The proposal does not lead to a major increase in the developed portion of the site, resulting in a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

In the case of redevelopment:

- d) The appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.*

16. Whilst the test for sites such as this relates to the impact on openness it is important to note that the Framework contains no specific definition of 'openness'.
17. It is considered that in respect of the Framework the existing site currently has an impact on the openness of the Green Belt. However, it is important to note that merely the presence of existing buildings on the application site currently does not justify any new buildings. The new buildings must also not "have a greater impact on the openness of the Green Belt".
18. Whether the proposed buildings have a greater impact on openness is a subjective judgment which is considered further below. Objective criteria could include the volume of the existing buildings although it is important to note that the Framework does not include such an allowance or capacity test. To engage with the exceptions of paragraph 89 of the Framework, which is reflected in policy BNE5 of the Local Plan, the test relates to the existing development. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the application site.
19. The proposed development of four dwellings would have a smaller combined footprint than the combined footprint of existing buildings on site and a slightly reduced volume. In addition the proposed dwellings are low level in height. As a result the proposed development would not be materially larger than the existing buildings to be removed. The positioning of the proposed dwellings would be almost entirely upon existing areas of hardstanding and would be logical given the positioning of existing buildings across the site, reflecting this layout.
20. Given the above, it is considered that the proposed development would not have a greater impact on the openness of the Green Belt and as such would not represent inappropriate development in the Green Belt.

21. The proposed development would result in existing areas of hardstanding being removed. There would be areas of garden and landscaping developed in association with the proposed dwellings, which would soften the appearance of the site, which is currently appears rather stark.
22. The proposed development would result in the comprehensive redevelopment and regeneration of the site, which overall would enhance its appearance as a whole, although it is not particularly visible from public land.
23. In addition to the above, it is considered that the proposed development would not interfere with any of the five purposes of the Green Belt, and would result in the efficient use of this previously developed site.

Impact on Neighbour Amenity

24. The application site is located to the rear of the dwellinghouse at Lyrnic Farm and to the west of the properties fronting Blue Stone Lane. The closest dwelling to the site is Lyrnic Farm itself, which is located approximately 21m from the nearest proposed dwelling. The dwelling proposed in this position is a bungalow that would operate as an annexe for use in connection with Lyrnic Farm, and is of a scale and separation that would not impact on the amenity of the occupiers of Lyrnic Farm in any case.
25. The proposed annexe dwelling would be located approximately 28m from the nearest other dwelling at 1 Greystones and over 40m from Two Acres. As such, it would have no adverse impact on the amenity of any other nearby occupiers. The remaining three dwellings at plots 1 to 3 would be located over 60m from existing dwellinghouses. Due to such a significant degree of separation there would be no adverse impact on the amenity of any neighbouring occupiers.
26. The relationship between the proposed dwellings themselves would meet with the Council's adopted interface standards and is considered to be acceptable.

Impact on character and appearance of the locality

27. The application site currently comprises several large barn type buildings constructed of block work, and large areas of hardstanding. The buildings are functional in appearance and do not contribute to the character of the area in any positive way. The site is not visible from public areas or rights of way.
28. The proposed development would introduce four bungalow dwellings set out in a logical arrangement that would reflect the layout of existing buildings on the site. They would be of low level and modest scale with a modern appearance, which is considered appropriate in the context of the location. The proposed development would improve the appearance of the site, breaking up the existing built form and reducing the extent of existing hardstanding. This would improve the appearance of the site, but would have little impact on the character of the area more generally as the site is not visible from public areas.

Highway Impact and Access

29. There is an existing well established vehicular access to the site from Blue Stone Lane. The proposed development would also utilise this access from Blue Stone Lane, and it is noted that this access would have been used previously by vehicles accessing the equestrian development, as well as the existing dwelling at Lyrnic Farm.
30. It is proposed that the existing access be remodelled slightly to make it wider and allow ample space for vehicles to pull off the highway, whilst the gates are opened. There is also good visibility in this location on exiting the site and no reason to believe that there would be severe harm to highway safety as a result of the proposed development. It is noted that LCC Highways have no objection.
31. There is adequate space on site to provide the number of car parking spaces required. On this basis the scheme complies with the parking standards specified in policy ST4 of the Adopted Chorley Local Plan 2012 – 2026.

Ecology

32. The applicant has submitted an ecology survey in support of the application. The ecology survey found no evidence of roosting bats and none of the buildings surveyed appear to support any features that could be used by bats for roosting. An Elm tree has been recently removed from the site and so no assessment has been carried out in relation to this tree and the habitat it may have supported.

Sustainability

33. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015, which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent.”

“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”

34. Given this change, instead of meeting the code level the dwellings should achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a condition.

Public Open Space

35. In line with Local Plan policy HS4 a contribution towards the provision or improvement of public open space (POS) would be required to address local needs. There is no local evidence of need to outweigh national policy in regards to open space, therefore, a contribution is not required from this development.

Community Infrastructure Levy

36. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council’s Charging Schedule.

