

PLANNING COMMITTEE

THURSDAY, 7TH FEBRUARY, 2019, 6.00 PM

SHIELD ROOM, CIVIC CENTRE, WEST PADDOCK, LEYLAND PR25
1DH

AGENDA

1 Welcome and Introduction

2 Apologies for Absence

3 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 judgement 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 that item.

4 Minutes of the Last Meeting

(Pages 5 - 8)

Held on Wednesday, 9 January 2019, to be signed as a correct record.

5 Appeal Decisions

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

6 07/2018/8132/FUL - Wellington Park, Leyland

(Pages 9 - 30)

Report of the Director of Planning and Property attached.

**7 07/2018/8346/FUL - Meadowcroft Business Park,
Whitestake, Preston**

(Pages 31 - 38)

Report of the Director of Planning and Property attached.

8 07/2018/8493/PIP - 25 Midge Hall Lane, Midge Hall

(Pages 39 - 44)

Report of the Director of Planning and Property attached.

9	07/2018/8583/FUL - Longton Equestrian Centre Report of the Director of Planning and Property attached.	(Pages 45 - 60)
10	07/2018/8717/FUL - New Longton Sports and Social Club Report of the Director of Planning and Property attached.	(Pages 61 - 66)
11	07/2018/9269/HOH - 69 Langdale Road, Leyland Report of the Director of Planning and Property attached.	(Pages 67 - 70)
12	07/2018/9384/FUL - 47 Chapel Brow, Leyland Report of the Director of Planning and Property attached.	(Pages 71 - 78)
13	Variation of S106 Agreement - Land off Croston Road, Leyland Report of the Director of Planning and Property attached.	(Pages 79 - 84)

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 Nelson, Caleb Tomlinson, Graham Walton and Barrie Yates

The minutes of this meeting will be available on the internet at www.southribble.gov.uk

Forthcoming Meetings

6.00 pm Wednesday, 6 March 2019 - 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 be 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, 9 January 2019

MEMBERS PRESENT: Councillors Jon Hesketh (Chair), Rebecca Noblet (Vice-Chair), Renee Blow, Bill Evans, Derek Forrest, Ken Jones, Jim Marsh, Peter Mullineaux, Mike Nelson, Caleb Tomlinson and Graham Walton

OFFICERS: Linda Ashcroft (Planning Assistant), Steven Brown (Assistant Planning Manager (Planning Policy and Technical Support)), Zoe Harding (Planning Policy Officer), Jessica Jarman (Enforcement Officer), Charlotte Lynch (Trainee Governance and Member Services Officer), Heather McManus (Chief Executive), Jonathan Noad (Director of Planning and Property), Debbie Roberts (Planning Officer), Chris Sowerby (Interim Assistant Planning Manager (Development Management)) and Dave Whelan (Legal Services Manager/Interim Monitoring Officer)

OTHER MEMBERS AND OFFICERS: Councillor Clifford Hughes MBE (Cabinet Member (Strategic Planning and Housing)), Councillor Keith Martin, Councillor Margaret Smith (Leader of the Council and Leader of the Conservative Group) and Councillor Phil Smith (Cabinet Member (Regeneration and Leisure))

PUBLIC: 156

85 Welcome and Introduction

The Chair, Councillor Jon Hesketh, welcomed members of the public to the meeting, introduced the committee and explained the roles of its members and the proceedings.

86 Apologies for Absence

Apologies for absence were received from Councillors Mal Donoghue, Mick Higgins, Jacqui Mort and Barrie Yates.

87 Declaration of Interest

None.

88 Minutes of the Last Meeting

RESOLVED: (Unanimously)

That the minutes of the meeting held on 6 December 2018 be signed as a correct record by the Chair.

89 Appeal Decisions

The Director of Planning and Property informed the committee of one appeal that had been approved by the Inspector, relating to Prospect Hill Training Centre, Old Brown Lane, Walton-le-Dale. The information was noted.

90 07/2018/6475/FUL - Daub Hall Lane and Gregson Lane

Speakers: 5 objectors, 5 supporters, and the Agent (Mr Alban Cassidy)

Address: Daub Hall Lane/Gregson Lane, Hoghton

Applicant: Gregson Green Community Initiative

Agent: Mr Alban Cassidy, 7 East Cliff, Preston, PR1 3JE

Development: Residential and community development – erection of 75 dwellings (including 17 affordable units) on land to the west of Daub Hall Lane together with the erection of two storey replacement community centre and associated works following demolition of existing facility at Gregson Lane community centre.

RESOLVED: (Yes: 10 No: 0 Abstain: 1)

That the application be refused for the following reasons:

1. The proposed residential element of the proposal constitutes inappropriate development in an area of Protected Open Land. As such, the proposal is contrary to Policy G4 of the South Ribble Local Plan 2012-2026.
2. The proposed residential element of the proposal would introduce development into open grass fields and would result in unacceptable urbanisation of the area as detrimental to the character, appearance and openness of the Protected Open Land and extended area. As such, the proposal is contrary to Policy G4 of the South Ribble Local Plan 2012-2026.
3. The proposal fails to make adequate provision for affordable housing. This is contrary to Policy 7 of the Central Lancashire Core Strategy, which aims to provide a balanced, mixed and inclusive housing offer that caters for all housing needs. The provision of funding for a community centre at the expense of affordable housing provision has not been justified.
4. The material benefits associated with the proposed community centre do not outweigh the harms identified in Reasons 1, 2, and 3 and do not outweigh the development plan policies identified in those reasons.

91 07/2018/6511/FUL - Conservative Club, Chorley Road, Walton-Le-Dale

Speakers: None

Address: Conservative Club, Chorley Road, Walton-le-Dale, Preston, PR 5 4JA

Applicant: Mr Sean O'Hagan

Development: Change of use from Private Members club (Sui Generis) to drinking establishment (Class A4). Timber cladding, canopy and disabled access ramp to front. Alterations to windows, new door opening and fire escape to rear.

RESOLVED: (Yes: 9 No: 0 Abstain: 2)

That the application be approved with conditions.

92 07/2018/8836/HOH - 18 Paradise Lane, Moss Side, Leyland

Speakers: None

Address: 18 Paradise Lane, Moss Side, Leyland, PR26 7ST

Applicant: Mrs Jenette Hicks

Development: Single storey extensions to the front, side and rear and conversion of existing garage into living accommodation.

RESOLVED: (Yes: 10 No: 0 Abstain: 1)

That the application be approved with conditions.

93 07/2018/4739/FUL - Dunkirk Garage, Dunkirk Lane, Leyland

Speakers: the Applicant (Mr Brendan Mortimer)

Address: Dunkirk Garage, Dunkirk Lane, Moss Side, Leyland, PR26 7SN

Applicant: Mr Brendan Mortimer

Development: Erection of single storey extension and car port to rear of existing garage.

RESOLVED: (Yes: 9 No: 0 Abstain: 2)

1. That the application be approved and;
2. That delegated decision-making power be granted to the Director of Planning and Property in consultation with the Chair and Vice-Chair of the Planning Committee to agree conditions to be imposed.

94 Campus Masterplan Consultation

The Committee considered a report of the Director of Planning and Property which sought approval to undertake a six-week public consultation on the Campus Masterplan.

Speakers: Councillor Phil Smith (Cabinet Member (Regeneration and Leisure)).

RESOLVED: (Yes: 10 No: 0 Abstain: 1)

That a six-week consultation period to be carried out during January to March 2019 be approved.

95 Development Brief - The Warren, Broadfield Drive, Leyland

The Committee considered a report of the Director of Planning and Property which sought approval to progress a Development Brief for the site known as The Warren, Broadfield Drive, Leyland.

Speakers: None.

RESOLVED: (Yes: 10 No: 0 Abstain: 1)

1. That the Development Brief for The Warren, Broadfield Drive, Leyland be endorsed for consultation purposes.
2. That the use of the Draft Development Brief be approved for Development Management purposes in the interim period.

Chair

Date

Agenda Item 6

Application Number 07/2018/8132/FUL

Address Wellington Park
Church Road
Leyland
PR25 3AB

Applicant YourLife Management Services Ltd

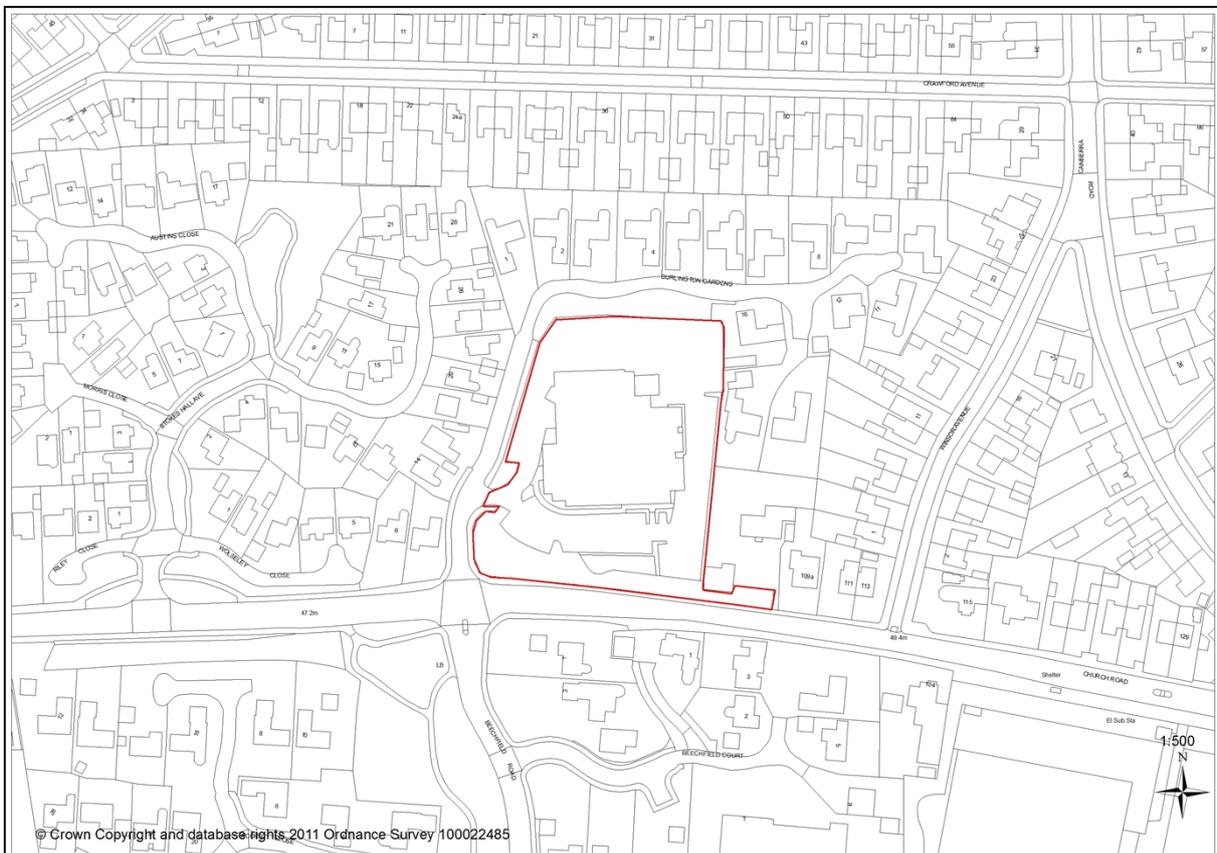
Agent Mr Chris Butt
Unit 3 Edward Court
Altrincham Business Park
Broadheath
Altrincham
WA14 5GL

Development Erection of residential care accommodation for older people (62 Apartments - Class C2) with associated landscaping and car parking following demolition of existing building

Officer Recommendation Approval with conditions

Officer Name Mrs Debbie Roberts

Date application valid 1.11.2018
Target Determination Date 31.01.2018
Extension of Time 12.02.2019



1. Report Summary

1.1. Wellington Park is a rectangular piece of land (approx. 0.7 ha) located on the northern side of Church Road, Leyland; a mixed use area designated under Policy B1 (Existing Built Up Area) of the South Ribble Local Plan. Currently home to an established hotel, conference and event centre up to four storeys high, the site is screened by mature trees and planting, and a high stone wall which spans all but the eastern site boundary

1.2. This application seeks planning permission for erection of retirement living accommodation comprising 62 apartments with communal facilities, landscaping and car parking following demolition of Wellington Park (conference/event venue and hotel). Apartments would be for the over 55 age group, and are for outright sale

1.3. The proposed development is not considered to have an undue impact on the amenity of neighbouring properties, the character and appearance of the area or highways safety and capacity. It is therefore compliant with Local Plan Policy B1.

1.4. Proposed development would not detrimentally affect the amenity or nature conservation value of the site. Although one small tree would be lost, mitigation in the form of well designed, appropriate landscaping and ecological compensation ensures protection of site biodiversity as a whole.

1.5. County Highways have fully assessed the application and have raised no objections to the proposed development, in principle and subject to conditions.

1.6. At the time of writing this report, and following full consultation, 13 letters of representation had been made - 6 in support, 3 objecting to the proposal and 4 simply offering comments. Statutory consultee comments have been addressed either by amendments to the proposal, or by condition. A summary of these is available at sections 6 and 7 (below)

1.7. The application complies with the relevant policies of the National Planning Policy Framework, Central Lancashire Core Strategy and Affordable Housing SPD, South Ribble Local Plan and Residential Extensions Design SPD. It is therefore recommended that the application is approved subject to the imposition of conditions.

2. Application Site and Surrounding Area

2.1. Wellington Park is a rectangular piece of land (approx. 0.7 ha) located on the northern side of Church Road, Leyland; a mixed use area designated under Policy B1 (Existing Built Up Area) of the South Ribble Local Plan.

2.2. The site is accessed from Burlington Gardens whose roadway skirts the eastern and northern boundaries. Views into the site are particularly restricted as the frontage of Church Road is denoted by a 1.5m high stone wall with deep woodland within. Similar but higher walls in traditional red brick run around the rest of the sites edge; these also benefit from mature shrubbery and tree screening. To the centre is a four storey hotel and event venue complex, with a series of two and single storey, disjointed extensions. Surrounding on all sides are large areas of hardstanding and car parking.

2.3. This area of Church Road is characterised by a broad range of predominantly two storey dwellings in a mostly traditional style. To the north are large detached properties addressed onto Burlington Gardens, in the west is the Stokes Hall housing estate, and facing across Church Road in the south is the Mayfield residential estate; each developed in the late 1980's. In the east are no's 14 -16 Burlington Gardens and no: 109 Wellington House; a

bungalow built in 1995. Approximately 300m to the west are both Sandy Lane and Leyland Cross Conservation Areas, and 250m east is Balshaws High School

2.4. Leyland Town Centre is roughly 700m to the north, although the Tesco store development is only 380m west and easily accessed on foot.

3. Site Context / Planning History

3.1. There are around twenty planning applications on the history of this site. Most relate to the previous commercial use and advertisement of the site, but of particular relevance is 07/2002/0299 which was approved for four, three, basement and single storey extensions with ancillary works to form 17 bed hotel. Although the current building has the appearance of three storeys, its roof pitch is such that it is of four storey height

4. Proposal

4.1. The application seeks planning permission for erection of retirement living accommodation comprising 62 apartments (30 x 1 bed/32 x 2 bed), communal facilities, landscaping and car parking following demolition of Wellington Park (conference/event venue and hotel). Apartments would be for the over 55 age group, and are for outright sale rather than rental – the average resident age for similar properties in the applicant's portfolio being 79.

4.2. The applicants statement says that the *'Extra Care concept enables frail elderly residents to buy in care packages to suit their needs as they change overtime, rather than pay fixed costs of a nursing or residential care home with their one for all approach'* This type of development allows occupants to remain within their own homes, whilst receiving tailored care in a first class, enhanced facility. Benefits of this care type include barrier free, fully accessible internal and outside areas, a daily cooked meal for each resident, internal refuge storage, mobility scooter charging and storage rooms and a 24hr on-site security and care presence.

4.3. The proposed Extra Care facility would sit within the C2 use class (provision of residential accommodation and care for people in need of care) which acknowledges a specific need. It would re-use a previously developed town centre site, and may result in release of family sized housing stock to the market. Communal living of this nature also promotes independence, suitable social interaction, and in theory as residents become increasingly dependent on easy to access facilities, the adjacent retail centre should also benefit.

4.4. The proposed scheme would be four storeys in height – although the fourth storey includes only 3 flats, staff space and a small guest suite for occasional rental for visitors by property owners. The ground floor accommodates 16 flats, dining, laundry, internal waste and service space, whilst the middle two floors accommodate 20 and 19 apartments respectively. The site would be accessed from the existing western side gateway with the main entrance door to the 'C' shaped apartment block facing this access. Within the 'C' would be eastward facing, communal, private space for users of the apartments. The unit as a whole would have a maximum footprint of 66m deep x 50m wide, although this would be staggered throughout.

4.5. The roof formation allows for a reduced overall roof height of between 11m and 13m, with eaves to around 8m in comparison with Wellington Parks 14m – 15m maximum roof heights. Some flat walkway sections are present to the roof centre but would be accessed for maintenance only. In the main, higher sections of the proposed block have been located towards the south-west site corner (towards road access) to prevent as far as possible any loss of amenity to neighbouring residents.

4.6. The proposal presents a fluctuating elevational design incorporating gabled sections to all sides; the whole to be constructed in a mix of red brick and pale coloured render, with grey roof tiles, grey UPVC windows, decorative window surrounds and rainwater goods. Some apartments would include Juliet or traditional balconies with glazed handrail protection. This staggered approach to design reflects the existing, organically achieved character of the area.

4.7. The complex would sit 23m back from pavements abutting Church Road, with the building considered to relate well to neighbouring properties whose ridge lines vary between the 6.5m and 8m mark. It should be stressed that the existing building which accommodates a similar footprint already exceeds the height of the proposed unit by between 3m and 5m.

4.8. All areas would be accessible and the facility would employ one person on a full time basis. A number of additional ancillary employment opportunities are also anticipated.

4.9. Existing brick boundary walls would be retained, whilst existing fences would be upgraded to 2m high, feather board fencing. Other than 1 small spruce tree close to the main access, all trees within and surrounding the site would be retained, and protection measures have been detailed as the majority are covered by Tree Preservation Orders 18/1992 and 10/2003. Supplementary internal landscaping of the site is also suggested which takes account of residents needs for enclosed private spaces, but clearly demarcates public and private outdoor areas. In general outside areas have been designed to be visually open but with overall security in mind

4.10. Off road parking provision (36 spaces), vehicular manoeuvring space and a small sub-station have also been identified towards the existing access way. Parking placement should reduce any noise issue to the residents of Burlington Gardens currently associated with more dispersed parking on all sides of the site.

4.11. Surface water and foul drainage would connect to the existing sewer system, but a pre-commencement condition to require specific drainage detail is recommended.

5. Summary of Supporting Documents

5.1. The application is accompanied by the following supporting documents:

- Aquatic Restoration & Vegetation Management report (Ebsford 11.12.18)
- Community Infrastructure Levy liability forms
- Construction Method Statement (McCarthy Stone 29.10.18)
- Crime Impact Assessment (Lancashire Constabulary: 8.11.18)
- Design, Access & Supporting Statement (YourLife: MCK)
- Ecological Assessment (Biocensus V1: June 2018)
- Employment & Skills Assessment
- Extra Care Statement Appendix A
- Housing needs report (Contact Consulting: 22.10.18)
- Materials Schedule (Design & Access Statement Para 7)
- Model planning conditions report (Planning Bureau Ltd)
- Phase 1 desktop study (Arc Environment 18-437: 14.6.18)
- Phase 2 ground investigation report (Arc Environment 18-437: 14.6.18)
- Planning Statement (Planning Bureau: October 2018)
- Statement of community Involvement (BECG: October 18)
- Transport Statement (Transport Planning (York) Ltd: Oct 18)
- Tree and Arboricultural Impact Assessment and Tree Protection Plan (Ian Keen 1057-KC-XX-YTREE Rev A)

Existing Drawings

- Site location plan (MCK NW 2595 03 AC 001)

Proposal Drawings

- Context elevations (MCK: NW-2595-03-AC-006)
- Drainage Layout (Planning Bureau: MCC&S-WP-L-002 Rev A)
- Elevations sheet 1 of 2 (MCK: NW-2595-03-AC-0011)
- Elevations sheet 2 of 2 (MCK: NW-2595-03-AC-0012)
- Floor plans (MCK: NW-2595-03-AC-008 Rev A)
- Front approach (MCK Visual: NW-2595-03-AC-002)
- Proposed site layout plan (MCK: NW-2595-03-AC-007 Rev C)
- Roof plans (MCK: NW-2595-03-AC-010)
- Floor plan (MCK: NW-2595-03-AC-006)
- Landscaping Plan (TPM Landscaping: 3149/01)
- Patio View (MCK Visual: NW-2595-03-AC-005)
- Rear landscaping (MCK Visual: NW-2595-03-AC-003)
- Rear parking (MCK Visual: NW-2595-03-AC-004)
- Topography Survey (Chris Partington: 2618-CP/01)

6. Representations

6.1. Summary of Publicity

6.1.1. A site notice and a newspaper advertisement have been posted, and 69 neighbouring properties consulted. Local Ward Councillors have also been notified.

