

## PLANNING COMMITTEE

WEDNESDAY, 5TH SEPTEMBER, 2018, 6.00 PM

LEVEL 2, CIVIC CENTRE, WEST PADDOCK, LEYLAND PR25 1DH

### AGENDA

**1 Welcome and Introduction**

**2 Apologies for Absence**

**3 Minutes of meeting Wednesday, 8 August 2018 of Planning Committee**

(Pages 5 - 8)

To be confirmed as a correct record for signing by the Chair.

**4 Declaration of Interest**

Members are requested to indicate at this stage in the proceedings any items on the agenda in which they intend to declare an interest. Members are reminded that if the interest is a Disclosable Pecuniary Interest (as defined in the Members' Code of Conduct) they must leave the room for the whole of that item. If the interest is not a Disclosable Pecuniary Interest, but is such that a member of the public could reasonably regard it as being so significant that it is likely that it would prejudice their judgment of the public interest (as explained in the Code of Conduct) then they may make representations, but then must leave the meeting for the remainder of the item.

**5 Appeal Decisions**

The Director of Planning and Property will update at the meeting.

**6 07/2018/2742/VAR - Oaklands Farm, Hollins Lane, Leyland PR26 8LJ**

(Pages 9 - 18)

Report of the Director of Planning and Property attached.

**7 07/2018/4700/VAR - 42 Liverpool Road, Penwortham**

(Pages 19 - 32)

Report of the Director of Planning and Property attached.

**8 07/2017/3057/HAZ - 142, Brierley Road, Walton Summit Industrial Estate, Bamber Bridge, PR5 8AH**

(Pages 33 - 38)

Report of the Director of Planning and Property attached.

<p><b>9 07/2018/3247/REM - Land to the North of Altcar Lane, Leyland</b></p> <p>Report of the Director of Planning and Property attached.</p>	<p>(Pages 39 - 56)</p>
<p><b>10 07/2018/0868/VAR - Former Farington Business Park, Wheelton Lane, Farington</b></p> <p>Report of the Director of Planning and Property attached.</p>	<p>(Pages 57 - 70)</p>
<p><b>11 07/2018/0865/REM - Land off Wheelton Lane, Farington</b></p> <p>Report of the Director of Planning and Property attached.</p>	<p>(Pages 71 - 82)</p>

Heather McManus  
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Planning Committee Councillors Jon Hesketh (Chair), Rebecca Noblet (Vice-Chair), Renee Blow, Malcolm Donoghue, Bill Evans, Derek Forrest, Mick Higgins, Ken Jones, Jim Marsh, Jacqui Mort, Peter Mullineaux, Mike Nathan, Mike Nelson, Caleb Tomlinson and Barrie Yates

The minutes of this meeting will be available on the internet at [www.southribble.gov.uk](http://www.southribble.gov.uk)

#### Forthcoming Meetings

6.00 pm Wednesday, 10 October 2018 - Shield Room, Civic Centre, West Paddock, Leyland PR25 1DH

#### **Procedure of Debate at Planning Committee**

Whenever a planning application is dealt with by Planning Committee the Council is keen to allow the local community to participate in the process. The procedure that will ordinarily be followed is that:-

- Up to five members of the public who wish to speak against an application will be allowed to speak. Each will have up to four minutes in which to state their case.
- Up to five members of the public who wish to speak in favour of an application will then be allowed to speak. Again each will have up to four minutes in which to state their case.
- Borough councillors (not on Planning Committee) will then have the opportunity to make representations about the application. Each will have up to four minutes to state their case – whether for or against.
- The applicant/agent will then be invited to speak in support of the application. Ordinarily he/she will have up to four minutes to speak.
- The application will then be discussed by Committee. At this point members of the public, the applicant and other councillors not on Committee will not be able to speak further.
- Planning Committee will then take a vote on the matter.

- No paperwork, plans or photographs will be allowed to be circulated by the applicant/agent or member of the public at the meeting.

The Chairman of Planning Committee has discretion to vary these rules when dealing with a particular application if he considers it appropriate. Whenever members of the public speak (whether in opposition to a proposal or in favour of it) they should avoid repeating the same points made by other speakers.

### **Filming/Recording Meetings**

The Council will allow any member of the public to take photographs, film, audio-record and report on any Planning Committee meeting. If anyone is intending to record any such meeting (or part of such a meeting) then it would be very helpful if they could give prior notice of their intention to the Council's Democratic Services Team. Ideally 48 hours' notice should be given.

When exercising the rights to record a Planning Committee meeting a member of the public must not in any way be disruptive to that meeting. They must not provide an oral commentary on the meeting whilst it is continuing. If disruption is caused then the Chairman of the meeting may exclude that person from the rest of the meeting.

Members of the public will not be entitled to stay in the meeting if any confidential (exempt) items of business are being discussed.

Full details of planning applications, associated documents including related consultation replies can be found on the Public Access for planning system, searching for the application using the Simple Search box. <http://publicaccess.southribble.gov.uk/online-applications/>

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**MINUTES OF PLANNING COMMITTEE**

**MEETING DATE** Wednesday, 8 August 2018

**MEMBERS PRESENT:** Councillors Jon Hesketh (Chair), Rebecca Noblet (Vice-Chair), Renee Blow, Bill Evans, Derek Forrest, Mick Higgins, Ken Jones, Jim Marsh, Jacqui Mort, Mike Nathan, Mike Nelson, Caleb Tomlinson and Barrie Yates

**OFFICERS:** Dave Whelan (Legal Services Manager/Interim Monitoring Officer), Dianne Scambler (Governance and Member Services Team Leader), Catherine Lewis (Interim Assistant Planning Manager (Development Management)) and Janice Crook (Planning Officer)

**OTHER MEMBERS AND OFFICERS:** Councillor Clifford Hughes MBE (Cabinet Member (Strategic Planning, Housing and Economic Growth)), Councillor David Howarth (Leader of the Liberal Democrats Group) and Councillor David Watts

**PUBLIC:** 17

**34 Welcome and Introduction**

The Chair, Councillor Jon Hesketh welcomed everyone to the meeting, introduced the Committee and explained the proceedings and role of its members.

**35 Apologies for Absence**

Apologies were received from Councillors Mal Donoghue and Peter Mullineaux.

**36 Minutes of meeting Wednesday, 18 July 2018 of Planning Committee**

RESOLVED: (Unanimously)

That the minutes of the Planning Committee meeting held on 18 July 2018 be confirmed as a correct record for signing by the Chair.

**37 Declaration of Interest**

Item 6: 07/2018/3875/FUL – Councillor Rebecca Noblet declared a prejudicial interest.

Item 7: 07/2018/3017/FUL - Councillor Caleb Tomlinson declared a non-prejudicial interest.

**38 Appeal Decisions**

The Interim Assistant Planning Manager (Development Management) reported that the Planning Inquiry relating to an appeal by Bellway Homes against the refusal of

planning permission at Brindle Road would commence at 10am on 14 August at the Bamber Bridge Methodist Church, located on the corner of Wesley Street.

**39 07/2018/3875/FUL - Howick Cross Service Station, 248 Liverpool Road, Penwortham**

Speakers: 3 objectors, Parish Councillor for Penwortham Town Council, Ward Councillor David Howarth and the applicant's agent.

The Vice Chair of the Committee, Councillor Rebecca Noblet also addressed the Committee, then left the meeting.

Address: Howick Cross Service Station, 248 Liverpool Road,  
Penwortham, Preston Lancashire PR1 0LY

Applicant: Inthebox Solutions Ltd

Agent: Mr Joshua Hellawell, 2 Lockside Road, Lockside Road, Preston  
PR2 2YS

Development: Change of use of land for self-storage facility (class B8)  
including siting of 54 steel shipping containers together with the  
relocation of existing fence and gate.

RESOLVED: (Unanimously)

That planning permission be refused for the following reasons:

1. The proposal, by virtue of the introduction of metal shipping containers for use as a storage facility, would not be conducive to the residential area in which the application site is located. A view of the application proposal would be afforded in the wider street scene of Liverpool Road which would result in an unacceptable level of harm to the character of the area, contrary to Policy G17 in the South Ribble Local Plan.
2. It is considered that the proposal would result in an increased level of activity to the parking and unloading area adjacent and in close proximity to the residential boundary of 250 Liverpool Road, contrary to Policy G17 in the South Ribble Local Plan.
3. The proposal would have a detrimental impact on the residential amenity of neighbouring properties by virtue of the proposed use adjacent to residential boundaries and resulting in noise and disturbance, contrary to Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan.

**40 07/2018/3017/FUL - Mainway Court, Edward Street, Bamber Bridge**

Speakers: Ward Councillor David Watts and the Applicant (Concert Living Ltd)

Address: Mainway Court, Edward Street, Bamber Bridge Lancashire

Applicant: Concert Living Ltd and Progress Housing Association Ltd

Development: The erection of ten 3 bedroom homes, two 4 bedroom homes for open market sale and five bedroom affordable rent bungalows with associated parking, landscaping and drainage.

RESOLVED: (Unanimously)

That the granting of planning permission with conditions be delegated to the Director of Planning and Property in consultation with the Chair and Vice Chair of Planning Committee upon the successful completion of a Section 106 Agreement to secure a commuted sum for playing field contribution.

Chair

Date

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**Application Number** 07/2018/2742/VAR

**Address** Oakland Farm  
Hollins Lane  
Leyland  
Preston  
Lancashire  
PR26 8LJ

**Applicant** Mr Lewis Buller

**Development** Application for the variation of condition 2 (Restriction of repair and storage) of planning permission 07/2017/2505/FUL - use of polytunnel 3 for general storage (B8)

### Officer Recommendation

**Officer Name** Mrs Janice Crook

Date application valid 28.04.2018  
Target Determination Date 23.06.2018  
Extension of Time 20.07.2018

### Location Plan



## 1. Report Summary

- 1.1. The application falls for determination by planning committee as the applicant is related to a serving officer of the Council. The application seeks the variation of condition 2 of planning approval 07/2017/2505/FUL in respect of the use of polytunnel 3 on the Oaklands Farm site

on Hollins Lane, Leyland. The condition restricts the use of the polytunnel to agricultural storage only and the applicant seeks to vary the wording to allow general storage. The application site is within the Green Belt

- 1.2. Members may recall this application came before planning committee at its 18 July meeting when the decision was made *'to defer the application to allow Planning Officers to reassess the application in light of information provided by the applicant at the Planning Committee meeting.*
- 1.3. The application has been considered in terms of Green Belt policy in the revised National Planning Policy Framework together with local policies in the South Ribble Local Plan and is considered to fall within the exceptions to the presumption against inappropriate development in the Green Belt. The application is therefore recommended for approval.

## 2. **Site And Surrounding Area**

- 2.1. The application relates to the Oakland Farm site located on the north side of Hollins Lane on the outskirts of Leyland close to the Borough boundary with Chorley. The site currently consists of a stable block containing 8 stalls, a second stable/hay store which is an 'L' shaped open fronted wooden building, a sand paddock, three polytunnels and associated areas of hardstanding. The site is within the Green Belt with the area characterised by open green fields. Trees and hedgerows form the southern and eastern boundaries to the application site. The site is accessed via Hollins Lane which is a single track un-made road with just a few passing places along its length.

## 3. **Planning History**

- Planning application 07/1994/0423 for a building for the keeping of horses with associated storage of feed was approved on 14/09/1994.
- Planning application 07/2000/0507 for the erection of 2 polytunnels and 3 storage buildings consisting of a boiler room, packing shed and refrigeration unit was approved on 19/10/2000.
- Planning application 07/2001/0081 for two polytunnels was approved on 04/05/2001
- Planning application 07/2001/0507 for the siting of static caravan for use as an agricultural dwelling was approved on 18/10/2001.
- Application 07/2002/0732 for renewal of planning permission for the temporary siting of a static caravan for use as an agricultural dwelling was approved on 25/10/2002
- Planning application 07/2004/0929 for the extension of temporary permission granted under 07/2002/0732 for siting of a static caravan for use as an agricultural dwelling was approved on 22/10/2004.
- Application for certificate of lawfulness 07/2008/0863/CLU for the use of a static caravan as a permanent residential dwelling was refused on 23/01/2009.
- Application for certificate of existing lawful development 07/2010/0333/CLU for the use of a building converted in 2001 for residential use was withdrawn.
- Planning application 07/2011/0591/FUL for the erection of block of 12 stables following demolition of existing stables; the erection of single storey building to accommodate a tack room, feed store, horse shower and hay store following demolition of existing block; the formation of a horse exercise area and extension of existing of sand paddock; the

erection of office accommodation building; the change of use of existing polytunnels for the use as storage of machinery and plant, storage of haylage, shavings and straw and breeding process; and the erection of floodlighting to sand paddock was approved with conditions on 18/1/2012.

- Planning application 07/2016/0248/FUL for the erection of a two storey, detached dwelling with a glazed link to a stables/workshop building for Blacksmiths/Equestrian use and the erection of a detached, single storey building to be used as a cattery following the demolition of existing structures was refused on 25/08/2016.
- Lawful Development Certificate application 07/2017/0019/CLU to establish that the existing use of the site as a livery stables and mixed use of polytunnels for storage, repair of vehicles and general workshop is the lawful use was refused 05/05/2017
- 07/2017/2505/FUL Retrospective application for a change of use of three agricultural polytunnels and associated hardstanding to a mixed use as a mechanic's workshop (Use Class B2) and General Storage (Class B8) was conditionally approved on 03/10/2017 with condition 2 being imposed to restrict the use of the third polytunnel for agricultural storage only.
- 07/2018/0844/FUL for the erection of 1no. two-storey dwelling with detached garage, erection of domestic stable block together with the erection of a single storey building to be used as a cattery following the demolition of existing buildings was approved on 26/4/2018. An appeal is currently pending in respect of condition 27 of this planning permission with the appellant seeking to remove the condition which required the removal of outbuildings in an area of land in the applicant's ownership immediately to the north of the site, as follows:

*"That prior to the first occupation of the new the dwelling hereby approved the outbuildings identified for removal within the section of the labelled as being 'Area returned to grass' on the approved site layout plan 'Proposed Site Plan' (reference 1545-PSP01A) shall be demolished/removed and all associated material permanently removed off site in accordance with a detail to be submitted to and be approved in writing by the Local Planning Authority."*

#### **4. Proposal**

4.1 The application seeks a variation of condition 2 of retrospective planning approval 07/2017/2505/FUL for a change of use of three agricultural polytunnels and associated hardstanding to a mixed use as a mechanic's workshop (Use Class B2) and General Storage (Class B8). Condition 2 restricted the use of polytunnel 3 to agricultural storage, stating: *"Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987 (as amended) Paragraph 3(1) or any provision equivalent to this in any statutory instrument revoking and re-enacting this Order, the use of Units 1 and 2 as indicated on the submitted supporting statement at 2.4 page 4, shall be restricted to repair and storage of vehicles and Unit 3 restricted to **agricultural storage**, unless the prior consent of the Local Planning Authority is obtained."*

4.2 The proposal seeks to vary the wording to read: *"Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987 (as amended) Paragraph 3(1) or any provision equivalent to this in any statutory instrument revoking and re-enacting this Order, the use of Units 1 and 2 as indicated on the submitted supporting statement at 2.4 page 4, shall be restricted to repair and storage of vehicles and Unit 3 restricted to **general storage**, unless the prior consent of the Local Planning Authority is obtained."*

#### **5. Summary of Publicity**

5.1. Neighbouring properties were notified and a site notice was posted with one letter of representation being received, commenting:

- The plans state all the existing building will be demolished
- Question why would the applicant want an ugly polytunnel when building a large new house with separate garage, multiple stables, tack room and cattery?
- Question why repair motor vehicles in a plastic polytunnel which was designed to grow mushrooms in.
- Tunnels are visible from Leyland Lane and Hollins Lane, contrary to applicant's statement.

## 6. Summary of Consultations

6.1. No consultation was carried out.

## 7. Policy Considerations

### 7.1 Revised National Planning Policy Framework (NPPF)

*'143. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

*144. 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 resulting from the proposal, is clearly outweighed by other considerations.*

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

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:  
– not have a greater impact on the openness of the Green Belt than the existing development; or  
– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

*146. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*

- a) mineral extraction;*
- b) engineering operations;*
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;***
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*

*f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

**7.2 Central Lancashire Core Strategy Policy 13: Rural Economy** aims to achieve economic and social improvement for rural areas by sustaining and encouraging appropriate growth of rural businesses in a number of ways, including b) supporting rural based tourist attractions, visitor facilities, recreational uses, business and storage activities and f) supporting sensitive conversions and alternative uses of farm buildings no longer needed for agriculture but which enable farm diversification where they: (i) sustain and maintain the core farm business; (ii) do not compromise the working of the farm; and (iii) are located within or near the existing farm complex; allow limited extension and replacement of existing buildings, with a preference for commercial, tourism and live/work units.

**7.3** Further guidance on the re-use of buildings in the countryside is also contained in the **Rural Development Supplementary Planning Documents** at Chapter I. It recognises that the re-use or adaptation of existing buildings can help reduce demands for new buildings. For a rural buildings to be appropriate for re-use, it must be permanent and substantial and should not require significant extension, rebuilding or extensive alteration to accommodate the proposal. The new use should not result in the need to provide an otherwise unnecessary replacement buildings.

**7.4 South Ribble Local Plan Policy G1: Green Belt** in line with the NPPF, has a general presumption against inappropriate development and planning permission will not be given for the construction of new buildings unless there are very special circumstances. However, exceptions to this are buildings for agriculture and forestry; provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it; the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or limited infilling or the partial or complete redevelopment of previously developed sites, 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.

**7.5 Policy G2: The Re-Use and Adaptation of Buildings in the Green Belt** allows for the re-use of existing buildings within the Green Belt, provided that the development does not have a materially greater impact on the openness of the Green Belt and the purposes of including land in it. The policy requires that the building is of permanent and substantial construction, of sufficient size and suitable for conversion to the proposed use without the need for additions or alterations which would harm its existing form or character; would not result in an adverse impact in respect of noise, odours, emissions or traffic; and the building and site has access to a public highway available for use without creating traffic hazards and without involving significant road improvements which would have an undue environmental impact.

## **8. Material Considerations**

### **8.1 Background**

**8.2** Retrospective planning application 07/2017/2505/FUL was submitted to regularise the use of the site as a change of use of existing polytunnel buildings from an agricultural use to a mixed use of B2 and B8 had occurred. The site was being used for a mix of mechanics workshop, vehicle storage and storage of the applicant's own tools and equipment. The adjacent land to the north and west is agricultural land with horse stabling to the south-east, both within the applicant's ownership but not part of the retrospective planning application. The officer's report described the use of the polytunnels as follows:

*“Polytunnel 1 – Mechanic’s workshop for car servicing, repairs, engine and gearbox changes with no bodywork and paint spraying – operated between the hours of 07:00am to 20:00pm.*

*Polytunnel 2 – Storage of cars and motorbikes and occasional repairs to vehicles – operated between the hours of 07:00am to 20:00pm.*

*Polytunnel 3 and areas of hardstanding – Storage of carts, harness, mowers, quad bikes, machinery, vehicles, trailers, tools and equipment – hours of operation to be unrestricted as this is used by the applicant in association with the existing horse stabling use on the adjacent part of the site, not part of this planning application.”*

8.3 During consideration of this application, it was deemed appropriate to restrict the hours of use to those outlined in the submitted supporting statement for the two polytunnels use for vehicle repairs and storage with the third not being restricted due to the nature of the storage in this polytunnel which was used by the applicant for his own personal tools and equipment which, it was understood, were used in association with horse stabling and maintenance of the agricultural land on adjacent land parcels which were not part of that application proposal.

8.3 It was accepted that two of the polytunnels had changed use from agriculture to a B2/B8 use for a mix of mechanics workshop and vehicle storage as the two polytunnels were already being used for these purposes, but not for the third polytunnel which was used for storage of the applicant’s own tools and equipment.

8.4 The change of use of existing buildings in the green belt was, at that time, permitted under Green Belt policy with the NPPF advising that *‘the re-use of buildings, provided that the buildings are of permanent and substantial construction’* was not inappropriate development in the Green Belt, providing the development preserved the openness of the Green Belt. The buildings were judged to be of permanent and substantial construction as they each had hard shells and were set on concrete plinths and were of a sufficient size to accommodate the B2/B8 uses without the need for extensions or alterations. Additionally, there was no impact on the openness of the Green Belt as the structures had been in place for a number of years, originally constructed for an agricultural use for a mushroom growing enterprise.

