

## PLANNING COMMITTEE

WEDNESDAY, 15TH JANUARY, 2020, 6.00 PM

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

### AGENDA

**1 Welcome and Introduction**

**2 Apologies for Absence**

**3 Declarations 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 the item.

**4 Minutes of the Last Meeting**

(Pages 5 - 8)

Held on Wednesday, 18 December 2019, to be signed as a correct record.

**5 Appeal Decisions**

An update will be provided at the meeting.

**6 07/2019/7948/FUL - Dr Oetker (UK) Ltd., 20 Marathon Place, Moss Side Industrial Estate, Leyland**

(Pages 9 - 28)

Report of the Director of Planning and Property attached.

**7 07/2019/12519/FUL - Lostock St Gerard's Football Club, Wateringpool Lane, Lostock Hall**

(Pages 29 - 38)

Report of the Director of Planning and Property attached.

**8 07/2019/0300/REM - Land off Shaw Brook Road and Altcar Lane, Leyland**

(Pages 39 - 52)

Report of the Director of Planning and Property attached.

**9 07/2019/8975/FUL - Jayne Miller Ltd., 7 Hope Terrace, Lostock Hall**

(Pages 53 - 58)

Report of the Director of Planning and Property attached.

Gary Hall  
INTERIM CHIEF EXECUTIVE

Electronic agendas sent to Members of the Planning Committee Councillors Caleb Tomlinson (Chair), Malcolm Donoghue (Vice-Chair), Will Adams, James Flannery, Mary Green, Jon Hesketh, Cliff Hughes, Keith Martin, Christine Melia, Caroline Moon, David Shaw, Phil Smith and Barrie Yates

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

Forthcoming Meetings  
6.00 pm Wednesday, 5 February 2020 - Shield Room, Civic Centre, West Paddock, Leyland PR25 1DH

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

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

- Up to five members of the public who wish to speak against an application will be allowed to speak. Each will have up to four minutes in which to state their case.
- Up to five members of the public who wish to speak in favour of an application will then be allowed to speak. Again each will have up to four minutes in which to state their case.
- Borough councillors (not on Planning Committee) will then have the opportunity to make representations about the application. Each will have up to four minutes to state their case – whether for or against.
- The applicant/agent will then be invited to speak in support of the application. Ordinarily he/she will have up to four minutes to speak.
- The application will then be discussed by Committee. At this point members of the public, the applicant and other councillors not on Committee will not be able to speak further.
- Planning Committee will then take a vote on the matter.
- No paperwork, plans or photographs will be allowed to be circulated by the applicant/agent or member of the public at the meeting.

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

## **Filming/Recording Meetings**

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

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

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

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

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## **MINUTES OF PLANNING COMMITTEE**

**MEETING DATE** **Wednesday, 18 December 2019**

**MEMBERS PRESENT:** Councillors Caleb Tomlinson (Chair), Malcolm Donoghue (Vice-Chair), Will Adams, James Flannery, Keith Martin, Christine Melia, David Shaw and Barrie Yates

**OFFICERS:** Dave Whelan (Legal Services Manager/Interim Monitoring Officer), Jonathan Noad (Director of Planning and Property), Chris Sowerby (Development Planning Team Leader), Linda Ashcroft (Planning Assistant), Jessica Jarman (Planning Officer) and Charlotte Lynch (Democratic and Member Services Officer)

**OTHER MEMBERS AND OFFICERS:** Councillor Paul Foster (Leader of the Council and Leader of the Labour Group), Councillor Aniela Bylinski Gelder (Cabinet Member (Community Engagement, Social Justice and Wealth Building)), Councillor Colin Clark, Councillor William Evans (Cabinet Member (Planning, Regeneration and City Deal)), Councillor Peter Mullineaux and Councillor Matthew Tomlinson (Cabinet Member (Finance, Property and Assets))

**PUBLIC:** 24

### **80 Welcome and Introduction**

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

### **81 Apologies for Absence**

Apologies for absence were received from Councillors Mary Green, Caroline Moon and Phil Smith.

### **82 Declarations of Interest**

Councillor Barrie Yates declared a non-prejudicial interest in Item 6 – 2 Arkholme Drive, Longton.

### **83 Minutes of the Last Meeting**

RESOLVED: (Unanimously)

That the minutes of the last meeting, held on Wednesday, 20 November 2019, be signed as a correct record by the Chair.

### **84 Appeal Decisions**

The Director of Planning and Property informed the committee of three appeals which had been referred to the Planning Inspector, relating to:

- Lime Bar, Liverpool Road, Penwortham – variance to condition 10 allowed, variances to conditions 8 and 9 dismissed.
- Land south of Chain House Lane, Whitestake, Preston – appeal dismissed.
- Land at Olive Farm and Land North of Methuen Drive, Hoghton – appeal upheld.