6.1.2. South Ribble's Statement of Community Involvement requires formal pre-application community consultation for any 'major' proposal. This period of community engagement was undertaken by the applicant, and in summary involved:

- One to one invitations to and meetings with Council officers, residents, interested parties, ward councillors and South Ribble Borough Council cabinet members – 12 residents and two councillors took up the invitation
- A public exhibition attended by members of the applicant's project team. 1038 households received invitations and 38 residents attended – 81% of whom supported the scheme in principle.
- Dedicated website, press release, freepost envelopes and a free-phone helpline

6.1.3. In addition, pre-application advice discussions began in 2018 with this Council, and adjustments have been made in response to comments made by Council officers.

6.2. Letters of Representation

6.2.1. Of the 13 representations received, 3 objected to the proposal, 6 support the scheme and 4 simply make comments. All representation is summarised as follows:

6.2.2. In Support

Site and Surroundings

- Proposal will free up family homes

Highways

- There are considerable traffic flow and on street parking problems which would be eliminated by proposed development

Proposed Development / Design

- Proposal appears attractive in design
- Lack of quality, private housing for retirees

Miscellaneous Comments

- Development should be an asset to the area and is welcomed

6.2.3. In Objection

Highways

- Respondent already experiences overflow car parking from Balshaws School and requests additional car parking on the proposal site
- *'Burlington Gardens will become an overflow car park'*
- Request that a 20mph zone and 'elderly residents crossing' signage are installed from Towngate to Balshaws School – as the route suggested is a 30mph, primary route it is unlikely that LCC as the Highways Authority would reduce speed to 20mph. The applicant however may wish to consider approaching the authority with regards to signage.
- Separate respondents also requested that a mini roundabout is installed on Church Road to control traffic flow, and that pavements are improved to account for the increase in mobility scooter use. Again these issues would be considered by the Highways Authority, and are outside of the remit of this determination.

Design

- Loss of view - respondent was told that development would be two storey, and wishes to chop down his own trees facing the proposal which is now higher than expected. At no point has the development been described as two storey
- Building is inappropriate against *'low rise dwellings'* and *'lacks architectural merit'*
- Existing 3 storey accounts for 13% of the footprint whilst proposed three storey would amount to 90% footprint
- Proposal should be designed with a lower profile

Other/Neutral Comments

- Property aimed at wealthier demographic
- Respondent questions what would happen when residents cannot afford service charge
- *'why lump old people together behind that wall'*
- Respondent questions documentations format, integrity and realism
- Query re applicants statement that inhabitants will be over 80 – the statement suggests this as the average age across the company portfolio, but in line with other developments of this nature in the area a condition to restrict to age 55 or over if approved would be imposed.
- Lack of infrastructure (doctors, dentists etc.) to support future residents
- Local authority building inspectors should accompany approved inspectors if these are used at the applicant's expense – building inspection is an 'all or nothing' situation. If the applicant chooses to commission a private inspection company – and this has been the case on similar developments – the local authority has no jurisdiction on the site, and cannot in any way supervise either the private inspector or the development at hand

7. Summary of Responses

7.1. **Ecology Consultant** – The Councils ecologist has assessed the applicants ecological assessment (Biocensus V1: June 2018) which finds the site to be of low ecological value. There is no evidence of protected or notable species on site and no further assessment is required. An invasive species eradication plan has since been supplied and is considered acceptable. Residual risk relating to bats, nesting birds and loss of biodiversity can be mitigated by condition requiring installation of bat and bird boxes. Standard precautionary

conditions are also recommended. The ecologist confirms that adequate information has been supplied and that there would be no significant ecological issues.

7.2. **Economic Development** confirm that they are comfortable with the initial and post development employment assessment. Although they have requested additional information with regards to employment during construction, the applicant advises that until such time as sub-contractors have been appointed this information is not available.

7.3. **Environmental Health** have assessed the application and recommend a number of conditions regarding site management, lighting and noise, contaminated land and electric vehicle charging points.

7.4. **Lancashire Constabulary** acknowledges that communal buildings can be vulnerable to persistent crime and anti-social behaviour, and that 'tailgating' through access controlled areas is a real risk. For this reason they offer security advice which would be included as an informative note should permission be granted.

7.5. **Lancashire County Council Highways** have no objection to the proposal and are of the opinion that the development would have a negligible impact upon highways safety or capacity. There are no recorded incidents on the five year Personal Injury Accident database within the sites vicinity. In accordance with the Local Plan LCC calculate the parking requirement for this class C2 development as 32 spaces; C2 is the nearest appropriate class for this type of proposal. As such the 36 spaces identified are considered acceptable. LCC had initial concerns as to permeability of the site for pedestrians, but following minor amendments are now satisfied with the situation.

7.6. **Lancashire County Council - Local Lead Flood Authority** initially objected to the proposal, but following detailed discussions, and subject to conditions requiring surface water, Suds and drainage management details prior to commencement on site, have withdrawn their objection.

7.7. **South Ribble Arborist** has no objection to the proposal subject to protection of trees identified for retention.

7.8 **South Ribble Strategic Housing** has no objection to the proposal. South Ribble has an ageing population as identified by ONS population projections with 20.6% of the South Ribble population over the age of 65; this figure is projected to change to 42.6% over the 20 year period to 2034. Housing for older people has been identified as a priority within the South Ribble Housing Framework and is identified as a need within the recently produced Central Lancashire SHMA. Given the C2 classification of this development a contribution towards affordable housing is not required, but a condition to restrict the facility to Class C2 use – specifically as an Extra Care facility is recommended. In line with other developments of this type in this area and adjacent boroughs, a condition to restrict residency to the over 55 age group would be imposed.

7.8. **United Utilities** have no objection subject to pre-commencement conditions detailing sustainable drainage systems and consultation with the Local Lead Flood Authority.

8. Material Considerations

8.1. Site Allocation

8.1.1. The site is designated under Policy B1 of the South Ribble Local Plan as Existing Built Up Area

8.1.2. **Policy B1** allows for redevelopment in allocated areas provided that proposals would comply with local plan requirements relating to access, parking and servicing; would be in keeping with the character and appearance of the area, and would not adversely affect the amenity of nearby residents.

8.2. Policy Background

Additional policy of marked relevance to this proposal is as follows:

8.2.1. *National Planning Policy Framework (2018)*

8.2.1.1. The NPPF at Chapter 2 (Achieving Sustainable Development) states that '*at the heart of the framework is a presumption in favour of sustainable development*'. The NPPF supports sustainable economic growth to deliver, amongst other things, homes, and given the sites location it is the Officer's view that the site is especially sustainable and that the development accords with the overall principles of the NPPF; in particular:

8.2.1.2. **Chapter 5: Delivering a Sufficient Supply of Homes** - to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. Within this context, the size, type and tenure of housing needed for different community groups - including older people, must be taken into account. Chapter 5 also details its requirements for affordable housing provision.

8.2.1.3. **Chapter 12: Achieving Well Designed Places** – the creation of high quality buildings is fundamental to what the planning and development process should achieve; good design being a key aspect of sustainable development.

8.2.1.4. **Chapter 15: Conserving and Enhancing the Natural Environment** – when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity as reflected by Core Strategy Policy 22

8.2.2. *Central Lancashire Core Strategy*

8.2.2.1. Policy MP: states that Councils will take a proactive approach which reflects the NPPF's presumption in favour of sustainable development, and that applications which accord with the policies of the Local Plan will be approved without delay unless material considerations indicate otherwise.

8.2.2.2. **Policy 1: Locating Growth** focusses growth and investment on well-located, brownfield sites within key service and urban areas of the Borough; one of which is Leyland.

8.2.2.3. **Policies 4: Housing Delivery** and **5: Housing Density** provide for, and manage the delivery of new housing, of a density and design which are in keeping with, and will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of the area

8.2.2.4. **Policies 6: Housing Quality** and **27: Sustainable Resources and New Development** both aim to improve the quality of housing by facilitating higher standards of construction, greater accessibility and ensuring that sustainable resources are incorporated into new development.

8.2.2.5. **Policy 7: Affordable Housing** confirms a target of 30% affordable housing for housing developments of 15 dwellings or more.

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

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

8.2.3. *South Ribble Local Plan*

8.2.3.1. In addition to site allocation policies B1 (above), the following are also pertinent:

8.2.3.2. **Policy A1: Developer Contributions** – new development is expected to contribute towards mitigation of impact upon infrastructure, services and the environment, by way of Section 106 agreement and/or CIL contributions.

8.2.3.3. **Policy F1: Parking Standards** requires all development proposals to provide car parking and servicing space in accordance with parking standards adopted by the Council.

8.2.3.4. **Policy G10: Green Infrastructure** states that all new residential development resulting in a net gain of 5 dwellings must provide sufficient green infrastructure to meet the recreational needs of the development, in accordance with specific but flexible standards; effectively mirroring Para 73: of the NPPF

8.2.3.5. **Policy G13: Trees, Woodlands and Development** states that development will not be permitted where it affects protected trees and woodland unless justified. Where loss of the same is unavoidable however this policy accepts suitable mitigation.

8.2.3.6. **Policy G16 –Biodiversity and Nature Conservation** protects, conserves and enhances the natural environment at a level commensurate with the site's importance and the contribution it makes to wider ecological networks.

8.2.3.7. **Policy G17: Design Criteria for New Development** considers design in general terms, and impact of the development upon highways safety, the extended locale and the natural environment.

8.2.3.8. **Chapter J: Tackling Climate Change** looks to reduce energy use and carbon dioxide emissions in new developments; encouraging the use of renewable energy sources.

8.2.4. *South Ribble Residential Design SPD* discusses design in very specific terms. Whilst more attuned to residential extensions this document is also used to assist with the design of new build residential development and with regards to separation with properties beyond the site bounds.

8.2.5. *Central Lancashire Affordable Housing SPD* guides on a range of approaches to deliver affordable housing which meets local needs.

8.2.6. *Central Lancashire Open Space and Playing Pitch SPD* advises on provision and retention of open space in existing and proposed developments

8.2.7. *Central Lancashire Employment Skills SPD* – this document was adopted in September 2017 and as such carries considerable weight in planning decisions. The SPD has been driven by the Councils aspiration to see additional benefits (social value) incorporated into development opportunities; 'social value' in this case being a contribution towards employment and skills enhancement in the Borough.

8.3. Impact of Development on Neighbouring Properties

8.3.1. The South Ribble Residential Design SPD requires that any habitable room shall be more than 13m from any facing blank or gable wall, and that habitable rooms directly facing the same in another property shall enjoy 21m or more spatial separation. These minimum distances prevent any loss of privacy or overlooking to current or future residents.

8.3.2. The proposed western (main) elevation would face the rear elevations of no's 14 – 26 (evens) Stokes Hall Avenue, across Burlington Gardens estate road at between 30m and 45m. These properties benefit from high wall and mature shrubbery screening on both sides of the road, and currently face the higher, four storey high side elevation of the Wellington Park hotel. The apartment block would be between 20m and 26m from its own western boundary; separated by proposed car parking areas

8.3.3. In the north are no's 1 – 6 Burlington Gardens whose front elevations would face the rear of the proposed unit across the estate road at 25m – 30m away. A bank of very high, mature trees screen these properties from the proposal which would be 17m from its own northern boundary. Areas between the apartments and boundary would be landscaped

8.3.4. The 'C' shaped section of the proposal faces properties in the east, although both 'legs' of this elevation remain blank. Detached garages belonging to no's 15 and 16 Burlington Gardens face the northern, two and three storey leg at around 9m away. The properties themselves would face two and three storey sections of this elevation at 12-13m and 19m-20m respectively. Existing walls would be retained to provide some privacy.

8.3.5. Facing the southern, three storey leg would be the side elevation of 109 Church Road (Bungalow) at 23m distance. This properties driveway, side garden and deep shrubbery in addition to Wellington parks own wall provide more than adequate screening. The legs of the eastern elevation would be between 7m and 11m from the eastern site boundary.

8.3.6. Central to the eastern side is the area allocated as communal outside space. To the west of these are apartments and communal internal areas facing the side elevation of no 15 Burlington Gardens at around 30m.

8.3.7. Facing the site across Church Road are the side elevation of Beechfield Road and the rear of Beechfield Court at separation of 43m and 38m respectively. The proposal site would be screened by deep woodland covered by tree protection order, and is separated from Church Road by a small drainage pond

8.3.8. Bedroom windows would be present on all elevations, and to all of the four floors. Existing boundary treatments are to be retained however and offer a well screened situation Top storey windows have also in the main been designed to sit at eaves level rather than higher into the roof plane; thus reducing the need for an excessive roof form. Proposed spatial separation is not dissimilar to that experienced with the current building and on analysis would be acceptable, and new buildings would be lower in height than Wellington Park.

8.3.9. Inter-relationships between existing and proposed properties accord well to the sentiments of the South Ribble Residential Design Guide SPD and on balance, any loss of privacy, general amenity or unacceptable overlooking as a result of this development is expected to be limited.

8.4. Design, Character & Appearance and Five Year Housing Supply

8.4.1. Paragraph 130 of the NPPF states that '*permission should be refused for development of poor design that fails to improve the character and quality of an area and the*

way it functions... Conversely, where the developments design accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development'

8.4.2. Local Plan Policy G17 (Design Criteria for new development) also seeks to ensure new development relates well to neighbouring buildings and the extended locality, that layout, design and landscaping of all elements of the proposal are of a high quality; and that proposals respect local character, reflect local distinctiveness, and offer appropriate levels of parking and servicing space in line with Local Plan Policy F1 (Parking Standards). The Residential Design SPD reflects these sentiments but in a more prescribed manner.

8.4.3. In consideration of the above, local distinctiveness and character of the area have been assessed. This part of Leyland is a relatively traditional locale comprising a mix of 1980/90's and older dwellings in a variety of sizes. The particularly sustainable site is within easy reach of both community and public transport facilities, sits well within its own environment and would retain and augment existing green infrastructure. Overall this scheme would reflect its surroundings and would replace an underused building with something similar in size. Taking account of demographic need, the facility would also provide much needed accommodation for an ageing population – including 16 ground level units.

8.4.4. Assessment of this scheme demonstrates that a development of this size can be accommodated on this site without detriment to the character and appearance of the area through overdevelopment and intensification of the urban fabric.

8.5. Highways Considerations, Suitability of Access and Parking Arrangements

8.5.1. The application is accompanied by Transport Statement (Transport Planning (York): October 18) which concludes that the proposal provides access to a range of sustainable transport options (below), and that it would further the aims of Government's sustainable transport policy by promoting alternative modes of transport. The report expects the proposed development to generate 122 vehicle movements per 12 hour day. See LCC Highways comments in response to this report (above).

8.5.2. *Proposed Parking Provision* – The proposed scheme identifies 36 off road parking spaces, and vehicle manoeuvring space for waste and emergency vehicles. Policy F1 (Parking Standards) of the South Ribble Local Plan requires all development to provide off road parking in accordance with the adopted parking standards of Local Plan Appendix 4. In this case parking provision for the C2 use class averages out at one space per four beds – in total a minimum of 24 spaces. Proposed provision would therefore be more than acceptable.

8.5.3. The applicants Planning Statement (Chapter 1) notes that *'the location of this proposal is within reach of local shops, public transport and other essential services, which would all contribute to the residents maintaining an independent lifestyle. This specialised form of housing generates extremely low levels of traffic; and the convenience of the location close to public transport opportunities would further reduce the need for car use, not least because purchasers of such housing accommodation generally no longer need or wish to have the 'burden' of car ownership'*. The average age of ownership is 79 – hence the Highway Authorities consideration of proposed parking provision under use class C2 (residential/care institution) rather than C3 (residential) where a higher parking standard is required. Arguably, any residential facility made available to the over 55 age group is likely to be occupied by some people of working age – the current retirement age standing at 67 years of age, but a reduction in parking standards is accepted in this case because of the sites close proximity to Leyland Town Centre, public transport options and the Fox Lane/Tesco retail complex.

8.6. Sustainability

8.6.1. In very general terms sustainable developments are easily accessible, contribute to the social and economic values of the area, and protect or support the environment by constructing using sustainable materials and processes. In line with the NPPF(2018) presumption in favour of sustainable development, Chapter 9 also actively promotes the inclusion of sustainable transport in any new development, so as to '*promote walking, cycling and public transport in locations which are or can be made sustainable*' (Para's 102 & 103). As such, the following are also relevant:

8.6.2. *Pedestrians* - The site is within accessible, walking distance of local shops, services and amenities.

8.6.3. *Community Facilities* – There are three GP and four dental surgeries within a one mile radius, and 6 doctors within 2.5 miles of the site. Leyland Town Centre is 700m away but the Tesco store is only 380m to the west. Worden Park is less than a mile away.

8.6.4. *Public Transport/Cycle Routes* – There are bus stops immediately outside of the site, and at regular intervals along Church Road and from Tesco, operating bus routes between Chorley, Leyland, Preston, Clayton Brook and Astley Village in addition to more local areas. The nearest cycle route ends at the nearby school, but there are a number of public rights of way within easy reach of the site. Leyland railway station is a 5 minute drive away,

8.6.5. From a sustainability transport perspective the proposal site is considered more than acceptable.

8.7. Natural Environment, Ecology and Ground Conditions

8.7.1. The application is accompanied by an ecological assessment (Biocensus V1: June - 2018) and Tree Survey/Impact Assessment (Keen: 1057-KC-CC-YTREE (Rev A))

8.7.2. *Trees* – The tree survey recommends removal of one tree – a small spruce within a flower bed which would be lost to development. All other trees on site are to be retained and would be subject to appropriate protection should permission be granted. The Councils Arboriculturalist comments in response to this report are detailed above.

8.7.3. *Ecology* –The site does not contain any protected species, or habitats of national or local importance, and apart from peripheral woodland is of limited value to wildlife. The report affirms that measures to augment site biodiversity could include suitable landscaping and additional enhancement measures; several of which have been suggested. Conditions to this effect have been included.

8.7.4. *Contaminated Land* – Phase 1 & 2 land studies (Arc Env 18-437-14.6.18) note that the site is of low risk to end users. A precautionary condition should contamination be found is felt appropriate.

8.8. Employment, Construction & Flood Risk Standards

8.8.1. One of the objectives of modern construction is to reduce energy use and carbon dioxide emissions in new developments; encouraging the use of renewable energy sources whilst improving the quality of housing by facilitating higher standards of construction. Conditions to ensure appropriate construction standards are considered appropriate.

8.8.2. The applicants Design, Access and Sustainability Statement (Chapter 10) also considers sustainable construction in detail.

8.8.3. Drainage proposals and potential flood risk have been assessed by the Local Lead Flood Risk Authority and United Utilities whose comments are noted above.

8.8.4. The applicant has submitted an Employment Skills Assessment which states that the development would utilise 60 local companies, and create one full time manager position and a range of part time posts (approx. 17 full time equivalent – gardeners, caretakers, cleaners etc.). The assessment has been considered by the Councils Economic Development team who is satisfied that post construction local employment opportunities will exist. The applicant however has little control over sub-contractor workforces used during construction.

8.9. Affordable Housing

8.9.1. Local Plan Policy A1 (Developer Contributions) expects most new development to contribute towards mitigation against impact on infrastructure, services and the environment. Contributions where appropriate would be secured through planning obligations (Section 106 agreement) and/or Community Infrastructure Levy.

8.9.2. *Affordable Housing* - Core Strategy Policy 7 (Affordable and Special Needs Housing) requires market housing developments resulting in a net gain of more than 14 units to provide an affordable housing contribution of 30% in urban areas. The applicant affirms that the proposed scheme, whilst to be sold on the open market, constitutes 'special needs housing' given the nature of the development and specialist features to be included specifically for elderly residents. This view was supported by independent Barrister advice sought by the Council during an early, but almost replicate scheme in Penwortham (Cop Lane 2017).

8.9.3. 'Special needs housing' does not attract the rigid 30% affordable housing contribution that market housing does, with Policy 7 of the Core Strategy instead confirming that for special needs housing a *'proportion of these properties will be sought to be affordable subject to such site and development considerations as financial viability and contributions to community services'*. Changes to the NPPF in July 2018 contradict this stance by stating that *'where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership'*, yet identifies a number of exemptions; one of which is *'specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students)'*. For this reason, an affordable housing contribution – either on site or a financial payment towards provision elsewhere – cannot be requested.

8.9.4. *Community Infrastructure Levy* – whilst CIL is payable on most approved properties, it is not payable on apartments. As such CIL is not required from this development.

8.9.5. *Public Open Space* – All new residential developments will be required to contribute towards open space and playing pitch provision with certain exceptions – one of which is sheltered accommodation. Although this proposal is not sheltered in the truest sense of the word, it would provide protected residential accommodation for an elderly demographic. For this reason, and subject to the aforementioned age related condition it is considered that a public open space contribution should not be sought. This is in line with the approach of neighbouring authorities.

9. Conclusion

9.1 The proposed development would not impact unduly upon the amenity of neighbouring properties, the character and appearance of the area or highways safety and capacity. It therefore appears to be compliant with Local Plan Policy B1.

9.2 It is also considered that proposed development would not detrimentally affect the amenity or nature conservation value of the site. Although the loss of one small tree is inevitable, mitigation in the form of well designed, appropriate landscaping and ecological compensation ensures protection of site biodiversity as a whole

9.3 County Highways have fully assessed the application and have raised no objections to the proposed development in principle and subject to conditions.