8.5 At the time of determination of the retrospective application 07/2017/2505/FUL, it was judged that polytunnel 3 was used by the applicant in association with horse stabling and maintenance of the land with the storage in this polytunnel being identified as for carts, harness, mowers, quad bikes, machinery, vehicles, trailers, tools and equipment. It was considered that a change of use had not occurred for this polytunnel, recognising this was a retrospective application. Therefore it was considered appropriate to restrict polytunnel 3 to agricultural storage only, hence the imposition of condition 2:

*“Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987 (as amended) Paragraph 3(1) or any provision equivalent to this in any statutory instrument revoking and re-enacting this Order, the use of Units 1 and 2 as indicated on the submitted supporting statement at 2.4 page 4, shall be restricted to repair and storage of vehicles and Unit 3 restricted to **agricultural storage**, unless the prior consent of the Local Planning Authority is obtained.”*

## **9. Application Proposal**

9.1 This application seeks to vary condition 2 to allow for the third polytunnel also to be used for B8 general storage with the varied condition to read:

*“Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987 (as amended) Paragraph 3(1) or any provision equivalent to this in any statutory instrument revoking and re-enacting this Order, the use of Units 1 and 2 as indicated on the submitted supporting statement at 2.4 page 4, shall be restricted to repair and storage of vehicles and Unit 3 restricted to **general storage**, unless the prior consent of the Local Planning Authority is obtained.”*

9.2 The applicant has indicated that the agricultural use of the site has ceased and therefore there is no requirement for agricultural storage and that the polytunnel remains for the general storage of various items for his own personal use. The applicant has supplied a number of photographs which show general items being stored in the polytunnel and has provided an additional written statement indicating that the mowers are of a domestic nature and the quad bikes are for leisure use. The remainder of the items are either used in association with horse stabling or for domestic purposes. There is also items of furniture and other domestic paraphernalia and the hardstanding has various vehicles parked on it.

9.3 In assessing whether the use of the polytunnel for general storage is acceptable, the main issues for consideration when determining this application in the Green belt are:

- a) Whether the proposal would be inappropriate development in the Green Belt for the purposes of the NPPF
- b) The effect of the proposal on the openness of the Green Belt
- c) If the proposal is inappropriate development, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations so as to amount the very special circumstances necessary to justify it.

#### a) Whether inappropriate development

9.4 The proposed change of use of the agricultural polytunnel for general storage is not inappropriate development providing it preserves the openness of the Green Belt. The revised NPPF sets out at paragraph 145 a number of exceptions to the presumption against inappropriate development in the Green Belt and at paragraph 146 specifies that '*Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are: ....d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*'

9.5 In line with the NPPF, the Central Lancashire Rural Development SPD specifies that '*for a rural building to be appropriate for re-use, it must be permanent and substantial and should not require significant extension, rebuilding or extensive alteration to accommodate the proposed. ....*'

9.6 Although the building is classed as a polytunnel due to its design and form, it is considered to be of a permanent and substantial structure. The polytunnel was constructed with a 720 gauge white inner polythene cover with 2 layers of 60mm fibreglass insulation over and a 720 gauge outer polythene cover over 60mm diameter tubular steel hoops running the full length of the structure, 18 per units. This provides a solid structure with a hard shell which is set on a concrete plinth and is of a substantial size that does not require any significant alterations to allow for the general storage use.

9.7 Polytunnels are often considered to be temporary structures due to their transient nature and The Courts, who ultimately make planning judgements, have held that numerous temporary structures, including certain types of polytunnels, are not buildings but a use of land and therefore are outside the scope of planning control and do not need planning permission. However planning status is still something of a grey area and in certain circumstances, depending on permanence, physical structure and attachment to the land a polytunnel may require planning permission. In this case the polytunnels did require planning permission as they were considered to be of a permanent nature and are attached to the land on concrete plinths.

#### b) Openness

9.8 Openness is an essential characteristic of the Green Belt. It can be considered as the absence of built or otherwise urbanising development. It is acknowledged that the polytunnels are an acceptable form of development associated with agriculture. The change of use of polytunnel 3 for general storage is permitted providing that it does not impact on the openness of the Green

Belt. In this case the polytunnel is an existing building that is used by the applicant for the storage of his tools and equipment, which amounts to general storage.

### c) Other considerations

9.9 It has been established that the proposal is not inappropriate development providing the proposal preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Therefore no very special circumstances need to be demonstrated.

## **10. Other Considerations**

10.1 It must be noted that this current application would appear to conflict with a planning permission 07/2018/0844/FUL which was approved on 26 April 2018. The permission was for the erection of a two-storey dwelling with detached garage, domestic stable block with tack room together with a single storey building to be used as a cattery following the demolition of the existing buildings on site. That application did not include the polytunnel, subject of this current application, within the red edge but it was included in the blue edge (other land within the applicant's ownership). The approved site layout plan 1545-PSP01A clearly showed the polytunnel was to be removed and the area in which it is located return the grass. Condition 2 was included to ensure the development was carried out in accordance with that approved plan:

*"The development, hereby permitted, shall be carried out in accordance with the submitted approved plans ref 'Location Plan', 1545-PSP01A (Proposed Site Plan), 1545-PR05A (Proposed Stables), 1545-PR04B (Proposed Cattery Building), 1545-PR01A (Proposed Garage Plans), 18-001 (Proposed House Plans) and 18-002 (Proposed House Elevations)."*

10.2 Additionally, condition 27 was also included to ensure that the polytunnel be removed prior to first occupation of the new dwelling, as follows:

*"That prior to the first occupation of the new the dwelling hereby approved the outbuildings identified for removal within the section of the labelled as being 'Area returned to grass' on the approved site layout plan 'Proposed Site Plan' (reference 1545-PSP01A) shall be demolished/removed and all associated material permanently removed off site in accordance with a detail to be submitted to and be approved in writing by the Local Planning Authority."*

10.3 In determining that application it was considered that, although the application site is located within the Green Belt, the site is lawfully in a mixed use of B2 (General Industrial), B8 (Storage and Distribution) and livery stables. The application site therefore constituted brownfield land (previously developed) with the wider parcel of land in the applicant's ownership being wholly in an agricultural use and constituting greenfield land (not previously developed).

10.4 It is noted that Condition 27 is now subject of an appeal in which the appellant contests that the outbuildings (polytunnel 3) should be removed and that the condition was imposed unlawfully. However, the LPA is of the opinion this condition was imposed lawfully.

## **11. Conclusions**

11.1 Polytunnel 3 was established as being for the storage for the applicant's own tools and equipment for a use associated with horse stabling and maintenance of agricultural land with the previous retrospective planning permission 07/2017/2505/FUL. At that time it was not accepted that polytunnel 3 had been used for general storage as was the case with the two other polytunnels. There was a clear case that the use of the other two polytunnels had been used for the maintenance and storage of motor vehicles for some time but this use was not established for the third polytunnel.

11.2 On reviewing the proposal it is recognised that among the exceptions to the presumption against inappropriate development in the Green Belt development is the re-use of buildings provided that the buildings are of permanent and substantial construction. It has been established that the polytunnel is on permanent and substantial construction and provides for storage of



general items used by the applicant without the need for any alterations or extensions. Therefore the proposal to use the polytunnel for general storage is among the exceptions to the general presumption against inappropriate development and is compliant with the revised NPPF and local Green Belt policy. It is considered appropriate to include the words '*general storage for the applicant's use only*'

## **12. Recommendation**

### 12.1 Approval

## **13. Conditions**

1. The use of polytunnels 1 and 2 as indicated in the submitted supporting statements at 2.4 page 4 shall be restricted to between 07:00am and 20:00pm on any day.  
REASON: In the interests of the amenities of adjoining residents and to accord with Policy 17 in the Central Lancashire Core Strategy
2. Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987 (as amended) Paragraph 3(1) or any provision equivalent to this in any statutory instrument revoking and re-enacting this Order, the use of Units 1 and 2 as indicated on the submitted supporting statement at 2.4 page 4, shall be restricted to repair and storage of vehicles and Unit 3 restricted to general storage for the applicant's personal use only, unless the prior consent of the Local Planning Authority is obtained.  
REASON: To enable the Local Planning Authority to retain control over the impact of the development on residential amenity and/or highway safety in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026
3. No raw materials, finished or unfinished products, parts, crates, packing materials or waste shall be stacked or stored on the site except within the buildings at any time, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To safeguard the amenities of neighbouring properties and to accord with Policy 17 in the Central Lancashire Core Strategy.
4. No machinery or plant used in connection with the B2/B8 use shall be operated outside the times of 08:00am to 19:00pm Monday to Friday, 08:00am to 13:00pm Saturday. No machinery or plant within these units shall operate on Sundays or Bank Holidays.  
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 and 28 of the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan (2012-2026).
5. Should the use of any of the B2/B8 Units cease for a period of 6 months, that unit should be removed from site and the land restored to its former condition  
REASON: To enable the Local Planning Authority to retain control over the use of the land.

## **14. Relevant Policy**

Revised National Planning Policy Framework (NPPF)

Policy G1: Green Belt

Policy G2: The Re-use and Adaptation of Buildings in the Green Belt

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# Agenda Item 7

**Application Number** 07/2018/4700/VAR

**Address** 42 Liverpool Road  
Penwortham  
Preston  
Lancashire  
PR1 0DQ

**Applicant** Mrs Carole Rialas

**Development** Variation of conditions Nos 8 - live music to be played indoors only and up to 22:00, 9 - ability for people to be outside the front of the premises till 22:30, 10 - installation of patio heaters to front of premises, 12 - waste collections to be made also on Saturdays during 08:00 to 19:00 and 14 - extend hours of operation to Mondays to Thursdays of planning approval 07/2015/1854/FUL

**Officer Recommendation** Part Approved/Part Refused

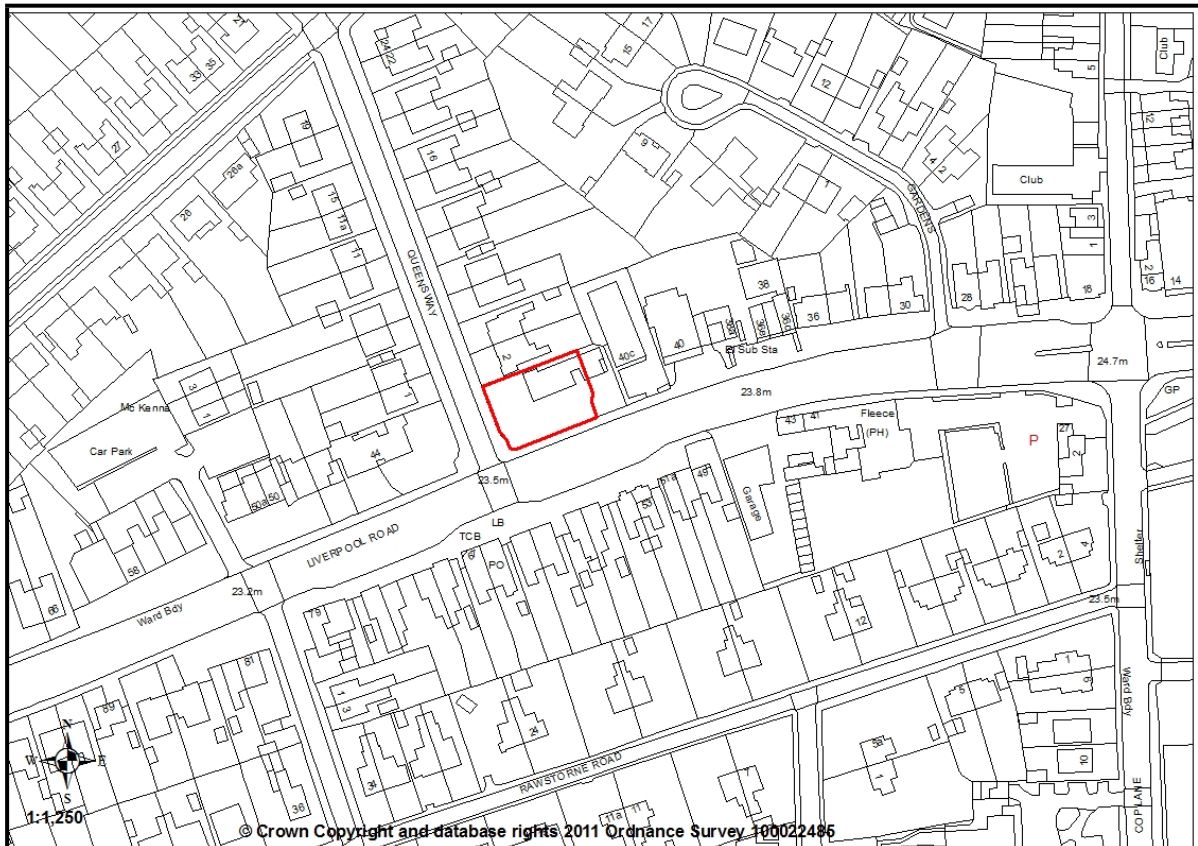
**Officer Name** Mrs Janice Crook

**Date application valid** 12.07.2018

**Target Determination Date** 06.09.2018

**Extension of Time** N/A

## Location Plan



## **1. Report Summary**

1.1 Members may recall planning application 07/2015/1854/FUL for the conversion of and extension of an existing bungalow to provide a retail unit within Use Class A1 and a wine bar within Use Class A4. This application was conditionally approved by Planning Committee on 25 February 2016.

1.2 Twenty-two conditions were imposed, mainly in the interests of residential amenity, the amenity of the area and also for other matters such as highway safety.

1.3 The application now before members is a Section 73 minor material amendment application in respect of five of the conditions - 8, 9, 10, 12 and 14. The proposal is to vary each of these conditions to extend the hours of use, the use of the external seating area, to allow for patio heaters, to allow for live music to be played and to allow for Saturday waste collections.

1.4 The proposed variations have been duly considered in terms of the impact, both individually and cumulatively, on the residential amenity of neighbouring residents, the amenity of the area and any other material planning considerations.

1.5 Whilst it is acknowledged that the Lime Bar is a successful business, it must also be recognised that, although located in the Penwortham District Centre, the area immediately to the north is residential in nature. It is apparent that, due to the level of complaints and objections to this venue, the two uses do not sit happily side by side. The conditions the applicant now seeks to vary were originally imposed to protect residential amenity and the amenity of the area and various breaches to conditions has led to numerous complaints in terms of noise, disturbance, and loss of amenity.

1.6 It is considered that the extension in hours of use of the Lime Bar by 15 minutes as per condition 14; the hours of use of the external seating area by between 30 and 90 minutes as per condition 9; and the introduction of live music until 22:00 as per condition 8 would all exacerbate the detrimental impact on the residential amenity of occupants of the neighbouring properties and also on the amenity of the residential area in terms of introducing noise and activity later into the evening. Therefore it is considered that the proposal to amend conditions 8, 9 and 14 would be contrary to Core Strategy Policy 17.

1.7 The introduction of patio heaters to the front of the premises as per condition 10 would not in itself cause any undue harm to the character, appearance or amenity of the area although they would allow for the external seating area to be used to a greater extent such as during colder weather. However, given that the external area is permitted to be used until 22:00 at present (21:00 on Sundays), then this proposal to amend condition 10 is considered acceptable.

1.8 The introduction of waste collections on Saturdays as per condition 12 is not considered to detrimentally impact on the amenity of the area and is commensurate with normal practices within a commercial area. The proposed times are not unduly onerous and therefore this proposal to amend condition 12 is considered acceptable.

## **2. Site and Surrounding Area**

2.1 The application relates to the Lime Bar located at 42 Liverpool Road in Penwortham. The premises, formerly a residential bungalow, is located on the corner of Liverpool Road and Queensway in Penwortham within the defined District Centre with commercial properties along the length of Liverpool Road consisting of retail, restaurants, offices, takeaways and financial premises. Attached to the bungalow is a commercial property which is not part of

this planning application. To the north of the site the area is wholly residential with properties along Queensway and beyond.

### **3. Planning History**

- 07/2013/0905/FUL for the erection of 4 ground floor units to include two retail (A1) and two financial and professional services (A2) with three residential apartments above following demolition of 42 Liverpool Road was withdrawn by the applicant in order to consider issues that were raised by consultees and residents.
- 07/2014/0355/FUL for the erection of 4 ground floor units to include two retail (A1) and two financial and professional services (A2) with three residential apartments above, (1 one-bed and 2 two-beds) following demolition of 42 Liverpool Road. This application was a resubmission of the withdrawn scheme. The application was deferred by the planning committee on 20<sup>th</sup> August 2014. A number of amendments were made to the plans and the amended scheme was approved by planning committee on 16 October 2014.
- 07/2015/1572/FUL for the conversion and extension of existing bungalow to provide 3 x Class A1/A2 units and 1 x Class A4 unit together with associated car parking was refused on 12 November 2015 on one ground: *"The proposal to extend the building at two storey to the western elevation is considered to have a detrimental impact on the neighbouring residential property 2 Queensway in terms of loss of light, overshadowing and having an overbearing effect by virtue of its height, scale and proximity to 2 Queensway. Therefore the proposal is contrary to Policy G17 in the South Ribble Local Plan 2012-2026."*
- 07/2015/1572/FUL Conversion and extension of existing bungalow to provide 3 x Class A1/A2 units and 1 x Class A4 unit together with associated car parking was refused on 12/11/2015
- 07/2015/1854/FUL for the conversion of and extension to the existing bungalow to provide a retail unit within Use Class A1 and a wine bar within Use Class A4 was conditionally approved on 25 February 2016.
- 07/2016/0622/NMA Application for non-material amendment to planning permission 07/2015/1854/FUL in respect of brickwork and roofing materials and introduction of roof lights was approved on 25/08/2016
- 07/2017/0631/VAR Variation of condition 14 of 07/2015/1854/FUL - sale of non-alcoholic beverages and snacks 9.30am to 11.00am Monday to Saturday 11.00am to 12.00pm Sunday was approved on 23/06/2017
- 07/2017/0899/ADV Advertisement consent for 2no internally illuminated static signs was granted on 26/05/2017
- 07/2017/2163/VAR Application for the variation of condition 2 of planning approval 07/2015/1854/FUL as varied by 07/2017/0631/VAR relating to amendments to plans and elevations was refused on 28/03/2018
- 07/2017/2583/FUL Part retrospective application for the erection of a single storey lean-to extension to rear, air conditioning condenser unit enclosure and bin store to front was approved on 27/03/2018

### **4. Proposal**

4.1 The application 07/2015/1854/FUL for the conversion of and extension to the existing bungalow to provide a retail unit within Use Class A1 and a wine bar within Use Class A4 was conditionally approved on 25 February 2015.

4.2 The proposal now is to vary conditions 8, 9, 10, 12 and 14 of planning approval 07/2015/1854/FUL. The original wording is in italics with the proposed changes set out below, as follows:

4.3 **Condition 8** - *There shall be no live or recorded entertainment or music played at the premises, either internally or externally. Low level incidental background music is only permissible internally.*

4.4 The proposed variation of condition 8 is to allow live music to be played indoors only and up to 22:00.

4.5 **Condition 9** - *The external seating area to be used by patrons of the A4 Units shall be restricted to the area immediately to the front of the building facing Liverpool Road, as indicated on the approved plan Dwg 558-PO1 Rev A. This area shall only be used between 10:00 hours and 22:00 hours Monday to Saturday and 10:00 hours and 21:00 hours on Sundays and Bank Holidays. At no time shall the garden area to the west fronting Queensway be used by patrons.*

4.6 The proposed variation of condition 9 is to allow for patrons to be outside the front of the premises until 22:30

4.7 **Condition 10** - *There shall be no external floodlighting or patio heaters installed in the outside area without prior consent from the Local Planning Authority.*

4.8 The proposed variation to condition 10 is to allow for the installation of patio heaters to the front of premises.

4.9 **Condition 12** – *There shall be no waste collection between the hours of 19:00hrs and 07:30hrs Monday to Friday with no waste collection on Saturdays, Sundays or Bank Holidays.*

4.10 The proposed variation to condition 12 is to allow for waste collections also to be made on Saturdays between 08:00 to 19:00.

4.11 **Condition 14** - *The use of the A4 premises hereby approved shall be restricted to the hours applied for, that is 11:00hrs to 23:00hrs Monday to Friday, 11:00hrs to Midnight on Saturdays, and 12:00noon to 23:00hrs on Sundays and Bank Holidays*

4.12 The proposal variation of condition 14 is to extend hours of operation to 11:00 to 23:15 on Mondays to Thursdays, Sundays and Bank Holidays and 11:00 to 00:15 on Fridays and Saturdays.