**85 07/2019/1209/FUL - 2 Arkholme Drive, Longton**

Speakers: 4 objectors, Ward Councillor Colin Clark, Councillor Paul Foster, Councillor Bill Evans, the Applicant (Ms Jackie Hudson of Cherish UK) and the Agent (Mr Peter Watson)

Address: 2 Arkholme Drive, Longton, Preston, Lancashire, PR4 5DE

Applicant: Cherish UK Ltd.

Agent: Mr Peter Watson, 9 Skyways Commercial Campus, Amy Johnson Way, Blackpool, Lancashire, FY4 3RS

Development: Change of use of existing dwelling (Use Class C3) to Residential Institution (Use Class C2)

An amendment was moved by Councillor Adams, seconded by Councillor Martin that the application be approved, subject to conditions outlined in the report and an amendment to condition 3 that the use hereby permitted shall be restricted to a maximum of three residents (**aged 8 years – 18 years**) at any one time to enable the Local Planning Authority to retain control over the use of the land.

Upon being put to the vote, it was RESOLVED (Unanimously) that the application be approved subject to conditions outlined in the report and the amended condition as outlined above.

**86 07/2019/8927/HOH - 13 Nabs Head Lane, Samlesbury, Preston**

Speakers: Ward Councillor Peter Mullineaux

Address: 13 Nabs Head Lane, Samlesbury, Preston, Lancashire, PR5 0UQ

Applicant: Mr Dean Mather

Development: Retrospective application for a detached outbuilding to front

An amendment was moved by Councillor Martin, seconded by Councillor Adams, that the application be approved subject to conditions and an amendment to condition 2 that within one month of the date of this permission, details of proposed paint colour for the outbuilding **and fence situated along the front boundary** shall be supplied to, and agreed in writing with the Local Authority, the painting shall then

be carried out within a further two months from the date of agreement. Once implemented this colour scheme shall be retained thereafter unless otherwise agreed in writing with the local planning authority.

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

Upon being put to the vote, it was RESOLVED (Yes: 5 Abstain: 2 No: 1) that the application be approved subject to the conditions outlined in the report and the amended condition as outlined above.

**87 07/2019/0069/FUL - 62 Canberra Road, Leyland**

Speakers: 3 objectors, Ward Councillor Aniela Bylinski Gelder and County Councillor Matthew Tomlinson.

Address: 62 Canberra Road, Leyland, Lancashire, PR25 3ER

Applicant: Mason Developments

Agent: Mr Peter Entwistle, 40 Queensway, Euxton, Chorley, PR7 6PW

Development: Erection of a single storey rear extension

The application published in the agenda for this meeting stated that approval was sought for the part retrospective sloping roof over an existing side extension. It has been established that the replacement roof part of the proposal that the Committee voted to approve constitutes permitted development under Part 7 Schedule 2 of the General Permitted Development Order 2015 and therefore does not require planning approval. Reference to this element being approved by the Planning Committee has therefore been omitted from the decision notice and minutes.

An amendment was moved by Councillor Adams, seconded by Councillor Donoghue, that the application for the erection of a single storey rear extension be refused as the submission fails to demonstrate that internal and external use of the premises by virtue of noise, increased use and activity associated with a drinking establishment (Class A4) would not have an adverse impact on the amenities of neighbouring properties. The proposal is therefore contrary to Policies B1(c) and G17(a) of the South Ribble Local Plan, Policy G17(c & d) of the Central Lancashire Core Strategy.

Upon being put to the vote, it was RESOLVED (Yes: 6 Abstain: 1 No: 1) that the application be refused for the reason stated.