9.4 In accordance with the above commentary, financial contributions towards affordable housing, public open space and community infrastructure levy cannot be imposed against this development, and as such an accompanying S106 legal agreement would not be required.

9.5 At the time of writing this report, and following full consultation, 13 letters of representation had been made - 6 in support, 3 objecting to the proposal and 4 simply offering comments. Statutory consultee comments have been addressed either by amendments to the proposal, or by condition.

9.6 The application complies with the relevant policies of the National Planning Policy Framework, Central Lancashire Core Strategy and Affordable Housing SPD, South Ribble Local Plan and Residential Extensions Design SPD. It is therefore recommended for approval subject to the imposition of conditions.

RECOMMENDATION:

Approval with Conditions.

RECOMMENDED CONDITIONS:

1. The development hereby permitted must be begun not later than the expiration of three 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. The development hereby permitted shall be carried out with reference to the following approved plans and suite of documents:
 - o Aquatic Restoration & Vegetation Management report (Ebsford 11.12.18)
 - o Community Infrastructure Levy liability forms
 - o Construction Method Statement (McCarthy Stone 29.10.18)
 - o Crime Impact Assessment (Lancashire Constabulary: 8.11.18)
 - o Design, Access & Supporting Statement (YourLife: MCK)
 - o Ecological Assessment (Biocensus V1: June 2018)
 - o Employment & Skills Assessment
 - o Extra Care Statement Appendix A
 - o Housing needs report (Contact Consulting: 22.10.18)
 - o Materials Schedule (Design & Access Statement Para 7)
 - o Model planning conditions report (Planning Bureau Ltd)
 - o Phase 1 desktop study (Arc Environment 18-437: 14.6.18)
 - o Phase 2 ground investigation report (Arc Environment 18-437: 14.6.18)
 - o Planning Statement (Planning Bureau: October 2018)
 - o Statement of community Involvement (BECG: October 18)
 - o Transport Statement (Transport Planning (York) Ltd: Oct 18)
 - o Tree and Arboricultural Impact Assessment and Tree Protection Plan (Ian Keen 1057-KC-XX-YTREE Rev A)

Existing Drawings

- o Site location plan (MCK NW 2595 03 AC 001)

Proposal Drawings

- o Context elevations (MCK: NW-2595-03-AC-006)
- o Drainage Layout (Planning Bureau: MCC&S-WP-L-002 Rev A)
- o Elevations sheet 1 of 2 (MCK: NW-2595-03-AC-0011)
- o Elevations sheet 2 of 2 (MCK: NW-2595-03-AC-0012)
- o Floor plans (MCK: NW-2595-03-AC-008 Rev A)
- o Front approach (MCK Visual: NW-2595-03-AC-002)
- o Proposed site layout plan (MCK: NW-2595-03-AC-007 Rev C)
- o Roof plans (MCK: NW-2595-03-AC-010)
- o Floor plan (MCK: NW-2595-03-AC-006)
- o Landscaping Plan (TPM Landscaping: 3149/01)
- o Patio View (MCK Visual: NW-2595-03-AC-005)
- o Rear landscaping (MCK Visual: NW-2595-03-AC-003)
- o Rear parking (MCK Visual: NW-2595-03-AC-004)
- o Topography Survey (Chris Partington: 2618-CP/01)

REASON: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with Policy 17 of the Central Lancashire Core Strategy and Local Plan 2012-2026 Policy G17

3. The apartments hereby approved shall be restricted to occupancy by persons over the age of 55 years only.

REASON: The permission was granted having regard to the parking standards of Policy F1 (Parking Standards) of the South Ribble Local Plan and the Central Lancashire Open Space and Playing Pitch SPD

4. Prior to the commencement of the development hereby approved a scheme for the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall take into account the recommendations of approved Flood Risk Assessment (Mouchel July 2016). Foul shall be drained on a separate system. This scheme, which shall be maintained and managed in accordance with the approved details, shall be implemented during construction and no building shall be occupied until the approved scheme has been completed to serve that building

REASON: In order to satisfy the Local Planning Authority that the final details of proposed foul water drainage are acceptable before work commences on site, for avoidance of doubt and to safeguard local watercourses and avoid pollution of the water environment in accordance with Policy 29 in the Central Lancashire Core Strategy

5. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall include, but is not limited to:

- o Information about the lifetime of the development design storm period and intensity (1 in 30 and 1 in 100+ allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed taken to delay and control surface water discharged from the site, and measures taken to prevent flooding and pollution of the receiving groundwater and/or surface water including watercourses and details of floor levels

- o The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate calculated using the FEH Statistical or ReFH2 methods. If a brownfield run off rate is proposed the following criteria should be used. Where any drainage system is still operational ,peak flow

rates at the outfall for the relevant return periods (1:1 year, 1 in 2, 1:30 year, 1:100 year) can be demonstrated by producing a simulation model that includes an accurate representation of the drainage system and site area contributions - thus allowing derivation of an appropriate head-discharge relationship at the outfall. A copy of the CCTV survey and detailed drawing showing the existing drainage will be required if you are using a simulation model based on the existing drainage system. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

- o Flood water exceedance routes both on and off site
- o A timetable for implementation, including phasing where applicable
- o Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- o Details of water quality controls, where applicable.
- o Breakdown of attenuation volume in pipes, manholes and attenuation tank.

The development shall be completed, maintained and managed in accordance with the timing and phasing arrangements embodied within the approved drainage scheme, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to satisfy the Local Planning Authority that the final details of proposed drainage are acceptable before work commences on site, to reduce the risk of flooding, to protect the living conditions of future occupants of the site by ensuring satisfactory storage and/or disposal of surface water from the site, and for the avoidance of doubt in accordance with Policy 29 in the Central Lancashire Core Strategy with Policy 29 in the Central Lancashire Core Strategy

6. All development shall be completed in line with approved Construction Method Statement (McCarthy Stone: 29.10.18) unless otherwise agreed in writing by the local planning authority.

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

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

8. The apartment complex hereby approved is required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. Prior to the commencement of construction of the first apartment details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the apartment complex as a whole will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.

REASON: Policy 27 of the Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4. However, following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. As Policy 27 is an adopted

Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate

9. No apartment hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the apartment complex as a whole has achieved the required Dwelling Emission Rate.

REASON: Policy 27 of the Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4. However, following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. As Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

10. 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 investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site, in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G14 in the South Ribble Local Plan 2012-2026

11. During construction and site clearance, no machinery, plant or power tools shall be operated where associated with construction outside the following times:

0800 hrs to 1800 hrs Monday to Friday

0900 hrs to 1300 hrs Saturday

No activities 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

12. No deliveries of construction materials or removal of construction waste shall be undertaken outside the hours of 08:00 - 17:00 Monday to Friday. No deliveries or waste removal shall be carried out at weekends or nationally recognised 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

13. Before any site activity (construction or demolition) is commenced in association with the development, barrier fencing shall be erected around all trees to be retained on the site as detailed on Tree Protection Plan (1057-KC-XX-YTREE-TPP01 Rev A) which has been agreed by the local planning authority. The fencing shall be constructed and located in compliance with BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations, and an inspection programme established and recorded as part of overall site monitoring. Given the site, Herras type fencing and scaffolding poles should be used. Within protected areas no development, vehicle manoeuvring, storage of materials or plant, removal or addition of soil may take place. This includes ground disturbance for utilities. The fencing shall not be moved in part or wholly without the written agreement of the local planning authority. The fencing shall remain in place until completion of all development works and removal of site vehicles, machinery, and materials in connection with the development. Permission shall be agreed in writing with the Local Planning Authority prior to entry into any root protection area.
REASON: To prevent damage to trees during construction works in accordance with Policy G13 in the South Ribble Local Plan 2012-2026
14. Should the development not have commenced within 24 months of the date of this permission, a re-survey be carried out to establish whether bats or other protected species are present at the site shall be undertaken by a suitably qualified person or organisation. In the event of the survey confirming the presence of such species details of measures, including timing, for the protection or relocation of the species shall be submitted to and agreed in writing by the Local Planning Authority and the agreed measures implemented.
REASON: To ensure the protection of schedule species protected by the Wildlife and Countryside Act 1981 and so as to ensure work is carried out in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026
15. Prior to first occupation of the first apartment hereby approved, the three bird and two bird roosting opportunities/boxes as identified by approved plan NW2595-03-AC-007 Rev A shall be provided within the site. Once installed these shall be maintained and retained thereafter.
REASON: To ensure adequate provision is made for these protected species in accordance with Policy 22 of the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026
16. If the presence of bats is detected or suspected on the development site at any stage before or during development or site preparation, works must cease and advice sought from a suitably qualified ecologist.
REASON: To ensure that adequate provision is made for these protected species in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026
17. No tree felling, clearance works, demolition work or other works that may affect nesting birds shall take place between March and August inclusive, unless the absence of nesting birds has been confirmed by surveys or inspections.
REASON: To protect habitats of wildlife, in accordance with Policy 22 in the Central Lancashire Core Strategy
18. External lighting associated with the development shall be directional and designed to avoid excessive light spill and shall not illuminate bat roosting opportunities within and surrounding the site, or trees and hedgerows in the area. The principles of relevant

guidance should be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009).

REASON: To ensure that adequate provision is made for these protected species in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026

19. Prior to first occupation of the development hereby approved, the associated parking spaces identified on approved drawing 3149/101: 25.10.18 (TPM Landscape) shall be drained and surfaced. These areas shall be retained at all times thereafter and shall not be used for any purpose other than the parking of vehicles.

REASON: To ensure the provision and retention of adequate on-site parking in the interests of residential amenity and highway safety as required by Policy F1 and Policy G17 in the South Ribble Local Plan 2012-2026

20. No apartment shall be occupied until the boundary treatments identified on approved plan 3149/101: 25.10.18 (TPM Landscape) have been installed in full. 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. Development hereby approved shall be undertaken in line with the recommendations and methodology identified by approved Aquatic Restoration and Vegetation Management report (Ebsford Environmental: 11.12.18)

REASON: The spread of invasive plants is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment recurs

22. Prior to first occupation of the development hereby approved, the 4 no: Electric Vehicle Recharge points identified on approved plan NW2595-03-AC-007 Rev A including adequate charging infrastructure and cabling and specifically marked out for the use of Electric Vehicles shall be installed. These shall be maintained and retained thereafter unless with the written agreement of the Local Planning Authority

REASON: To enable and encourage the use of alternative fuel use for transport purposes in accordance with Policy 3 of the Central Lancashire Core Strategy

RELEVANT POLICY

NPPF National Planning Policy Framework

Central Lancashire Core Strategy

- 1 Locating Growth
- 4 Housing Delivery
- 5 Housing Density
- 6 Housing Quality
- 7 Affordable and Special Needs Housing
- 17 Design of New Buildings
- 22 Biodiversity and Geodiversity
- 27 Sustainable Resources and New Developments

South Ribble Local Plan 2012-2026

- A1 Policy A1 Developer Contributions
- B1 Existing Built-Up Areas
- F1 Car Parking
- G10 Green Infrastructure Provision in Residential Developments
- G13 Trees, Woodlands and Development
- G16 Biodiversity and Nature Conservation
- G17 Design Criteria for New Development

Supplementary Planning Documents

- Residential Extensions Design
- Affordable Housing
- Open Space and Playing pitch
- Employment Skills
- Penwortham Neighbourhood Development Plan

Informative Note

1. Attention is drawn to the condition(s) attached to this planning permission. In order to discharge these conditions an Application for Approval of Details Reserved by Condition form must be submitted, together with details required by each condition imposed. The fee for such an application is £116. The forms can be found on South Ribble Borough Council's website www.southribble.gov.uk

2. Lancashire Constabulary Note:

- The scheme should be designed to Secure by Design standards
- Parking facilities should be designed in accordance with the Police Crime Prevention 'Park Mark Safer Parking' initiative
- Full CCTV coverage (installed to BS EN 62676 standard) of the main communal entrance, circulation areas and car park is required to deter crime. Images should be good quality and clear in all lighting conditions i.e. day/night capable systems are advised, and cameras should be located where they cannot be tampered with or disabled. Data should be stored securely in a locked room for a 30 day period before being destroyed if not required.
- PAS 24 (2016) windows with restrictors should be fixed on all ground floor opening windows to deter theft and burglary offences. Glazing should be laminated.
- Roof lights should be certified to LPS1175 security rating 2 or 3
- Communal entrance doors should be fitted to STS 202 Issue 2 Burglary Rating 2, LPS1175 Security Rating 2 or PAS 24(16) standards. Other external doors, apartment entrance doors or high risk internal doors should be fitted to PAS24:2016 or LPS 1175 standards/
- An access control system should be fitted throughout the development including the main entrance into the building. External doors should be operated with a vandal proof, access control system and individual flats fitted with a system whereby residents can control door release with audio or visual identification
- Boundary treatments should be introduced to restrict access into private areas and channel visitors through the appropriate entrance. The height and design should be sufficient to deter intruders
- A lighting scheme should be devised for the development that provides an even spread of illumination.
- Natural surveillance should be promoted at entrances to deter intruders
- To reduce problems associated with mail delivery, if mail is not deposited with a staff member for distribution the delivery system should be located within an internal area at the primary entrance point of the building, and should be covered by CCTV.
- Construction site burglary in the area - in particular white goods, boilers and construction tools - is on the increase. Appropriate security measures and fencing during construction should be taken.

3. United Utilities Note 1: Not all public sewers are shown on the statutory utility records. The applicant should be made aware that the proposed development may fall within the required access strip of a public sewer and make contact with a Building Control body at an early stage. South Ribble Building Control can be contacted on 01772 625420. It is the applicant's responsibility to demonstrate the exact relationship between any assets that may cross the site and any proposed development.

United Utilities Note 2: A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. Please contact UU on 03456 723 723 regarding connection to the water mains or public sewers

United Utilities Note 3: For the avoidance of doubt, the planning permission hereby granted does not automatically grant permission to connect to the United Utilities sewer. Permission should be obtained from UU before commencement of work on site.

4. Ecology Note: The applicant is advised that under the terms of the Wildlife and Countryside Act 1981, and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds, roosting birds or other protected species. The work hereby granted does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that any aspect of the development would disturb any protected species

5. Arborist Note: The granting of planning permission does not automatically grant the right to undertake works to trees protected by Tree Preservation Order. Should works be required to protected trees on the southern boundary (frontage with Church Road) consent should be sought in advance from the Councils Arborist on 01772 421491

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Agenda Item 7

Application Number 07/2018/8346/FUL

Address Meadowcroft Business Park
Pope Lane
Whitestake
Preston
Lancashire
PR4 4BA

Applicant Messrs TJ Haley MR Bailey

Agent Mr David Shepherd
20 Collingwood Avenue
St Annes
Lytham St Annes
FY8 2SB

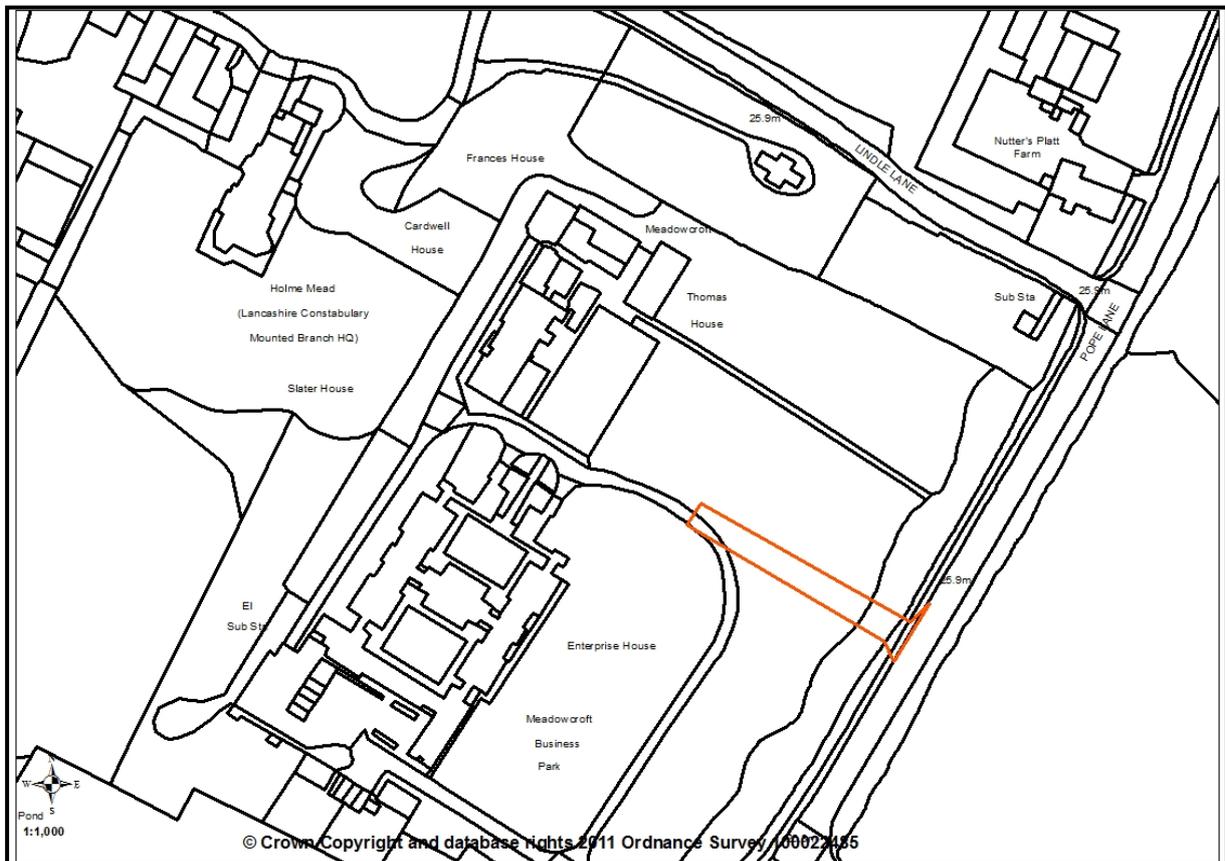
Development Construction of a new access road (amendment to previous approval 2016/1292/FUL)

Officer Recommendation Approval with Conditions

Officer Name Mrs Janice Crook

Date application valid 22.11.2018
Target Determination Date 17.01.2019
Extension of Time 12.02.2019

Location Plan



1. Report Summary

1.1 This application seeks to regularise the situation with regards to the access road from Pope Lane serving the Meadowcroft Business Park. Members may recall planning application 07/2016/1292/FUL for a new access road which was refused by planning committee in June 2017 but was allowed on appeal. The access road was largely constructed but not in accordance with the approved plans and has not as yet been utilised.

1.2 The site is within the Green Belt and an assessment of the impact the amended access road has on the Green Belt has been carried out and, with reference to the Inspector's appeal decision, the scheme is considered acceptable and the application is recommended for approval subject to the imposition of conditions.

2. Site and Surrounding Area

2.1 The application relates to land fronting Pope Lane in Whitestake and is located to the front of an office development, part of the former Meadowcroft Business Park. The site comprises of a grouping of buildings which currently houses five individual businesses together with an associated car parking area. The adjacent site has permission for a residential development of 14 dwellings with access to the Business Park through this development. The surrounding area consists of a mix of single and two storey residential properties to the south, the Lancashire Constabulary Mounted Branch complex to the west, open green belt land to the east and Lindle Lane to the north.

3. Planning History

- 07/1986/0350 Change of use of staff house no.2 from residential to office use for Social Services Emergency Duty Team. APV 30/07/1986
- 07/1996/0772 Change of Use From School Residential Block to Accountants Offices (Use Class A2) and Use of Adjacent Tennis Court for Associated Parking. APV 22/01/1997
- 07/1997/0650 Erection of Two and Single Storey Extensions, Formation of Staff Car Park, Erection of Security Fencing to Rear and Installation of 4 No 6 Metre High CCTV Columns. APV 04/02/1998
- 07/1999/0643 Change of use from C2 Residential Institution to mixed use of Offices (B1), Training Centre (C2) and Catering Facilities and formation of car park to rear. APV 24/11/1999
- 07/2012/0695/FUL for the erection of 14 Residential Dwellings following demolition of existing buildings on the adjacent site, APV 15/05/2013.
- 07/2016/0567/VAR for a variation of condition 2 to amend the site layout in respect of the re-location of the site turning head APV 13/10/2016
- 07/2016/1292/FUL Construction of new access road and junction of Meadowcroft Business Park was refused by planning committee on 20/06/2017 on one ground:
-

"The proposed access road would reduce the openness of the Green Belt and would have an adverse effect on the purposes of including land in the Green Belt, in particular it would not assist in safeguarding the countryside from encroachment. Very special circumstances necessary to justify the development have not been clearly demonstrated. Furthermore, the development would also cause significant harm to the character and appearance of the surrounding area. As such, it would represent inappropriate development in the Green Belt contrary to the National Planning Policy Framework and Policy G1 of the South Ribble Local Plan."

3.1 The applicant appeal the decision with the Inspector allowing the appeal on 7th February 2018.

4. Proposal

4.1 The application is an amendment to the scheme 07/2016/1292/FUL allowed on appeal for the construction of a new access road to serve the offices at the Meadowcroft Business Park. As approved, the access road was to be 3m wide and 66m in length. The access road as built has a footpath either side and is a total of 6.9m wide (including the footpaths) for an overall length of 87m, part of it merging with the existing access road.