## **5. Summary of Publicity**

5.1 Neighbouring residents were notified and a site notice posted with 36 letters of representation being received. Of those 26 were letters of support, many of which made no comment but just registered support. Other letters commented as follows:

- Provides an excellent service
- Asset to Penwortham

- Live music venues are always well supported, eg Penwortham Live
- Please with the new dimension to Penwortham's high street
- Adds vibrancy and a sense of community
- Licensee is respectful and considerate of her neighbours and customers and continually responds to feedback
- Requests will only improve what is already an asset to Penwortham
- Many other places are permitted to play live music, really can't see what harm it can do.
- Lime Bar has set a high standards in aesthetics in the redesign of the bungalows building
- People have to accept that the high street is changing and accept current market trends
- Heaters outside will be a great addition especially with colder days coming
- Extra time will allow people to enjoy staying in Lime Bar even more
- Proposals will enhance an already excellent venue
- Will make the bar even more popular and bring in the right clientele
- Economic benefits to surrounding businesses in Penwortham
- Great atmospheric bar
- Bar needs to be given the chance to expand the already successful business
- Catalyst for the expansion of Penwortham
- Results in people spending their money in Penwortham instead of going to Preston
- Walk past regularly and can't hear excessive noise
- Always kept in immaculate conditions

5.2 The remaining 10 letters were objections to the proposal on the following grounds:

- The proposals will be detrimental to the local residents
- Side garden areas should be planted with established shrubs which would be a buffer for lights, noise etc
- Noise is a problems already for residents of Queensway – raised voices, car doors slamming etc when people are in bed
- Noise from drunks having long loud conversations, swearing, trying to start fights, shouting – wakes us all up most weekends
- Longer hours will result in additional noise from Lime Bar
- Cars wait outside house to pick people up from Lime Bar with engines idling and radios playing
- Heaters and lights outside will increase the period of noise from customers
- Live music would lead to noise leaking out of the premises
- Back door is kept open all the time, in breach of conditions, resulting in noise break out
- Garden should not be used at all
- Use of side garden would introduce commercial activity in an area which is set in the residential context
- Nothing has changed in original planning approval which imposed these conditions to restrict the impacts.
- Additional hours will result in additional noise
- Bon Bons was refused extension and this application should also be
- Three establishments to rear of property and fear is these will also follow suit and want to extend hours
- Anti-social behaviour
- Smells and odour from food
- These amendments are no minor they are fundamental variations

- Without the conditions the original application would have been refused on grounds including loss of amenity
- Unacceptable nuisance already has occurred due to playing of music
- Volume rises around 10:30
- Creeping extension of the planning conditions which were imposed to safeguard the living conditions of neighbouring residents
- Enforcement action should take place as conditions are constantly breached
- Cumulative adverse impact on the proposed changes will be detrimental to nearby residents.

5.3 One of the letters of objection was from the owner of Bon Bons on the opposite side of Queensway. Comments made are that Bon Bons is a coffee bar and therefore a very different type of venue to the Lime Bar. They were refused planning permission for live music although this was for community events and private parties only (maximum of 15 times per year). They consider that the Lime Bar premises should have similar restrictions.

5.4 Additionally, two petitions were received, one signed by 37 signatories and the second by 12 signatories. Both object to the proposals to vary the conditions in order to protect the amenities of nearby residents and to accord with Policy 17 in the Central Lancashire Core Strategy.

## **6. Summary of Consultations**

6.1 **County Highways** comment based on all the information provided by the applicant to date. They have no objections to the proposed variation of Conditions 8, 9, 10, 12 and 14 of planning permission 07/2015/1854/FUL.

6.2 **Environmental Health** comment that the premises is in close proximity to residential properties with the rear of the business being only approx. 4.5 meters (building to building) away from the neighbour's house. Therefore there is a potential adverse impact from noise affecting neighbouring properties, in particular from customers using the outside area of the bar. In terms of the proposed variation to each condition, Environmental Health comment:

- **Variation to Condition 8**
- EH has concerns regarding the break out of noise related to this request. The term acoustic does not mean that the level of sound will be quiet, for example any musical instrument played with vigour is capable of creating a high level of sound. If the Bar is at full occupancy then the musician is likely to play louder so they can be heard and therefore there is a greater chance that noise will have an adverse impact on nearby residents.
- **Variation to Condition 9**
- Due to the close proximity and direct line of sight to nearby residential properties the grassed area shall remain out of bounds. The proposed increase in hours has the potential to cause an adverse impact related to noise upon local residents.
- **Variation to Condition 10**
- The provision of patio heaters will increase the use of the outside area of the premises. More customers will therefore be able to sit outside on a more frequent basis. This will be a particular issue in the evening when the surrounding background noise will be low and residents, in particular children, wish to sleep. The outside area of the Bar is large and will be able to accommodate a large number of potentially intoxicated customers, it is conceivable that these customers will have an adverse noise impact upon local residents.



- **Variation to Condition 12**
- With Saturday and Sunday being a day of rest it will not be appropriate for waste collections to be undertaken due to the potential disturbance created from noise in particular in the morning when it can disturb sleep,
- **Variation to Condition 14**
- EH are in agreement with the increase in opening hours. However they highlight a mistake on the application submission since the business currently opens to the public at 09:30am and not 11:00.

6.3 Environmental Health's comments are discussed in more detail in the body of this report.

## 7. Policy Considerations

7.1 Planning permission 07/2015/1854/FUL was duly considered in terms of Central Lancashire Core Strategy - Policy 11: Retail and Town Centre Uses; Policy 17: Design of New Building; The Design Guide Central Lancashire Supplementary Planning Document; The South Ribble Local Plan - Policy E4: District Centres; Policy G17: Design Criteria for New Development, Policy F1: Parking Standards

7.2 Policies relevant to this current application are Core Strategy Policy 17 and Local Plan Policy G17.

## 8. Material Considerations

8.1 Planning conditions can only be imposed where they are necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted. In considering whether a condition is necessary, it must be considered whether planning permission would have to be refused if the requirements of that condition were not imposed. The planning conditions subject of this application for variations were considered reasonable and necessary to make the Lime Bar development acceptable in terms of residential amenity and the amenity of the area. This was largely due to the relationship and proximity of the Lime Bar to nearby residential properties. The relationship is an unusual one with the side boundary of the residential property 2 Queensway being in close proximity to the rear boundary and rear elevation of the Lime Bar.

8.2 Additionally, neighbouring residents had objected to the application 07/2015/1854/FUL for the conversion of and extension to the bungalow to provide a retail unit and wine bar due to the close proximity of the wine bar to residential properties. They considered the use would impact upon their residential amenity in terms of noise and disturbance, especially in the evenings. They considered a drinking establishment would cause noise from its servicing, the type of business, music and noisy customers coming and going and unsocial behaviour.

8.3 During consideration of the application 07/2015/1854/FUL, Environmental Health also commented that the development had the potential to adversely affect the amenity of the area. Therefore a number of conditions were imposed including conditions 8, 9, 10, 12 and 14 in order to protect the residential amenity of neighbouring residents and the amenity of the area. The applicant now seeks to vary some of these conditions and therefore the proposed variation to each condition is considered below in terms of the impacts of the changes would have on the residential amenity of neighbouring properties and the amenity of the area. However, it must be noted that condition 14 has previously been amended under application 07/2017/0631/VAR which was approved and allows the Lime Bar to open from 9:30 Monday

to Saturday and 11:00 on Sunday for the sale of non-alcoholic beverages and snacks. Effectively the Lime Bar is currently allowed to operate at the following times:

Monday 9.30am to 23.00  
Tuesday 9.30 to 23.00  
Wednesday 9.30 to 23.00  
Thursday 9.30 to 23.00  
Friday 9.30 to 23.00  
Saturday 9.30 to midnight  
Sunday 11.00am to 23.00

**8.4 Condition 8** - *There shall be no live or recorded entertainment or music played at the premises, either internally or externally. Low level incidental background music is only permissible internally.*

8.5 The proposed variation of condition 8 is to allow live music to be played indoors up to 22:00. The issue of noise from the venue has caused a considerable number of complaints from neighbouring residential properties and the matter has been investigated on a number of occasions by Environmental Health Officers. Unfortunately, the wording of condition 8 is not precise as it does not define what 'low level incidental background music' is or what volume is permissible and therefore the condition has been found to be un-enforceable in terms of volume and it is the volume of 'background' music played that has resulted in a large number of complaints.

8.6 Environmental Health have concerns regarding the break out of noise related to this request. The term acoustic does not mean that the level of sound will be quiet, for example any musical instrument played with vigour is capable of creating a high level of sound. If the Bar is at full occupancy then the musician is likely to play louder so they can be heard and therefore there is a greater chance that noise will have an adverse impact on nearby residents. Therefore the proposal to vary the condition to allow the introduction of live acoustic music cannot be supported.

**8.7 Condition 9** - *The external seating area to be used by patrons of the A4 Unit shall be restricted to the area immediately to the front of the building facing Liverpool Road, as indicated on the approved plan Dwg 558-PO1 Rev A. This area shall only be used between 10:00 hours and 22:00 hours Monday to Saturday and 10:00 hours and 21:00 hours on Sundays and Bank Holidays. At no time shall the garden area to the west fronting Queensway be used by patrons.*

8.8 The applicant seeks to extend the ability for patrons to be outside at the front of the premises until 22:30 in the evening and also to allow the use of the grassed area until 20:00. The current 22:00 restriction on Monday to Saturday and until 21:00 on Sundays and Bank Holidays is one that is commonly used for similar establishments with external seating. For example the Leyland Lion has an external seating area to its rear with the use of that area restricted to between the hours of 09.00am and 10.00pm; the Withy Arms in Bamber Bridge is restricted to between 10:00 and 22:00 (with a recent application to extend the hours being refused and a subsequent appeal dismissed). The applicant makes reference to the Bon Bons on the opposite side of Queensway and seeks the variation to bring the premises in line with Bon Bons.

8.9 Environmental Health comment that, due to the close proximity and direct line of sight to nearby residential properties, the grassed area should remain out of bounds. The outside terraced area for the Lime Bar is able to cater for a large number of people, Bon Bons only provides a small external area for patrons and the majority of their sales are related to food,

therefore the comparison is not appropriate. This increase has the potential to cause an adverse impact related to noise upon local residents.

8.10 It is considered that the additional half an hour extra external use (one and a half hours on Sundays and Bank Holidays) would exacerbate the problems currently experienced by neighbouring residents in terms of noise and disturbance from the premises. A number of complaints have been received regarding the use of the external seating area. Although it is restricted to the front of the premises, the side garden area has, at times, been used for children playing. Additionally, a number of complaints relate to clients using the external seating area beyond the permitted hours. The current hours of use for the external seating area are commensurate with similar premises in the Borough and it is considered an extension of the time until 22:30 would not be conducive to the amenity of the area.

8.11 **Condition 10** - *There shall be no external floodlighting or patio heaters installed in the outside area without prior consent from the Local Planning Authority.*

8.12 The proposed variation to condition 10 is to allow for the installation of patio heaters to the front of premises. Whilst the use of patio heaters is not in itself a particularly onerous issue and there are no proposals to provide any external floodlighting, the use of patio heaters will allow for the extended use of the external area on colder days and when the temperature drops in the evenings. This will result in making the external area more usable for longer periods of the day and year.

8.13 Environmental Health consider the provision of patio heaters will increase the use of the outside area of the premises. More customers will therefore be able to sit outside on a more frequent basis. This will be a particular issue in the evening when the surrounding background noise will be low and residents, in particular children, wish to sleep. As previously indicated, the outside area of the Lime Bar is large and will be able to accommodate a large number of potentially intoxicated customers, it is conceivable that these customers will have an adverse noise impact upon local residents.

8.14 However, given that the use of the external seating area is restricted to 22:00 Monday to Saturday and 21:00 on Sunday and Bank Holidays, then the introduction of the patio heaters will not allow for additional time over and above what is permitted. Therefore, on balance, the variation of this condition is considered acceptable.

8.15 **Condition 12** – *There shall be no waste collection between the hours of 19:00hrs and 07:30hrs Monday to Friday with no waste collection on Saturdays, Sundays or Bank Holidays.*

8.16 Although the proposed variation to condition 12 to allow for waste collections to be made on Saturdays between 08:00 to 19:00 is relatively a minor matter, it would result in an additional source of noise and disturbance to neighbouring residents on a Saturday, to the detriment of their amenity. Environmental Health consider the waste collections on Saturdays are acceptable but should not commence until 10:00. However, given that waste storage facilities are to the front of the premises on the Liverpool Road commercial street scene and waste collections for the commercial area are more commonplace, this proposed variation is considered acceptable.

8.17 **Condition 14** - *The use of the A4 premises hereby approved shall be restricted to the hours applied for, that is 11:00hrs to 23:00hrs Monday to Friday, 11:00hrs to Midnight on Saturdays, and 12:00noon to 23:00hrs on Sundays and Bank Holidays*

8.18 The proposal variation of condition 14 is to extend hours of operation to 11:00 to 23:15 on Mondays to Thursdays, Sundays and Bank Holidays and 11:00 to 00:15 on Fridays and Saturdays.

8.19 However, it is noted that Condition 14 has previously been varied under application 07/2017/0631/VAR to allow for the sale of non-alcoholic beverages and snacks 9.30am to 11.00am Monday to Saturday 11.00am to 12.00pm Sunday. That proposal related to the morning period only and was considered acceptable and the sales of snacks and beverages was considered to be an ancillary use to the main use as a wine bar.

8.20 Effectively the Lime Bar is currently allowed to operate at the following times:

Monday 9.30am to 23.00

Tuesday 9.30 to 23.00

Wednesday 9.30 to 23.00

Thursday 9.30 to 23.00

Friday 9.30 to 23.00

Saturday 9.30 to midnight

Sunday 11.00am to 23.00

8.21 The proposal now under consideration is to extend the hours of use of the premises by 15 minutes on Monday to Thursday and Sundays and Bank Holidays and by an additional 1 hours 15 minutes on a Friday and by 15 minutes on Saturdays. Environmental Health comment that they have also been consulted on the licence application and are in agreement with the increase in opening hours. However, in planning terms, it is considered the proposed increase in hours of use would result in an exacerbation of the problems currently experienced by neighbouring residents in terms of introducing noise and activity later into the evening. Therefore it is considered that the proposal to vary condition 14 would be contrary to Core Strategy Policy 17.

## **9. Conclusion**

9.1 The proposal for an extension in the hours of opening of the Lime Bar, the hours of use of the external seating area and the introduction of live music are all considered to exacerbate the detrimental impact on the residential amenity of occupants of the neighbouring properties and also on the amenity of the residential area in terms of introducing noise and activity later into the evening. Therefore it is considered that the proposal to amend conditions 8, 9 and 14 would be contrary to Core Strategy Policy 17 and it is recommended that these three conditions remain as previously imposed.

9.2 The introduction of patio heaters to the front of the premises and the introduction of waste collections on Saturdays is not considered to detrimentally impact on residential amenity or the amenity of the area and is commensurate with normal practices within a commercial area. The proposed times are not unduly onerous and therefore variation to conditions 10 and 12 are considered acceptable and accord with Core Strategy Policy 17.

## **9. Recommendation**

9.1 Part Approved/Part Refused

## **10. Conditions**

1. The development hereby permitted began no later than the expiration of three years beginning with the date of planning permission 07/2015/1854/FUL ie 25 February 2016.  
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development has been carried out in accordance with the approved plans Dwg 558-PO1 Rev B Floor Plans: 558-PO2 Rev A Elevations: 558-PO3 Service Delivery Movement or any subsequent amendments to those plans that have been agreed in writing by the Local Planning Authority. An amended site plan 558-P03 Rev C was subsequently agreed under discharge of conditions application 07/2016/0264/DIS and approved by letter dated 17 May 2016.

REASON: For the avoidance of doubt and to ensure a satisfactory standard of development

3. Bat roosting details were submitted under discharge of conditions application 07/2016/0264/DIS and approved by letter dated 17 May 2016.

REASON: To ensure the protection of scheduled species protected by the Wildlife and Countryside Act 1981 in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026

4. Any tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds did not take place during the nesting season, normally between March and August.

REASON: To protect habitats of wildlife in accordance with Policy 22 of the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026

5. Details of the landscaping scheme for the site were submitted under discharge of conditions application 07/2016/0264/DIS and approved by letter dated 17 May 2016. The approved landscaping scheme shall be implemented in the first planting season following completion of the development and shall be maintained at all times thereafter to the satisfaction of the Local Planning Authority. This maintenance shall include the watering, weeding, mulching and adjustment and removal of stakes and support systems, and shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies by the same species. The replacement tree or shrub must be of similar size to that originally planted.

REASON: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy, Policy G13 and Policy G17 in the South Ribble Local Plan 2012-2026

6. The development, including any works of demolition, was subject to a Construction Management Plan which was submitted under discharge of conditions application 07/2016/0264/DIS and approved by letter dated 17 May 2016. The approved Plan shall be adhered to throughout the construction period. The Plan provided for:

- i) the proposed times construction works will take place
- ii) the parking of vehicles of site operatives and visitors
- iii) loading and unloading of plant and materials
- iv) storage of plant and materials used in constructing the development
- v) the location of the site compound
- vi) suitable wheel washing/road sweeping measures
- vii) appropriate measures to control the emission of dust and dirt during construction
- viii) appropriate measures to control the emission of noise during construction
- ix) details of all external lighting to be used during the construction
- x) a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: To safeguard the amenities of neighbouring properties in accordance Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

7. The installation of external fixed mechanical plant, equipment, air conditioning units and/or condenser units or extraction systems were installed on the premises and considered

under planning application 07/2017/2583/FUL. This permission required that the development be carried out fully in accordance with the recommendations of the Noise Impact Assessment of External Chiller and AC Plan by NOVA Acoustics Ltd dated 26/01/2018 and the recommended Mitigation measures at section 5.4.1.1 be installed during the construction phase of the extension and AC enclosure and these measures be retained and maintained at all times thereafter. One month following completion of the development, written confirmation shall be provided to the local planning authority that the attenuation of the building meets the specification laid out in the report.

REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 of the South Ribble Local Plan 2012-2026

8. There shall be no live or recorded entertainment or music played at the premises, either internally or externally. Low level incidental background music is only permissible internally.

REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy

9. The external seating area to be used by patrons of the A4 Unit shall be restricted to the area immediately to the front of the building facing Liverpool Road, as indicated on the approved plan Dwg 558-PO1 Rev A. This area shall only be used between 10:00 hours and 22:00 hours Monday to Saturday and 10:00 hours and 21:00 hours on Sundays and Bank Holidays. At no time shall the garden area to the west fronting Queensway be used by patrons.

REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy

10. There shall be no external floodlighting installed in the outside area without prior consent from the Local Planning Authority.

REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026.

11. Times of deliveries shall be restricted to those detailed in the submitted supporting statement between 09:00hrs and 10:30 hours

REASON: In the interests of residential amenity and highway safety and to be in accordance with Policy G17 in the South Ribble Local Plan 2012-2026

12. There shall be no waste collection between the hours of 19:00hrs and 07:30hrs Monday to Saturday with no waste collection on Sundays or Bank Holidays.

REASON: In the interests of the amenity of nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

13. The use of the A1 premises hereby approved shall be restricted to the hours applied for, that is, 08:30hrs to 18:30hrs Monday to Saturday and 10:00hrs to 17:00hrs on Sundays and Bank Holiday

REASON: In the interests of the amenities of adjoining residents and to accord with Policy 17 in the Central Lancashire Core Strategy

14. The use of the A4 premises hereby approved shall be restricted to the hours of 09:30hrs to 23:00hrs Monday to Friday, 09:30hrs to Midnight on Saturdays, and 11:00hrs to 23:00hrs on Sundays and Bank Holidays

REASON: In the interests of the amenities of adjoining residents and to accord with Policy 17 in the Central Lancashire Core Strategy

15. The level of the new access shall be constructed 0.150m above the carriageway channel line of Liverpool Road.

REASON: To safeguard the future reconstruction of the highway

16. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

REASON: In the interests of highway safety and other highway users in accordance with Policy G17 in the South Ribble Local Plan 2012-2026

17. Tree Protection Measures submitted under discharge of conditions application 07/2016/0264/DIS. Tree protection measures were in place during the development and this was confirmed by the Council's Arboriculturist and this condition was approved by letter dated 30th August 2017.

REASON: To prevent damage to trees during construction works in accordance with Policy G13 in the South Ribble Local Plan 2012-2026

18. Before any site activity (construction or demolition) commenced in association with the development, barrier fencing was erected around all trees to be retained on the site as detailed in the Tree Protection Plan which had been agreed by the Local Planning Authority. The fencing was constructed and located in compliance with BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations. Within these fenced areas no development, vehicle manoeuvring, storage of materials or plant, removal or addition of soil was to take place. This included ground disturbance for utilities. The fencing remained in place until completion of all development works and removal of site vehicles, machinery, and materials in connection with the development. This condition was approved under discharge of conditions application 07/20172162/DIS by letter dated 30 August 2017  
REASON: To prevent damage to trees during construction works in accordance with Policy G13 in the South Ribble Local Plan 2012-2026

19. Prior to the first use of the development, a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Where the Local Planning Authority agrees a timetable for implementation of the Full Travel Plan, the elements are to be implemented in accordance with that timetable unless otherwise agreed in writing with the Local Planning Authority.