Chair

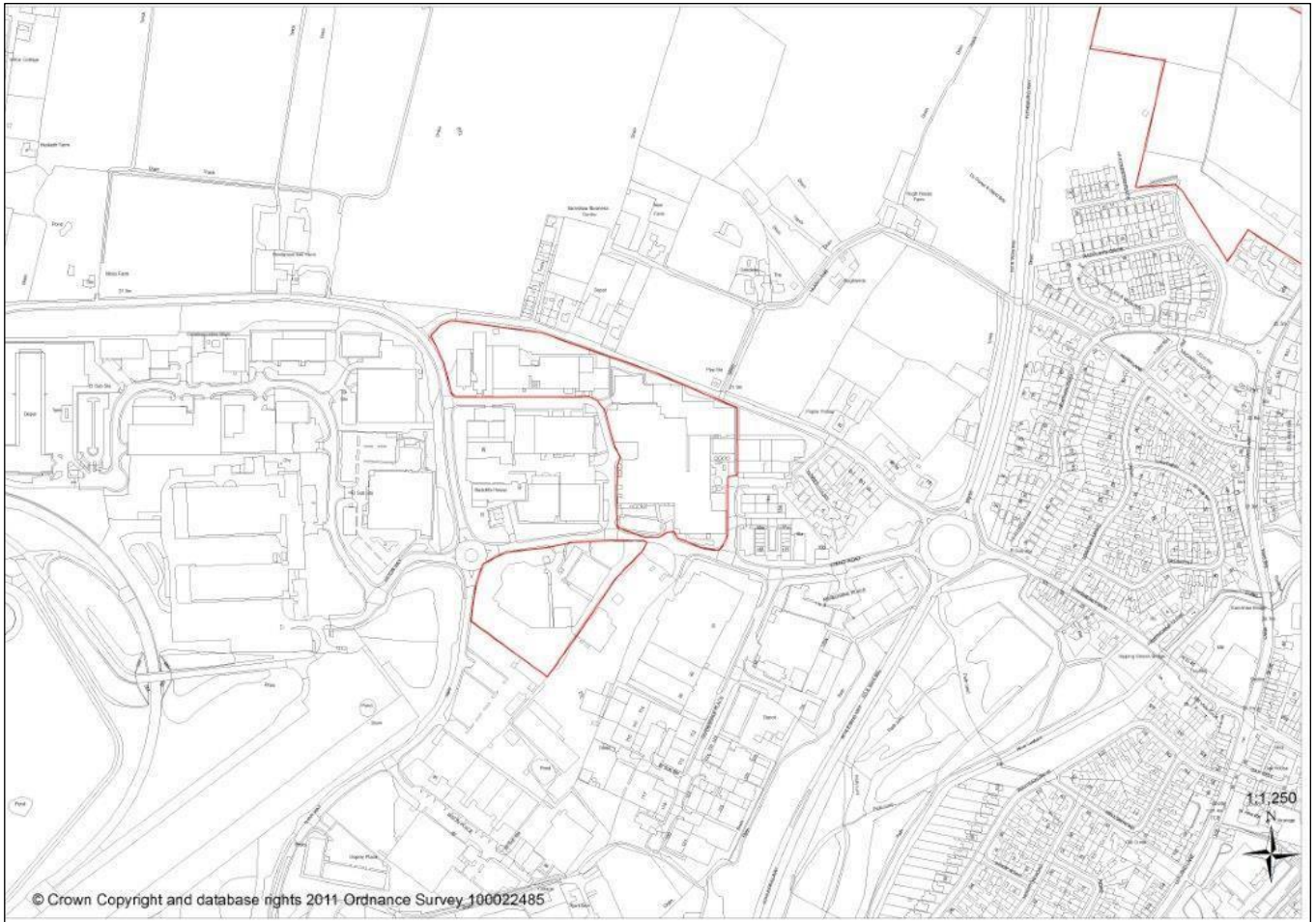
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# Agenda Item 6

Application Number	07/2019/7948/FUL
Address	Dr Oetker (UK) Limited 20 Marathon Place Moss Side Industrial Estate Leyland Lancashire PR26 7QN
Applicant	Dr Oetker Uk Ltd
Agent	Mr Michael Chrich  Meller Ltd, The Lace Mill 42 - 44 Derby Road Draycott Derby DE72 3NJ
Development	Erection of a two storey production extension (Class B2), link buildings, link bridge and plant room (Class B2), warehouse building (Class B8). Drivers amenity block following demolition of an existing warehouse and high tower. Additional car parking and cycle storage off Comet Road. Pedestrian link from Longmeanygate to Marathon Place repositioned by 10m west (AMENDED DESCRIPTION)
Officer Recommendation	That 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 off site highway works.
Officer name	Mrs Catherine Lewis
Date application valid	20.08.2019
Target Determination Date	19.11.2019
Extension of Time	



## **1 Report Summary**

1.1 Dr. Oetker Limited with Head Offices in Leeds and the manufacturing site at Moss Side Industrial Estate, Leyland is part of the Dr. Oetker group of food companies with Headquarters in Germany. The company manufactures and sells high quality, frozen and chilled foods from different sites across the world. To maintain their manufacturing standards the company has an ongoing investment programme and as part of this phased approach this application seeks permission for a number of aspects which include demolition of an existing water tower and warehouse, and the construction of new facilities to provide for B1 offices (3,3302m<sup>2</sup>), B2 General industrial (5,066m<sup>2</sup>,) and B8 Warehouse and Distribution (5,286m<sup>2</sup>). A pedestrian footpath would be realigned and a link bridge constructed over the footpath the service yard would be relocated and a drivers amenity block provided.

1.2 Concerns have been raised by local residents about the proposal in terms of overshadowing, density, impact upon the character of the area, noise, air quality, impact upon residents during the construction period, traffic, parking on Longmeanygate, increase in HGV's ecology and landscaping. The proposal would have an impact upon the residential amenity of the adjacent properties on Longmeanygate but as part of pre application discussions with the company, the submitted plans demonstrated a reduction in the overall scale of the initial proposal. Furthermore, the National Planning Policy Framework advises that significant weight should be placed on the need to support economic growth.