4.2 An existing footpath which dissects the grassed area to the front of the site, approximately 87m long by 1.7m wide is to be removed and returned to grass.

5. Summary of Publicity

6. Neighbouring properties were notified and a site notice posted with no letters of representation being received.

7. Summary of Consultations

7.1 **County Highways** have no objections to the amended access but request that conditions are imposed to ensure that wheel washing facilities are provided for the duration of the development and that the new access should not be utilised until all the highway works within the adopted highway have been constructed in accordance with a scheme to be submitted.

7.2 County Highways also require an informative note be included on the decision notice to advise the applicant that the vehicle access point will need to be constructed under a section 278 agreement and they, as the Highway Authority, reserve the right to provide the highway works within the highway.

7.3 **Ecology** has no objections on ecology grounds to the proposal.

7.4 **Arboriculturist** has no objections to the application but comments that avenue planting as identified on 18 1064 PN001 should consist of fastigiated broadleaf deciduous trees a min 12-14 heavy standard planted in accordance with BS 8545 2014. Planting should take place a suitable distance from the proposed road to allow for the trees to mature. All newly planted trees should have a replacement condition attached for replanting on a like for like basis for a minimum of five years.

7.5 **Environmental Health** had not responded at the time of writing the report. If any comments are received, these will be reported verbally at the committee meeting.

7.6 **Hutton Parish Council** had not responded at the time of writing the report. If any comments are received, these will be reported verbally at the committee meeting.

8. Policy Background

8.1 **The National Planning Policy Framework** sets out at paragraph 143. That inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It requires, when considering any planning application, the 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. At paragraph 145. The NPPF require the LPA to regard the construction of new buildings as inappropriate in the Green Belt but then sets out a number of exceptions to this, such as buildings for agriculture and forestry or the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

8.2 The NPPF, at paragraph 146 sets out 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 include engineering operations and the construction of a new access road is such an operation.

8.3 **The Rural Development Supplementary Planning Document** sets out the Council's approach to development in rural areas. Chapter D deals with employment and recognises that it is important that employment opportunities exist in rural areas to enable local people to access employment close to where they live and to help avoid excessive levels of commuting to urban areas.

8.4 **South Ribble Local Plan Policy G1: Green Belt** 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, in line with the NPPF, 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. Policy G1 also recognises that there are a number of major developed employment sites within the Green Belt. These sites can be developed within their curtilage. These major developed employment sites should continue to secure jobs and prosperity without further prejudicing the Green Belt. Such development is considered appropriate in the terms of the NPPF.

8.5 At paragraph 10.28 Policy G1 recognises that certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including in in Green belt. These include engineering operations.

9. Material Considerations

9.1 Planning History

9.1.2 Members will recall that planning application 07/2016/1292/FUL was refused by planning committee on 20 June 2016 on one ground:

"The proposed access road would reduce the openness of the Green Belt and would have an adverse effect on the purposes of including land in the Green Belt, in particular it would not assist in safeguarding the countryside from encroachment. Very special circumstances necessary to justify the development have not been clearly demonstrated. Furthermore, the development would also cause significant harm to the character and appearance of the surrounding area. As such, it would represent inappropriate development in the Green Belt contrary to the National Planning Policy Framework and Policy G1 of the South Ribble Local Plan."

9.1.3 The applicant appealed this decision with the Inspector allowing the appeal, having considered the main issues to be:

"Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan, including the effect on the openness of the Green Belt and the purposes of including land within it, and; the effect on the character and appearance of the area." The Inspector concluded that

the development is not inappropriate development in the Green Belt as it would preserve the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt and also that the development would not harm the character and appearance of the area and would not conflict with Policy G1 of the Local Plan or the NPPF.

9.1.4 A number of conditions were imposed by the Inspector and of relevance is condition 2 which required the development to be carried out in accordance with the approved plan and listed those plans by reference number. Additionally, a further three of the conditions referred back to condition 2. These relevant conditions are as follows:

“2) The development hereby permitted shall be carried out in accordance with the following approved plans: 8859 L00 Rev P1; 8859 B2; TC/P5672/15/150 Rev C; TC/P5672/15/151 Rev C; TC/P5672/15/152 Rev B; TC/P5672/15/153 Rev B; TC/P5672/15/154 Rev B; TC/P5672/15/100 Rev B.

3) Notwithstanding condition 2, no part of the development hereby permitted shall take place until a scheme for the construction of the site access has been submitted to and approved in writing by the local planning authority. The site access and the associated section of access road hereby permitted shall not be brought into use until the development has been constructed and completed in full accordance with the approved plans and the agreed scheme.

4) Notwithstanding condition 2, no part of the development hereby permitted shall take place until a detailed scheme for mitigation tree planting to compensate for the loss of trees to be removed has been submitted to and approved in writing by the local planning authority. The agreed mitigation tree planting measures shall be fully implemented by a suitably qualified person and in accordance with BS8545: 2014. The tree planting shall be implemented in the first planting season following the commencement of the development or such extension of this time as may be agreed in writing by the local planning authority. Any trees which within a period of 5 years from the completion of the development die, or are removed or become significantly damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

5) Notwithstanding condition 2, the development hereby approved shall be carried out in accordance with the Arboricultural Development Report by Tree Check Ltd dated February 2017. Before any development hereby permitted takes place, barrier fencing shall be erected around all trees to be retained on the site. The fencing shall be constructed and located in compliance with BS5837:2012. Within the fenced areas; no development, vehicle manoeuvring, storage of materials or plant, or removal or addition of soil may take place including ground disturbance for utilities. The fencing shall not be moved in part or wholly without the written agreement of the local planning authority. The fencing shall remain in place until completion of all development works and removal of site vehicles, machinery, and materials in connection with the development. An inspection programme of the protective fencing shall be established and recorded by a suitably qualified person as part of their overall site monitoring and a copy of the recordings submitted to the local planning authority on completion of the development.”

9.1.5 The access road has been largely completed but it became apparent during the development that its construction was not as per the approved plans and therefore this full planning application has been submitted in order to regularise the situation. Therefore an assessment of the wider access road and footpath is provided below in respect of its impact on the Green Belt location in which it is set.

9.2 Compliance with Green Belt Policy

9.2.1 The proposal constitutes appropriate development in the Green Belt. Works to construct an access road are classed as an engineering operation, which Paragraph 146 of the National Planning Policy Framework advises is **not** inappropriate development in the Green Belt, provided that it does not conflict with the purposes of including land within the Green Belt and on condition that it preserves openness.

The principle characteristic of the Green Belt is its openness, upon which the proposed development will have a negligible impact. By their very nature, access roads do not introduce visual impairments to the openness of the Green Belt, being low lying and largely absent of structures. Whilst it is noted that the as built access road is wider (6.9m wide) and includes footpaths to either side than that originally allowed on appeal (3m), it remains that the construction of an access road is not inappropriate development in the Green Belt.

9.2.2 Furthermore, having regard to the appeal Inspectors decision, the access road is not considered to be inappropriate in this Green Belt location as it preserves the openness and does not conflict with the purposes of including land within it:

“The section of access road as proposed would only be visible from its junction with Pope Lane, from the adjacent residential development and from within the Business Park itself. The insertion of the junction of the access road within the grass verge when viewed from Pope Lane would not look out of place in a location where a pedestrian footway exists and a sequence of junctions are nearby, including those that serve the current access road, Green Lane and Lindle Lane respectively. The subdivision of the landscaped area which fronts both the residential development and the Business Park would appear coherent as the section of access road proposed would align with the existing section leading to the car park where it adjoins the boundary with the residential development. Furthermore, the access road would assimilate with the surfacing of the current access road, the presence of car parking areas and the backdrop of built form associated with the Business Park and residential development. The proposal would not, therefore, have a harmful effect on the character and appearance of the area”.

9.2.3 Although the as build access road is wider and includes footpaths to either side, it is not considered to have any detrimental impact on the openness of the Green Belt over and above that of the approved access road. As justification, the applicant has indicated that the approved access road was not wide enough for the intended use, stating in the submitted Planning Statement:

“In its currently approved state, it does not allow for adequate passing of vehicles and needs to be slightly wider than approved. As proposed, the road and footway would be circa 6.9m wide typically..... A slightly wider road with footpath would also allow improvements in disabled/wheel chair access to the site/buildings as accessed from Pope Lane with provision of a new footpath. This would be better than the historic footpath that goes through the grassed area at the front of the site (which is approximately 87 metres by 1.7 metres). This original path would be removed, and the area returned to grass which would be visually better as it would green-up the area.....”

9.2.4 Additionally, as part of this current proposal, the Planning Statement indicates that the historic footpath that goes through the grassed area at the front of the site which is approximately 87 metres by 1.7 metres is to be removed and the area returned to grass to the benefit of the visual amenity of the area and pedestrian safety.

9.3 Trees and Ecology

9.3.1 The proposal has no additional impact on trees in the area and the Council's Arboriculturist has confirmed there are no arboricultural objections to the proposal. However, the Arboriculturist comments that avenue planting as identified on drawing 18 1064 PN001 should consist of fastigiated broadleaf deciduous trees a minimum 12-14 heavy standard planted in accordance with BS 8545 2014. Planting should take place a suitable distance from the proposed road to allow for the trees to mature. 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 this can be included on the decision notice.

9.3.2 The Council's Ecological Advisors have no objections to this application on ecology grounds.

10. Conclusion

10.1 Although the access road has not been constructed in accordance with the approved plans, it is considered that its present form does not have any additional detrimental impact on the openness of the Green Belt and the purpose of including land within it. Additionally it has the benefit of providing a safer pedestrian route for users of the Meadowcroft Business Park and removes a secondary pathway with that area being return to grass. The scheme is therefore considered acceptable and the application is recommended for approval subject to the imposition of conditions.

RECOMMENDATION:

Approval with Conditions.

RECOMMENDED CONDITIONS:

1. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans Dwg 18 1064 PN001 Rev B New Road Access
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
2. The tree planting scheme identified on Dwg 18 1064 PN001 Rev B shall be implemented in the first planting season following approval of the development. The trees shall consist of fastigiated broadleaf deciduous trees a minimum 12-14 heavy standard and shall be planted by a competent, professional person and in accordance with BS8545: 2014. Any trees which within a period of 5 years from the completion of the development die, or are removed or become significantly damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the amenity and appearance of the area in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G13 in the South Ribble Local Plan 2012-2026
3. No part of the new access shall be utilised until all the highway works within the adopted highway have been 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 an appropriate legal agreement, under the Highways Act 1980.
REASON: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable.
4. External lighting associated with the development shall be directional and designed to avoid excessive light spill and shall not illuminate bat roosting opportunities within the site or trees and hedgerows in the area. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009).
REASON: To ensure that adequate provision is made for these protected species in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026

RELEVANT POLICY

G1 Green Belt

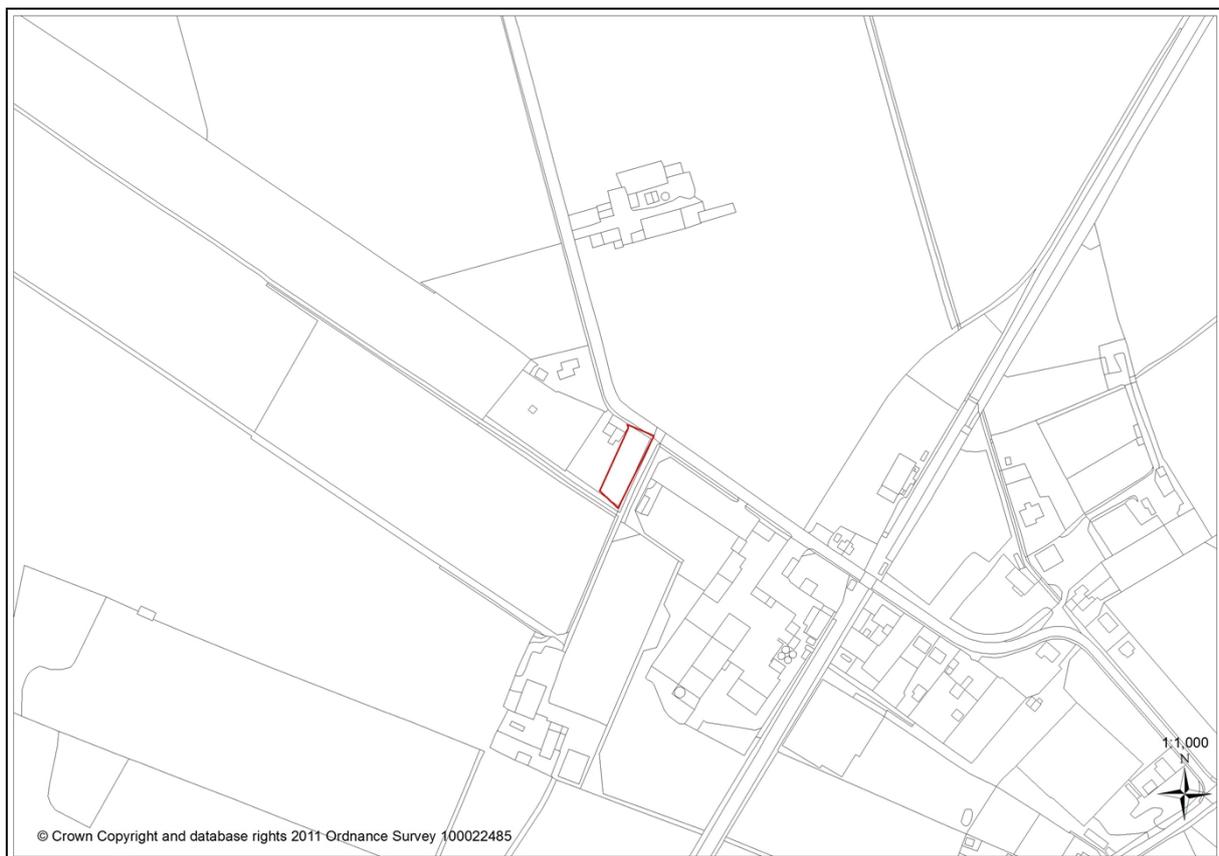
Informative Note:

The applicant is advised that the vehicle access point, will need to be constructed under a section 278 agreement. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The

applicant is advised to contact Lancashire County Council before works begin on site. Further information and advice can be found at www.lancashire.gov.uk

Agenda Item 8

Application Number	07/2018/8493/PIP
Address	25 Midge Hall Lane Midge Hall Leyland
Applicant	Mrs Susan Snape
Agent	Mrs Louise Leyland PWA Planning
Development	Application for Permission In Principle for erection of one dwelling.
Officer Recommendation	Refusal
Date application valid	16.11.2018
Target Determination Date	21.12.2018
Extension of Time	None



1. Introduction

1.1. The application is brought before Committee as the applicant is an Elected Council Member.

2. Application Site and Surrounding Area

2.1. This application refers to no: 25 Midge Hall Lane, Leyland; a large detached dwelling with wide front elevation and detached garage to the rear. Deep rear gardens screened by mature hedgerow and trees sit to the south, whilst in the east is similarly screened, side garden space. This side garden is the subject of the application to be determined.

2.2. Immediately east of the proposal site is a track leading to Midge Hall Farm and Moss Farm paintballing facility (160m south and 700m south-west respectively), and 61m in the north-west is 'Arden House'. Station Farm lies 146m in the north, and 95m east is Bamfords Mill; properties are separated by the mills, large open car park. The small village/hamlet of Midge Hall Lane sits beyond Bamfords Mill.

2.3. Facing across Midge Hall Lane, and at the rear and west of the proposal site are deep tracts of agricultural land. The area is open and rural in nature, and designated by Policy G1 of the South Ribble Local Plan as Green Belt.

3. Site Context / Planning History

3.1. There is one planning application on the history of this site. Permission was granted in 1998 (07/1998/0164) for alterations to dwellinghouse, and erection of double garage following demolition of existing.

4. Proposal

4.1. *Background:* Planning in Principle (PIP) applications are a new type of application which came into force on 1st June 2018. PIP's are an alternative way of obtaining planning permission for housing led development, and separate the consideration of matters of principle for proposed development, from the technical detail. The permission in principle consent route has 2 stages: the first stage (or 'permission in principle' stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.

4.2. As set down in the Town & Country Planning (Permission in Principle) Order 2017 and Town & Country Planning (Brownfield Land Register) Regulations 2017, the scope of PIP (stage 1 of the process) is restricted to consideration of location, development size and land use. All other matters are 'reserved' for consideration by the stage 2 technical details application which may only be made if PIP is granted.

4.3. Granting of technical details consent has the effect of granting full planning permission for development; construction cannot proceed on the basis of consent for stage 1 alone.

4.4. Conditions can NOT be imposed on approvals for planning in principle

4.5. *Proposal:* This application seeks planning permission in principle for the erection of one dwelling, and in line with the above regulations only a location plan has been provided. Details of the design, layout and access into the site are not available.

5. Representations

5.1. Summary of Publicity

5.1.1. PIP consultation is restricted to a period of 14 days only. An extension of time to allow decision by this Committee has been requested on several occasions but that agreement has not been granted

5.1.2. A site notice has been posted and two neighbouring properties have been consulted. Consultation with statutory bodies at this stage is not appropriate considering the lack of proposed detail and restricted timescales allowed.

5.2. Letters of Objection or Support

5.3. One letter of support has been received from the occupant of 27 Midge Hall Lane who refers to the proposals design, availability of bungalows in the area and the applicant's health needs. Issues of design cannot however be taken into account until the Technical Details stage of the proposal. Comments specifically referring to the principles of location, development size and land use have not been made.

6. Material Considerations

6.1. The scope of Planning in Principle is restricted to location, development size and land use.

6.2. *Location:* In terms of location, the proposal site is not especially sustainable and cannot be accessed by public transport, but it is within reasonable reach of community facilities in Longton and at Midge Hall; although only a very limited offer lies within easy walking distance.

6.3. *Development Size:* Local Plan Policy G17 (Design for New Development) states that proposals for development should 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, or use of materials (G17a).

6.4. The proposal seeks permission to erect one dwelling following subdivision of existing curtilage of no: 25 Midge Hall Lane. The current property is a large dwelling, traditionally designed but with a very wide front elevation. Whilst the proposed site is capable of accommodating one dwelling, it is questionable as to whether one of appropriate size is possible.

6.5. Backland development in this very linear, rural street scene would be out of character with the wider area and in such areas where 'ribbon' development is prevalent is not generally considered acceptable. As such any proposed dwelling could only realistically face Midge Hall Lane to the east of the applicant's property. It would also need to respect and complement both the street scene and existing property. Arguably to avoid any disproportion between neighbouring properties, any new dwelling which sits alongside no: 25 would need to have a similar wide frontage, which when taking into account mature tree and hedgerows which this Councils would seek to retain could not be accommodated. A dwelling of less width is therefore likely to appear 'shoe horned' into the site, and on this basis alone the site is not considered of appropriate size to accommodate the proposed development without detriment to the street scene, and discords with Policy G17 (Design)

6.6. *Land Use:* The site and extended surroundings are allocated as Green Belt by Policy G1 of the South Ribble Local Plan; 'Green Belt' being a land use designation. Para 2 of the NPPF (2018) requires that applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise.

6.7. Both the NPPF and Policy G1 define inappropriate development - including construction of new buildings - as harmful to the Green Belt, which should not be approved

except in very special circumstances. When considering any planning application, 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. There are however exceptions to this as detailed in the current NPPF, and these are:

- a) buildings for agriculture and forestry;
- b) 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;
- 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; and
- g) limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would a) not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development and b) 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.

6.8. The most salient of these are points (e) and (g).

6.9. South Ribble contains a whole range of villages – some with substantially built up frontages where an infill plot would seamlessly complement surrounding development patterns, and others which are more loose and organic in character. This property is part of a small community with some community facilities which could loosely be termed a village. It is however very much edge of settlement, and new development would contribute to unacceptably extending the 'village' away from its albeit limited, natural centre. As a result because of the very wide, open nature of Bamfords car park the proposal would be less likely to constitute 'infill' and more likely to add to a small grouping which is detached from the settlement itself.

6.10. Whilst acknowledged that there is no NPPF definition of infill development, the Planning Portal – a Government website established in 2002, does offer some clarity by stating that '*Infill development is the development of a relatively small gap between existing buildings*'. As this plot is neither a small gap, nor between existing buildings, – the closest to the east across open car park being 95m away, and does not complete an established row of earlier development, this proposal does not conform to infill development in the truest sense, and for the reasons stated in Para's 6.8 and 6.9, caveat (e) is not considered to apply.

6.11. With regards to point (g), the 2017 Court of Appeal decision (Dartford v SOS EWCA Civ 141) found that private residential gardens which are not in a built-up area will constitute previously developed land (i.e. Brownfield land) within the NPPF. Thus, development of such land within the Green Belt will be excluded from general, restrictive Green Belt Policy provided such development would not have a greater impact on the openness of Green Belt than the existing development.

6.12. Officers are comfortable that in light of this decision, the proposal site does constitute previously developed land. Introduction however of a structure where none has previously been would undoubtedly, visually urbanise the site and its surroundings, resulting in a loss of openness to the area. This would be further exacerbated by domestic fencing and paraphernalia, and loss of views through the site, and as such it is considered that the

proposal would not satisfy the exemption allowed by point (g) of the NPPF (as mirrored by exception (f) of Local Plan Policy G1)..