REASON: To promote and provide access to sustainable transport options in accordance with Policy 3 in the Central Lancashire Core Strategy.

20. A scheme detailing the boundary treatments of the site was been submitted to and approved in writing by the Local Planning Authority under discharge of conditions application 07/2016/0264/DIS, approved by letter dated 17 May 2016. Any fencing/walling erected pursuant to this condition shall be retained at all times thereafter.

REASON: To ensure the provision and retention of adequate screening in the interest of amenity in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

21. All windows fitted in the side (west) elevation facing Queensway shall be non-opening and retained as such at all times thereafter as per the approved plan DS3764/17 D/01/1 relating to planning permission 07/2017/2163/VAR. Any alterations to the design of the windows or subsequent schemes for replacement windows shall also be approved in writing by the Local Planning Authority.

REASON: To prevent undue noise and disturbance in the interests of the residential amenity of the occupiers of neighbouring residential properties as required by Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

22. Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987 (as amended) Paragraph 3(1) or any provision equivalent to this in any statutory instrument revoking and re-enacting this Order, the use of the proposed Wine Bar shall be restricted to the use applied for and no other use within Class A4 of the Use Classes Order or any other use class shall take place, unless the prior consent of the Local Planning Authority is obtained.

REASON: To enable the Local Planning Authority to retain control over the impact of the development on residential amenity and highway safety in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

**RELEVANT POLICY**

Policy G17: Design Criteria for New Development  
Policy 17: Design of New Buildings (Core Strategy Policy)



**Application Number** 07/2017/3057/HAZ

**Address** 142 Brierley Road  
Walton Summit Industrial Estate  
Bamber Bridge  
Preston  
Lancashire  
PR5 8AH

**Applicant** Evans Vanodine International

**Development** Application for hazardous substance consent for the manufacture, storage and supply of hazardous substances (Detergents/Disinfectants) with the increase in quantities from approved application 07/2015/1825/HAZ

**Officer Recommendation** **Consent Granted**  
**Officer Name** **Mrs Catherine Lewis**

Date application valid 09.10.2017  
Target Determination Date 04.12.2017



## 1.0 Report Summary

1.1 The application is for hazardous substances consent for the storage and use of prescribed substances within land and buildings associated with the company known as Evans Vanodine.

1.2 The company located at Walton Summit specialises in the manufacture and supply of cleaning and hygiene chemicals in particular animal hygiene and industrial cleaning products. Building a reputation based on innovation and commitment to research and development, the company ensures a flow of new and improved formulations.

1.3 First started in Salford in 1919, the company has researched and developed products for both the UK and overseas. Now located on Walton Summit, the company operates from a modern 100,000 square foot factory on a 5 acre site employing 150 people.

1.4 The Planning (Hazardous Substances) Act 1990 provides for Hazardous Substances Consents to be granted provided that the particulars which are being applied for are evidenced and verified by any consultations that the hazardous substances authority (South Ribble Borough Council in this case) deems appropriate.

1.5 The hazardous substances authority has undertaken the required publicity associated with this application and has consulted the HSE. The HSE have responded and raised no objection subject to conditions controlling the location and quantities of some substances. The application for Hazardous Substances Consent is considered to be acceptable and consent should therefore be granted subject to the imposition of conditions.

## **2.0 Site and Surrounding Area**

2.1 The application site is located approximately 2km east of Bamber Bridge within an established industrial estate known as "Walton Summit". To the west and north is the estate road with a pedestrian footpath to the south and industrial units beyond. The nearest building to the application site is located some 8m away on the southern boundary.

2.2 The nearest residential properties are located some 80m away on the northern boundary beyond the railway line and associated landscaping.

2.3 The premises comprise of three buildings housing, liquid production manufacture and filling, packaging warehousing and finished goods warehousing and distribution. The site is subject to Policy E2 Protection of Employment Areas and Sites of the South Ribble Local Plan.

## **3.0 Planning History**

3.1 The application site is located at and established industrial estate.

3.2 07/2015/1825/HAZ Application for hazardous substance consent for the manufacture, storage and supply of hazardous substances (Detergents/Disinfectants). Granted 23 of April 2015.

3.3 07/2017/0013/FUL-Two storey and single storey extension to western elevation together with re-cladding and alterations to fenestration. Increase in on-site parking provision and associated landscaping. Granted February 2017.

## **4.0 Proposal**

4.1 The application is for hazardous substances consent for the storage of prescribed substances (namely category R10: 'Flammable liquids' and R50 & R51/53: 'Dangerous for the Environment') within three external areas of the site and within the two of the buildings.

4.2 An amended application form and plans have been received which reflect the changes required by the Health and Safety Executive. These changes are of a minor nature and there would be no increase in quantities of the substances. The minor changes relate to ensuring that the location of the substances set down on the application form replicates the plans in both location and symbols.

## **5.0 Summary of Publicity**

5.1 A Site Notice have been posted and 25 neighbouring properties consulted with a total of 13 letters being received. The comments are summarised below:

- Concern about the lack of an updated risk assessment given the increase in volume of various materials some of which are no benign
- Inadequate notice of the application- were the ward councillors made aware of the application?
- The application poses an increased risk to the community.
- Lack of an updated Evacuation process- currently there is poor visibility and communication about this aspect and the application should be refused.
- Concern about this type of application and the impact on any of the proposed new housing
- Concern due to the close proximity to residential properties and a large play area.
- Concern about any accident in close proximity to the Motorway network
- Evans Vanodine have had a public meeting but the residents were not invited.
- Some residents have raised concern about the potential discharge from the application site affecting a serious lung complaints and asthma.
- Have the fire and emergency services been consulted and where is the paper work?
- Residents have questioned how a toxic release would be managed.
- Concerned about the high handed attitude adopted by South Ribble regarding consultation.

**5.2 Health and Safety Executive (HSE)** In considering this application for Consent, HSE has made the assumption that the requirements of the Health and Safety at Work etc. Act 1974, and all relevant statutory provisions, will be met at the establishment should Consent be granted. On this basis, The Health and Safety Executive has concluded that the risks to the surrounding population arising from the proposed operations are so small that there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent 07/2015/1825/HAZ. Following further information regarding the recently approved go karting facility they updated their comments to state: Has raised no objection and concluded that “granting planning permission to vary extant Hazardous Substances Consent would lead to a reduction in consented risk at the go karting facility”. Conditions are recommended to control the level of the substances.

**5.3 Fire Safety Officer-** The above application has been inspected and they have no representations to make.

**5.4 Environmental Agency-** No comments to make.

**5.5 Architectural Liaison Officer-Crime** – Previously advised that the security of the site is of a high standard with perimeter fencing, alarms and CCTV cameras and that the appropriate security teams have been advised about the application.

**5.6 Environmental Health** - No observations to make.

## **6.0 Policy Background**

National Planning Policy Framework (NPPF)  
Chapter 8: Promoting healthy and safe communities  
Chapter 16 Conserving and enhancing the natural environment

Planning Practice Guidance (PPG)

Central Lancashire Core Strategy  
Policy 9: Economic Growth and Employment  
Policy 10: Employment Premises and Sites- Protects existing employment sites

### **South Ribble Local Plan**

**Policy E2** states that industrial and business premises within the area are essential to its prosperity, with the ability to expand seen as a main component of job retention and creation. This policy supports appropriate expansion or redevelopment of such sites.

### **Policy G17 Design Criteria for New Development**

#### **7.0 Other Material Considerations**

7.1 As part of changes to legislation, Evans Vanodine are required to apply for hazardous substances consent. The Planning (Hazardous Substances) Act 1990 allows for Hazardous Substances Consents to be granted by the hazardous substances authority (South Ribble Borough Council in this case) provided that the particulars which are being applied for are evidenced and verified by the appropriate consultations that are required. South Ribble as the hazardous substances authority (HSA) has undertaken the required publicity associated with this application and has consulted a number of bodies.

7.2 Hazardous substances consent is an important mechanism in the overall control of major hazards as it enables the HSA to consider whether the presence of a significant quantity of a hazardous substance is acceptable in a particular location. The process ensures that hazardous substances can be kept or used in significant amounts only after an assessment of the risk to people and the environment in the surrounding area. The rare occasions when explosions at chemical works have occurred, underline the importance of controlling sites where these substances could be present.

7.3 In assessing whether to grant consent, the responses from the consultees are a material consideration. The Health and Safety Executive HSE is a statutory consultee on applications for hazardous substances consent. Their remit is to consider the hazards and risks which the hazardous substance may present to people in the surrounding area, and take account of existing and potential developments. Their advice is aimed at mitigating the effects of a major accident on the population around a major hazard site.

7.4 The HSE requested some minor amendments with regard to the location of the substances and not the increase in quantities. They further requested more time to consider the application when they were made known about the go karting facility at 148 Brierley Road.

7.5 The HSE has advised that the risks to the surrounding population and this includes the adjacent go karting facility, would be reduced. The previous condition should be re-imposed controlling the concentrate of the hazardous substance known as Formaldehyde together with a further condition controlling the location of the hazardous substances.

7.6 The Fire Authority and Environment Agency have raised no objection, and the Architectural Liaison Officer has previously advised that the site is well secured.

### **8.0 Relationship to Neighbours**

8.1 The application site is located on an established industrial estate and is surrounded by other industrial units. The motorway (M6) separates the nearest residential properties from the development which are located some 117m to the west of the site. To the north of the site are industrial units, the railway line and then residential properties some 119 m away from the site. Given that the consultees have not raised any objections, the site is well run and secure and the consultees have not raised any objections it is considered that the storage of these chemicals in the quantities stated is acceptable.

## **9.0 Other Matters**

9.1 Residents have raised concern about how the application was publicised and that due to the nature of the application more should have been undertaken. Site notices were posted and 23 neighbour properties were notified. It is acknowledged that the most of these are located on the industrial area. However, the general public became aware of the application as part of a consultation process associated with the Emergency Plan Process. The applicant together with the Council's Senior Risk and Insurance Officer have met with local residents to explain the process and to allay any concerns.

The applicant has also offered to show any resident or councillor around the premises and I understand that some people have taken up this offer. No further comments or concerns have been received by neighbours.

The Fire and Police service have been consulted and have raised no concerns.

## **10.0 Conclusion**

10.1 In conclusion, it is recommended that Hazardous Substance Consent should be granted with conditions controlling the location and the storage of the substances and that the hazardous substance Formaldehyde to be used or kept at concentrations below 90%.

## **Recommendation**

Consent Granted subject to the following conditions:

1. The Hazardous Substances shall not be kept or used other than in accordance with the particulars provided in the application, nor outside the areas marked for storage of the substances on the plan which formed part of the application:

Document Ci -0S Map -Substance Location Plan-1:2,500 Scale  
Document Cii- Detailed Substance Location Plan -1:300 Scale.

Reason: To ensure a satisfactory form of development

2. The hazardous substance Formaldehyde shall only be kept or used at concentrations below 90%.

Reason: To ensure a satisfactory form of development.

## **RELEVANT POLICY**

### **NPPF National Planning Policy Framework**

#### **9 Economic Growth and Employment (Core Strategy Policy)**

**10 Employment Premises and Sites (Core Strategy Policy)**

**POLE2 Protection of Employment Areas and Sites**

**POLG17 Design Criteria for New Development**

**Note:**

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# Agenda Item 9

**Application Number** 07/2018/3247/REM

**Address** Land To The North Of  
Altcar Lane  
Leyland  
Lancashire

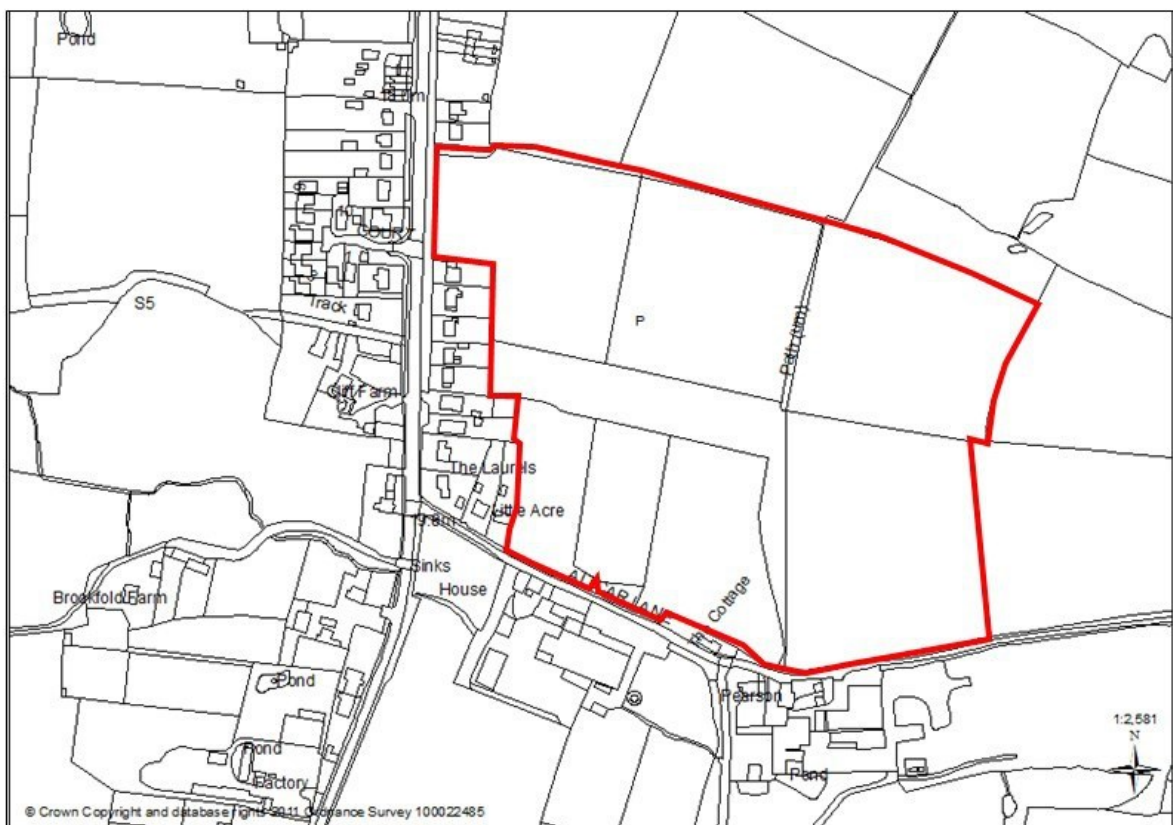
**Applicant Agent** Lovell  
Mrs Rachel McHale

1 Price Street  
Hamilton Square  
Birkenhead  
CH41 6JN

**Development** Application for Reserved Matters for residential development for 200 dwellings (Appearance, Landscaping, Layout and Scale applied for) (Outline 07/2016/0310/OUT)

**Officer Recommendation** **Approval with Conditions**  
**Officer Name** **Mrs Catherine Lewis**

Date application valid 17.05.2018  
Target Determination Date 16.08.2018  
Extension of Time 08.09.2018



## **1.0 Report Summary**

1.1 Outline planning permission was granted for up to 200 dwellings and associated infrastructure following the successful completion of a Section 106 Agreement in February 2017.

1.2 The current application is for 200 dwellings on the whole of the approved outline consent. Matters of layout, scale, appearance and landscaping are being applied for. The details provide for a housing mix of 2, 3, 4, and 5 bed homes including semis, detached and bungalows. 60 units (30%) would be affordable housing and this would comprises 42 units for affordable rent and 18 units for shared ownership. The development meets the aims of Policy 7 Affordable Home of the Central Lancashire Core Strategy.

1.3 The Preston, South Ribble and Lancashire City Deal was the first of 20 second wave City Deals to be agreed and was signed in September 2013. New investment of £434 million will expand transport infrastructure in Preston and South Ribble at an unprecedented rate, driving the creation of some 20,000 new jobs and generating the development of more than 17,000 new homes over the next ten years.

1.4 Key to the success of City Deal is for development sites to come forward to deliver houses which in turn provides funding towards the costs of the infrastructure. The wider Site P at Altcar Lane is one such site. The proposed development would enable the delivery of the site to be accelerated, to provide a significant number of residential dwellings, which will help South Ribble deliver part of its requirement towards the City Deal housing target.

1.5 The applicant has worked proactively with officers and revisions to provide for additional boundary treatment to the southern boundary to address residents concerns have been received. The proposed development would not have an undue impact upon the amenities of neighbouring properties and there would not be any significant highway issues, or amenity implications. The Reserved Matters have been considered in terms of the relevant planning policy and are found to be acceptable. Therefore the application is recommended for approval. Policies 1, 4, 5, 6, 17, 22, 26 and 29 of the Central Lancashire Core Strategy and policies A1, D1, F1, G7, G10, G13, G14, G16 and G17 of the South Ribble Local Plan.

## **2.0 Site and Surrounding Area**

2.1 The application site is located approximately 2.6 km south west of Leyland Railway Station. Approximately 9.4 hectares in size the site comprises several fields which are enclosed with hedgerows and trees. The north and eastern boundaries consist of agricultural land that forms part of a wider housing allocation site. To the west are the rear gardens of the properties on Leyland Lane and the rear and side garden of the property known as Little Acre. Altcar Lane and the property known as "The Cottage" form the southern boundary.

2.2 Two Public Rights of Way (PROW) affect the site:  
PF No. 20 runs in a north-south direction through the central part of the site.  
PF No. 46 runs in a west east direction which is located on the northern boundary of the application site.

## **3.0 Planning History**

3.1 The application site forms part of a larger area known as Site P under Policy D1 in the South Ribble Local Plan.

3.2 A Masterplan has been endorsed by the Planning Committee in March 2016 for up to 600 residential properties which included two access points one to the north to serve the Redrow



Homes development and one to the south off Leyland Lane to serve the Homes and Community Agency (HCA) now known as Homes England (HE).

3.3 Outline planning permission has been granted for the Redrow Homes application for up to 400 dwellings to be served from the northern access point (Ref:07/2016/0591/OUT).

3.4 The reserved matters application has been approved in July 2018 (ref: 07/2018/0301/REM).

3.5 Outline planning permission has also been granted for the Homes England (HE) application for up to 200 dwellings to be served from the south eastern access point (Ref: 2016/0310/OUT) in February 2017. This site is now being developed by Lovells and is the subject of this application.

3.6 The two residential sites would be linked via an internal access road.

#### **4.0 Proposal**

4.1 The proposal is a Reserved Matters application for the erection of 200 dwellings with the matters of Appearance, Layout, and Scale and of the buildings and Landscaping being applied for. The scheme would include internal access roads, areas of Public Open Space and the provision of a locally equipped play area.

4.2 Of the 200 dwellings, 60 units (30%) would be affordable housing and this would comprises 42 units for affordable rent and 18 units for shared ownership. The table below provides the accommodation schedule: A Registered Provider has been identified -Together Housing Group.

<b>Housing</b>	<b>No. Units</b>	
2 bed	40	
3 bed	60	
4 bed	73	
5 bed	27	
<b>TOTAL</b>	<b>200</b>	
<b>Affordable Rent</b>	<b>No. of Units</b>	
2 Bed	30	
3 Bed	12	
<b>Total</b>	<b>42</b>	
<b>Shared Ownership</b>	<b>No. of Units</b>	
2 Bed	6	
3 Bed	12	
<b>Total</b>	<b>18</b>	

#### **5.0 Summary of Supporting Documents**

The applicant has submitted the following supporting documents:

- Design and Access Statement
- Landscaping Plan
- Elevations

- Site Layout
- Landscaping
- Fencing Details
- Street Scene
- Sectional Plans
- Affordable Housing Statement
- Topographical Survey
- Air Quality Assessment

## **6.0 Summary of Publicity**

6.1 Site Notices have been posted and 72 properties have been notified. A total of four letters of representation have been received two from the same property which make the following summarised points:

- Concern about speeding traffic down Leyland Lane.
- There seems little point in objecting to the plans on green fields with no school included but please ensure that the right steps to mitigate the worst of the likely road accidents that will occur due to the speeding stretch on Leyland Lane.
- Concern about people following a Sat Nav and the speeding cars down Altcar Lane.
- Two properties have raised concerns about the internal road layout and the impact that this would have on residential properties on Altcar Lane -due to the difference in the levels of the land between the existing Altcar Lane and the proposed development.
- Concern is raised about head lights and the potential to dazzle in to existing windows.
- Concern about children playing due to the land being banked up and children jumping from the higher ground to the lower level.
- There is a need to carry out a party wall survey with regard to the structural integrity of the boundary wall on the northern boundary abutting the field.
- Sleeping policemen have been requested for Altcar Lane.