1.3 Subject to conditions controlling materials, ecology, off site highway works, noise, air pollution, materials, landscaping, employment and skills, construction management plans, vehicle routing strategy, electric vehicle points, contamination and the signing of a Section 106 agreement to secure the offsite highway works, the application is, on balance considered acceptable.

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

2.1 The application site relates to an area of land to the north of the Moss Side Industrial Estate approximately 2km north west of Leyland Town Centre. Measuring approximately 10.57 acres the overall site includes a mix of buildings and is currently operated by Dr. Oetker as a food (pizza) production facility. The site comprises of a mixture of production, office and storage units that have been expanded, linked and connected to form a complex of interrelated buildings. Production and storage facilities are located in the northern section of the site with the southern section of the site being primarily associated offices and staff car parking.

2.2 Surrounded by other industrial units the application site is within an area of land designated as Policy E2: Protection of Employment Areas and Sites in the South Ribble Local Plan.

## **3. Planning History**

3.1 The most recent and relevant applications include:

3.2 In October 2015 Planning permission (07/2015/1464/FUL) was granted for a cold store extension to existing factory including demolition of existing industrial units.

3.3 In March 2014 planning permission (O7/2014/0065) was granted for a replacement building to accommodate a compressor room and boiler house in the northern section of the site together with the extension of an existing car park in the southern section of the site to provide an additional 53 car parking spaces.

3.4 In June 2012 planning permission (07/2012/0208/FUL) was granted for the erection of a two storey extension to the existing production facility, the erection of a cold store extension following demolition of an existing bungalow, a three storey office building and amenity block, re-location of existing sprinkler tank and flour silos in the northern section of the site together with the erection of a single storey pallet store on southern side of Comet Road including new effluent treatment unit and re-location of waste skips.

## **4.Proposal**

4.1 In summary, the applicant seeks planning permission for the erection of a two-storey production extension with linking bridge, plant room, warehouse building and an amenity block for drivers together with ancillary infrastructure including two water coolers and four silos. The high tower and an existing warehouse would be demolished, and the scheme would include lighting and landscaping. The scheme also provides for the relocation of a footway between Longmeanygate and Marathon Place of approximately 55m in length. A link bridge (Pipe Bridge) over the footway to support site operations would also be provided.

4.2 The application proposes the following elements:

### **4.3 The site to the north of Comet Road off Marathon Place:**

- demolition of an existing warehouse and tower, located to the north west of the site and the construction of the following elements:

- Two storey production building measuring 36.5m x60m with a height of 14.6m to the ridge.
- Link bridge with a maximum height of 11.2m
- Cold store building measuring 34m x 30 m with a height to ridge of 17.4m from Longmeanygate however with the yard area being dropped to allow for HGV docking the height would be 18.6m high.
- The plant room adjacent the cold store building is 6.1m, the tanks are 6.3m & 8m in height
- Drivers amenity block measuring 12m x 12 m with a maximum height of 6.6m to the ridge
- Two water tanks measuring 12.3m in height
- Four silos measuring 12.3m in height
- 4.4 In total the whole of the Dr, Oetker site would consist of the following elements
- B1 offices (3,330m<sup>2</sup>)
- B2 General industrial (5,066m<sup>2</sup>)
- B8 (Warehouse and Distribution (5,286m<sup>2</sup>))

#### 4.5 The site to the south of Comet Road:

4.6 The provision of car parking spaces and cycle storage. This would provide for the implementation of the new 57 space car park extension located to the south of the main staff parking area accessed to the south of Comet Road, which was approved in 2014. This new parking area is to be implemented prior to work commencing at the development site, to allow staff that currently park within the development site car parking areas (46 spaces associated with Unit 25) to be relocated into the main factory car park.

4.7 To accommodate the development, it is also proposed to provide some further parking improvements within the Comet Road southern site:

- 33 space car park extension;
- 2 disabled parking bays
- 6 EV charging bays
- 1 visitor car parking bays
- 4 Motorcycle parking bays
- 40 Cycle parking spaces

4.8 The buildings would be constructed of coated steel horizontal flat composite insulated panels to be vanilla in colour with a rhythm of “pilasters” to be white in colour. The palette of materials for the extensions would ensure that there is a uniform colour to match the existing facility:

4.9 The upper walls/fascia would be clad in a vertical trapezoidal profile panel colour white RAL 9010 A corporate accent band would be introduced at soffit level, colour Vanilla BTILLUX 12.15.06 with feature vertical banding.