6.13. A number of uses bound the site – the car park in the east, paintballing facility in the south and agricultural lands beyond the main property in the west, south and facing, but these are relatively low key in nature, preserve openness in visual terms, and in the case of the paintballing and agricultural uses these are examples of appropriate Green Belt development.

6.14. As the proposal does not benefit from any of the exemptions above, the applicant is required then to demonstrate that there are very special circumstances which outweigh any harm to the Green Belt and its openness. This justification has not been supplied

6.15. Representation has been received from a neighbour which states that *'the proposed property will meet all her (Mrs. Snape's) needs with regard to health issues'* and that *'there are no available bungalows in the area and she should not have to move out of the area as she grows older'*. This is not justification enough however for development of an open, Green Belt site; particularly as the site is within easy reach of a number of urban areas where such alternative properties exist, and notwithstanding that the applicant herself has not supplied this comment in defense of the proposal.

6.16. It is considered that the harm to the Green Belt and its openness caused by proposed erection of a dwelling and ancillary works would clearly outweigh any benefits seen from the development, and as such the proposal is contrary to Policy G1 (Green Belt) of the South Ribble Local Plan. This clear harm should be given significant weight when assessing the 'land use' element of this proposal.

7. Conclusion

7.1. This application seeks Permission in Principle for erection of one dwelling within the garden of no: 25 Midge Hall Lane. The scope for determination is limited to development size, location and land use as detailed above.

7.2. Whilst the sites location is not considered inappropriate, development size and land use for the reasons stated above are not considered to be policy compliant. Development of an appropriate size could not be suitably accommodated within the site, and the proposal would result in unacceptable levels of harm to the Green Belt and its openness. It would also set a precedent whereby development of other, similar Green Belt sites would be difficult to refuse. In addition, the very special circumstances of Green Belt development have not been demonstrated.

7.3. For the aforementioned reasons this application should be refused for the following reasons:

- The proposal constitutes inappropriate land use in the Green Belt. It is not considered that the applicant has demonstrated very special circumstances to justify the proposal which would harm the character and openness of the Green Belt contrary to Green Belt policy. The benefits of the scheme insufficiently outweigh the harm to that landscape. As such, the proposed development is contrary to the National Planning Policy Framework (2018) and Policy G1 of the South Ribble Local Plan 2012-2026
- The proposed development would result in an incongruous feature which if appropriately placed would result in overdevelopment of the site, and would be out of keeping with the immediate street scene to the detriment of to the character and appearance of the area.

As such the proposal is considered to be contrary to Policy G17 of the South Ribble Local Plan 2012-2026 and Central Lancashire Core Strategy Policy 17

RECOMMENDATION:

Refusal.

RELEVANT POLICY

National Planning Policy Framework

South Ribble Local Plan

G1 Green Belt

G17 Design

REASONS FOR REFUSAL:

1. The proposal constitutes inappropriate land use in the Green Belt. It is not considered that the applicant has demonstrated very special circumstances to justify the proposal which would harm the character and openness of the Green Belt contrary to Green Belt policy. The benefits of the scheme insufficiently outweigh the harm to that landscape and as such, the proposed development is contrary to the National Planning Policy Framework (2018) and Policy G1 of the South Ribble Local Plan 2012-2026
2. The proposed development would result in an incongruous feature which if appropriately placed would result in overdevelopment of the site, and would be out of keeping with the immediate street scene to the detriment of to the character and appearance of the area. As such the proposal is considered to be contrary to Policy G17 of the South Ribble Local Plan 2012-2026 and Central Lancashire Core Strategy Policy 17

Agenda Item 9

Application Number 07/2018/8583/FUL

Address Longton Equestrian Centre
Chapel Lane
Longton
Preston
Lancashire
PR4 5NA

Applicant Create Homes

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

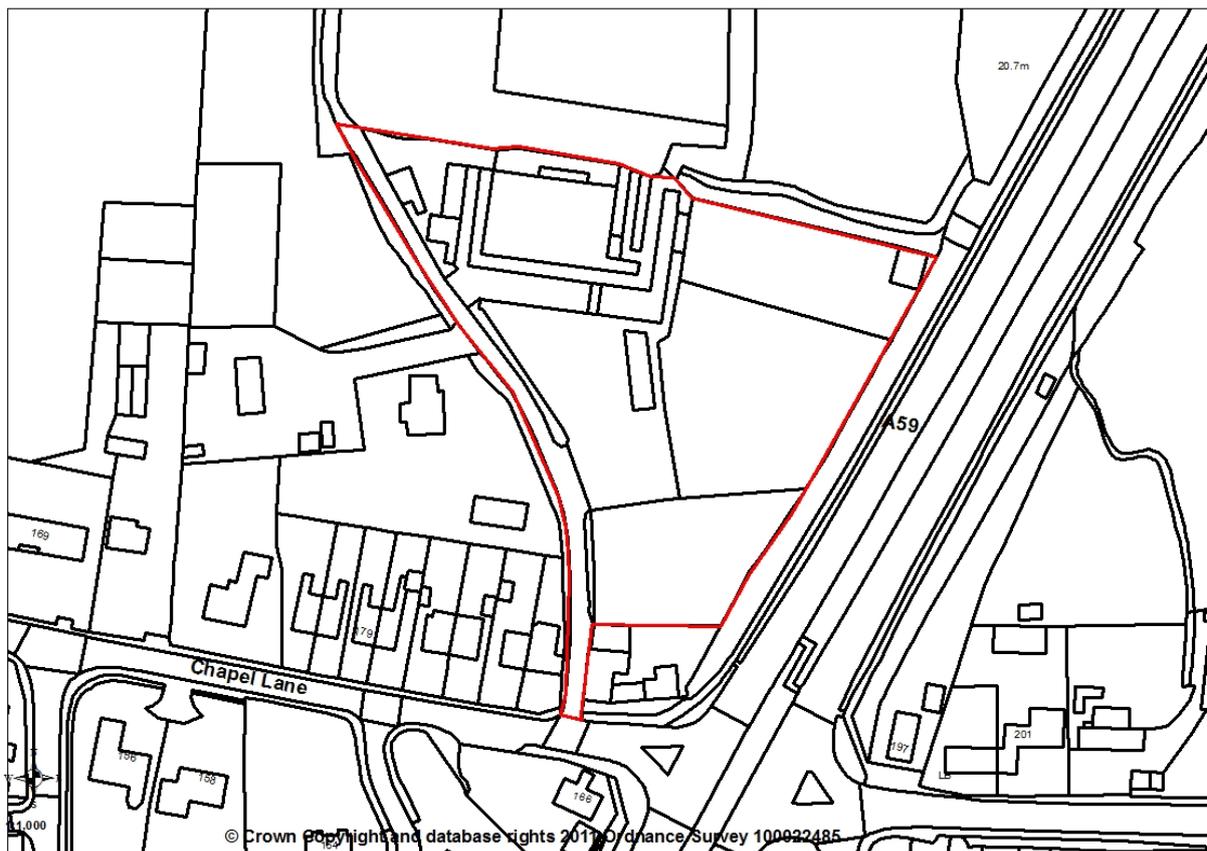
Development Erection of 9no. dwellings following demolition of existing equestrian centre buildings

Officer Recommendation Approval with Conditions

Officer Name Mrs Janice Crook

Date application valid 21.11.2018
Target Determination Date 16.01.2019
Extension of Time 12.02.2019

Location Plan



1. Report Summary

1.1 Members may recall an outline scheme which came before planning committee last March for nine dwellings with the means of access only applied for. Although outline planning permission has been granted, this application is in full as the access differs from the outline approval. Access to three of the dwellings is off the existing access road serving the equestrian centre, Brookfield Farm and two other residential properties with a new access being formed to the northern end of the site to serve the remaining 6 dwellings. County Highways have no objections to this proposal.

1.2 It is acknowledged that that site is within the Green Belt with the previous planning permission recognising that the site is a previously developed site where redevelopment is permissible under Green Belt policy. Given that outline planning permission already exists for 9 dwellings and following an assessment of the scheme in terms of impact on existing properties, character and appearance and parking provision, it is considered that the proposal is policy compliant and is recommended for approval subject to the imposition of conditions.

2. Site and Surrounding Area

2.1 The application relates to Longton Equestrian Centre located on the northern side of Chapel Lane in Longton and immediately to the west of the Longton bypass. The site is accessed off Chapel Lane from a private access road which is also a public right of way PROW 37 and which serves 191 and 191a Chapel Lane and Brookfield Farm to the north-west of the site.

2.2 The site currently consists of a large two-storey equestrian building, stables, office and staff buildings, sand paddock and a parking area.

2.3 The application site and surrounding area is within the Green Belt and is open and rural in nature.

3. Planning History

- 07/1976/0697 Indoor riding school. APV 10/11/1976
- 07/1976/0285 Erection of indoor riding school. REF 30/06/1976
- 07/1978/0323 Outline application for a detached bungalow REF 07/06/1978
- 07/1981/0414 Building of Riding School Premises. APV 24/06/1981
- 07/1987/0654 Floodlighting to outdoor riding arena. APV 11/11/1987
- 07/1996/0186 Extension of Car Park. APV 05/06/1996
- 07/1996/0213 Installation of Pre-Fabricated Building to Provide Office and Mess Room for Staff and Waiting Area for Public. APV 05/06/1996
- 07/1997/0532 Change of use to site one caravan for security purposes. APV 19/09/1997
- 07/2003/0964 Outline Application for indoor school/dressage arena (siting & means of access only) was refused 21/11/2003
- 07/2006/0677/FUL Re-building of existing hay barn to rear. Siting of two portacabins to front to provide an office related to equestrian centre. Erection of tack store to rear and siting of three storage containers to side for riding equipment was approved 25/08/2006
- 07/2010/0526/FUL Siting of static caravan for residential use was refused 22/09/2010
- 07/2016/0727/OUT for residential development of 6 dwellings with means of access and siting applied for was approved on 24/02/2017.
- 07/2017/3794/OUT Outline application for the erection of 9 dwellings following demolition of existing equestrian centre buildings was approved 29/03/2018

4. Proposal

4.1 The application is a full planning application for the erection of 9 dwellings following demolition of the existing equestrian centre buildings. The proposed dwellings consists of the following:

- Plots 1 and 6 Rawcliffe – 3-bed two storey detached dwelling with integral single garage
- Plot 2 Warren – 4-bed, two storey detached dwelling with integral single garage
- Plots 3 Bowgreave – 4-bed two storey detached dwelling with detached double garage
- Plots 4 and 9 Sowerby – 5-bed, two and a half storey detached dwelling with detached double garage
- Plots 5, 7 and 8 Brock – 4-bed, two storey detached dwelling with integral single garage

4.2 Access to the equestrian Centre is via a private access road off Chapel Lane between 189 and 193. A new access is proposed to the north/western end of the site, off this existing access road, to serve 6 of the proposed dwellings with the remaining three being served directly off the existing road which currently serves the Equestrian Centre, Brookfield Farm and 191 and 191a Chapel Lane.

5. Summary of Publicity

6.1 Neighbouring properties were notified and a site notice posted with one letter of representation being received, objecting to the proposal on the following grounds:

- 6 Dwellings have been rotated to give the homes a south facing garden with private road entry.
- The developers will need to remove trees that are not part of the planning application site and are on the neighbouring private road
- Trees are to be removed to widen the private access road
- The trees form part of the private road boundary hedge and were planting in the 1980's to replace removed hedgerow when forming the car parking area
- The removal of these trees represents the majority of the trees around the development site
- Loss of Wildlife habitat
- The access road is also a public footpath and traffic generated by the development will have to travel further down this private road, creating an increase in traffic
- Traffic problems for pedestrians/dog walkers using this part of the private road
- Equestrian centre was granted access onto the car parking area with only farm vehicles to have access use from the car park further down the private road
- Proposed development will change the character and appearance of the private access road dramatically
- Proposal will result in a built up appearance as opposed to the current open feel an country land vista it has now
- Previous applications have retained the trees which resulted in a nicer overall visual appearance and open aspect view

6. Summary of Consultations

6.1 **County Highways** have no objection in principle and are of the opinion that the proposals should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site. They comment that the proposed development will be accessed from a private road with footpath 37 running along its length. The road is not subject to any future adoption agreement. They advise that the applicant should check with their solicitor that they have rights over this road to access the site.

6.2 County Highways also comment that, from observations on site and the information provided on the plans, the sight line requirements are fully achievable. They have also reviewed Lancashire County Councils five year data base for Personal Injury Accident (PIA). The data base indicates there have been one slight incident and one serious incident within the vicinity of the proposed site. Both at the junction of Chapel Lane and Longton By-Pass. On investigation of the details recorded, the incidents recorded follow no pattern with regards to location or time and appear to be of a nature that would not be worsened by the proposed development.

6.3 However, County Highways advise that, due to the length of the proposed road serving plots 4 to 9, a turning head is required to allow refuse and emergency vehicles to turn within the site. The turning head should be either a prescribed "Access Way" turning head from Lancashire County Council Residential Design Guide or the applicant should prove the turning head layout by swept path analysis for a twin axel refuse vehicle. Therefore amended plans were requested and received in line with County Highways comments. County Highways confirm the amendments are acceptable.

6.4 Subject to the amendments, County Highways request a condition is imposed requiring wheel washing facilities be provided for the duration of the development and that an informative note be included, advising the applicant that the granting of planning permission does not entitle a developer to obstruct a public right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.

6.5 **Environmental Health** require conditions be imposed in respect of the submission of a dust management plan; wheel washing facilities; control over the hours of construction; details of any proposed piling works; measures to control invasive weeds; that a contaminated land desk study be undertaken; a restriction on the importation of materials; foul and surface water drainage; the inclusion of electric vehicle recharge points and that the development include appropriate waste receptacles.

6.6 **United Utilities** confirm the proposals are acceptable in principle but request a condition is imposed requiring the drainage for the development is carried out in accordance with the principles set out in the submitted Foul & Surface Water Drainage Design Drawing 902597/1, Rev - Dated Nov 2018 which was prepared by Ironside Farrar.

6.7 UU also comment that, without effective management and maintenance, sustainable drainage systems can fail or become ineffective. Therefore they recommend a condition be imposed to secure a long term management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

6.8 **Ecology** comment that previous ecology surveys on the site have found the habitats present on site to be of low ecological value, with the most valuable being retained within the current design. There are a number of issues relating to protected species, particularly great crested newts which were found in a pond to the north of the site. In relation to newts, the previous ecological consultants were of the view that if reasonable avoidance measures are followed no harm would be caused to newts and no European Protected Species Licence will be required.

6.9 Given the findings of the previous surveys and that the majority of the impacts of the proposals would be during the construction phase of the development, Ecology would advise that a Construction Environmental Management Plan for biodiversity (CEMP) be required by condition, should permission be granted. This CEMP should include measures to protect trees, hedgerows and the ditch on site as well the measures outlined in the previous ecology report to avoid harm to great crested newts.

6.10 In addition since the site, including the buildings may be used by nesting birds Ecology would advise that a condition be imposed to ensure no works are carried out during the bird breeding season.

6.11 Finally as no scheme for biodiversity enhancement measures has been submitted Ecology recommend that a condition be imposed requiring the submission of a scheme for Biodiversity Enhancement Measures.

6.12 **Arboriculturist** has no objections to the development and comments that the replacement planting suitable mitigates the loss of trees identified for removal. However, all newly planted trees should have a replacement condition attached for replanting on a like for like basis for a minimum of five years.

6.13 **Ramblers** and **Public Rights of Way Officer (LCC)** had not responded at the time of compiling this report.

6.14 **Lead Local Flood Authority (LCC)** have no objections to the proposed development subject to the inclusion of conditions requiring the submission of a surface water drainage scheme; that the SUDS drainage scheme is implemented prior to occupation of the development and management and maintenance plan.

6.15 They also require informative notes be included on the decision notice advising the application that this does not grant them permission to connect to the ordinary watercourse and planning permission does not mean that land drainage consent will be given. The application would need to obtain Land Drainage Consent from LCC before starting any works on site

7. Policy Background

7.1 **Central Lancashire Core Strategy: Policy 17: Design of New Buildings** seeks to ensure new development takes account of the character and appearance of the local area; is sympathetic to surrounding land uses and occupiers, avoid demonstrable harm to the amenities of the local area; ensure that the amenities of occupiers of the new development will not be adversely affected by neighbouring uses and vice versa.

7.2 **South Ribble Local Plan 2012-2026: Policy G1: Green Belt** has a general presumption against inappropriate development in the Green Belt, in line with the NPPF. Among the exceptions to this is the limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use, 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.

7.3 **Policy G16: Biodiversity and Nature Conservation** seeks to protect, conserve and enhance the Boroughs Biological and Ecological Network resources. This policy requires that, where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, planning applications must be accompanied by a survey undertaken by an appropriate qualified professional. Where the benefits for development in social or economic terms are considered to outweigh the impact on the natural environment, appropriate and proportionate mitigation measures and/or compensatory habitat creation of an equal or greater area will be required through planning conditions and/or planning obligations.

7.4 **Policy G17: Design Criteria for New Development** seeks to ensure new development does not have a detrimental impact on existing buildings or on the street scene, does not prejudice highway or pedestrian safety and provides the required number of off-street parking spaces to the adopted standards set out in **Policy F1**. The Policy also

required that development does not have a detrimental impact on landscape features such as mature trees, hedgerows, ponds and watercourses.

8. Material Considerations

8.1 Impact on the Green Belt

8.1.1 Both National and local planning policy has a general presumption against inappropriate development in the Green Belt and planning permission will not be granted for the construction of new buildings unless there are very special circumstances. However there are a number of exceptions to this which includes the 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.

8.1.2 The site has been used as a commercial riding school/equestrian centre for visiting members of the public and therefore falls outside of the definition of 'agriculture' and constitutes 'previously developed land' The area considered to be previously developed land includes the hard standing parking area but excludes the sand paddock. Therefore it is considered that Green Belt policy allows for redevelopment of this site, providing the development does not have a greater impact on the openness of the Green Belt.

8.1.3 The application site consists of a large two storey equestrian building, stables and associated office and staff buildings with a total volume of 5,674 cubic metres. These buildings are concentrated to the north of the site with an area of hardstanding for car parking for up to 40 cars to its south. To the east is open land, including a sand paddock, used for exercising of horses

8.1.4 The proposed development comprises a total volume of 4,989 cubic metres approximately and this is comparable with the existing buildings on the site which have a volume of 5,674 cubic metres. Therefore this represents a reduction in volume of 12%.

8.1.5 Additionally, outline planning permission was granted in March 2018 for 9 dwellings which established the principle of development of this site for 9 residential dwellings together with the access. This current application is for full planning permission as the proposed access differs from that of the outline. The key here is that the principle of development has been established, the site is previously developed and therefore its redevelopment is acceptable in the Green Belt and the proposal is considered to have no greater impact on the openness of the Green Belt than the existing development on the site. Therefore the proposal is considered to be compliant with Green Belt policy.

8.1.6 In terms of the design of proposed development and the requirements of Policy G17, an assessment has been carried out to ensure compliance.

8.2 Access and Parking

8.2.1 This application differs from the previous outline approval for 9 dwellings in terms of the access to the site and therefore a full planning application has been submitted. The existing site is accessed via an access road off Chapel Lane which continues north from the site and terminates at Brookfield Farm.

8.2.2 The proposal will be accessed utilising this existing access, as per the previous outline approval. However, the key difference relates to the orientation of seven dwellings to the north of the site. These are oriented to provide south facing gardens and will be accessed via a new private drive along the northern side. Three houses are directly accessed off of the existing road.

8.2.3 County Highways comment that the development will be accessed from a private road which has a public right of way footpath 37 running along its length and the road is not

subject to any future adoption agreement. Therefore the applicant should check with their solicitor that they have rights over this road to access the site. This is something that residents have also raised in their points of objection, commenting that the equestrian centre was granted access onto the car parking area only with only farm vehicles to have access from the car park further down the private road. This would be a private legal matter between the applicant and the owner of the access road.

8.2.4 Lancashire County Council's Public Rights of Way section were consulted on this application and County Highways also forwarded the consultation to them for comment. However, at the time of writing this report, no response had been received.

8.2.5 From observations on site and the information provided on the plans, County Highways consider the sight line requirements are fully achievable. They have also reviewed Lancashire County Councils five year data base for Personal Injury Accident (PIA). The data base indicates there have been one slight incident and one serious incident within the vicinity of the proposed site. Both at the junction of Chapel Lane and Longton By-Pass. On investigation of the details recorded, the incidents recorded follow no pattern with regards to location or time and appear to be of a nature that would not be worsened by the proposed development.

8.2.6 Therefore County Highways have no objection in principle to this application and are of the opinion that the proposals should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

8.2.7 In terms of the driveway serving 6 of the plots, County Highways initially commented that, due to the length of the proposed road a turning head would be required to allow refuse and emergency vehicles to turn within the site. The turning head should be either a prescribed "Access Way" turning head from Lancashire County Council Residential Design Guide or the applicant would need to prove the turning head layout by swept path analysis for a twin axel refuse vehicle.

8.2.8 Therefore amended plans were submitted in line with County Highways comments and these were further considered by County Highways who confirm they are acceptable.