6.2 Following the receipt of revised plans to address some of the neighbours concerns about aspects of the southern boundary treatment and the impact of the proposed development a further consultation exercise was undertaken. An update will be provided at the meeting if any further representations are made.

## **7.0 Summary of Consultations**

**7.1 LCC Highways:** Raise two concerns about the internal layout: There are a number of raised junction tables the majority of the ones on the proposed spine road are not required. The one adjacent to plot 150 should be retained, however there is a conflict between this table and the driveway of plot 172, which would need to be amended.

The second concern relates to PROW Footpaths 20 and 46 as there is a potential conflict between the shared driveway for plots 92 and 93, Road A and Road G with the Public Rights of Way. Measures are required to facilitate separation. In addition, measures (bollards) need to be introduced at the start and finish points of the footpaths to control unauthorised vehicle use.

The submitted plans indicate that FP46 will terminate adjacent to plot 18, this Public Right of Way currently continues along the Northern boundary of the site and joins up with Public Right of Way 20. Revised plan have been submitted which address these points.

**7.2 Environment Agency:** Previously advised that we are aware that properties on Leyland Lane experienced flooding in December 2015, but they were not subject to fluvial flooding from Shaw Brook. We are aware of surface water drainage issues at the site at this location, however this is a matter for the LLFA as surface water drainage issues for major developments are now under their remit. We would recommend you ensure that the FRA addresses the known surface water flooding issues in this location and with positive drainage, for example, the planning proposals have the opportunity to improve the existing drainage issues experienced by the residents on Leyland Lane. We are happy to work with UU and LCC, but we will still be working within our statutory remit, i.e. in relation to impacts on fluvial/tidal flood risk. If a surface water outfall is proposed into the Main River, for example, we will need to be satisfied that flood risk will not be exacerbated elsewhere before an Environmental Permit will be issued.

**7.3 United Utilities:** Raise no objection and confirm that the Drainage Strategy is acceptable.

**7.4 LCC Local Lead Flooding:** The Lead Local Flood Authority is **not going to comment** about the proposed drainage on this reserved matters application. However, the Lead Local Flood Authority will comment on the surface water drainage on the discharge of conditions planning application no.07/2018/4405/DIS.

**7.5 South Ribble Housing:** The application details provide for 30% affordable housing on the site in line with current policy which equates to 60 units. Of the proposed affordable housing, 70% is to be available for affordable rent and 30% to be available for shared ownership. This provision meets requirements of the Central Lancashire Affordable Housing SPD.

Proposals provide a mixed tenure scheme offering market housing together with affordable rent and affordable home ownership the provision of 2 and 3 bed affordable homes on the site will therefore support the housing need of the borough.

**7.6 South Ribble Environmental Health:** Most of the issues identified have been dealt with at the Outline stage with conditions attached. However, the air quality as part of the application identifies that the development will contribute to additional pollution and highlights suitable mitigation in terms of the production of a travel plan, electric vehicle charging points and cycle storage.

**7.7 South Ribble Neighbourhood Services and Parks:** No comments to make.

**7.8 South Ribble Arboriculturist:** No objection to the development. Recommend a number of precautionary approaches to ensure that the trees are protected during the construction process. Protective fencing for trees should be erected in accordance with BS 5837 2012 using scaffold poles and herras type fencing not rubber feet. Any incursion into the Root Protection Areas should be discussed prior to the incursion with the project arboriculturist and the authority.

Any tree works to allow for either access or development should be completed prior to commencement in accordance with BS 3998 2010. All newly planted trees should have a replacement condition attached for replanting on a like for like basis for a minimum of five years and be planted in accordance with BS 8545 2014.

No machinery, tools and equipment should be stored within the RPA of any trees on site unless approved by the LPA

Given the size of the root protection areas, works will undoubtedly be taking place within the RPAs of certain trees. Where entry permission has been agreed with the LPA a temporary method of root protection is required.

**7.9 Ecology Services:** Most ecological issues were resolved at the outline stage and conditioned accordingly. Additional landscape detail has been provided as part of Reserved Matters which clarifies in part how ecological mitigation will occur on-site. Concern is raised about two aspects: When the updated ecological surveys as required by Condition 11 of the outline application would be undertaken and concern is raised about the loss of 9ha low ecological grassland and associated mitigation.

**7.10 Ramblers:** No comments received

**7.11 Chorley Borough Council:** No objections

## **8.0 Policy Background**

### **i) NPPF Revised Planning Policy Framework**

The overarching aims of the National Planning Policy Framework (NPPF) in one of presumption in favour of sustainable development with three dimensions economic, social and environmental. The Framework recognises that the planning system can contribute to this by providing the supply of housing required to encourage vibrant and healthy communities.

- Chapter 2: Achieving sustainable development
- Chapter 4: Decision-making
- Chapter 5: Delivering sufficient supply of homes
- Chapter 8: Promoting healthy and safe communities
- Chapter 11: Making effective use of land
- Chapter 12: Achieving well-designed places
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment

### **Central Lancashire Core Strategy**

**Policy 1: Locating Growth** focusses growth and investment on well-located brownfield sites, the strategic location of Preston, Key Centres of Chorley and Leyland and other main urban areas in South Ribble.

**Policy 4: Housing Delivery** provides for and manages the delivery of new housing. For South Ribble this amounts to 417 dwellings per year.

**Policy 5: Housing Density** requires the densities of new development to be in keeping with the local area and which have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of the area.

**Policy 6: Housing Quality** seeks to improve the quality of housing by facilitating the greater provision of accessible housing and neighbourhoods and use of higher standards of construction.

**Policy 7: Affordable and Special Needs Housing** seeks to ensure a sufficient provision of affordable and special housing to meet needs through a number of measures.

**Policy 17: Design of New Building** requires new development to take account of the character and appearance of the local area.

**Policy 22: Biodiversity and Geodiversity** aims to conserve, protect and seek opportunities to enhance and manage the biological assets of an area.

**Policy 26: Crime and Community Safety** aims to reduce levels of crime and improve community safety. In relation to residential development, the policy encourages the inclusion of Secured by Design principles.

**Policy 27: Sustainable Resources and New Developments** requires new development to meet Level 4 of the Code for Sustainable Homes.

**Policy 29: Water Management** requires new development to improve water quality, water management and reduce the risk of flooding.

### **Central Lancashire Supplementary Planning Document**

The **Design Guide** SPD sets out the design principles that the Council will employ when considering development proposals.

The **Affordable Housing** SPD provides advice on how the Council's affordable housing policy is implemented and includes guidance on the standards and mechanisms required to deliver a range of affordable housing to meet local needs.

The **Open Space and Playing Pitch** SPD provides advice on how the Council's open space and playing pitch policies are to be implemented.

### **The South Ribble Local 2012-2026 adopted July 2015**

**Policy A1: Developer Contributions** expects new development to contribute to mitigating its impact on infrastructure, services and the environment. Contributions would be secured as a planning obligation through a Section 106 agreement, and through the charging schedule associated with the Community Infrastructure Levy.

**Policy D1: Allocation of Housing Land** allocates land for new housing in order for the Council to meet its targets of 417 new dwellings per year. Under this Policy the site is allocated as Site P which specifies that the site should be developed in a comprehensive manner. A comprehensive development and Masterplan is required and the development would expect to provide land and the delivery of the extension to Worden Park in line with Policy G9. The development would provide for Section 106 or CIL contributions towards local infrastructure schemes.

**Policy G9: Worden Park** requires the delivery of the Worden Park extension as part of the allocated housing site. The Council will work with developers and relevant partners to ensure the delivery of the parks site in line with the delivery of the residential site.

**Policy G10: Green Infrastructure Provision in Residential Developments** requires new residential developments of five dwellings or more to provide sufficient green infrastructure to meet the recreational needs of the development in accordance with the adopted standards.

**Policy G13: Trees, Woodlands and Development** also seeks to protect trees with a presumption in favour of the retention and enhancement of existing trees, woodlands and hedgerow cover on site. Where there is an unavoidable loss of trees on site, replacement trees will be required to be planted on site where appropriate at a rate of two new trees for each tree lost. It requires tree survey information be submitted with all planning applications where trees are present on site and should also include tree protection, mitigation and management measures.

**Policy G16 Biodiversity and Nature Conservation** seeks to protect, conserve and enhance the Biodiversity and ecological network.

**Policy G17: Design Criteria for New Development** seeks to ensure new development does not have a detrimental impact on neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity or use of materials. It also specifies that the layout, design and landscaping of all elements of the development, including internal roads, car parking, footpaths and open spaces are of a high quality and respects the character of the site the local area

At criteria c), Policy G17 development would not prejudice highway safety, pedestrian safety, the free flow of traffic and provides on-site parking spaces as set out in **Policy F1: Parking Standards** and as listed in **Appendix 4**.

Policy G17 requires development to not have a detrimental impact on landscape features such as mature trees and hedgerows. In some circumstances where, on balance, it is considered acceptable to remove one or more of these features, the mitigation measures to replace the features will be required either on or off-site.

### **South Ribble Supplementary Planning Document**

The **Residential Extensions** SPD provides best practice principles when considering residential design.

## **9.0 Material Considerations**

### **9.1 Local Plan Allocation**

9.1.2 The principle of the development has been established through the Masterplan process and the granting of planning permission for Ref: 07/2016/0310/OUT. The application site relates to the southern part of Site P which is in the ownership of the Homes England. The land to the north and east is in different land ownership and an outline planning permission has been granted with Reserved Matters for 232 of the 400 units consented.

9.1.3 This current Reserved Matters application seeks permission for the detailed design of a scheme for 200 dwellings with matters of layout, scale, appearance and landscaping being applied for. These matters are considered in further detail below with reference to the relevant planning policies. In respect of the access, the access to the site has been agreed as part of the Outline stage. Whilst the increase in traffic has been previously analysed the detail in relation to the internal layout has been assessed by County Highways and will be addressed below

9.1.4 The principle of the access points to Site P have been agreed through the Masterplan process. With regard to this application, to serve the southern part of the site, access would be taken from Leyland Lane, through a new junction. The outline consent comprises a modified junction with Leyland Lane.

9.1.5 Residents have raised concerns about the impact that this would have on the exiting vehicular traffic. However, these issues were identified and discussed and the vehicular access for the development has been approved. Therefore, the increase in traffic has been previously addressed, together with the details of the construction from the roundabout to the internal layout. This current application focuses on the internal layout and has been assessed by County Highways as set out below.

### **9.2 Internal Layout**

9.2.1 The Master Plan illustrated the vehicular connection east between this site and wider outline application submitted by Redrow Homes. This demonstrated a loop road between the

proposed Redrow access junction and a separate HE access junction as per the approved Masterplan.

9.2.2 Initially LCC Highways raised concerns about two aspects: the number of raised table junctions within the internal road access and the relationship of the proposed housing to the PROW. Revised plans have been received which address these points and LCC Highways are satisfied and raise no objection.

### **9.3 Parking Arrangements**

9.3.1 The detailed layout provides for garages which have an internal dimensions of at least 3.0m x 6.0m and all parking spaces are 2.4m x 4.8m. LCC Highways has not raised any concerns about the car parking provision and the scheme meets the aims of Policy F1 of the South Ribble Local Plan.

### **9.4 CIL**

9.4.1 Based on the Community Infrastructure Levy charging schedule, the proposed development would be required to pay a net CIL payment (after deductions for the Social Housing element) which will contribute to infrastructure requirements contained within the Regulation 123 list.

### **9.5 Housing**

9.5.1 Policy 7 of the Core Strategy -Affordable Housing states that a target of 30% affordable housing provision is to be sought on new housing schemes on urban sites. Further advice in the Central Lancashire Affordable Housing SPD at paragraph 9 states that “The definition of affordable Housing Affordable is set out in annex 2 of the National Planning Policy Framework. It includes Social Rented, Affordable Rented and Intermediate housing provided to eligible households whose needs are not met by the market.

9.5.2 The Central Lancashire SHMA identifies that there remains a need for affordable housing within the South Ribble area and the Council’s Strategic Housing Framework 2017-20 supports the development of sites offering a mix of homes to meet housing need.

9.5.3 Originally the site had been identified for 20% Starter Homes and 10% other product or 10% commuted sum. However, Central Government has not taken forward Starter Homes as a formal product and following a Deed of Variation to the original Section 106 Agreement the scheme provides for 60 affordable dwellings to be provided on-site.

9.5.4 The Strategic Housing team have advised that of the proposed affordable housing, 70% is to be available for affordable rent and 30% to be available for shared ownership. This provision meets the requirements of the Central Lancashire Affordable Housing SPD. Furthermore, the scheme has in the spirit of integration pepper potted the affordable units within the housing development to create a strong mixed communities.

9.5.5 The development would provide a mixed tenure scheme offering market housing together with affordable rent and affordable home ownership. Proposals for 2 and 3 bedroom affordable homes on the site will therefore support the housing need of the Borough and would be policy compliant.

### **9.6 Character, Design and Appearance**

9.6.1 Policy 17 of the Core Strategy expects new buildings to “*take account of the character and appearance of the local area*” with Policy G17 of the South Ribble Local Plan 2012-2026

requiring development not have a detrimental impact on *“the existing building, neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity, use of materials”*. The application site is located on the edge of the built form of Leyland with access served from Leyland Lane. To the west of the site (Leyland Lane), the area comprises of a mix of housing including bungalows, and detached properties. To the east is farm land with There are sporadic farm buildings on Altcar Lane.

9.6.2 In consideration of the above, the local distinctiveness and character of the local area have been assessed. The applicant has advised that inspiration has been taken from the local context to provide a modern pallet of materials including red brick, and a mix of art stone heads, cills and soldier course for the proposed development. There is a strong mix of housing types and sizes ranging from 2 to 5 beds and 2 and 3 bedroomed bungalows. The houses would vary in height from bungalows to 2.5 storey properties in accordance with the outline consent.

9.6.3 The applicant has advised that all units would have pitched roofs and full gables providing interest in the streetscape and creating aspects and views through the development. The new dwellings would be grouped as detached and semi-detached pairs which reflects the outline consent. All properties would be provided with off street parking. The houses would be constructed in red stock brick multi (two brick types) with artstone heads and cills with smooth red brick soldier heads and cills. Windows and patio doors would be grey uPVC with fascias and soffits in grey with black rain water pipes. These materials are acceptable and would complement the proposed dwellings associated with the Redrow Homes site. Considering the variety of house types present within the locality, the proposed mixture of house types and designs on the site is considered to reflect the character of the surrounding area. Sufficient garden spaces are proposed for the dwellings. It is therefore considered that the proposed development is not considered to result in the overdevelopment of the site. Similar coloured front doors would provide a sense of continuity within the street scene with some properties constructed at 2.5 stories to provide focal points on corners within the site and dual aspects of elevational treatment are utilised. The existing trees and field boundaries have been incorporated to ground the development.

9.6.4 For the above reasons the proposed development is considered to comply with Core Strategy Policy 17 and Policy G17 of the South Ribble Local Plan 2012-2026.

## **9.7 Landscaping**

9.7.1 The site would incorporate 1.027ha of open space (11% of the total site area) which includes the integration of the public footpaths, a local play area drainage mitigation ponds together with a green corridor connecting and utilising the existing hedge boundaries.

9.7.2 Immediately to the north of the application site is the PROW which would remain and be upgraded to provide a multi-purpose link across the site. There are two attenuation ponds within the development which have been incorporated within the Public Open Space with the dwellings orientated to provide natural surveillance. A Village Green has been developed which incorporate the LEAP providing a strong sense of place. The proposed scheme does include corner units which would help to ensure that that Public Open Space is overlooked and framed by the location of the proposed housing.

9.7.3 The main spine road provides the principle circulation link connecting the development to Leyland Lane. Specific tree and buffer planting would frame key corners and junctions. Additional trees would be planted in front gardens which will provide important ecological connectivity. Significant tree and shrub planting is to take place across the site to break up the residential development and ensure strong place making. It is considered that that this aspect is acceptable and supports the aims of Policy G17 criterion (b).



## **9.7 Tree Issues**

9.7.1 The applicant has submitted an Arboricultural Impact Assessment and Method Statement together with drawings relating to Tree Survey and Root Protection Areas and Tree Protection Plans. One of the most important aspects of this site is the contribution that the existing field boundaries and trees make to the site. This contribution includes not just the ecological and biodiversity aspects but the opportunity to incorporate natural features within the proposed settlement pattern. It is acknowledged that there would be the loss of some trees and the partial removal of some of the hedging. The Council's tree officer is satisfied with the proposed works and has recommended stringent conditions to protect the trees and their roots during construction. It is considered that the development strongly supports Policy G17 criterion (e) and Policy G13 criterion (b).

## **9.8 Boundary Treatment**

9.8.1 There are existing established hedgerows and trees around the perimeter of the site and across the site which would be maintained as an ecological corridor. The Boundary treatment would incorporate Close boarded fencing would be utilised to rear back gardens and where rear gardens would back on to a pavement a 1.8m brick wall would be used. These details are acceptable and the use of brick walls as a boundary treatment would provide a strong urban form.

## **9.9. Relationship to Neighbours**

9.9.1 There are no neighbouring residential properties immediately to the north and east of the application site.

9.9.2 The closest residential properties abut the western boundary of the application site and this boundary has a number of trees and hedges which currently provide some screening. The property known as "The Cottage" abuts the site on the southern boundary and would be most affected by the development. The main garden area of The Cottage is orientated so that it appears at the side of the dwelling and sits at a lower level to the existing field. These residents have expressed concern about a number of issues namely, the proposed ground levels immediately to the rear of the property and the impact of the proposed shared driveway and housing on their residential amenities. The applicant has worked proactively with officers and the residents which has led to a number of revisions: The proposed levels of the dwellings have been reduced by between 300-500mm; Plot 146 has been handed to reduce the impact upon the residential amenity in terms of massing; the relative height of the proposed shared drive immediately to the north of the property has been clarified and additional screening in the form of a boundary brick wall and timber panels which would provide privacy and decrease noise and light pollution has been provided. With regard to the structural integrity of the party wall this would be a civil matter and addressed at a later stage in the development.

9.9.3 The property known as Pearson House is located approximately 21m away from the proposed spine road and has raised similar concerns about potential light from cars dazzling into their windows. The applicant has provided a revised plan to provide for a screen to the head of the cul de sac to restrict this aspect. The screen would consist of a tapered brick wall approximately 1m height (max) topped with a conical coping stone which would deter any potential antisocial behaviour. The existing boundary hedge and trees would remain which would ensure the rural nature of Altcar Lane is not compromised.

9.9.4 At the outline stage residents on Leyland Lane raised concerns with regard to the impact of proposed dwellings to the rear of their properties. In particular the existing properties no's 535 to 545 Leyland Lane which are bungalows. The applicant has provided

bungalows to the rear of these properties in line with the outline application. Whilst there would be dormer bungalows to the rear of no's 535, 543 and 545 the dormer would face eastwards and would not overlook the existing rear gardens of the properties on Leyland Lane but would face in to the proposed housing.

9.9.5 A minimum distance of 8m would be present from the rear of the proposed garages of Plot 1 and the side of 535 Leyland Lane which is considered acceptable.

9.9.6 Further the minimum separation distances of all the proposed dwellings to the rear properties on Leyland Lane have been exceeded and therefore there would be no undue overlooking/loss of privacy to any of the existing properties. The design and layout of the scheme has been carefully assessed and the proposed development meets the separation distances as set out with in the Residential Extensions (Supplementary Planning Document).

## **9.10 Phasing and Delivery**

9.10.1 The applicant has advised that the site will be developed within three years of a start on site through the accelerated construction programme associated with Homes England. Conditions on the outline permission have been imposed with regard to the management of the construction process.

## **9.11 Drainage and Ground Levels**

9.11.1 Concerns by residents have been raised in the past in relation to drainage issues. The associated outline planning consent includes planning conditions requiring the agreement of foul and surface water drainage details. The conditions allows the Local Planning authority to retain control over the final drainage details.

9.11.2 The majority of the land is flat/undulating and the applicant has provided site sections together with existing and proposed site levels provided, which are considered acceptable. These details relating to the levels across the site will be considered as part of the discharge of condition application.

## **9.12 Wildlife**

9.12.1 Ecology Services has advised that clarification about the timing of any future surveys is required. This application is however, a Reserved Matters application which provides details on an associated outline planning consent, which is in effect the planning permission. Ecological matters were given consideration as part of the associated outline application and a condition requiring further surveys to be undertaken if the existing ones become outdated exists.

9.12.2 Section 170 NPPF states that the planning system should contribute to and enhance the natural and local environment. It was accepted at outline that the main issues related to the scale of the development, with adequate mitigation for loss of hedgerow, trees and nesting bird habitat possible. The landscape proposals submitted at reserved matters confirm that adequate mitigation is being provided for the latter ie trees, hedgerows and nesting birds. Ecology Services has expressed concern about the loss of 9ha low ecological grassland. As part of the Section 106 associated with the outline permission the applicant is committed to a financial contribution towards the delivery of the extension and low level improvements to Worden Park and therefore this aspect would be addressed.