## 5. Summary of Supporting Documents

5.1 The application is accompanied by the following

- Scaled drawings are accompanied by the following documents
- Arboricultural Assessment
- Preliminary Ecological Appraisal
- Daylight, Sunshine, and Overshadowing Assessment
- Air Quality Screening Assessment
- Contaminated Land and Geotechnical Assessment
- Transport Statement
- Flood Risk Assessment Strategy and Drainage Strategy Report
- Economic Statement
- Dr.Oetker Planning Statement
- Landscape Assessment
- Noise report

## 6. Representations

### 6.1 Summary of Publicity

6.1.1 An advert has been posted in the paper, site notices have been posted on site and 91 letters of notification sent out. Following receipt of additional plans a further site notice and letters were posted. A total of 7 letters from four properties have been received which make the following summarised points:

- **Noise:** The current plans are vague with no measurements- the area associated with the goods which currently operates 5am till 11 would be moved closer to the residents. The residents are currently woken up by the noise associated with the movement of pallets. Noise would be made worse due to the building being built significantly closer to the residential properties on Longmeanygate. Concern is raised about the noise impact assessment, and the cumulative noise of the service yard, HGV's and the industrial activities on the rest of the industrial estate and road noise.
- **Traffic** Haulage companies associated with Dr. Oetker park on Titan Way concern is raised about future residents for the Test Track and the noise associated with the engines. If the factory expands where will the lorries park.
- Concern is raised that there would be an increase in the number of HGV's contrary to the information submitted in the documentation.
- Concern is raised about the parking on Longmeanygate and reassurances are required that workers associated with the development will not park on the on this road.
- **Light:** The factory is lit like a Christmas tree there are bright spot lights which are on 24 hours a day even at Christmas.
- **Residential Amenity** Concern that 120 Longmeanygate is a bungalow and that the height of the proposed buildings would overshadow this property and which would leave them with no natural light especially during the winter months.
- Concern is raised that during the coldest part of the year the residents of Longmeanygate may not see sunlight due to the height of the building. The

proposed development therefore on the grounds of overshadowing would have a significant negative effect.

- Some of the residents would rather see the water tower remaining than the proposed development- although the water tower is taller than the proposed development it is narrower and further away and would have less of an impact than the proposed development.
- **Character of the area** -Change in the character of the area: Longmeanygate is a country lane with small commercial and residential properties. Surely there are other areas that could be developed by this company which would not impact on the character of the area.
- Concern is raised about the planning statement which describes the land to the north as open countryside which fails to mention the 9 residential dwellings. The design is on a much larger footprint, concern is raised about the height of the buildings and that they would be visually imposing and overbearing. The existing landscape planting does little to mitigate the impact of the building. The plot density, scale, mass height and proximity would have an overbearing affect on the residents of Longmeanygate and is therefore contrary to Policy G17 of the South Ribble Local Plan and Paragraph 127 and 130 of the NPPF and Section 12 of the NPPF
- Some residents do not consider that the building is architecturally attractive stating that it is an industrial warehouse with vanilla clad featureless walls which further impact on the overbearing effect of the building.
- Some residents would rather see the water tower remaining than the proposed development- although the water tower is taller than the proposed development it is narrower and further away and would have less of an impact than the proposed development.
- **Ecology/ Biodiversity/Woodland Planting** - Concern is raised that the development significantly reduces the size of the woodland amenity that provides a buffer between residents and the industrial estate.
- The development would have a significant negative visual effect adjacent to the greenbelt/ area of separation.
- The proposal does not fully comply with biodiversity and nature conservation. The hedgerow along Longmeanygate is a priority hedgerow which would be impacted due to overshadowing of the development.
- Lack of thought has been given to landscaping.
- **Air quality:** concern is raised about the dust and due to the proximity of the residential properties whether there would be enough dust mitigation measures during the construction period.
- The expansion of nitecrest and the increased number of refrigerated HGV's has not been taken into account with regard to air pollution.
- **Other Matters:** Concern about the early meeting held by Dr. Oetker which some residents consider was hostile, patronising and verging on the aggressive.
- The economic argument that there would be more workers contributing to the local economy is not strong enough to discount other issues. A more suitable place within the Industrial estate should be considered.

- Very little evidence of renewable energy offsetting carbon how will the construction waste be reduced?

## **7. Summary of Consultations**

**7.1 County Highways:** Have raised no objections to the proposal but make the following summarised points: The county council highways have worked closely with the applicant and supporting consultants. The development proposed can be accommodated on the local highway network but does require the implementation of the car park under planning permission 07/2014/0065/FUL and the agreement to the following planning obligations:

- £30,000 towards improvements at the 5arm roundabout to overcome the additional impacts as a consequence of this development. The funds to be used to deliver measures to best aid sustainable movements to the site at this location and:
- £6,000 contribution to review operation and make necessary changes to Traffic Regulation Orders on Comet Road, maximising corridor safety and reliability.