8.2.9 In terms of parking provision, the proposed dwellings have either integral garages or detached double garage and all properties have driveways and therefore the proposal meets the adopted car parking standards.

8.3 Relationship to Neighbours

8.3.1 189 Chapel Lane is located to the western side of the access road which serves Longton Equestrian Centre, 191 and 191a Chapel Lane and leads to Brookfield Farm. This access road lies to the application site's western boundary.

8.3.2 Adjacent the site access road on Chapel Lane are a pair of recently constructed semi-detached dwellings with rear facing dormer windows. 195 Chapel Lane lies to the east of these dwellings and all three dwellings are located to the site's southern boundary. Plot 1 is located 20m from the rear elevation of 195 with its driveway and front garden area being opposite the pair of semi-detached dwellings. 195 has a two storey rear outrigger with rear facing windows at first floor. The dwelling to Plot 1 is to be a Rawcliffe housetype with its facing side elevation having a first floor window. This is to an en-suite and therefore not a habitable room and will be of obscure glazing. Therefore, it is considered the relationship is acceptable and meet the normally required spatial separation distances between windows facing non-habitable obscure windows which can essentially be classed as a blank gable.

8.3.3 Three dwellings are proposed fronting onto the access road and are located 28m from the side elevation of 191 Chapel Lane and therefore the normally required 21 spatial separation distance between facing first floor windows is achieved.

8.3.4 The side elevation of Plot 9 is located approximately 24m off the side elevation of 191a Chapel Lane and therefore, again, the normally required 21 spatial separation distance is achieved.

8.3.5 The proposed development is considered to be compliant with Policy G17 and has no undue impact on existing neighbouring residential dwellings.

8.4 Character and Appearance

8.4.1 Dwellings in the area are a mix of old and new, detached, semi-detached, single and two storey. The proposed development will not be viewed in the street scene of Chapel Lane as it is located to the rear of the properties fronting onto Chapel Lane. Two of these properties are 2.5 storey dwellings. The properties on the opposite side of the access road are a 1.5 storey detached dwelling and a detached bungalow. The proposal is for 9 detached 2-storey dwellings.

8.4.2 Objectors have commented that the development will change the character and appearance of the private access road dramatically and will result in a built up appearance as opposed to the current open feel and country vista it has now. However, it is considered the proposal will have no undue impact on the character and appearance of the area due to the area having no overriding character; that the development will not be viewed in the Chapel Lane street scene, being to the rear of existing dwellings. It is accepted that the character of the private access road will change in that dwellings will replace a commercial equestrian enterprise but this is considered acceptable and it must be acknowledged that outline planning permission has already established the principle of residential development on this site.

8.5 Biodiversity

8.5.1 An updated Ecological Survey and Assessment by ERAP Ltd dated November 2017 was submitted with the application which includes a Licensed Bat and Great Crested Newt Surveys. At Section 5, the report makes a number of recommendations and ecological enhancements which aim to ensure that the development is implemented in accordance with all wildlife legislation, Natural England guidance, the principles of the National Planning Policy Framework (NPPF), local planning policy and best practice.

8.5.2 At paragraph 5.2.1 it states that temporary protective demarcation fencing will be used to protect the trees, shrubs and hedgerow that are to be retained; that the section of a ditch at the northern boundary and adjacent to the site should be protected during the construction and operational phase with a buffer of at least 22 metres wide to be retained between the proposed development area and the retained ditch; that an Invasive Species Management Plan is not necessary as invasive species should be eradicated via grubbing out by the roots during construction works; and that a lighting scheme must include appropriate products and screening so that no excessive artificial lighting shines over the retained trees, shrubs, hedgerow and ditch, areas of ecological enhancement and any landscape planting, as lighting overspill may deter use by wildlife such as foraging bats.

8.5.3 More specifically, the report recommends that Tree 1 which is to be retained, lies outside of the site. If the side branches which overhang the site require pruning, further surveys may be required to determine the presence or absence of roosting bats. All other trees scheduled for removal can be felled in accordance with general arboricultural practice and taking into consideration the protection afforded to nesting birds. The retained trees and hedgerows will remain suitable for use by foraging and commuting bats. To enhance opportunities for roosting bats at the site it is recommended that two commercially available bat access panels are installed at the new dwellings.

8.5.4 All wild birds are protected under the *Wildlife and Countryside Act 1981* (as amended) while they are breeding. It is advised that any works such as building demolition

and vegetation clearance that will affect habitats suitable for use by nesting birds are scheduled to commence outside the bird nesting season. Commencement of works in the nesting season must be informed by a pre-works nesting bird survey, carried out by a suitably experienced ecologist. The bird breeding season typically extends between March to August inclusive.

8.5.5 In terms of enhancement measures, the survey report recommends that opportunities for nesting swallows are provided to compensate for the loss of the stable buildings which are currently used by nesting swallow; that house martin nesting bowls be installed to attract house martins which migrate to the UK to breed and are experiencing a decline in suitable nest sites due to changes in housing design and roofing construction; the installation of two house sparrow terrace nest; That, in order to conserve the habitat connectivity between residential gardens, the use of timber fencing with 0.1 to 0.15 metre gaps beneath to permit the passage of hedgehog, and other wildlife associated with residential areas such as amphibians, between gardens; that the landscape planting within the residential site is composed from native species and species known to be of value for the attraction of wildlife; that trees which support blossom and fruit to attract insects are incorporated into the landscape planting; that understorey and ground cover planting design should be prepared to optimise the attraction of invertebrates such as feeding bumblebees and butterflies; and that the planting scheme includes flowering species such as *Viburnum*, *Ceanothus*, *Hebe*, *Lavendula*, *Lonicera*, *Potentilla*, *Rosmarinus* and *Vinca* can maximise opportunities for feeding invertebrates and for the attraction of foraging bats and birds.

8.5.6 The Council's Ecological Advisors have considered the survey report and comment that their advice remains unchanged from the previous consultation response to the outline application 07/2017/3794/OUT. That is:

“Previous ecology surveys on the site have found the habitats present on site to be of low ecological value, with the most valuable being retained within the current design. There are a number of issues relating to protected species, particularly great crested newts which were found in a pond to the north of the site. In relation to newts, the previous ecological consultants were of the view that if reasonable avoidance measures are followed no harm will be caused to newts and no European Protected Species Licence will be required.

Given the findings of the previous surveys and that the majority of the impacts of the proposals would be during the construction phase of the development, we would advise that a Construction Environmental Management Plan for biodiversity (CEMP) be required by condition, should permission be granted. This CEMP should include measures to protect trees, hedgerows and the ditch on site as well the measures outlined in the previous ecology report to avoid harm to great crested newts.....”

8.5.7 In addition, Ecology recommend that, since the site, including the buildings may be used by nesting birds a condition be included to ensure that no removal of or works to any hedgerows, trees, shrubs or bramble or works to or demolition of buildings or structures shall take place during the bird breeding season between 1st March and 31st August inclusive.

8.5.8 Finally in respect of biodiversity enhancement measures, a condition should be included requiring these measure to be implemented.

8.6 Flood Risk and Drainage

8.6.1 An outline drainage plan has been submitted in support of the application and this has been considered by United Utilities who confirm the proposals are acceptable in principle but request a condition is imposed requiring the drainage for the development is carried out in accordance with the principles set out in the submitted Foul & Surface Water Drainage Design Drawing 902597/1, Rev A, dated November 2018 which was prepared by Ironside Farrar.

8.6.2 UU also comment that, without effective management and maintenance, sustainable drainage systems can fail or become ineffective. Therefore they recommend a condition be imposed to secure a long term management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

8.6.3 Lancashire County Council as the Lead Local Flood Authority were also consulted and raised no objections to the proposed development providing a number of conditions are imposed in respect of the submission of a surface water drainage scheme; that the development is not occupied until the SuDS scheme has been completed and for a surface water lifetime management and maintenance plan.

8.6.4 The surface water drainage scheme should include the following details, as a minimum:

- a) Information about the lifetime of the development, design storm period and intensity (1 in 1, 1 in 2, 1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate which has been calculated at 5 litres per second. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;
- c) Flood water exceedance routes, both on and off site;
- d) A timetable for implementation, including phasing as applicable;
- e) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- f) Details of water quality controls, where applicable.
- g) Breakdown of attenuation volume in pipes, manholes and attenuation pond.

8.7 Trees

8.7.1 There are a number of trees and hedgerow planting to the site's boundaries, particularly the eastern boundary with the A49 Longton bypass being dense. The Council's Arboriculturist has no objections to the development, commenting that the replacement planting suitably mitigates the loss of trees identified for removal. However, a condition should be imposed to ensure that all newly planted trees be replaced/replanting on a like for like basis for a minimum of five years should they die or become damaged.

8.7.2 Residents have raised concerns that the developers will need to remove trees that are not part of the planning application site and are on the neighbouring private road. These trees are to be removed to widen the private access road and the trees form part of the private road boundary hedge and were planting in the 1980's to replace a removed hedgerow when forming the car parking area. Residents comment that the removal of these trees represents the majority of the trees around the development site.

8.7.3 The Tree Constraints Plan, part of the Arboricultural Constraints Appraisal indicates three trees for removal, T5, T7 and T8 which are within the site's red edge boundary. Although other trees outside of the application site have been surveyed, they are not shown for removal and the appraisal indicates they are 'located on neighbouring land'.

8.8 Noise

8.8.1 A Noise Impact Assessment by AB Acoustics dated November 2018 was submitted with the application which considered the main source of noise being the constant traffic flow along the adjacent A59. The report indicates that the noise levels in the external garden areas for plots 1-4 is 56 dBA. However, these garden are separated from the A59 by an

earth bund and the report advises this should be at least 2.5m in height, although a lower earth bund with a fence on top would be acceptable.

8.8.2 The report has been considered by Environmental Health who have made no comments in respect of noise. However, it is considered appropriate to impose a condition to ensure the development is carried out in accordance with the Noise Impact Assessment report.

8.9 **Community Infrastructure Levy**

8.9.1 As the application is for residential development it would be liable for community infrastructure levy of £65 per square metre of floor area multiplied by this year's BCIS figure. However, there are existing buildings on the site which are to be demolished. The floor area of these buildings can be off-set against the new floor area of the development. As the proposal represents a reduction in the floor area of built development, there will be no CIL payable.

9. **Conclusion**

9.1 The application scheme is considered to be compliant with Green Belt policies and has no undue impact on the residential amenity of neighbouring properties. There are no objections from statutory consultees, although a number of conditions have been requested to ensure the development is acceptable in planning terms. Therefore the application is recommended for approval subject to the imposition of conditions.

10. **Recommendation**

10.1 Approval with Conditions.

11. **Recommended Conditions**

1. The development hereby permitted must be begun not later than the expiration of three 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. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans Dwg PL01 Rev E Proposed Layout; SS01 Rev B Streetscenes; 30354/100 Vehicle Tracking; UG_11923_LAN_SL_DRW_01 Rev P01 Soft Landscape Plan; UG_11923_LAN_SL_DRW_01 Rev P02 Landscape Supporting Notes; Housetype Plans: RA/P 01 Rev A; BOW/P 01; BOW/P; 02WA/P 01; CR/P 01 Rev B; SO/P 01 Rev D; C/IN2/WD/DG 201 and 202 Double Garage.
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
3. No work shall be commenced until satisfactory details of the colour and texture of the facing and roofing materials to be used have been submitted to and approved by 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. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

REASON:

5. Prior to the commencement of any works on site a Dust Management Plan shall be submitted, for written approval, to the local planning authority. The Dust Management Plan shall identify all areas of the site and site operations where dust may be generated and further identify control measures to ensure dust and soil does not travel beyond the site boundary. Once agreed the identified control measures shall be implemented and maintained throughout the duration of the site preparation and construction phase of the development.
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy.
6. During the site preparation and construction of the development no machinery, plant or powered tools shall be operated outside the hours of 08:00 to 18:00 Monday to Friday 09:00 - 13:00 on Saturdays. No construction shall take place at anytime on Sundays or nationally recognised Bank Holidays.
REASON: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy.
7. No deliveries of construction materials or removal of construction waste shall be undertaken outside the hours of 09:00 - 17:00 Monday to Friday. No deliveries or removal of waste shall be carried out at weekends or nationally recognised Bank Holidays.
REASON: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy.
8. Prior to the commencement of any works on site, details of all piling activities shall be submitted to the local planning authority together with all mitigation measures to be taken. Piling activities shall be limited to 09:30-17:00.
REASON: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy.
9. Prior to the commencement of development hereby approved, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:
 - a) A Desk Study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on & off-site contamination and ground gases.
 - b) If the Desk Study identifies 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 IIA, 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 building structures, 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 approved in writing by the LPA prior to the start of the site investigation survey.

c) A Remediation Statement, detailing the recommendations and remedial measures to be implemented within the site.

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.

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.

REASON: To ensure that the site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site, in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G14 in the South Ribble Local Plan 2012-2026

10. 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
11. For the full period of demolition/construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway.
REASON; To prevent stones and mud being carried onto the public highway to the detriment of road safety.
12. Electric Vehicle recharge points shall be provided to every property during the construction process. This shall consist of as a minimum a 13 amp electrical socket located externally (or in the garage if available) in such a position that a 3 metre cable will reach the designated car parking spaces. A switch shall be provided internally to allow the power to be turned off by the residents.
Reason: To enable and encourage the use of alternative fuel use for transport purposes in accordance with Policy 3 of the Central Lancashire Core Strategy.
13. A scheme for the Biodiversity Enhancement Measures shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.
REASON: To ensure that adequate provision is made for protected species in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026
14. That any tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall not take place during the nesting season, normally between March and August, unless the absence of nesting birds has been confirmed

by further surveys or inspections and written approval has been given from the Local Planning Authority.

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

15. The approved landscaping scheme UG_11923_LAN_SL_DRW_01 Rev P01 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

16. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

- a) Information about the lifetime of the development, design storm period and intensity (1 in 1, 1 in 2, 1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate which has been calculated at 5 litres per second. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Flood water exceedance routes, both on and off site;
- d) A timetable for implementation, including phasing as applicable;
- e) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- f) Details of water quality controls, where applicable.
- g) Breakdown of attenuation volume in pipes, manholes and attenuation pond.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained,

REASON: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off the site resulting from the proposed development, in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G14 in the South Ribble Local Plan 2012-2026

17. No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

REASON: To ensure that the drainage for the proposed development can be adequately maintained and to ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance

of the sustainable drainage system in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G14 in the South Ribble Local Plan 2012-2026

18. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:
- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
 - b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
 - c) Means of access for maintenance and easements where applicable.
- The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.
- REASON: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development; to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G14 in the South Ribble Local Plan 2012-2026
19. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 902597/1, Rev - Dated Nov 2018 which was prepared by Ironside Farrar. For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, surface water must drain at the restricted rate of 5 l/s. No surface water will be permitted to drain directly or indirectly into the public sewer. The development shall be completed in accordance with the approved details.
- Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding
20. All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.
- REASON: Policy 27 of the Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4. However following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. As Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.
21. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.
- REASON: Policy 27 of the Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4. However, following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. As Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs

to be provided prior to the commencement so is can be assured that the design meets the required dwelling emission rate

22. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.
REASON: Policy 27 of the Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4. However, following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. As Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so is can be assured that the design meets the required dwelling emission rate.
23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no development of the type described in Classes A to G Part 1 of Schedule 2 of that Order shall be undertaken without the express permission of the Local Planning Authority
REASON: To enable the Local Planning Authority to retain control over future development in the interest of residential amenity and the character and appearance of the area in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026
24. 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 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 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

12. Relevant Policy

Central Lancashire Core Strategy Policy 17: Design of New Buildings

South Ribble Local Plan:

- F1 Car Parking
- G1 Green Belt
- G16 Biodiversity and Nature Conservation
- G17 Design Criteria for New Development

13. Informative Notes

1. For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given.

The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here: <http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>

2. The granting of planning permission does not entitle a developer to obstruct a public right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.

Agenda Item 10

Application Number 07/2018/8717/FUL

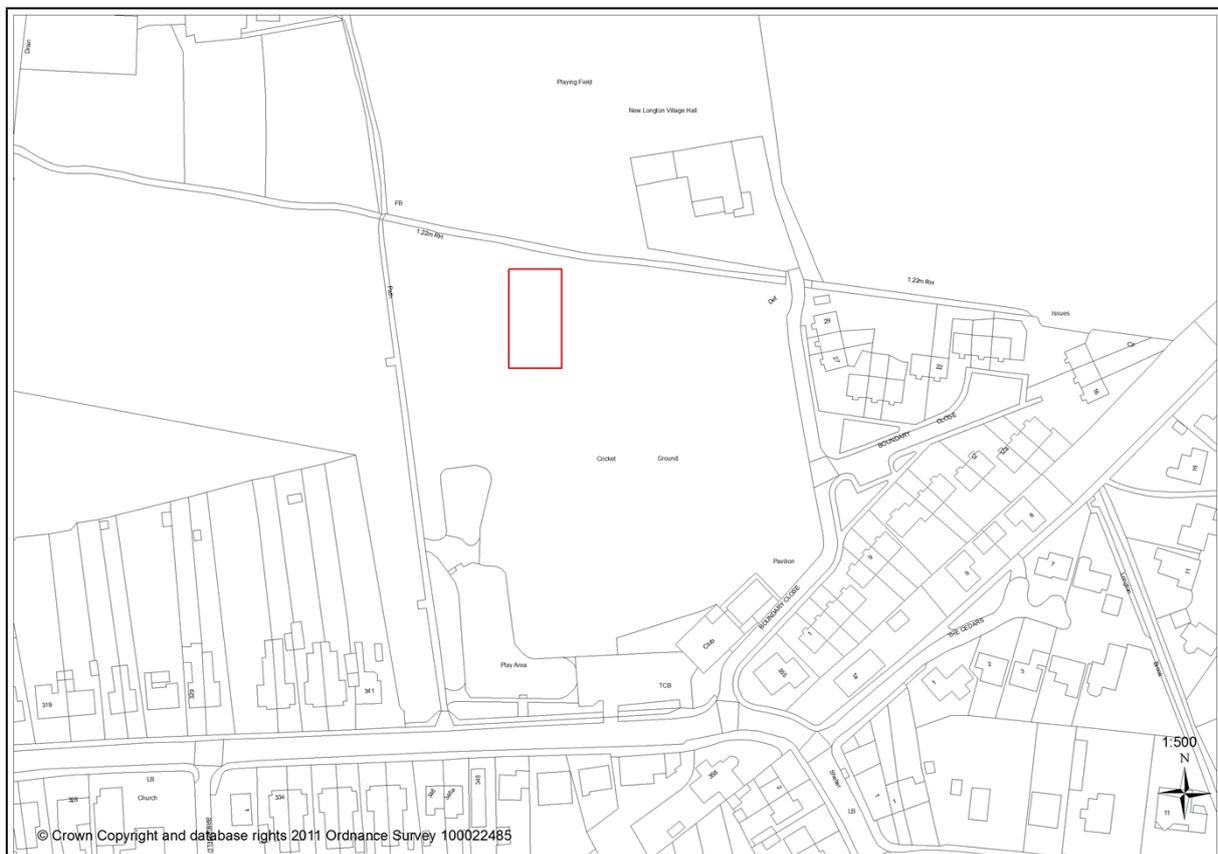
Address New Longton Sports & Social Club
Chapel Lane
New Longton

Applicant Mr Stephen Yardley

Development Installation of two-lane cricket nets.

Officer Recommendation **Approval with conditions**

Date application valid 21.11.2018
Target Determination Date 25.01.2019
Extension of Time 12.02.2019



1. Introduction

1.1. The application is brought before Committee as a number of Council Officers are Cricket Club members.

2. Summary

2.1. The application proposes erection of a fully enclosed, two bay, cricket practice net on land to the northern edge of New Longton Cricket Ground.

2.2. The units design and placement are such that any loss of visual amenity would be limited, and any loss of useable sports field would be avoided.

2.3. In line with adopted local and national policy the proposal supports the retention and upgrade of existing sports facilities, and having regard to the material considerations detailed below it is recommended that permission is granted subject to the imposition of conditions.

3. Application Site and Surrounding Area

3.1. The application refers to New Longton Cricket Club; a large tract of Council owned land designated as Green Infrastructure by Policy G7 of the South Ribble Local Plan.

3.2. The 'L' shaped site accommodates a children's play area, cricket club, parking areas and pavilion along the southern edge, but in the main is open in nature and used as playing field. A number of larger, single trees are present around the site edges but none are protected by Tree Preservation Order.

3.3. The northern boundary is denoted by both Longton Brook and mature trees; beyond which are New Longton Village Hall and playing fields. In the east, south and west are Boundary Close and Chapel Lane (residential and mixed use respectively), and dissecting the site in a north-south direction is public right of way PROW 7-7-FP47.

3.4. There are no recorded issues of flooding on the site

4. Site Context / Planning History

4.1. There are eleven planning applications on the history of this site. These all pre-date 2006, relate to redevelopment of the club house and car park, and are not relevant to the proposal to be determined.

5. Proposal

5.1. The applicant seeks permission for erection of an enclosed, two-lane, cricket practice net structure on land to the northern side of the site.