## **9.14 Preston, South Ribble and Lancashire City Deal.**

9.14.1 The Preston, South Ribble and Lancashire City Deal was the first of 20 second wave City Deals to be agreed and was signed in September 2013. New investment of £434 million will expand transport infrastructure in Preston and South Ribble at an unprecedented rate, driving the creation of some 20,000 new jobs and generating the development of more than 17,000 new homes over the next ten years.

9.14.2 Key to the success of City Deal is for development sites to come forward to deliver houses which in turn provides funding towards the costs of the infrastructure. The wider Site P at Altcar Lane is one such site. The application site would provide a significant number of residential dwellings, which will help South Ribble deliver part of its requirement towards the City Deal housing target.

9.14.3 It is therefore considered that this site would provide much needed new homes and strongly support the commitment of South Ribble to the delivery of the City Deal.

### **9.15 Other matters**

Residents have raised concern that the proposed development does not provide any education facilities. A two form entry primary school is required for the Leyland area as identified through the Community Infrastructure 123 List and this aspect has been addressed through the delivery of a school site as part of the Test Track Masterplan.

Environmental Health have requested a number of conditions most of which have been included on the outline application. A condition with regard to controlling the importation of soil is recommended.

## **10 CONCLUSION**

10.1 The delivery of this site for residential development supports the aims and objectives of the Lancashire, Preston and South Ribble City Deal. The application site forms part of a wider housing site known as Site P under D1 of the adopted South Ribble Local Plan 2015. The application site is a parcel of land that the Council wishes to see come forward for residential development and a Masterplan was endorsed by the Planning Committee in March 2016 which identified two access points for Site P. Planning permission has been granted for outline consent with “access only” applied for and would provide for 200 dwellings. The reserved matters provides for the delivery of these 200 dwellings of which 46 would be affordable units and is therefore policy compliant with regard to this aspect. The applicant has worked proactively with officers to address neighbour concerns and the scheme would make an important contribution to the delivery of a wide range of housing opportunities for South Ribble.

## **RECOMMENDATION**

Approval with Conditions

## **CONDITIONS/REASONS**

1. The development hereby approved shall be begun either before the expiration of 3 years from the date of the outline permission, or before the expiration of 2 years from the date of the permission herein.  
REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990

2. The development hereby permitted shall be carried out in accordance with the approved plans:

Drawing Sheet No 01002 entitled "Altcar Lane Site Boundary Plan"  
Drawing No S14-325 entitled "Altcar Lane Topographical Survey"  
Drawing No. 1801-S1-04 entitled Tree Hedge Removal and TRPA Plan.  
Drawing No S1-05 entitled Proposed Strip Elevations  
Drawing No S1-07 entitled Rev N Proposed Site Layout  
Drawing No S1-020 entitled Proposed Site Layout -Colour  
Drawing No S1-1—Affordable Housing Plan

#### Trees and Landscaping

Drawing No. 1801-EW-11.01 Rev C entitled Proposed Landscape  
Drawing No. 1801-EW-11.02 Rev C entitled Proposed Landscape  
Drawing No. 1801-EW-11.03 Rev C entitled Proposed Landscape  
Drawing No. 1801-EW-11.04 Rev C entitled Proposed Landscape  
Drawing No. 1801-EW-11.05 Rev C entitled Proposed Landscape  
Drawing No. 1801-EW-11.06 Rev C entitled Proposed Landscape  
Drawing No. 1801-EW-11.07 Rev C entitled Proposed Landscape  
Drawing No. 1801-EW-11.08 Rev C entitled Proposed Landscape  
Proposed Planting Schedule Rev A

Drawing No. 1801-EW-12.01 A entitled Proposed External Works  
Drawing No. 1801-EW-12.02 A entitled Proposed External Works  
Drawing No. 1801-EW-12.03 A entitled Proposed External Works  
Drawing No. 1801-EW-12.04 B entitled Proposed External Works  
Drawing No. 1801-EW-12.05 B entitled Proposed External Works  
Drawing No. 1801-EW-12.06 A entitled Proposed External Works  
Drawing No. 1801-EW-12.07 A entitled Proposed External Works  
Drawing No. 1801-EW-12.08 A entitled Proposed External Works  
Drawing No. 1801-EW-12.09 entitled Proposed External Works

#### External Works Details

Drawing No. 1801-EWD-01 entitled 1800mm Close Boarded Timber Fence  
Drawing No. 1801-EWD-02 entitled 1800mm Masonry Wall  
Drawing No 1801-EWD-03 entitled 1100mm Railing  
Drawing No EWD-04 entitled Masonry Pier/Timber Panel Wall  
Drawing No.1801 EWD-05 entitled Low Level Masonry Wall  
Materials Schedule dated August 2018 Rev A

Drawing Number 29111-6012 P5 entitled "Planning Sections J-J K-K and L-L"  
Drawing Number 29111-6008 entitled Planning Sections F-F G-G and H-H.  
Drawing Number 2911-6005 entitled Planning Sections

Drawing No. 29111-615 entitled External Levels Sheet 1 of 4  
Drawing No.29111-616 entitled External Levels Sheet 2 of 4  
Drawing No.29111-617 entitled External Levels Sheet 3 of 4  
Drawing No.29111-618 entitled External Levels Sheet 4 of 4

#### Elevations

Drawing No's  
1009T.120 Rev A  
898T.120 Rev A  
864T.120 Rev A

900T.120 Rev A  
1050T.120 Rev A  
1902T.120.1  
1902.T.120. 2  
2164T.120.1 Rev A  
2164T.120.2 Rev A  
1706T.120.1. Rev A  
1706T.120.2 Rev A  
1439T.120 Rev A  
1207T.120 Rev A  
1252T.120 Rev A  
1468T.120 Rev A  
751T.120 Rev A  
670T.120 Rev

or any subsequent amendments to those plans that have been agreed in writing by the Local Planning Authority.

REASON: For the avoidance of doubt and to ensure a satisfactory standard of development

3. The development shall be carried out in accordance with the approved materials detailed on the approved Drawing: Drawing Number entitled Materials Schedule Rev A dated August 2018 unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure the satisfactory detailed appearance of the development in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

4. Notwithstanding the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent Orders or statutory provisions re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority in consultation with the Highway Authority.

REASON: To safeguard residential amenity and to provide satisfactory off-street parking facilities in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

5. No property shall be occupied or be brought in to use until their respective car parking spaces have been surfaced or paved in accordance with the details shown on the following drawings:

Drawing No. 1801-EW-12.01 A entitled Proposed External Works  
Drawing No. 1801-EW-12.02 A entitled Proposed External Works  
Drawing No. 1801-EW-12.03 A entitled Proposed External Works  
Drawing No. 1801-EW-12.04 B entitled Proposed External Works  
Drawing No. 1801-EW-12.05 B entitled Proposed External Works  
Drawing No. 1801-EW-12.06 A entitled Proposed External Works  
Drawing No. 1801-EW-12.07 A entitled Proposed External Works  
Drawing No. 1801-EW-12.08 A entitled Proposed External Works  
Drawing No. 1801-EW-12.09 entitled Proposed External Works

This area shall be retained at all times thereafter and shall not be used for any purpose other than the parking of vehicles.

Reason : to ensure a satisfactory form of development in accordance with Policy G17 of the South Ribble Local Plan.

6. The approved landscaping scheme, as detailed on Drawings nos:  
Drawing No:

Drawing No. 1801-S1-04 Tree Hedge Removal and TRPA Plan.  
Drawing No. 1801-EW-11.01 Rev C entitled Proposed Landscape  
Drawing No. 1801-EW-11.02 Rev C entitled Proposed Landscape  
Drawing No. 1801-EW-11.03 Rev C entitled Proposed Landscape  
Drawing No. 1801-EW-11.04 Rev C entitled Proposed Landscape  
Drawing No. 1801-EW-11.05 Rev C entitled Proposed Landscape  
Drawing No. 1801-EW-11.06 Rev C entitled Proposed Landscape  
Drawing No. 1801-EW-11.07 Rev C entitled Proposed Landscape  
Drawing No. 1801-EW-11.08 Rev C entitled Proposed Landscape  
Planting Schedule Rev A

Shall be implemented in the first planting season of each completed phase as set out in following completion of the development of each phase or first occupation/use, whichever is the soonest, and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority, in compliance with BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations. This maintenance shall include the watering, weeding, mulching and adjustment and removal of stakes and support systems, and shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies by the same species. The replacement tree or shrub must be of similar size to that originally planted.

REASON: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy, Policy G13 and Policy G17 in the South Ribble Local Plan 2012-2026

7. Prior to the importation of any subsoil and/or topsoil material into the proposed development site, a Desk Study shall be undertaken to assess the suitability of the proposed material to ensure it shall not pose a risk to human health as defined under Part IIA of the Environmental Protection Act 1990. The soil material shall be sampled and analysed by a Competent Person. The details of the sampling regime and analysis shall be submitted to and agreed in writing by the Local Planning Authority prior to the work taking place.

A Verification Report which contains details of sampling methodologies and analysis results and which demonstrates the material does not pose a risk to human health shall be submitted to the Local Planning Authority for approval in writing.

REASON: To protect human health and the environment in the interests of residential amenity in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G14 in the South Ribble Local Plan 2012-2026

## **RELEVANT POLICY**

### **NPPF National Planning Policy Framework**

#### **1 Locating Growth (Core Strategy Policy)**

- 4 Housing Delivery (Core Strategy Policy)**
- 5 Housing Density (Core Strategy Policy)**
- 6 Housing Quality (Core Strategy Policy)**
- 17 Design of New Buildings (Core Strategy Policy)**
- 22 Biodiversity and Geodiversity (Core Strategy Policy)**
- 26 Crime and Community Safety (Core Strategy Policy)**
- 27 Sustainable Resources and New Developments (Core Strategy Policy)**
- 29 Water Management (Core Strategy Policy)**
- POLA1 Policy A1 Developer Contributions**
- POLD1 Allocations of housing land**
- POLD2 Phasing, Delivery and Monitoring**
- POLF1 Car Parking**
- POLG9 Worden Park**
- POLG10 Green Infrastructure Provision in Residential Developments**
- POLG13 Trees, Woodlands and Development**
- POLG16 Biodiversity and Nature Conservation**
- POLG17 Design Criteria for New Development**

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# Agenda Item 10

<b>Application Number</b>	07/2018/0868/VAR
<b>Address</b>	Former Farington Business Park Wheelton Lane Farington Lancashire
<b>Applicant</b>	Rowland Homes and Ainscough Brothers LLP
<b>Agent</b>	Mr Chris Betteridge  Farington House Stanifield Business Park Stanifield Lane Leyland PR25 4UA
<b>Development</b>	Variation of condition 33 (public open space) imposed on planning application 07/2013/0288/FUL (Erection of a Residential development - Part detailed application for 234 dwellings and part Outline application with all matters reserved for approx 234 dwellings with associated ground works, access arrangements and demolition)
<b>Officer Recommendation Officer Name</b>	<b>Approval with Conditions Mr Chris Sowerby</b>
Date application valid	20.02.2018
Target Determination Date	22.05.2018
Extension of Time	



## **1. INTRODUCTION**

1.1 This report should be read in conjunction with the report for Reserved Matters planning application 07/2018/0865/REM which is also on the agenda for this Planning Committee meeting as both applications relate to the same proposed development.

## **2. REPORT SUMMARY**

2.1 In August 2013 a hybrid planning application (part outline application with all matters reserved and part full application) (07/2013/0288/FUL) was approved for up to 468 dwellings on the wider 'Site B'. The planning consent gave permission for 234 dwellings on the southern section (the development nearing completion) with the principle consented for up to 234 dwellings on the northern section.

2.2 Condition 33 of planning permission 07/2013/0288/FUL states:

*"That the proposed site layout to be submitted with the Reserved Matters application on the section of the site subject to outline planning permission shall include areas of public open space totalling no less that 0.95 of a hectare in area. The designated areas of public open space shall remain free from development thereafter.*

**REASON:** *In the interests of residential amenity so as to accord with Quality of Development Policy QD1 in the South Ribble Local Plan."*

2.3 The applicant is seeking to vary this condition in order to reflect the current policy position in relation to public open space provision.

2.4 Condition 33 is proposed to read:

*"That the proposed site layout to be submitted with the Reserved Matters application on the section of the site subject to outline planning permission shall include areas of public open space which meet the minimum amenity greenspace policy standards as set out in adopted South Ribble Local Plan Policy G10 (i.e. 1.33 ha per 1000 population). The designated areas of public open space shall remain free from development thereafter.*

*REASON: In the interests of visual amenity of the area in accordance with Policy 17 of the Core Strategy and Policy G17 of the South Ribble Local Plan 2012-2026.”*

2.5 The applicant’s proposed wording of varied condition 33 sets out the calculation to be applied to generate the on-site public open space requirement but is not explicit in terms of what the requirement is. For the sake of clarity Officers propose that the condition should be amended to state:

*“That the proposed site layout to be submitted with the Reserved Matters application on the section of the site subject to outline planning permission shall include areas of public open space totalling no less than 0.6 of a hectare in area. The designated areas of public open space shall remain free from development thereafter.*

*REASON: In the interests of visual amenity of the area in accordance with Policy 17 of the Core Strategy and Policy G17 of the South Ribble Local Plan 2012-2026.”*

2.6 The proposed variation of condition 33 to reflect the current policy position in relation to public open space provision on the development is acceptable. The application is therefore recommended for approval.

### **3. APPLICATION SITE AND SURROUNDING AREA**

3.1 The application relates to a 6.4 hectare site that forms the northern half of a wider allocated housing site (‘Site B’) under Policy D1 of the South Ribble Local Plan. A development of 234 dwellings is nearing completion on the southern half of ‘Site B’ with access on to Wheelton Lane.

3.2 The site is currently vacant and cleared, having previously been used for a variety of heavy industrial, light industry and storage and distribution purposes. Since being cleared the site was used temporarily by United Utilities as a training centre for operatives working in tunnels but this use has since ceased.

3.3 The site is located within a mixed-use (retail, industrial, commercial and residential) area on the boundary of Leyland and Farington.

3.4 The land is bounded to the north by Carr Lane; to the south by a residential development nearing completion; to the east by another residential development that is currently being constructed and to the west by Wheelton Lane.

### **4. SITE HISTORY**

4.1 In August 2013 a hybrid planning application (part outline application with all matters reserved and part full application) (07/2013/0288/FUL) was approved for up to 468 dwellings on the wider ‘Site B’. The planning consent gave permission for 234 dwellings on the southern section (the development nearing completion) with the principle consented for up to 234 dwellings on the northern section.

4.2 Due to viability issues, largely associated with remediation of significant land contamination, the element of the development granted full planning permission was only able to provide 11% affordable housing. It was agreed at the time that a further viability study would be required as part of the submission of the Reserved Matters application on the northern section of the site (subject to this current application under consideration) to determine the number of affordable units and other contributions that can be provided on the remainder of the site.

4.3 In June 2014 temporary planning permission (07/2014/0141/FUL) was granted for a period of three years for the use of part of the site as a training centre for operatives working in tunnels. This use has however since ceased.

## **5. PROPOSAL**

5.1 Condition 33 of planning permission 07/2013/0288/FUL states:

*“That the proposed site layout to be submitted with the Reserved Matters application on the section of the site subject to outline planning permission shall include areas of public open space totalling no less than 0.95 of a hectare in area. The designated areas of public open space shall remain free from development thereafter.*

*REASON: In the interests of residential amenity so as to accord with Quality of Development Policy QD1 in the South Ribble Local Plan.”*

5.2 The applicant is seeking to vary this condition in order to reflect the current policy position in relation to public open space provision.

5.3 Condition 33 is proposed to read:

*“That the proposed site layout to be submitted with the Reserved Matters application on the section of the site subject to outline planning permission shall include areas of public open space which meet the minimum amenity greenspace policy standards as set out in adopted South Ribble Local Plan Policy G10 (i.e. 1.33 ha per 1000 population). The designated areas of public open space shall remain free from development thereafter.*

*REASON: In the interests of visual amenity of the area in accordance with Policy 17 of the Core Strategy and Policy G17 of the South Ribble Local Plan 2012-2026.”*

5.4 Supporting information submitted with the application states that since the granting of the hybrid consent in 2013, the Council's development plan policies relating to the provision of on-site open space have changed and are set out in the South Ribble Local Plan, adopted July 2015. With the associated Reserved Matters application proposing 199 dwellings on the site Policy G10 'Green Infrastructure Provision in Residential Developments' would require an on-site need for 0.6 hectares of public open space, which is the area that the Reserved Matters application proposes.

## **6. REPRESENTATIONS**

6.1 No letters of representation have been received in relation to the proposed variation of condition 33.

## **7. CONSULTATION REPLIES**

**Planning Policy** have confirmed that the proposed reduction of on-site open space is acceptable and policy compliant.

## **8. MATERIAL CONSIDERATIONS**

8.1 As the application is only for the variation of a condition on the previously approved planning application, the principle of the development and any other matters not relevant to Condition 33 of hybrid planning approval 07/2013/0288/FUL, cannot be reconsidered. The Local Planning Authority can only consider any impact relevant to the variation of Condition 33.

### **8.2 Open Space**

8.2.1 Since the granting of the hybrid planning approval 07/2013/0288/FUL in 2013 the policy requirement in regard to the provision of public open space on this site has changed. Current planning policy, contained within Policy G10 of the South Ribble Local Plan (adopted July 2015), requires 0.6 hectares of public open space for the development. As the associated Reserved Matters application proposes the required 0.6 hectares of public open space within the site the proposal accords with current planning policy requirements. This necessitates the variation of condition 33 of hybrid planning approval 07/2013/0288/FUL.

8.2.2 The applicant's proposed wording of varied condition 33 sets out the calculation to be applied to generate the on-site public open space requirement but is not explicit in terms of what the requirement is. For the sake of clarity Officers propose that the condition should be amended to state:

*"That the proposed site layout to be submitted with the Reserved Matters application on the section of the site subject to outline planning permission shall include areas of public open space totalling no less than 0.6 of a hectare in area. The designated areas of public open space shall remain free from development thereafter."*

*REASON: In the interests of visual amenity of the area in accordance with Policy 17 of the Core Strategy and Policy G17 of the South Ribble Local Plan 2012-2026."*

8.2.3 This proposed variation of condition does not impact upon the Section 106 obligations associated with the hybrid consent which requires a financial contribution of £47,362 to be spent on local open space improvements.

## **9. CONCLUSION**

9.1 The proposed variation of condition 33 to reflect the current policy position in relation to public open space provision on the development is acceptable. The application is therefore recommended for approval.

## **POLICY CONSIDERATIONS**

- 4 Housing Delivery (Core Strategy Policy)
- 5 Housing Density (Core Strategy Policy)
- 6 Housing Quality (Core Strategy Policy)
- 17 Design of New Buildings (Core Strategy Policy)

POLD1 Allocations of housing land

POLF1 Car Parking

POLG10 Green Infrastructure Provision in Residential Developments

POLG17 Design Criteria for New Development

## **RECOMMENDATION**

### **Approval with Conditions**

## **CONDITIONS/REASONS**

1. That the development must be begun not later than the expiration of two years beginning with the date of this permission.

REASON: Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.

2. No development shall commence on the section of the site subject to outline planning permission until details of the Access, Appearance, Landscaping, Layout and Scale, hereinafter called 'the reserved matters', has been obtained from the Local Planning Authority in writing. An application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 5 years from the date of planning permission 07/2013/0288/FUL.

REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. Prior to the commencement of each phase or sub-phase of development, a scheme and programme shall be submitted to, and be approved in writing by the Local Planning Authority, for the timing and phasing of any remediation or construction works on the site. The development shall proceed in accordance with the agreed scheme and programme unless otherwise agreed in writing with the Local Planning Authority.

REASON: To protect the visual amenities of the area in accordance with Policy G17 in the South Ribble Local Plan.

4. Prior to the commencement of each phase or sub phase of development, details of the colour and texture of the facing and roofing materials to be used shall be submitted to and be approved in writing by the Local Planning Authority. Each phase of the development shall proceed in accordance with the approved details. (When brick, tile, slate, etc samples are due for inspection by the Authority, please telephone the relevant planning officer to arrange for the inspection of the samples on site).

REASON: To ensure the satisfactory detailed appearance of the development in accordance with Policy 17 of the Core Strategy and Policy G17 in the South Ribble Local Plan.

5. Prior to the commencement of each phase or sub phase of development, a ground level survey to include existing ground levels and existing and proposed ground and slab levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with this scheme.