The imposition of the following conditions is also required: construction of the site access and all off site highway works, Construction Management Plan, Travel Plan, HGV routing agreement, visibility splays, and delivery of the carpark associated with 07/2014/0065/FUL.

**7.2 Arboriculturalist:** Raise no objection but recommend the following conditions: Implementation of Tree Protection Plan, and detailed landscaping plan to mitigate tree loss.

**7.3 Ecology Services:** Raise no objection to the findings of the submitted Ecology Report but the following conditions are recommended: retained broadleaf plantation to be fenced, mitigation measures within the Report to be conditioned together with the provision of bird boxes, bat boxes and hibernacula,

**7.4 Emergency Planning:** No comments received

**7.5 Economic Development:** Advise that the new development at Dr Oetker is a further investment in the borough by a business in one of the growth sectors, which is recognised by Lancashire Enterprise Partnership and the Department for International Trade. A condition to request an employment and skills plan is recommended.

**7.6 Environmental Health** – Initially raised concerns about some elements of the submitted noise and odour reports. The applicant has provided clarification and no objection is raised subject to the imposition of conditions controlling: background noise, contaminated land, air quality, electric charging points, odour, lighting, and construction plan. 1.

**7.7 Environment Agency** – No comments received

## **8. Policy Background**

### **8.1 NPPF**

The NPPF (2019) is a material planning consideration to which weight needs to be attached. The NPPF promotes a presumption in favour of sustainable development and supports sustainable economic development, stating “Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning

system.” Chapter 6 (Building a strong, competitive economy) seeks to ensure that the planning system does everything it can to support sustainable economic growth (Para 80)

Given the sites location and the surrounding land uses it is the Officer’s view that the proposal fully constitutes sustainable development.

## **8.2 Core Strategy Policy Considerations**

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

Policy 10 Employment Premises and Sites and highlights the need to protect sites last used for employment for future employments use.

Policy 17 of the Core Strategy is entitled ‘Design of New Buildings’ and requires new buildings to take account of the character and appearance of the local area.

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

Policy 30 Air Quality seeks to improve air quality through delivery of Green Infrastructure initiatives.

## **8.3 South Ribble Local Plan 2015**

Policy E2 Protection of Employment Areas and Sites seeks to protect land for business general industrial or storage and distribution.

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

Policy G13 Trees, Woodlands, and Development seeks to retain and enhance existing tree, woodland and hedgerow on site. Where unavoidable loss on site mitigation will be required.

Policy G16 Biodiversity and Nature conservation seeks to protect, conserve and enhance ecological networks.

Policy G17 Design Criteria for New Development in the South Ribble Local Plan 2015 requires development to be well related to neighbouring buildings and the locality in terms of its size, scale and intensity (plot coverage).

## **9 Material Considerations**

9.1 Dr. Oetker Limited is part of a food company whose Headquarters are in Germany. In the UK the Head Office is in Leeds with the manufacturing site in Leyland. The company have an ongoing investment programme and this proposal is part of a programme of rationalisation and expansion. The application relates to the demolition of the existing industrial units, unit 25, the tower, and associated buildings combined with the relocation of an existing footpath.

9.2 This would provide for the development of a 17.3m high Finished Goods Cold Store, with an adjoining link building which would link to the existing unit 27. This link would restrict the visibility of the proposed yard area, driver’s office and welfare, plant room and effluent treatment building from the residents on Longmeanygate. The link building would



link to the existing facility via a link bridge that would pass over the new footpath to the existing buildings. A new production building would be constructed in the existing yard area.

9.3 The main issues include the:

- principle of the development
- highway implications
- Impact upon residential amenity
- character and appearance
- ecological Issues

#### 9.4 The principle of the development

9.4.1 The site is allocated as Policy E2 Protection of Employment Areas and Sites within the South Ribble Local Plan which states “Land is protected for employment uses including business, general industrial or storage and distribution (Use Classes B1, B2 and B8)”. As the proposed development is in association with the existing employment use, the proposal accords with the general principles of Policy E2 of the Local Plan and Policies 1 and 10 of the Core Strategy and is acceptable.

#### 9.5 Highway Matters

9.5.1 LCC Highways has advised that it is committed to reducing congestion and delay and to improve highway reliability in the most congested transport corridors. On that basis with regard to this application the County has considered highway operations on Comet Road, Reiver Rd, Longmenaygate and Schleswig Way.

#### 9.6 Access

9.6.1 The application is accompanied by a Transport Statement (TS) dated July 2019 and the traffic data includes a survey taken over several days and included a weekend. The applicant has worked with LCC Highways to define a HGV route for external vehicles to access the site. This would be:

B5253- Comet Rd- Reiver Rd-Marathon Place (left turn).