CONCLUSION

37. It is considered that the proposed development of the site would not be inappropriate development as the proposal represents the redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt or conflict with the Green Belt purposes. The impact on the appearance and character of the area is acceptable as the proposed dwellings are appropriately designed, and of an appropriate scale. There would be no adverse impact on neighbour amenity or highway safety.

RELEVANT 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 Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

RELEVANT HISTORY OF THE SITE

Ref: 89/00859/FUL Decision: PERFPP Decision Date: 12 October 1989
Description: Lounge and bedroom extension

Ref: 93/00264/FUL Decision: WDN Decision Date: 25 May 1993
Description: Use of redundant agricultural building for food processing

Ref: 03/01133/COU Decision: PRRRTF Decision Date: 15 December 2003
Description: Change of use of agricultural buildings to stables, indoor arena, tack room and swimming pool, formation of sand paddock and extension to garden

Ref: 06/00330/FUL Decision: PERFPP Decision Date: 19 May 2006
Description: Alteration and extension of existing porch/conservatory

Ref: 08/01181/FUL Decision: PERFPP Decision Date: 5 February 2009
Description: Demolition of existing outbuildings and extension of existing stable building to create Indoor Riding Arena

Ref: 16/00422/FULHH Decision: PERFPP Decision Date: 1 July 2016
Description: Demolition of existing of conservatory and erection of sun lounge extension with a covered canopy to the courtyard area.
Alterations to windows and rooflights in south elevation. Single storey side extension to form plant room.

Suggested Conditions

No.	Condition
1.	<p>The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>Due to the potential for ground contamination arising from historic site uses, and the proposed sensitive end-use (residential housing), the development hereby permitted shall not commence, other than demolition and enabling works, until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.</p> <p>The report should include an initial desk study, site walkover and risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study and site investigation must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.</p> <p>The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.</p> <p><i>Reason: It is the applicant's responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework</i></p>

	<i>(DCLG, 2012).</i>
3.	<p>Prior to the development of the superstructures of the dwellings hereby approved 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>Before the development hereby permitted is first commenced, other than demolition, 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>
5.	<p>Prior to the occupation of the dwellings hereby approved, 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>Prior to the development of the superstructures of the dwellings hereby approved 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>
7.	<p>Notwithstanding the details shown on the submitted plans, the proposed car parking and turning areas shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of highway safety and to prevent flooding</i></p>
8.	<p>Facilities shall be provided for the cleaning of the wheels of vehicles leaving the site, before the development hereby permitted is first commenced and thereafter retained at all times during construction of the development.</p> <p><i>Reason: To prevent the tracking of mud and/or the deposit of loose material on to the highway, in the interests of highway safety.</i></p>
9.	A scheme for the landscaping of the development and its surroundings shall be

	<p>submitted prior to the development of the superstructures of the dwellings hereby approved. These details shall include all existing trees and hedgerows on the land; detail 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, proposed finished levels, means of enclosure, minor artefacts and structures. 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 carried out to mitigate the impact of the development and secure a high quality design.</i></p>
10.	<p>All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>
11.	<p>Prior to the development of the superstructures of the dwellings hereby approved details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.</i></p>
12.	<p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental</i></p>

	<i>impact of the development.</i>																					
13.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1"> <thead> <tr> <th>Title</th> <th>Drawing Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Location plan</td> <td>1613-PL-01</td> <td>14 November 2016</td> </tr> <tr> <td>Proposed site plan</td> <td>1613-PL-21 Rev.C</td> <td>13 February 2017</td> </tr> <tr> <td>Proposed plans and elevations</td> <td>1613-PL-23 Rev.A</td> <td>13 February 2017</td> </tr> <tr> <td>Proposed plan (Annexe)</td> <td>1613-PL-03</td> <td>14 November 2016</td> </tr> <tr> <td>Proposed elevations (Annexe)</td> <td>1613-PL-04</td> <td>14 November 2016</td> </tr> <tr> <td>Proposed entrance details</td> <td>1613-PL-25</td> <td>14 November 2016</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>	Title	Drawing Reference	Received date	Location plan	1613-PL-01	14 November 2016	Proposed site plan	1613-PL-21 Rev.C	13 February 2017	Proposed plans and elevations	1613-PL-23 Rev.A	13 February 2017	Proposed plan (Annexe)	1613-PL-03	14 November 2016	Proposed elevations (Annexe)	1613-PL-04	14 November 2016	Proposed entrance details	1613-PL-25	14 November 2016
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14.	<p>No works to trees, hedgerows or shrubs shall occur between the 1st March and 31st August inclusive in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.</p> <p><i>Reason: To prevent harm to British birds nests and eggs, which are protected by Section 1 of the Wildlife & Countryside Act 1981.</i></p>																					
15.	<p>Before the development hereby permitted is first commenced, other than demolition and enabling works, a scheme for the construction of the site access and the off-site works of highway improvement shall be submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.</i></p>																					
16.	<p>No part of the development hereby approved shall be used or occupied until the approved scheme for the construction of the site access and the off-site works of highway improvement has been constructed and completed in accordance with the scheme details.</p> <p><i>Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.</i></p>																					