REASON: To ensure the satisfactory appearance and drainage of the site and to accord with Policy 17 of the Core Strategy and Policy G17 in the South Ribble Local Plan.

6. A pedestrian footway shall be provided to the site boundary with the adjacent former Roadferry site to the east, in accordance with a scheme to be first agreed with the Local Planning Authority. The footway shall be constructed and available for use before the completion of the construction of all of the dwellings in the phase in which the footway is located and be retained thereafter.

REASON: In the interests of safety and sustainable transport in accordance with Policy G17 in the South Ribble Local Plan.

7. The approved landscaping scheme for Phase 1 shall be implemented in the first planting season following completion of the development or first occupation/use, whichever is the soonest, and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the local planning authority, in compliance with BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations. This maintenance shall include the watering, weeding, mulching and adjustment and removal of stakes and support systems, and shall include the replacement of any tree or shrub which is removed, becomes seriously damaged,

seriously diseased or dies by the same species. The replacement tree or shrub must be of similar size to that originally planted.

REASON: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan

8. The existing trees on site, identified for retention in the Arboricultural Impact Assessment (April 2013) prepared by TEP, shall be protected for the duration of the development, including the erection of protective fencing, in accordance with BS 5837, 1991 "Trees in Relation to Construction". No tree shall be wilfully damaged or destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any tree removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced with trees of such size and species as may be agreed with the Local Planning Authority.

REASON: To safeguard the character and appearance of the development in accordance with Policy G17 in the South Ribble Local Plan.

9. The screen fencing/walling for Phase 1 detailed on the submitted Materials Plan drawing no. 00 04 01, shall be erected prior to the occupation of each respective dwelling and retained thereafter.

REASON: To ensure the provision and retention of adequate screening in the interest of amenity and to accord with Policy 17 of the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan

10. Prior to the commencement of each phase or sub phase of development, full details of any lighting illuminating car parking areas in that phase shall be submitted to and be approved in writing by the Local Planning Authority. The approved lighting shall be installed at the car parking courts prior to the first occupation of the dwellings and be retained thereafter.

REASON: In the interests of the amenity of neighbouring residential properties and in accordance with Policy G17 in the South Ribble Local Plan.

11. A cycle access shall be provided at the site boundary with Northgate in accordance with a scheme to be first agreed in writing with the Local Planning Authority. The cycle access shall be constructed and be made available for use prior to the occupation of the first dwelling in that phase of development on the site and thereafter be retained.

REASON: In the interests of safety and sustainable transport, in accordance with Policy G17 of the South Ribble Local Plan.

12. Prior to the commencement of each phase or sub-phase of development, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:

(a) As the WSPE desk study (ref. no. 36431/001/9866, dated February 2013) has identified potential contamination and ground gases, an updated remediation statement shall be submitted, detailing the recommendations and remedial measures to be implemented within the site.

(b) On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a verification report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.

Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings.

REASON: To ensure that the site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site, and the site cannot be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990, in accordance with Policy 17 of the Central Lancashire Development Plan, Policy G14 in the South Ribble Local Plan, and the National Planning Policy Framework.

13. Prior to the commencement of development on site subject to outline planning permission, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:

(a) the WSPE desk study (ref. no. 3431/002/9918, dated April 2013) has identified potential contamination and ground gases, a detailed site investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part 2A, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied buildings, on services and landscaping schemes, and on wider environmental receptors including ecological systems and property.

The sampling and analytical strategy shall be submitted to and be approved in writing by the LPA prior to the start of the site investigation survey.

(b) A remediation statement, detailing the recommendations and remedial measures to be implemented within the site.

(c) On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a verification report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.

Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings.

REASON: To ensure that the site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site, and the site cannot be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990 in accordance with Policy 17 of the Central Lancashire Development Plan, Policy G14 in the South Ribble Local Plan and the National Planning Policy Framework.

14. Prior to the commencement of each phase or sub-phase of development, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:

A report which provides full details of measures to resist the ingress of ground gases into the development. This should follow best practice industry guidance such as CIRIA Report C665. The approved measures shall be implemented during construction and shall be thereafter retained and maintained for the duration of the approved use. Should further authoritative, robust, scientific information be provided in writing to the LPA that proves there is no gas risk to the proposed development then no further action is necessary.



REASON: To ensure that the site is suitable for its intended end use and development work will not create a potential migration pathway for ground gases into the property, in accordance with Policy 17 of the Central Lancashire Development Plan, Policy G14 in the South Ribble Local Plan, and the National Planning Policy Framework.

15. Once works commence on the site, should site operatives discover any adverse ground conditions and suspect it to be contaminated, they should report this to the Site Manager and the Contaminated Land Officer at South Ribble Borough Council. Works in that location should cease and the problem area roped off. A Competent Person shall be employed to undertake sampling and analysis of the suspected contaminated materials. A report which contains details of sampling methodologies and analysis results, together with remedial methodologies shall be submitted to the Local Planning Authority for approval in writing. The approved remediation scheme shall be implemented prior to further development works taking place and prior to occupation of the development.

Should no adverse ground conditions be encountered during site works and/or development, a verification statement shall be forwarded in writing to the Local Planning Authority prior to occupation of the building(s), which confirms that no adverse ground conditions were found.

REASON: To ensure that the site is suitable for its intended end use and development work will not cause pollution of ground and surface waters both on and off site, in accordance with Policy 17 of the Central Lancashire Development Plan, Policy G14 in the South Ribble Local Plan and the National Planning Policy Framework.

16. Prior to the importation of any subsoil and/or topsoil material into the proposed development site from a new source, information supporting the suitability of the material shall be submitted to the Local Planning Authority for approval in writing.

The information submitted shall include details of the material source, sampling methodologies and analysis results, which demonstrates the material does not pose a risk to human health as defined under Part 2A of the Environmental Protection Act 1990.

REASON: To ensure that the site is suitable for its intended end use and development work will not cause pollution of ground and surface waters both on and off site, in accordance with Policy 17 of the Central Lancashire Development Plan, Policy G14 in the South Ribble Local Plan, and the National Planning Policy Framework.

17. Prior to the commencement of each phase or sub phase of development, including site preparation and further clearance works on site, an Air Quality Assessment (AQA) shall be carried out and submitted for approval to the Local Planning Authority. The AQA shall include, where necessary, mitigation measures in order to address any issues identified in the assessment. The Agreed measures shall then be implemented within a time frame to be agreed with the Local Planning Authority.

REASON: In the interests of the amenity of the nearby residents in accordance with Policies 17 and 28 of the Central Lancashire Core Strategy.

18. Prior to the first occupation of any of the affected dwellings identified in the Hepworth Acoustic Report ref: 21730.01 v1, dated April 2013, (Plots 4-11 and Plots 163-193) details of all acoustic measures to be installed (glazing, ventilation and barriers) shall

be submitted to the Local Planning Authority for approval. The agreed measures shall then be fully implemented during construction.

REASON: In the interests of the amenity of the nearby residents in accordance with Policies 17 and 28 of the Central Lancashire Core Strategy and Policy G17 of the South Ribble Local Plan.

19. Prior to the commencement of each phase or sub-phase of development a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors
- (ii) loading and unloading of plant and materials
- (iii) storage of plant and materials used in constructing the development
- (iv) the location of the site compound
- (v) a scheme for recycling/disposing of waste resulting from demolition and construction works
- (vi) measures to control the emission of dust and dirt during construction
- (vii) a Construction Traffic Management Plan

REASON: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy.

20. Any construction works associated with the development shall not take place except between the hours of:

0800 hrs to 1800 hrs Monday to Friday  
0800 hrs to 1300 hrs on Saturday  
No construction shall take place on Sundays, Bank or Public Holidays.

REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan

21. That prior to the commencement of each phase or sub phase of the development hereby approved a scheme for the disposal of foul and surface water, the provision and implementation of a surface water regulation system and a Sustainable Urban Drainage System (SUDS) shall be submitted to and be approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The strategy shall include details of how the scheme shall be maintained and managed after completion and shall subsequently implemented during construction in accordance with the approved plans.

REASON: To safeguard local watercourses and avoid pollution of the water environment so as to accord with Policy 29 of Core Strategy.

22. Prior to the commencement of each phase or sub phase of development, an operational vehicle wheel washing facility shall be provided in a location(s) on the site to be first agreed with the Local Planning Authority. The Facility shall be provided for the duration of the development for use by drivers of all construction vehicles using the site. The wheel washing facility shall be utilised as necessary to avoid the deposits of mud and / or materials on the public highway.

REASON: - In the interests of highway safety and other highway users in accordance with Policy G17 in the South Ribble Local Plan.

23. Prior to the construction of any dwellings for each phase or sub phase, the associated part of the new estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any built development takes place within the site.

REASON: - To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in accordance with Policy 3 of the Core Strategy.

24. Prior to the commencement of each phase or sub-phase of development a scheme for the construction of traffic calming measures within the development have been submitted to, and approved by the Local Planning Authority in consultation with the Highway Authority. The approved measures shall then be fully implemented within a timeframe to be agreed in writing with the Local Planning Authority.

REASON: In the interests of highway safety and other highway users as required by Policy G17 of the South Ribble Local Plan.

25. That during demolition, site preparation and construction the existing access point to the site from Northgate shall not be used by vehicular traffic, including construction traffic, and prior to the commencement of works on any of the dwellings facing Northgate (Plots 96-110) the existing vehicular access point to the site from Northgate shall be physically and permanently closed and the existing footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads.

REASON: To limit the number of access points to the site and to maintain the proper construction of the highways so as to accord with Policy G17 in the South Ribble Local Plan

26. The level of the new driveways for plots 95 to 110, as shown on drawing no. 00 02 01 (Proposed Site Layout), shall be constructed 0.150m above the carriageway channel line of Northgate.

Reason: To safeguard the future reconstruction of the highway so as to accord with Policy 3 of the Core Strategy.

27. Before the access on Wheelton Lane is used for vehicular purposes a visibility splay measuring 2.4 metres by 59 metres in both directions shall be provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Wheelton Lane, to the satisfaction of the Local Planning Authority. The land within these splays shall be adopted as part of the adopted highway and constructed as footway.

REASON: To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Policy 3 of the Core Strategy and Policy G17 in the South Ribble Local Plan.

28. The car parking and manoeuvring areas as detailed on the approved site layout drawing no. 00 02 01 shall be marked out in accordance with the approved plan, before the first use of the associated dwelling and permanently maintained thereafter.

Reason: To allow for the effective use of the parking areas so as to accord with Policy 3 of the Core Strategy and Policy G17 of the South Ribble Local Plan.

29. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 1995 and the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority in consultation with the Highway Authority.

Reason: To allow for the effective use of the parking areas so as to accord with Policy 3 of the Core Strategy and Policy G17 of the South Ribble Local Plan.

30. Prior to the commencement of each phase or sub-phase of development all the highway works within the adopted highway shall be constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority as part of a section 184 agreement, under the Highways Act 1980.

REASON: In the interests of highway safety and other highway users as required by Policy G17 of the South Ribble Local Plan.

31. Prior to the commencement of each phase or sub-phase of development a scheme for the construction of the site access and any off-site works of highway improvement shall be submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.

Reasons: 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 and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users so as to accord with Policy 3 of the Core Strategy and Policy G17 of the South Ribble Local Plan.

32. Prior to first occupation of any dwelling within any phase of the development hereby approved, a Travel Plan for the relevant phase of development shall be submitted to, and approved in writing, by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan shall be implemented within a timescale set out in the approved plan and will be audited and updated at intervals to be agreed in writing with the Local Planning Authority.

REASON: In order to reduce the number of car trips made to the development and promote alternative methods of travel in accordance with Policy 17 of the Core Strategy and Policy G17 of the South Ribble Local Plan.

33. That the proposed site layout to be submitted with the Reserved Matters application on the section of the site subject to outline planning permission shall include areas of public open space totalling no less than 0.6 of a hectare in area. The designated areas of public open space shall remain free from development thereafter.

REASON: In the interests of visual amenity of the area in accordance with Policy 17 of the Core Strategy and Policy G17 of the South Ribble Local Plan 2012-2026.

34. Prior to the commencement of each phase or sub phase of development, a scheme and programme for the laying out, landscaping, maintenance and retention of any formal or informal public open space within that phase, shall be submitted to the

Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed scheme.

REASON: In the interests of visual amenity of the area in accordance with Policy G17 of the South Ribble Local Plan.

35. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans Dwg WLL LP01 (Location Plan), 01 02 (Proposed Site Layout), 00 03 01 (Proposed Storey Height Plan), 00 04 01 (Proposed Materials Plan), SK-D-001 D (Drainage Strategy Phase 1), PA30/4/PL1 (Dadford), PA30/4/PL2 (Dadford), PA34/4/PL1 (Gosford), PA34/4/PL2 (Gosford), PT310/4/PL1 (Milldale), PT310/4/PL2 (Milldale), PT38/4/PL1 (Patterdale), PT38/4/PL2 (Patterdale), G1089/4/PL1 (Ingleton), G1089/4/PL2 (Ingleton), PD32/4/PL1 (Aldenham), OD32/4/PL2 (Aldenham), PD48/4/PL1 (Bradenham), PD48/4/PL2 (Bradenham), PD49/4/PL1 (Downham), PD49/4/PL2 (Downham), AA23/4/PL1 (AA23), AA23/4/PL2 (AA23), MAN.0098-01 A (Strategic On-Plot Landscape Proposals), MAN.0098-02 A (Details POS Soft Landscape Proposals), MAN.0098-03 B (Hard Landscape Proposals).

REASON: To ensure a satisfactory standard of development in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan

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**Application Number** 07/2018/0865/REM

**Address** Land Off  
Wheelton Lane  
Farington  
Lancashire

**Applicant** Rowland Homes and Ainscough Brothers LLP

**Agent** Mr Chris Betteridge  
  
Farington House  
Stanifield Business Park  
Stanifield Lane  
Leyland  
PR25 4UA

**Development** Reserved Matters application for the erection of  
199 dwellings following outline approval  
07/2013/0288/FUL (Access, appearance,  
landscaping, layout and scale applied for)

**Officer Recommendation** **Approval with Conditions**  
**Officer Name** **Mr Chris Sowerby**

Date application valid 22.02.2018  
Target Determination Date 24.05.2018  
Extension of Time



## **1. INTRODUCTION**

1.1 This report should be read in conjunction with the report for variation of condition application 07/2018/0868/VAR which is also on the agenda for this Planning Committee meeting as both applications relate to the same proposed development.

## **2. REPORT SUMMARY**

2.1 The proposal is a Reserved Matters application for the erection of 199 dwellings on the site, with the matters of 'Access', 'Appearance', 'Landscaping', 'Layout' and 'Scale' being applied for. The principle of a residential development of this section of the site for approximately 234 dwellings has previously been established by the granting of hybrid planning application 07/2013/0288/FUL.

2.2 The application relates to a 6.4 hectare site that forms the northern half of a wider allocated housing site ('Site B') under Policy D1 of the South Ribble Local Plan. A development of 234 dwellings is nearing completion on the southern half of 'Site B' with access on to Wheelton Lane.

2.3 The site is currently vacant and cleared, having previously been used for a variety of heavy industrial, light industry and storage and distribution purposes. The site is located within a mixed-use (retail, industrial, commercial and residential) area on the boundary of Leyland and Farington. The land is bounded to the north by Carr Lane; to the south by a residential development nearing completion; to the east by another residential development that is currently being constructed and to the west by Wheelton Lane.

2.4 The proposed scheme reflects the character and appearance of the existing dwellings on the former Farington Business Parks site and the former Roadferry site, with the proposal not considered to have a detrimental impact on the streetscene or the character of the area.

2.5 County Highways have raised no objections to the proposed development.

2.6 A Viability Assessment has been submitted with the application which concludes that the viability of the development cannot support an affordable housing provision. The application therefore proposes no affordable housing provision (either on-site or by way of a financial contribution to the provision of affordable housing off-site).

2.7 The Council appointed an independent valuer (Keppie Massie) to assess the Viability Assessment commissioned by the applicant. In their response Keppie Massie confirm that the resultant developer profit of 18% is in line with industry standards and represents a reasonable and competitive return and that in this case there are very significant abnormality costs largely relating to land contamination which will result in a cost to the developer in excess of £4 million to remedy.

2.8 Paragraph 016 of the Viability Section of the Planning Practice Guidance (PPG) recognises the need for an uplift (premium) to be added to the existing use value of the site in order to incentivise the landowner to sell for a higher value land use (in this case a residential land use). The PPG however does not stipulate what percentage uplift should be applied and leaves this to the market to dictate.

2.9 There is dispute between Keppie Massie and the applicant's appointed valuer as to whether the price that the applicant is to pay to acquire the site (i.e. the asking price being asked by the landowner) is reasonable. Whilst Keppie Massie have formed a view that they believe the landowner could be willing to accept a lower figure, which would in turn free up some money for the developer to provide 10% affordable housing, it is clear that other alternative methods to assess the financial data confirm the applicant's assertions.

2.10 To proceed to determine this planning application on the basis of the development being able to support an affordable housing contribution (i.e. refusal of this application) would attract significant risks which need to be given consideration in the planning balance.



2.11 Firstly, Keppie Massie acknowledge that there are various alternative approaches that can be used to assess the data which could give rise to a different conclusion and state that any one of these alternative approaches may be preferred by a Planning Inspector should the matter result in an appeal.

2.12 Secondly, Keppie Massie highlight that the new Planning Practice Guidance has not yet been subject to any appeal decisions and confirm therefore that at this stage there is nothing specifically to support the approach used to reach their conclusion.

2.13 Thirdly, the potential implications of refusing the application are highlighted, these being a delay in the commencement of development on the site or the landowner choosing to leave the site vacant until the market allows for the return they are seeking. Both of these scenarios would have implications for the Council's land supply as at the end of 2017/2018 the Council was able to only demonstrate a 5.01 year supply of deliverable housing land which includes this site contributing towards that figure. At a recent Public Inquiry on another housing site within the Borough (Bellway Homes on Brindle Road) the Council argued a higher housing land supply figure which was contested by the appellant's Barrister. Unfortunately until the decision is received from the Planning Inspectorate in relation to this appeal we do not have a definitive answer as to what our current housing land supply figure is.

2.14 The above risks need to form part of the planning balance. For clarity, the profit the applicant would make on the development is not being disputed. Lack of certainty of if Keppie Massie's approach would be supported by the Planning Inspectorate at any subsequent appeal and the real threat of refusing would delay the delivery of housing on the site somewhere between in the short term and indefinitely, which would consequently potentially jeopardise the Council's ability to demonstrate compliance with housing land supply requirements, needs to be afforded significant weight in the planning balance. It should also be noted that whilst not meeting the definition of "affordable housing" some of the proposed housetypes are to be marketed at c. £145,000-£165,000 which would be of interest to first time buyers.

2.15 On balance, it is the view of Officers that securing the delivery of 199 dwellings on the site that would contribute considerably towards the Council's housing land supply outweighs the risk of refusing the application where there is evident uncertainty if the Council's decision would be supported by the Planning Inspector or the site remaining vacant for an undeterminable period of time with the landowner holding out for their desired value of the site.

2.16 The proposed residential development is deemed to be in accordance with Policies 1, 3, 4, 5, 6 and 17 of the Core Strategy and Policies D1, F1, G10 and G17 of the South Ribble Local Plan. For these reasons, and those contained within the report, the application be approved subject to the imposition of conditions.

2.17 The outline permission included conditions relating to external materials, ground levels, external lighting, contaminated land, air quality, the agreement of a Construction Method Statement, hours of construction, drainage, traffic calming measures, parking provision and the submission of a Travel Plan which do not need to be re-imposed as part of the Reserved Matters approval.

### **3. APPLICATION SITE AND SURROUNDING AREA**

3.1 The application relates to a 6.4 hectare site that forms the northern half of a wider allocated housing site ('Site B') under Policy D1 of the South Ribble Local Plan. A development of 234 dwellings is nearing completion on the southern half of 'Site B' with access on to Wheelton Lane.

3.2 The site is currently vacant and cleared, having previously been used for a variety of heavy industrial, light industry and storage and distribution purposes. Since been cleared the site was used temporarily by United Utilities as a training centre for operatives working in tunnels but this use has since ceased.

3.3 The site is located within a mixed-use (retail, industrial, commercial and residential) area on the boundary of Leyland and Farington.

3.4 The land is bounded to the north by Carr Lane; to the south by a residential development nearing completion; to the east by another residential development that is currently being constructed and to the west by Wheelton Lane.

#### **4. SITE HISTORY**

4.1 In August 2013 a hybrid planning application (part outline application with all matters reserved and part full application) (07/2013/0288/FUL) was approved for up to 468 dwellings on the wider 'Site B'. The planning consent gave permission for 234 dwellings on the southern section (the development nearing completion) with the principle consented for up to 234 dwellings on the northern section (subject to this current application under consideration).