9.6.2 Highway works would be required, and these would be controlled through appropriate conditions which include the provision of the new footway with bollards provided. The link bridge would need to be carefully designed over the pedestrian footway and would need to provide a height clearance minimum of 4.787m.

9.6.3 Planning obligations in term of a £50,000 contribution towards improvements at the 5 arm roundabout and £6,000 contribution towards Comet Road for the review of existing operations and if necessary Traffic Regulation Orders.

#### 9.7 Car Parking

9.7.1 The TS provides detail of shift pattern for all staff and considers the impact of staff movement through a typical 24 hour period. The TS includes a review of road safety over the study period too. Whilst it is noted that the private car is the principle mode of transport the cycle and motorcycle usage is higher than average for the area.

9.7.2 LCC Highways has advised that the staff would utilise the existing car parking to which the implementation of a previously approved car park would be required. In addition, the

applicant has made provision for further car parking to be located to the front of the office building. It is further noted that Dr.Oetker actively manage the parking of its employees who are strongly encouraged to park within their curtilage rather than on the adopted highway.

9.7.3 The applicant has advised that it is proposed to implement the new 57 space car park extension located to the south of the main staff parking area accessed to the south of Comet Road, which was approved in 2014. This new parking area is to be implemented prior to work commencing for the current application to allow staff that currently park within the development site car parking areas (46 spaces associated with Unit 25) to be relocated into the main factory car park.

9.7.4 To accommodate the development, it is also proposed to provide some further parking improvements within the Comet Road southern site as set out at Paragraph 4.6 of this report. If this application is approved, across both sites in total the following would be provided:

- 245 standard car parking bays (net increase of +90 spaces, which includes the previously approved car park currently under construction +57 space car park extension);
- 4 disabled parking bays (net increase of +2 spaces)
- 6 EV charging bays (net increase of +6 spaces);
- 8 visitor car parking bays (net increase of +1 space);
- 16 Motorcycle parking bays (net increase of +4 spaces);
- 80 Cycle parking spaces (net increase of +40 spaces);

9.7.5 The Transport Statement advises that “The above provides a total of 255 dedicated staff car parking spaces (+8 visitor spaces), which is in excess of the operational requirement following development of up to 217 spaces identified in paragraph 4.2.7 (of the TS). This additional capacity will allow the car park to operate efficiently during shift change periods and represents an increase of approximately 27% (or a 65% when the spaces associated with Unit 25 are discounted). Therefore, it is considered that there will be adequate car parking provision for the development. Furthermore, the new cycle, motorcycle and EV charging spaces that are to be provided will help encourage staff to choose a sustainable travel option for commuting to work.”

9.7.6 LCC Highways has advised that conditions controlling the implementation of the car parking would be required.

## 9.8. Footpath

9.8.1 As part of the consultation process undertaken by the applicant before the application was submitted, concern was raised by residents about the blocking up of the pedestrian footpath which runs from Longmeanygate through the industrial estate to Marathon Place. The applicant has provided for a relocated pedestrian footway which has been designed in conjunction with LCC Highways.

9.8.2 To conclude, the proposed development in highway terms is considered acceptable subject to appropriate conditions to provide for the delivery car parking identified in a previous permission for the site, the stopping up of a footway and the provision of a new wider one, off site highway works and financial contributions together with the update of the existing Travel Plan.

9.8.3 Appendix A sets out the Highway comments dated 10<sup>th</sup> October 2019 in full.

## 9.9 Residential Amenity

9.9.1 The nearest residential properties to the proposed development are located on the northern boundary of Longmeanygate some 25 metres away. There is a set of terraced properties known as Paradise Terrace which sit perpendicular to Longmeanygate. There are five properties which would be located directly opposite the proposed development. a pair of semi-detached dwellings and two detached properties with a commercial property in between.

9.9.2 It is acknowledged that these residents would be affected by the development as the proposed development would be located closer to their properties than currently exists. The development would be visible when viewed from Farrington Moss and it is further acknowledged that trees and some of the original landscape has recently been felled and taken out. The current tower stands at a height of 28 metres and would be demolished. Suggestions by local residents have been made that the applicant should consider other industrial sites to expand their operations.

9.9.3 However, it should be noted that the proposed development would be located within an existing Industrial estate. Initially the applicant had considered the construction of a 28m high warehouse to store products as part of a two-day retention on site prior to distribution. Following extensive discussions with the Council who expressed concern about the height of the proposed building in terms of impact upon residential amenity, the applicant explored alternative methods of distribution for the Leyland site. This resulted in a change to the working practises where the finished goods are no longer retained on site for two days but moved to their logistics partner in Leeds earlier in the process. This has enabled the warehouse to be reduced to 17.3metres on the northern boundary. The applicant has advised that over the whole Dr. Oetker Group (Worldwide) the Leyland site will be the only site to move product off site before it has undergone the two-day retention process. These changes from an initial height of 28m to 17.4m have helped to reduce the impact in terms of overshadowing and massing on the existing neighbours and properties on Longmeanygate. Therefore, it is considered that there would be limited harm in terms of overshadowing to the small number of properties and on balance the proposal is considered acceptable in terms of Policy G17 of the South Ribble Local Plan.