5.2. The unit would be 33m long x 7.3m wide, with a maximum height of 4m. Its steel frame would support mesh netting protection, and access would be via pedestrian door set into the eastern elevation. The floor would be a combination of green/blue synthetic playing surface and sand dressed carpet

6. Summary of Supporting Documents

6.1. The application and proposal drawings are accompanied by the following:

- Phase 1 Habitat Survey (Wildlife Trust: 12.10.18)
- Project Specifications (Total Play: 7.11.18)
- Himalayan Balsam Management Statement (John Lamb)

7. Representations

7.1. Summary of Publicity

7.1.1. A site notice has been posted and twenty six neighbouring properties have been consulted.

7.2. Letters of Objection or Support

7.3. One letter of support has been received from the occupant of no: 2 Boundary Close (130m south-east).

7.4. A letter objecting to the proposal has also been received from the resident of 341 Chapel Lane whose garden abuts the western site boundary at approximately 110m away. This residents comments are summarised as:

- Lack of adequate parking as the club has increased in size
- Existing issues of parking on Chapel Lane when functions are held in the club house
- Request that 'double yellow lines' are installed

8. Summary of Responses

8.1. **South Ribble Legal Department** confirms that there is no requirement to obtain landlords consent under the terms of the clubs lease

8.2. **Sport England** confirm that the proposed development would support the sites principal, playing field use and will not affect the quantity and quality of the pitches or their use. Discussions with the English Cricket Board confirm that the proposals design is acceptable and as such Sport England does not object.

8.3. **Lancashire County Council Highways** have no objection

8.4. The Councils **Ecologist** confirms that the development footprint has little ecological value, but has concerns that development may impact upon Longton Brook during construction works. Conditions to protect the brook, to ensure compliance with the applicants Himalayan Balsam Management Statement and to require installation of 2 no: bird boxes are therefore recommended.

9. Material Considerations

9.1. Site Allocation/Relevant Policy Background

9.1.1. The cricket club sits within an area designated under Policy G7 of the Local Plan 2012-2026 as Existing Green Infrastructure. G7 states that development proposals should seek to protect and enhance the existing green infrastructure. Proposals will not be permitted on lands designated by this policy unless alternative provision of similar and/or better facilities for the community will be implemented on another site or within the locality, or it can be demonstrated that retention of the site is not required to satisfy a recreational need in the local area, and where the development would not detrimentally affect the amenity or nature conservation value of the site.

9.1.2. Additional policy of marked relevance to this proposal is as follows:

- National Planning Policy Framework (2018)*

9.1.3. The NPPF at Para 11: provides a presumption in favour of sustainable development, supporting amongst other things *'strong vibrant and healthy communities'* and by *'fostering open spaces that reflect current and future needs with accessible open spaces which support community health, social and cultural wellbeing'*

9.1.4. **Chapter 6: Building a strong, competitive economy** at Para 83 states that planning policies and decisions should enable ... *'leisure developments which respect the character of the countryside'* and *'the retention and development of accessible local services – including sports venues'*

9.1.5. **Chapter 8: Promoting Healthy & Safe Communities** says that planning policy and decisions should *'plan positively for the provision of shared spaces (such as sports venues) ... to enhance the sustainability of communities'*. Planning should also *'take into account and support local strategies to improve health, social and cultural wellbeing for all sections of the community'*

9.1.6. **Chapter 15: Conserving and Enhancing the Natural Environment** – when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity as reflected by Core Strategy Policy 22.

Central Lancashire Core Strategy

9.1.7. The Core Strategy was adopted at full Council on 18th July 2012, and is therefore a material consideration in the determination of this planning application.

9.1.8. **Policy MP** states that the Council will take a positive approach reflecting the NPPF presumption in favour of sustainable development, and in accordance with the Local Plan unless material considerations indicate otherwise.

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

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

9.1.11. **Policy 24: Sport & Recreation** aims to protect existing sport and recreation facilities, and identify new facilities where there is evidence of need.

South Ribble Local Plan

9.1.12. In addition to site allocation policy G7 (above), the following are also pertinent:

9.1.13. **Policy G16 –Biodiversity and Nature Conservation** protects, conserves and enhances the natural environment at a level commensurate with the site's importance and the contribution it makes to wider ecological networks.

9.1.14. **Policy G17: Design Criteria for New Development** considers design in general terms, and impact of the development upon highways safety, the extended locale and the natural environment.

9.1.15. *Central Lancashire Open Space and Playing Pitch SPD* sets out the standards for provision of on and off site open space and playing pitch provision, but also provides a strategic framework for improvement of existing ancillary facilities such as cricket and artificial grass pitches.

9.2. Impact of Development on Neighbouring Properties

9.3. The closest residential properties would be those on Boundary Close in the east at between 90m and 130m away, and on Chapel Lane in the south at 140m distance. No: 341 Chapel Lane is the closest in the south-west at 60m from the rear garden boundary and 120m from the property itself. Noise from the proposal would be similar to that which already exists, and spatial separation between neighbouring properties and the completely enclosed practice unit is also considered more than acceptable.

9.4. Design, Appearance and Character

9.5. In design terms the proposal – which would be relatively transparent – is considered appropriate for its surroundings, and should not look out of place in a sports setting.

9.6. Highways, Access and Parking Arrangements

9.7. Although objection has been made with regards to parking on the site, the nets are expected to be used by existing club members. As such traffic generation should not increase significantly, and access and parking arrangements will remain the same

9.8. Natural Environment

9.9. Subject to appropriate protection during construction, the proposal should not impact in any way upon the natural environment.

10. Conclusion

10.1. The unit in question clearly supports sports provision in line with adopted policy, and has been located both to be visually unobtrusive, and to avoid any detrimental loss of active sports playing areas. There is no environmental impact as the unit sits alongside rather than in the place of trees and shrubbery, and enables the long term, purposeful use of the playing fields.

10.2. The proposal is considered to accord well to the sentiments of the policies detailed above, and is recommended for approval subject to the imposition of conditions.

RECOMMENDATION:

Approval with Conditions.

RECOMMENDED CONDITIONS:

1. The development hereby permitted must be begun not later than the expiration of three 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. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans
Dwg EN03 & EN04 (Total Play: 19.11.18)
Phase 1 Habitat Survey (Wildlife Trust: 12.10.18)
Project Specifications (Total Play: 7.11.18)
Himalayan Balsam Management Statement (John Lamb)
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development

3. Before any site activity (construction or demolition) is commenced in association with the development, barrier fencing shall be erected around all trees within proximity of the development area, and areas of Longton Brook which might be affected by construction. The fencing shall be 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 may take place. This includes ground disturbance for utilities. The fencing shall not be moved in part or wholly without the written agreement of the Local Planning Authority. The fencing shall remain in place until completion of all development works and removal of site vehicles, machinery, and materials in connection with the development.
REASON: To prevent damage to trees during construction works in accordance with Policy G13 in the South Ribble Local Plan 2012-2026
4. Development shall proceed in accordance with the recommendations of the approved Himalayan Balsam Management Statement (John Lamb)
REASON: The spread of invasive plants is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment recurs
5. Prior to first use of the nets hereby approved, two bird boxes shall be erected within or around the site in accordance with approved Phase 1 Habitat Survey (Wildlife Trust: 12.10.18). Once provided these shall be retained and maintained thereafter unless otherwise agreed with the local planning authority.
REASON: To ensure adequate provision is made for these protected species in accordance with Policy 22 of the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026

RELEVANT POLICY

NPPF National Planning Policy Framework

Central Lancashire Core Strategy

- 17 Design of New Buildings
- 22 Biodiversity and Geodiversity
- 24 Sport and Recreation

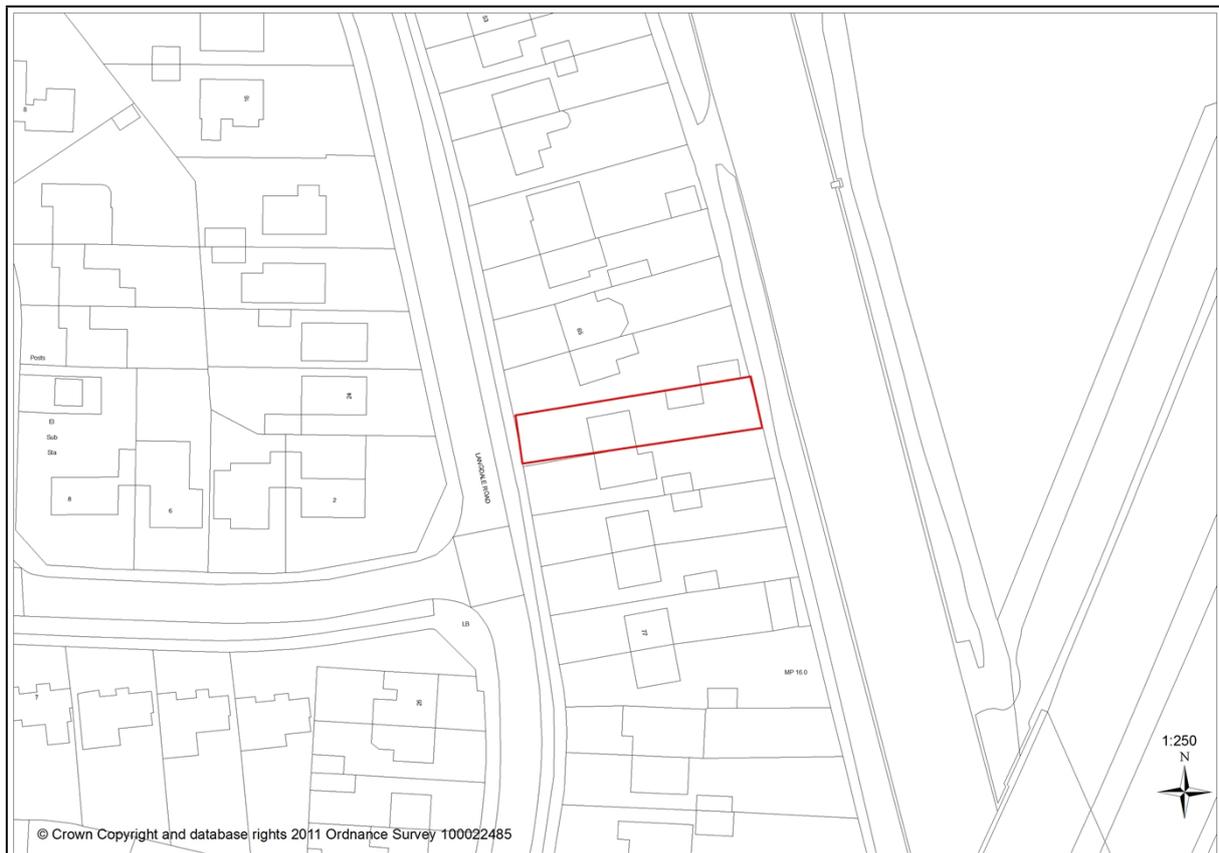
Local Plan 2012-2026

- G16 Biodiversity and Nature Conservation
- G17 Design Criteria for New Development

Open Space and Playing Pitch Supplementary Planning Document

Agenda Item 11

Application Number	07/2018/9269/HOH
Address	69 Langdale Road Leyland
Applicant	Miss P Halliwell & Mr K Cockcroft
Agent	Mr C Taylor 3DG Design
Development	Erection of porch to front and single storey rear extension
Officer Recommendation	Approval with Conditions
Date application valid	7.12.2018
Target Determination Date	1.2.2019
Extension of Time	13.2.2019



1. Introduction

1.1. This application is brought before committee as the applicant is a Council employee

2. Report Summary

2.1. The application proposes erection of single storey rear extension, and small porch to the front.

2.2. Both elements of the scheme have been well designed, relate well to both the main dwelling and wider environment, yet the property retains acceptable levels of amenity and parking space. The proposal complies with the relevant policies of the South Ribble Local Plan and Residential Design SPD and is recommended for approval subject to conditions

3. Application Site and Surrounding Area

3.1. The application refers to a semi-detached, two storey dwelling with deep front and rear gardens, located on the eastern side of Langdale Road; a wholly residential area allocated as Existing Built Up Area by Local Plan Policy B1.

4. Site Context / Planning History

4.1. There is no planning history for this site

5. Proposal

5.1. The application seeks permission for erection of a small porch to the front and single storey extension at the rear

5.2. *Porch* – An enclosed porch of 2.6m x 1.8m, with a pitch roof measuring no more than 3.6m would replace the existing canopy structure.

5.3. *Rear Extension* – Proposed to the rear is an extension measuring 6m wide, projecting to 4m and with a mono-pitched roof of 4m; eaves would stand at 2.6m.

5.4. Both structures would be constructed in materials to match the existing property; namely red coloured facing brick, concrete roof tiles and white UPVC windows, doors and rainwater goods.

6. Representations

6.1. Neighbour Consultation

6.1.1. Four neighbouring properties have been consulted but representation has not been made.

6.2. Statutory Consultee Responses

6.2.1. On this occasions consultation was not felt necessary.

7. Material Considerations

7.1. Site Allocation Policy

7.1.1. The site is designated under Policy B1 of the South Ribble Local Plan as Existing Built Up Area which includes a presumption towards re-development where proposals do not impact upon the amenity of occupants of the area, highways safety or the areas character.

7.2. Additional Policy Background

Additional policy of marked relevance to this proposal is as follows:

7.2.1. Local Plan Policy G17 (Design of New Buildings) also attaches great importance to the design of the built environment, requiring proposals to take account of the character, appearance and amenity of the local area, and to highways and pedestrian safety.

7.2.2. Local Plan Policy F1 (Parking Standards) requires all development proposals to provide car parking and servicing space in accordance with parking standards adopted by the Council.

7.2.3. The South Ribble Residential Design Guidance SPD requires that all extensions remain visually subservient to the parent building, shall not result in an unacceptable loss of light or privacy to neighbouring properties and shall be appropriately designed.

7.3. Relationship To Neighbouring Properties

7.3.1. The proposed rear extension would be 200mm from the common boundary with no: 71 Langdale Road (attached), 2.4m from the boundary with no: 67 and 6.2m from no: 67 itself which is angled away from the applicant's property. Properties are screened at the rear by 1.8m fencing.

7.3.2. The proposed porch would be approximately 3m and 5m from no's 71 and 67 respectively, and would face the side elevation of no: 2 Dalehead Road at 40m.

7.3.3. Spatial separation to all properties has been assessed against the requirements of the Residential Design Guide and impact by virtue of loss of privacy, light or overlooking is considered negligible.

7.3.4. To the rear of the site is a railway line; beyond which are open fields and the M6 motorway.

7.4. Design

7.4.1. This development proposal relates well to neighbouring buildings and the extended locality, including a high quality design with appropriate material use and landscaping.

7.4.2. In design terms the scheme is more than acceptable; particularly as with only minor adjustments both parts of the scheme would be permitted development (i.e. would not require planning permission).

7.5. Highways, Access and Parking

7.5.1. Three parking spaces would be required for this property. Parking provision on site remains more than adequate for a proposal of this nature.

8. Conclusion

8.1. Both elements of the scheme have been well designed, relate well to both the main dwelling and wider environment, yet the property retains acceptable levels of amenity and parking space. The proposal complies with the relevant policies of the South Ribble Local Plan and Residential Design SPD and is recommended for approval subject to conditions.

RECOMMENDATION:

Approval with Conditions.

RECOMMENDED CONDITIONS:

1. The development hereby permitted must be begun not later than the expiration of three 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. The development hereby permitted shall be carried out in accordance with approved plans 010-541/09 and 10 (3DG Design)
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with Policy 17 of the Central Lancashire Core Strategy and Local Plan 2012-2026 Policy G17

3. All external facing materials shall match in colour, form and texture to those on the existing building.
REASON: In the interests of the visual amenity of the area and so that the Local Planning Authority shall be satisfied as to the details in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

RELEVANT POLICY

National Planning Policy Framework

Central Lancashire Core Strategy

17 Design of New Buildings

South Ribble Local Plan

B1 Existing Built Up Area

F1 Car Parking

G17 Design Criteria for New Development

South Ribble Residential Design SPD

Application Number 07/2018/9384/FUL

Address 47 Chapel Brow
Leyland
Lancashire
PR25 3NH

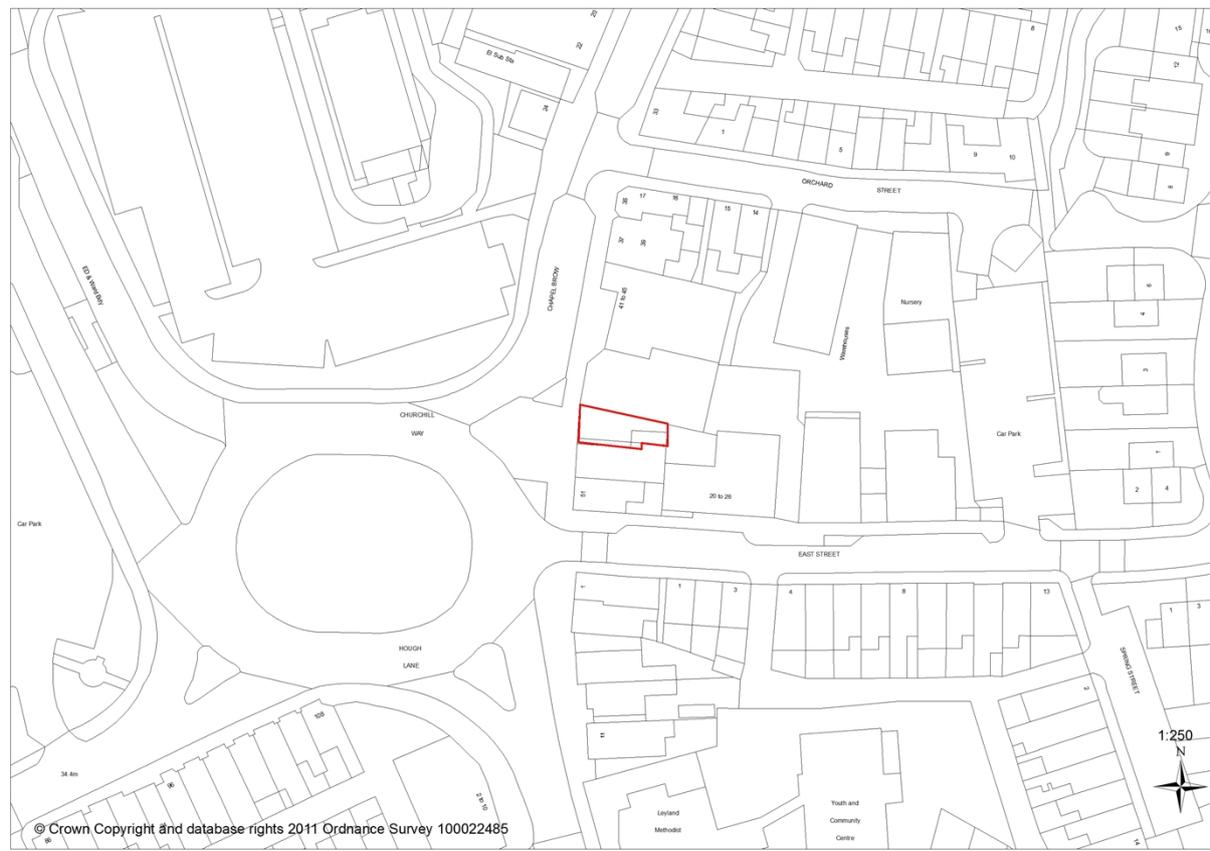
Applicant Mr Ismail Ilick

Agent Mr Zuned Vorajee
47 Regent Drive
PR2 3JB

Development Change of Use from A1 (retail) to A4 (drinking establishment) (ground floor) and erection of two storey rear extension

Officer Recommendation **Approval with Conditions**
Officer Name **Mrs Linda Ashcroft**

Date application valid 17.12.2018
Target Determination Date 11.02.2019
Extension of Time



1. **Report Summary**

- 1.1 The application is for a change of use of a vacant A1 retail premises into a drinking establishment within the A4 Use class together with a two storey rear extension.
- 1.2 The site is situated within the Leyland Town Centre.
- 1.3 The premises has a lawful use for retail and is in a highly sustainable location. Three objections have been received which relate to the use of premises as a public house and not to the rear extension. County Highways have raised no objections and consider the proposal should have a negligible impact on highway safety and capacity in the immediate vicinity. Environment Health have raised no objection but have recommended a number of conditions to be imposed. The application is recommended for approval subject to the imposition of conditions.

2. **Site and Surrounding Area**

- 2.1 The application relates to a property which is currently a vacant retail shop which was last used as a barber shop at ground floor with a first floor flat above which is currently occupied by the applicant. The premises presently fall within Use Class A1 (Shops) and is situated within the Leyland Town Centre where Policy E3 in the South Ribble Local Plan is relevant.
- 2.2 The site fronts the roundabout situated at the junctions of Chapel Brow, Hough Lane, Turpin Green Lane and Churchill Way with a wide pavement area to the front. The area is a mix of residential and commercial with the Churchill Way retail area set to the north west.
- 2.3 The application property is the end of a row of three commercial premises with a car park immediate to the north and residential flats set to the east (rear). The car park to the north is a private car park for 41-45 Chapel Brow which is used as a cafe at ground floor with offices also at ground and first floor.

3. **Planning History**

- 3.1 07/1981/0108 – Extension to hairdressers shop. Approved.