4.2 Due to viability issues, largely associated with remediation of significant land contamination, the element of the development granted full planning permission was only able to provide 11% affordable housing. It was agreed at the time that a further viability study would be required as part of the submission of the Reserved Matters application on the northern section of the site (subject to this current application under consideration) to determine the number of affordable units and other contributions that can be provided on the remainder of the site.

4.3 In June 2014 temporary planning permission (07/2014/0141/FUL) was granted for a period of three years for the use of part of the site as a training centre for operatives working in tunnels. This use has however since ceased.

#### **5. PROPOSAL**

5.1 The proposal is a Reserved Matters application for the erection of 199 dwellings on the site, with the matters of 'Access', 'Appearance', 'Landscaping', 'Layout' and 'Scale' being applied for.

5.2 The proposal comprises of 9 two-bed semi-detached and terrace properties, 72 three-bed semi-detached and terrace properties, 42 three-bed detached properties and 76 four-bed detached properties.

5.3 There is a diverse range of house types proposed both in terms of design and scale, with varying relationships.

5.4 In total 0.67 hectares of open space are proposed within the development. This would be split with an area centrally within the site and an area in the north-eastern corner of the site.

5.5 Whilst the associated outline planning consent requires 20% affordable housing to be provided on-site a Market Report and Financial Viability Assessment has been submitted with the application which concludes that the viability of the development cannot support any provision of affordable housing. This is assessed in detail within the 'Affordable Housing and Development Viability' section of this report.

5.6 Amended plans have been submitted in response to issues raised by County Highways relating to off-street parking provision and the provision of adequate turning heads.

#### **6. REPRESENTATIONS**

6.1 As of the 22<sup>nd</sup> August 2 letters of objection have been received in relation to the proposed development. A summary of the points raised follows:

##### **Highway Issues**

- Access on Wheelton Lane unacceptable due to congestion
- Traffic calming measures along Wheelton Lane restrict traffic flow
- Wheelton Lane needs resurfacing
- Pedestrian links through to Northgate would be beneficial

6.2 A further letter of representation has been received which, whilst not objecting to the proposed development, makes the following comments regarding potential improvements that could be made:

- Traffic calming measures along Wheelton Lane could be improved
- Wheelton Lane needs resurfacing
- Additional community facilities needed

## **7. CONSULTATION REPLIES**

**County Highways** raise no objections to the plans as amended, confirming that the site layout is acceptable. The off-street car parking provision for each dwelling meets the adopted standard as set out in Appendix 4 of the South Ribble Local Plan. A condition is recommended relating to the agreement of site access detail. A recommended condition relating to the provision of wheel washing facilities for construction traffic is already on the associated outline planning consent and therefore does not need duplicating.

**Environmental Health** requested the submission of a revised Noise Impact Assessment to take account of consented development on the employment/industrial site to the north. This has since been provided and Environmental Health comment that with the provision of alternative means of ventilation and increased glazing specification on some properties the development is acceptable. The outline permission gave due consideration to, and included conditions relating to, contaminated land and air quality which do not require reconsideration as part of this Reserved Matters application.

The Local Authority's **Arboriculturist** has raised no objections to the proposal.

## **8. MATERIAL CONSIDERATIONS**

8.1 The principle of a residential development of this section of the site for approximately 234 dwellings has previously been established by the granting of hybrid planning application 07/2013/0288/FUL.

### **8.2 Policy Considerations**

#### **i) NPPF**

8.2.1 The revised NPPF promotes a presumption in favour of sustainable development and supports sustainable economic development to deliver, amongst other things, homes.

#### **ii) Core Strategy Policy Considerations**

8.2.2 Policy 1 of the Core Strategy is entitled 'Locating Growth' and encourages the focussing of growth and investment in the Key Service Centres of Chorley and Leyland and the other main urban areas in South Ribble.

8.2.3 Policy 4: Housing Delivery seeks to ensure that sufficient housing land is identified over the 2010-2026 period.

8.2.4 Policy 5 of the Core Strategy covers Housing Density and states:

*"The authorities will secure densities of development which are in keeping with local areas and which will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area, consideration will also be given to making efficient use of land."*

8.2.5 Policy 6 of the Core Strategy covers Housing Quality and aims at improving the quality of housing. This is assessed in the following sections of the report.

8.2.6 Policy 7 of the Core Strategy relates to Affordable Housing and confirms a target of 30% affordable housing for housing developments of 15 dwellings or more.

8.2.7 Policy 17: Design of New Buildings expects the design and new buildings to take account of the character and appearance of the local area and effectively mirrors criterion in the South Ribble Local Plan (2012-2026) Policy G17.

### **iii) Affordable Housing and Development Viability**

8.2.8 Policy 7 of the Core Strategy is entitled 'Affordable Housing' and states that a target of 30% affordable housing provision is to be sought on new housing schemes.

8.2.9 The cost of remediation works as a result of the site's former industrial use resulted in only 20 of the 234 dwellings approved (11.7%) within the first phase of the development being 'affordable housing'. The Section 106 Agreement associated with the development requires a review of the site's ability to deliver affordable housing through a Viability Assessment to be submitted as part of the Reserved Matters application for the second phase of the development (this current application under consideration).

8.2.10 A Viability Assessment has been submitted with the application which concludes that the viability of the development cannot support an affordable housing provision. The application therefore proposes no affordable housing provision (either on-site or by way of a financial contribution to the provision of affordable housing off-site).

8.2.11 Section G of the Central Lancashire adopted Affordable Housing Supplementary Planning Document (SPD) confirms that if it can be demonstrated that if applying the Council's affordable housing provision will make a scheme unviable then the required provision may be relaxed or waived, stating:

*"there will be site-specific circumstances where achievements of the affordable housing proportions set out in the Policy may not be possible.*

*[...] Where a developer or landowner considers that there are significant constraints sufficient to jeopardise or prevent them from meeting the Council's affordable housing policy targets, this will need to be demonstrated by the submission of a suitable financial appraisal, which will be subject to testing by the Local Planning Authority at the developer's expense. The Council will adopt an 'open book' approach to this assessment and the developer/landowner will be expected to provide all relevant financial and other information behind the appraisal to enable the Councils and/or independent valuer on their behalf to assess the nature, extent and impact of the constraints upon the viability of the scheme."*

8.2.12 The revised NPPF notes *"The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case [...]"* (paragraph 57)

8.2.13 The Viability Section of the Planning Practice Guidance has also been updated following the publication of the revised NPPF and states *"Viability assessment is a process of accessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return"* (paragraph 010).

8.2.14 The Council appointed an independent valuer (Keppie Massie) to assess the Viability Assessment commissioned by the applicant. In their response Keppie Massie confirm that the resultant developer profit of 18% is in line with industry standards and represents a reasonable and competitive return. The developer's profit is calculated by deducting the gross development costs (GDC) from the gross development value. The gross development costs (GDC), as well as considering the cost of land acquisition, construction costs and professional fees, includes any abnormal site specific development costs. In this case there are very significant abnormality costs

largely relating to land contamination which will result in a cost to the developer in excess of £4 million to remedy.

8.2.15 Keppie Massie and the applicant's appointed valuer are in agreement on the value to be applied to form the existing use value of site, which generates an existing use value of £2,365,000 (i.e. the price that could be realistically achieved by the landowner if the site was to be sold for industrial and employment uses). Paragraph 016 of the Viability Section of the Planning Practice Guidance (PPG) recognises the need for an uplift (premium) to be added to the existing use value of the site in order to incentivise the landowner to sell for a higher value land use (in this case a residential land use). The PPG however does not stipulate what percentage uplift should be applied and leaves this to the market to dictate.

8.2.16 In arriving at their declared benchmark land value (the value of site with the proposed use prior to cost deductions) of £300,000 per acre (£3,652,000 total) the applicant's valuers have given consideration to the benchmark land values established on Phase 1 of the development (c.£440,000 per acre) and the adjacent former Roadferry site that is being developed by the applicant (£283,499 per acre), together with current market conditions, site abnormalities and the proposed plot density. Once all of the costs are deducted from sales revenue the residual land value (i.e. the sum of money available for the purchase of land) is £264,254 per acre. Given the very significant site abnormality costs the application of this figure would not provide sufficient profit (usually in excess of 20% developer profit) to allow the provision of affordable housing on-site or the payment on monies to the Council in lieu of the provision of affordable housing on-site.

8.2.17 There is however a dispute between Keppie Massie and the applicant's appointed valuer as to whether the price that the applicant is to pay to acquire the site (i.e. the asking price being asked by the landowner) is reasonable. Keppie Massie have prepared a financial appraisal for the development which includes the provision of 10% affordable housing on-site (20 units) at a cost of £617,262 to be deducted off the sale value of the land. This would result in a residual land value of £219,590 per acre (£3,034,738 total), which represents a 28.3% uplift over the existing use land value for the landowner, with nothing being submitted by the applicant to demonstrate that this uplift would not be viewed favourable by the landowner. Whilst Keppie Massie state they believe this approach is justifiable, they however also acknowledge that this is a subjective assessment therefore the actual figure the landowner would be willing to sell the site for could be higher and it is clear that other alternative methods to assess the financial data confirm the applicant's assertions.

8.2.18 To proceed to determine this planning application on the basis of the development being able to support an affordable housing contribution (i.e. refusal of this application) would attract significant risks which need to be given consideration in the planning balance.

8.2.19 Firstly, Keppie Massie acknowledge that there are various alternative approaches that can be used to assess the data which could give rise to a different conclusion and state that any one of these alternative approaches may be preferred by a Planning Inspector should the matter result in an appeal.

8.2.20 Secondly, Keppie Massie highlight that the new PPG has not yet been subject to any appeal decisions and confirm therefore that at this stage there is nothing specifically to support the approach used to reach their conclusion.

8.2.21 Thirdly, the potential implications of refusing the application are highlighted, these being a delay in the commencement of development on the site or the landowner choosing the leave the site vacant until the market allows for the return they are seeking. Both of these scenarios would have implications for the Council's land supply as at the end of 2017/2018 the Council was able to only demonstrate a 5.01 year supply of deliverable housing land which includes this site contributing towards that figure. It is however recognised that the revised NPPF indicates that the housing land supply should not be considered against the minimum annual local housing need figure if the relevant policy has not been reviewed with the formula to be used to form this

calculation due to be reviewed by the Government later this year. At the recent Public Inquiry in relation to Bellway Homes refusal of planning permission on Brindle Road the Council contested using what we believe to be the correct formula the Council would have a housing land supply figure of more than 18 years. The appellant's Barrister however argued that the 5.01 year figure is correct as they believe that a review of the relevant policy has taken place in the form of a Memorandum of Understanding which was signed by the Central Lancashire authorities agreeing to continue to use the requirement of 417 dwellings per annum for South Ribble subject to the outcome of the current review of the Local Plan. Unfortunately until the decision is received from the Planning Inspectorate in relation to this appeal we do not have a definitive answer as to what our current housing land supply figure is.

8.2.22 The above risks need to form part of the planning balance. For clarity, the profit the applicant would make on the development is not being disputed. The point of dispute is whether the price that the applicant is to pay to acquire the site (i.e. the asking price being asked by the landowner) is reasonable. Whilst Keppie Massie have formed a view that they believe the landowner could be willing to accept a lower figure, which would in turn free up some money for the developer to provide 10% affordable housing, it is clear that other alternative approaches to assess the data confirm the applicant's assertions. This lack of certainty if Keppie Massie's approach would be supported by the Planning Inspectorate at any subsequent appeal and the real threat of refusing would delay the delivery of housing on the site somewhere between in the short term and indefinitely, which would consequently potentially jeopardise the Council's ability to demonstrate compliance with housing land supply requirements, needs to be afforded significant weight in the planning balance. It should also be noted that whilst not meeting the definition of "affordable housing" some of the proposed housetypes are to be marketed at c. £145,000-£165,000 which would be of interest to first time buyers.

8.2.23 On balance, it is the view of Officers that securing the delivery of 199 dwellings on the site that would contribute considerably towards the Council's housing land supply outweighs the risk of refusing the application where there is evident uncertainty if the Council's decision would be supported by the Planning Inspector or the site remaining vacant for an undeterminable period of time with the landowner holding out for their desired value of the site.

#### **iv) Open Space**

8.2.24 Please refer to the report for variation of condition application 07/2018/0868/VAR which is also on the agenda for this Planning Committee meeting as the application relates specifically to the provision of on-site public open space.

### **8.3 CIL**

8.3.1 The approval of the associated outline planning permission pre-dated the introduction of the Community Infrastructure Levy charging schedule and, as such, monies would not be required through CIL. The associated hybrid planning application 07/2013/0288/FUL did however secure a contribution of £1.3 million towards local infrastructure improvements.

### **8.4 Character and Design**

8.4.1 Policy 17 of the Core Strategy expects new buildings to "*take account of the character and appearance of the local area*" with Policy G17 of the South Ribble Local Plan requiring development not have a detrimental impact on "*the existing building, neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity, use of materials*". In consideration of the above, the local distinctiveness and character of the local area have been assessed. The surrounding residential development comprises of properties of varying sizes, designs and ages with modern properties to the south on phase one of the former Farington Business Park site and being built to the east on the former Roadferry site with traditional properties present along Wheelton Lane and to the west of Kentmere Avenue, Grasmere Avenue and Windermere Avenue. As a result, the proposed mixture of housetypes and designs on the site is not considered to be out of character with the surrounding area. A condition to require agreement of the proposed sample materials with the Local Planning Authority prior to the commencement of the development will allow the Local Planning Authority to control the

materials to ensure they relate well to local area. Sufficient garden spaces are proposed for the dwellings. The proposed development is not considered to result in the overdevelopment of the site.

8.4.2 For the above reasons the proposed development is considered to comply with Core Strategy Policy 17 and Policy G17 of the South Ribble Local Plan.

### **8.5 Relationship To Neighbours**

8.5.1 A minimum distance of 21m would be present from the rear elevations of proposed dwellings along the southern boundary to the rear elevations of the newly constructed dwellings within phase one to the south.

8.5.2 A minimum distance of 12.5m would be present from the side gables of proposed dwellings along the southern boundary to the rear elevations of the newly constructed dwellings within phase one to the south.

8.5.3 Distances in excess of 30m would be present between the front elevations of the proposed dwelling along the western boundary to the front elevations of existing properties opposite on Wheelton Lane.

8.5.4 Minimum distances of 21m are present between the proposed dwellings along the eastern boundary to the rear elevations dwellings under construction and approved within the former Roadferry site.

8.5.5 The proposed inter-relationships meet the recognised minimum spatial separation standards and will not result in undue overlooking / loss of privacy or overdominance / overshadowing.

### **8.6 Highway Issues**

8.6.1 County Highways have fully assessed the application and have raised no objections to the proposal.

8.6.2 With the exception of 10 dwellings that have driveway access directly onto Carr Lane, the proposed development would be served by a newly created access onto Wheelton Lane. County Highways have confirmed that this is acceptable and all sight line requirements are fully achievable over the applicant's land and/or the existing adopted highway.

8.6.3 An internal road connection is proposed to the phase one development to the south in addition to a pedestrian/cycle link to the residential development on the former Roadferry site to the east, both of which were requirements on the associated planning permissions.

8.6.4 A highways improvement contribution of £25,000 to fund the provision of a cycle path on the east side of Olympian Way to link with the cycle path on Golden Hill Lane and the town centre was secured as part of the associated outline planning consent on the wider site. A financial contribution towards the preparation of a travel plan for the development was also secured as part of the associated planning consent for the wider site.

8.6.5 The off-street car parking provision for each dwelling meets the adopted standard as set out in Appendix 4 of the South Ribble Local Plan.

### **8.7 Tree Issues / Wildlife**

8.7.1 An Ecological Report submitted with the associated outline planning consent on the wider site describes the sites as comprising of *"bare ground and hardstanding with patches of ruderal and scrub vegetation throughout"*. The lack of any significant areas of vegetation means the site provides limited opportunities for wildlife to forage.

8.7.2 The submitted Site Layout Plan shows the retention of mature trees along the western boundary and in the north-western corner of the site. A condition requiring tree protection

measures on trees to be retained was imposed on the associated outline planning consent on the wider site. The Council's Arboriculturist has raised no objections to the proposed development.

## **9. CONCLUSION**

9.1 The proposed residential development comprising of 199 dwellings on the site is considered to be acceptable on the 6.4 hectare site. The proposed development is not considered to result in the overdevelopment of the site and is not considered to be out of character with the streetscene. The proposed development is not considered to have an undue impact on the amenities of neighbouring properties and there are no significant highway safety or amenity implications.

9.2 On balance, it is the view of Officers that securing the delivery of 199 dwellings on the site that would contribute considerably towards the Council's housing land supply outweighs the risk of refusing the application for not providing affordable housing where there is evident uncertainty if the Council's decision would be supported by the Planning Inspector or the site remaining vacant for an undeterminable period of time with the landowner holding out for their desired value of the site.

9.3 The outline permission included conditions relating to external materials, ground levels, external lighting, contaminated land, air quality, the agreement of a Construction Method Statement, hours of construction, drainage, traffic calming measures, parking provision and the submission of a Travel Plan which do not need to be re-imposed as part of the Reserved Matters approval.

9.4 The proposed residential development is deemed to be in accordance with Policies 1, 3, 4, 5, 6 and 17 of the Core Strategy and Policies D1, F1, G10 and G17 of the South Ribble Local Plan. For these reasons, and those contained within the report, the application be approved subject to the imposition of conditions.

## **POLICY CONSIDERATIONS**

- 3 Travel (Core Strategy Policy)
- 4 Housing Delivery (Core Strategy Policy)
- 5 Housing Density (Core Strategy Policy)
- 6 Housing Quality (Core Strategy Policy)
- 17 Design of New Buildings (Core Strategy Policy)
- POLD1 Allocations of housing land
- POLF1 Car Parking
- POLG10 Green Infrastructure Provision in Residential Developments
- POLG17 Design Criteria for New Development

## **RECOMMENDATION**

Approval with Conditions

## **CONDITIONS/REASONS**



1. The development hereby approved shall be begun either before the expiration of 3 years from the date of the outline permission, or before the expiration of 2 years from the date of the permission herein.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990

2. The development shall be carried out in accordance with the approved materials schedule detailed on the approved Drawing no. R082/3 (Materials Schedule Plan) unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure the satisfactory detailed appearance of the development in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026.

3. No property shall be occupied, or be brought into use, until their respective car parking spaces have been surfaced or paved in accordance with a scheme to be approved in writing by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan.

REASON: To allow for the effective use of the parking areas, in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy F1 of the South Ribble Local Plan 2012-2026.

4. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) (Amendment) (No2) (England) Order 2008, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plans shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority in consultation with the Highway Authority.

REASON: - In the interests of highway safety and other highway users in accordance with Policy 3 of the Core Strategy.

5. The development shall be carried out in accordance with the approved Construction Management Plan (ref. Revision B) unless otherwise agreed in writing with the Local Planning Authority.

REASON: To safeguard the amenities of neighbouring properties in accordance Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

6. Prior to the commencement of each phase of development, a scheme and programme for the laying out, landscaping, maintenance and retention of any area of public amenity land within that phase, shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed scheme.

REASON: In the interests of visual amenity of the area in accordance with Policy 17 of the Core Strategy and Policy G17 of the South Ribble Local Plan 2012-2026.

7. The approved landscaping scheme shall be implemented in the first planting season following completion of the development or first occupation/use, whichever is the soonest, and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority, in compliance with BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations. This maintenance shall include the watering, weeding, mulching and adjustment and removal of stakes and support systems, and shall include the replacement of any tree or shrub which is removed,

becomes seriously damaged, seriously diseased or dies by the same species. The replacement tree or shrub must be of similar size to that originally planted.

REASON: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy, Policy G13 and Policy G17 in the South Ribble Local Plan 2012-2026

8. The recommended mitigation measures in relation to noise contained within Hepworth Acoustics report ref. P18-157-R01v3 shall be implemented in full prior to the occupation the relevant property and retained and maintained thereafter.

REASON: To safeguard the amenities of future occupiers in accordance Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

9. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans Dwgs no. R082/1 C (Planning Layout), R090/4 (Fencing Layout), R082/1000 (Location Plan), HT101/P/02 A (Cranbrook), HT105/P/111 D (Burlington), HT132/P/111 (Victoria), HT138/P/113 (Ashgate), HT150/P/02 (Wallace), HT164/P/1 (A2), HT165(H)/P/1-1 (A3), HT166/P/111 (Charleston), P/SG/1 (Single Detached Garage), P/TG/1 (Twin Detached Garage), 5260.01 A (Landscape Proposal) and 5260.02 A (Landscape Proposal).

REASON: To ensure a satisfactory standard of development in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026.