4. **Proposal**

- 4.1 The application proposes the change of use of the ground floor from Use Class A1 (Shop) to Use Class A4 (Drinking Establishment) and a two storey rear extension.
- 4.2 The ground floor only is to be converted into a bar which will also serve cold food with the existing shop floor area housing the main bar/serving area and the ground floor element of the proposed two storey rear extension accommodating a unisex disabled wc and a kitchen to serve the bar.
- 4.3 The application form states the opening hours as Monday to Friday 12:00 hours to 23:00 hours, Saturday 12:00 hours to 00:30 hours and Sunday and Bank Holidays 12:00 hours to 23:00 hours.
- 4.4 Two storey rear extension will measure a maximum width of 3.7m by a maximum length of 6.35m with a sloping roof which will extend from the eaves of the main building giving a maximum height of 6.15m and an eaves height of 3.4m. The extension will accommodate a kitchen and wc for the business use together with an enclosed entrance and internal staircase for the first floor flat. A first floor obscure

glazed window is proposed into the southern elevation with a window and two doors at ground floor.

4.5 The extension will be finished in red brick with slates to the sloping roof.

4.6 Refuse storage areas are to be provided for both the commercial use and the residential flat to the rear of the site which is accessed through a separate front door which leads to an alleyway formed under the first floor of the building.

5. Summary of Publicity

5.1 Neighbouring properties were notified and a site notice posted with three letters of representation being received, objecting to the proposal on the following grounds:

- Drinking establishment will affect the environment built on this street;
- Licensed premises will driveway away regular customers from my shop;
- Many school children come to shop straight after school; licensed premises will affect them or the parents will keep them away;
- Too close to residential houses;
- Already parking problems around East Street day and night;
- Don't want more potential intoxicated people or otherwise being attracted to this area;
- Car park adjacent site is used as a toilet, no policing available for this issue;
- No need for another public house, do not need to have drunks staggering around;
- Encourage smoking outside with associated litter be thrown on the floor;
- Need more businesses that we do not already have;

6. Summary of Consultations

6.1 **County Highways** have raised no objections to the proposed development and is of the opinion that the proposals should have a negligible impact on highway safety and capacity within the immediate vicinity of the site. County Highways have also commented that *"the application does not include any off road parking, however the site is located within a highly accessible town centre location with good access to public transport, public car parks and sufficient waiting restrictions in the vicinity of the site to control on road parking."*

6.2 **Environmental Health** have raised no objection but have requested a number of conditions, should the Committee be minded to approve the application, relating to construction activities, contaminated land, noise and odour. Environmental Health have also confirmed that they have no concerns or issues in respect of a unisex disabled wc.

7. Policy Considerations

7.1 The **National Planning Policy Framework (NPPF)** favours sustainable development which includes building a strong, responsive and competitive economy. Paragraph 80 of the NPPF states that *"decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."* Despite its town centre allocation, Chapel Brow is a relatively underused area historically defined by its night time economy. The proposal site sits in close proximity to both a railway station and town centre and should however assist in attracting people to this lesser used location resulting in what is considered to be positive diversification of the town centre as a whole.

- 7.2 **Core Strategy Policy 11 (Retail and Town Centre Uses)** aims to maintain and improve the vitality and viability of Leyland town centre.
- 7.3 **Core Strategy Policy 12 (Culture & Entertainment Facilities)** seeks to promote cultural and entertainment facilities within key service centres, one of which is Leyland, and *“develop the family entertainment offer in Leyland. Family encompasses all ages and although there are several public houses in the town centre, many aim towards the younger generation of society, some with an emphasis on food for families, which by their very nature are noisier in comparison with the proposal.*
- 7.4 **Local Plan Policy G17 (Design) and Core Strategy Policy 17 (Design)** both support development where design and siting are of a high quality, car parking and servicing provision are acceptable and there is no impact on surrounding land use. Although the proposal does not accord with adopted parking standards as set down in Local Plan Policy F1 (Parking Standards), Policy E3 (Leyland Town Centre) in the Local Plan states that *“new use in the town centre will either be expected to use existing car parking facilities within the town centre (if they are in close proximity) or provide the appropriate level of car parking”*. As the premises are on in a highly accessible town centre location and in close proximity to car parks, bus stops and railway station, this proposal appears to accord well to the sentiments of the above. LCC Highways have raised no objection and is of the opinion that the proposals should have a negligible impact on highway safety and capacity within the immediate vicinity of the site.
- 7.5 The site is located within the ‘Secondary Retail’ Frontage in Policy E3 (Leyland Town Centre) where A1 (retail) uses will be protected and enhanced but *“A3 (Cafes and Restaurants) and A4 (Drinking establishments) may be appropriate to maintain the vitality and viability of the area.”*

8. **Material Considerations**

8.1 **Character / Appearance**

- 8.1.2 There are no proposed changes to the front elevation. The rear extension will abut up to an existing wall to the yard area to the north and east with the brickwork forming the sloping roof being visible from the adjacent car park to the north which will be constructed in red brick with slates to the roof. It is therefore considered the proposed extension will not have a detrimental impact on the character and appearance of the area.

8.2 **Relationship to Neighbours**

To the rear of the site is a three storey block of flats which has facing windows in all storeys. There is an existing separation distance of some 8.5m from the rear yard wall to the western elevation of the residential block of flats. The extension will be single storey where it meets with the yard boundary wall to the east; no roof lights are proposed nor will there be any first floor facing windows and therefore there would be no loss of privacy. There are other residential properties in the area which are situated within Orchard Street (35m) to the north and East Street (14m) to the south.

- 8.2.1 To the north of the proposed extension is a private car park within the ownership of commercial premises at Nos. 41-45 Chapel Brow.
- 8.2.2 To the south of the application property is a shop selling clothing. To the rear is a single storey flat roofed extension and a two storey projection. There is a side facing ‘window’ into the first floor element which is boarded up and a first floor window into the rear elevation. A first floor window is proposed into the side facing elevation of the extension but this is to be obscure glazed.

8.2.3 The proposed bar area is to the front portion of the building with the extension to the rear providing a unisex disabled wc, kitchen and a separate access to the first floor flat.

8.2.4 Concerns in respect of the use of this land as a toilet is not a material planning consideration and a condition will be imposed to provide receptacles to dispose of cigarette butts and litter.

8.2.5 Due to the aforementioned it is therefore considered the proposal will not have a detrimental impact upon nearby residential dwellings or adjacent commercial properties by virtue of unacceptable noise and disturbance nor will there be any undue loss of privacy. There is sufficient parking available within the town centre.

8.3 **Highway Issues**

8.3.1 The site is in a highly sustainable location within the Leyland Town Centre and is close to bus and train connections and public car parks. Lancashire County Highways are satisfied that the application property is located within a highly accessible town centre location with good access to public transport, public car parks and sufficient waiting restrictions in the vicinity of the site to control on road parking.

8.4 **Noise / Disturbance**

8.4.1 Environmental Health have raised no objection but have recommended conditions be imposed relating to hours of construction and deliveries of construction materials and time restriction for the disposal of empty glasses. The applicant occupies the first floor flat and therefore Environmental Health also request a condition be imposed limiting the occupation of the first floor flat to a person solely or mainly employed by the business, including a dependent of such a person residing with them. In respect of opening hours, this will be controlled by Licensing.

9. **Conclusion**

9.1 The proposed change of use of the ground floor from Use Class A1 (Shop) to Use Class A4 (Drinking Establishment) together with a two storey rear extension complies with the requirements of Policy E3 of the South Ribble Local Plan and is therefore acceptable. The proposal will not have a detrimental impact upon the character and appearance of the area nor will it impact upon the amenities of neighbouring properties. There have been no objections from LCC Highways or Environmental Health. The proposal accords with Policies 11 and 12 of the Core Strategy and Policies E3, F1 and G17 of the South Ribble Local Plan. The application is therefore recommended for **approval** subject to the imposition of conditions.

RECOMMENDATION:

Approval with Conditions.

RECOMMENDED CONDITIONS:

1. The development hereby permitted must be begun not later than the expiration of three 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. During the site preparation and construction of the development no machinery, plant or powered tools shall be operated outside the hours of 08:00 to 18:00 Monday to Friday 09:00 - 13:00 on Saturdays. No construction shall take place at anytime on Sundays or nationally recognised Bank Holidays.

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

3. No deliveries of construction materials or removal of construction waste shall be undertaken outside the hours of 09:00 - 17:00 Monday to Friday. No deliveries or removal of waste shall be carried out at weekends or nationally recognised Bank Holidays.

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

4. 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,
- the National Planning Policy Framework.

NOTE TO APPLICANT:

If no adverse conditions are encountered to discharge this condition photographic evidence of all ground workings shall be submitted together with a description of the ground encountered.

5. The occupation of the first floor flat shall be limited to a person solely or mainly employed by the business hereby approved, including a dependent of such a person residing with him/her.

REASON: To safeguard the living conditions of any future occupants of the flat hereby approved particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy

6. Waste, including empty bottles, shall not be removed from the premises (taken outside the building) between the hours of 22:00 - 08:00 on any day.

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

7. Receptacles shall be provided for the use of patrons to dispose of cigarette butts and litter. These shall be maintained and emptied at least once a day from first use of the site during the operation of the permitted development.

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

8. Prior to the installation of any external fixed mechanical plant, equipment, air conditioning units and/or condenser units or extraction systems to the extension full details of the siting and noise and odour levels to be experienced at the nearest

properties and the fixings to be used shall be provided to the local planning authority for written approval. The approved system shall then be installed as agreed and thereafter maintained as approved. Any changes to the system shall first be agreed with the local planning authority in writing.

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.

9. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans Dwg 3, 4, location and site plan of Job No. 0107.

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

RELEVANT POLICY

NPPF	National Planning Policy Framework
12	Culture and Entertainment Facilities (Core Strategy Policy)
11	Retail and Town Centre Uses and Business Based Tourism (Core Strategy Policy)
POLG17	Design Criteria for New Development
POLF1	Car Parking
POLE3	Leyland Town Centre

Note:

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REPORT TO	ON
Planning Committee	7 February 2019



TITLE	REPORT OF
Variation of Section 106 Agreement for Outline Planning Permission 07/2014/0184/ORM Land Off Croston Road – Between Moss Lane and Rear of 394 Croston Road	Director of Planning and Property

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

- 1.1 To seek approval from Members for the variation of a Section 106 Agreement which would result in the Council relinquishing an option to acquire land within the site in question for a leisure/community use in exchange for a financial contribution towards the provision of health and wellbeing infrastructure an alternative site.

2. RECOMMENDATIONS

- 2.1 That Members approve the proposed variation to the Section 106 Agreement relating to Planning Permission 07/2014/0184/ORM to secure a financial contribution in lieu of the provision of land.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Excellence and Financial Sustainability	✓
Health and Wellbeing	✓
Place	✓

Projects relating to People in the Corporate Plan:

People	
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4. BACKGROUND TO THE REPORT

- 4.1 Policy C3 in the South Ribble Local Plan allocates land between Heatherleigh and Moss Lane in Farington Moss, to the west of Croston Road, for residential development with

scope for community and leisure facilities if required by the Council. Given reference 'W' attributed to the site on the Polices Map the site is commonly known as 'Site W'.

- 4.2 Following the endorsement of Masterplans in March and October 2013, and the granting of outline planning consent on the southern section of 'Site W' between Heatherleigh and Bannister Lane in April 2013, a planning application was submitted on the northern section of the site by Homes England as landowner (then the Homes and Community Agency). This application, ref. 07/2014/0184/ORM ("the application"), relates to land between the rear of 394 Croston Road and Moss Lane and sought permission for up to 400 dwellings in outline with only the matter of 'Access' applied for. This application also identified a section of the site, circa 2.47 acres, to be set aside for a potential future community/leisure facility as required by Policy C3 of the Local Plan (see Appendix 1).
- 4.3 On the 28th May 2014 the application went before the Planning Committee for determination with the Committee endorsing the Officer recommendation that *'the Members be minded to approve the application and that the decision be delegated to the Planning Manager in consultation with the Chair and Vice-Chair of the Planning Committee upon the successful completion of a Section 106 Agreement to secure on-site public open space, a financial contribution towards localised highway improvement works, community and leisure uses and details of number, type and tenure of on-site affordable housing'*. After a lengthy period of negotiating, the Section 106 Agreement was signed on the 11th March 2016 with the decision notice granting outline planning consent issued on the same day.
- 4.4 With regard to the land within the site to be set aside for a potential future community/leisure facility the Section 106 Agreement requires the following:
- i) The owner (Homes England) use reasonable endeavours to agree the precise area of land to be designated for leisure/community use with the Council before the 25th February 2019
 - ii) The owner shall make an offer in writing to the Council to enter into agreement to transfer the freehold interest in the leisure/community land to the Council by the 11th March 2019; and
 - iii) The leisure/community land to be transferred from the landowner at leisure/community use value and for that offer to be open for a period of 6 months for the Council to accept
- 4.5 Should the Council not accept the offer referred to in para. 5.4 iii) the Section 106 Agreement would have no further obligations to transfer or seek to transfer the leisure/community land to the Council or any other body or person.
- 4.6 Following the new plan the approach to health and wellbeing in the Borough is now focused on the campus model. It is therefore considered that the land at Croston Road is now not required to meet its original purpose. Given the clauses contained within the Section 106 Agreement, the landowner could offer the land to the Council, for this offer not to be taken, and then have no further obligations relating to the land. Homes England, however, have a longstanding relationship working with the Council for the delivery of strategic sites, and are a key partner in City Deal, and have therefore agreed to compensate the Council for not taking up this option to acquire the potential leisure/community land set aside within 'Site W'.
- 4.7 Resolution of potential leisure/community land set aside within 'Site W' will allow Homes England to invite tenders from house builders to develop the site (subject to Reserved Matters approval) in a more comprehensive manner without the land set aside for the leisure and community use.

5. PROPOSALS

- 5.1 Given the above it is therefore proposed to vary the Section 106 Agreement associated with outline planning consent 07/2014/0184/ORM. The variation will remove the obligation for a section of the site to be set aside for a potential future community/leisure facility subject to an agreed financial sum, by way of compensation, being transferred to the Council to be spent on the provision of health and wellbeing infrastructure within the borough within an agreed timeframe.
- 5.2 In order to establish fair and representative value for the potential leisure/community land within the site the Council has sought the advice of a Registered Valuer (Sanderson Weatherall). The advice received is that the methodology for establishing the financial sum to be transferred to the Council, to be spent on 'off-site' leisure provision to compensate for the Council not activating the option to acquire the site for community/leisure uses, would be 50% of the uplift in value of the site as a result of the change from community/leisure use to a residential use. The other 50% of the uplift would be retained by Homes England to act as an incentive to pay a financial contribution to the Council rather than sticking to the terms of the obligation within the Section 106 Agreement as currently drafted.
- 5.3 On the above basis, the agreed uplift in value has been established and a 50/50 share to South Ribble Borough Council would equate to £295,000.
- 5.4 Considering the above, it is the view of Officers, and our advisors Sanderson Wetherall that this is a great deal for the Council. Members are therefore recommended to approve the variation of a Section 106 Agreement remove the obligation for a section of the site to be set aside for a potential future community/leisure facility subject to an agreed financial sum (£295,000), by way of compensation, being transferred to the Council to be spent on the provision of health and wellbeing infrastructure within the borough within an agreed timeframe.
- 5.5 A draft of the wording of the proposed varied Section 106 Agreement shall be prepared prior to the Planning Committee meeting.

6. CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION

- 6.1 None – there is no statutory requirement to undertake consultations on deed of variations to Section 106 Agreements.

7. FINANCIAL IMPLICATIONS

- 7.1 The securing of £295,000 represents good value there is no provision in the existing Section 106 to insist that Homes England does this. The £295,000 would provide an important contribution to the health and wellbeing programme identified in the corporate plan which will reduce the requirement for the Council to use its own reserves or borrow for that programme.

8. LEGAL IMPLICATIONS

- 8.1 Section 106 agreements are used to ensure that developments provide for the growing needs of the population of the Borough. The original Section 106 was negotiated with Homes England to ensure the Council had an area of land to meet community and leisure needs. It is now appropriate to vary this Section 106 to ensure that the Council still gains a contribution towards health and wellbeing. Variations to section 106 agreements (to reflect changed circumstances) are not unusual. What is proposed here is within the scope of the legislation in question.

9. COMMENTS OF THE STATUTORY FINANCE OFFICER

- 9.1 Health and Wellbeing is a corporate priority of the council and a Campus programme has been developed for South Ribble which considers future growth of the population, the health of the

existing population and the ageing council leisure asset stock. The financial contribution would be used as funding towards this programme.

The Council will come forward with a future report on the amounts of S106 currently held and the projects to which they are or can be assigned to. This sum will enhance the future programme of works planned to deliver Health, Leisure and Wellbeing objectives along with other community infrastructure.

10. COMMENTS OF THE MONITORING OFFICER

10.1 It is appropriate to proceed as suggested and there are no legal concerns (please see Legal Implications).

11. OTHER IMPLICATIONS:

▶ HR & Organisational Development	None
▶ ICT / Technology	None
▶ Property & Asset Management	None
▶ Risk	None
▶ Equality & Diversity	None

12. BACKGROUND DOCUMENTS (or There are no background papers to this report)

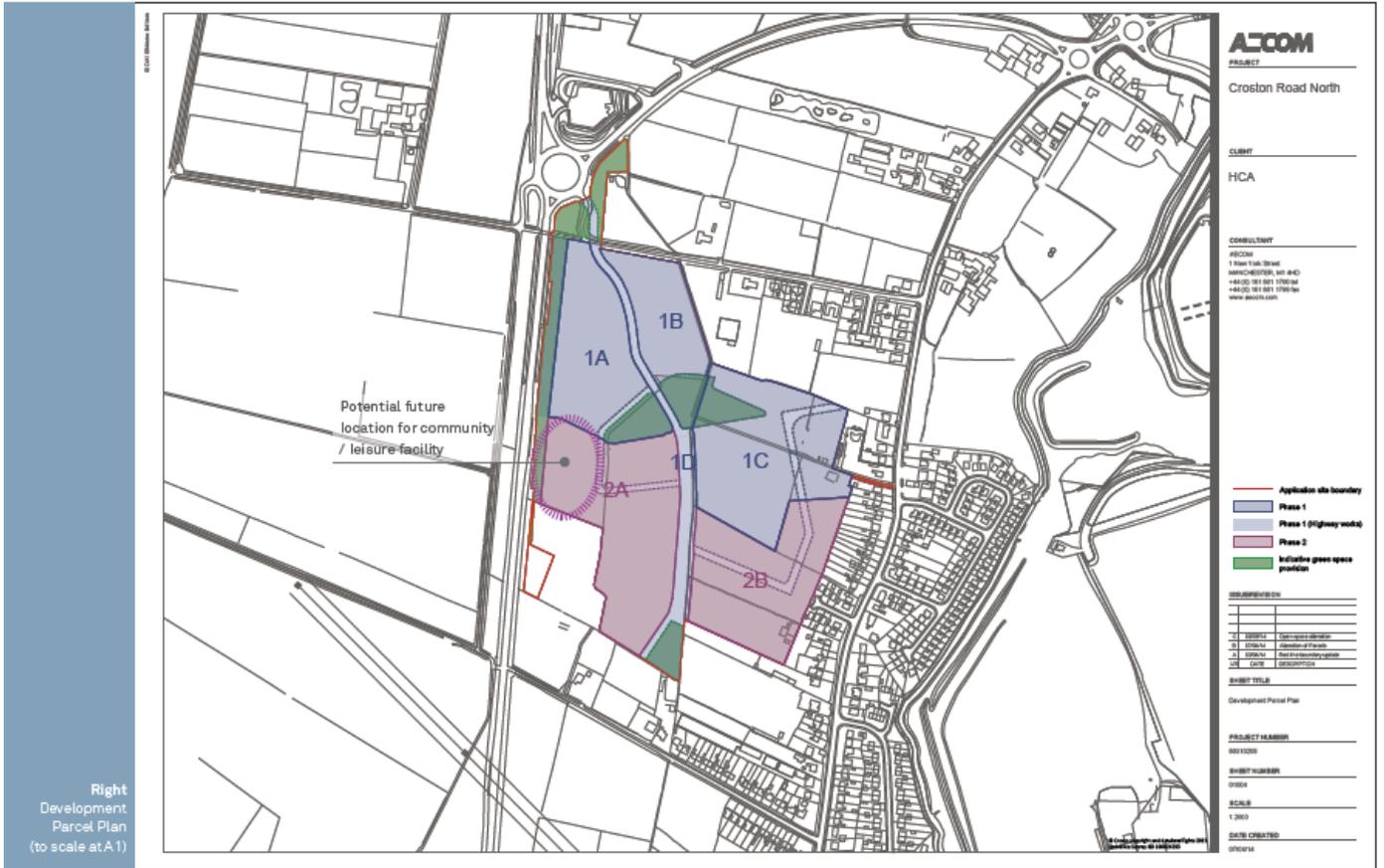
There are no background papers to this report

13. APPENDICES (or There are no appendices to this report)

Appendix 1 – Site Plan taken from Design and Access Statement

Jonathan Noad
 Director of Planning and Property

Report Author:	Telephone:	Date:
Jonathan Noad	01772 625206	24/01/2019



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