## 9.10 Landscaping

9.10.1 Concern has been expressed about the proposed landscaping which is limited to the boundary. The applicant has agreed to further, deeper planting within the areas between the proposed new building and Longmeanygate. Subject to conditions controlling the landscaping details it is considered that these details would seek to mitigate for the loss of the trees already felled and provide the opportunity to improve and manage the existing landscaping. This aspect of the proposal is considered acceptable and meets the aims of Policy G13, 16 and G17 of the Local Plan and Policy 17 of the Core Strategy.

## 9.11 Noise and Lighting

9.11.1 The application is accompanied by a Noise Assessment and initially the Environmental Health Officer raised concerns about the data in the survey with regard to the overall background level of noise:

*In respect of noise the document identifies background sound levels at 46dB L<sub>A90</sub>, table 3. Table 7 identifies an acoustic penalty of 3dB. Thus the combined sound level from all plant cannot exceed 33dB(A) at the nearest residents property. This is not stated within the submitted report, as such the report is not accepted at this time.*

9.11.2 Residents have raised concerns about the potential of the development to generate noise and lighting which would impact upon their residential amenity. A revised updated noise

report dated 22 November 2019 has been received and considered by the EHO who has confirmed that subject to a condition limiting the back-ground noise to 36dB(A) as calculated in line with the requirements of BS4142 2014 including any acoustic penalty is considered acceptable.

9.11.3 With regard to lighting the applicant has submitted some lighting plans which are currently being assessed and a verbal report will be provided at the meeting.

### 9.12 Odour

9.12.1 Residents have raised concern about potential odour from the proposed development. The EHO initially queried the odour report and the applicant has advised that:

*“Despite the increase in production as part of the development there is proposed to be no cooking processes across the new buildings. These buildings are to be used for cold storage, mixing dough and applying of toppings which are odourless exercises. There is one remaining potential odour sources on the proposed site which is the DAF plant (considered within the Odour Assessment) which will be replace an existing DAF plant at the site, the emissions from the proposed DAF plant will be filtered through a carbon filter which if installed correctly will reduce odours to a negligible level and as such there should be no adverse impacts at nearby properties. When the Odour Assessment was originally undertaken, we were unaware of the carbon filter and as such did not include it.”*

9.12.3 The EHO has advised that having considered the additional information, no objection is raised on odour grounds.

9.12.4 To conclude this section subject to the imposition of appropriate conditions the potential issue of odour, noise and lighting can be suitably controlled so that the amenities of the adjacent residential properties are not unduly affected.

### 9.13 Character and Design

9.13.1 The development includes two parts: The proposed development to the north of Comet Road and south of Reivier Road would provide for an area of land to be redeveloped support the rationalisation of the operations. Dr.Oetker operate on a restricted site adjacent to the northern boundary of the Moss Side Industrial estate. Scattered housing exists opposite the site with Farington Moss beyond. It is acknowledged that the buildings would be visible when viewed from afar, however, new buildings would be constructed utilising the corporate colours of vanilla and the building to be retained would be re-clad in the similar colours. Such an approach would provide for a unifying appearance across the site and although the site would be visible from Farington Moss the water tower would be demolished and the buildings would be no higher than those currently on site.

9.13.2 Concern has been raised that the applicant has deliberately removed trees and landscaping that formed an important aspect of the original industrial estate. The applicant has agreed to further, deeper planting within the areas between the proposed new building and Longmeanygate which would be controlled by condition. Dr.Oetker is well established within Leyland and is a major employer, due to the restricted nature of the site and that the development is within an existing Industrial estate, on balance it is considered that the development is appropriate.

9.13.3 Subject to conditions controlling the landscaping details and building materials this aspect of the proposal is considered acceptable and meets the aims of Policy G17 of the Local Plan and Policy 17 of the Core Strategy.

## 9.14 Economic Development

9.14.1 The applicant has advised that a further 107 jobs would be provided which in total would provide for 540 employees. The Council's Investment and Skills Manager has advised that the business is a significant local employer creating valuable jobs and apprenticeships. To help local people to continue to access these opportunities an Employment and Skills Plan is requested to demonstrate the projected number of jobs and apprenticeships.

9.14.2 The Employment and Skills Plan should include the information set out in the appendix of the Supplementary Planning Document, which includes the projected timescales for recruitment and the skills / qualification levels required. If possible, for the construction phase of the project, the planned outputs against each of the National Skills Academy for Construction (NSAFC) measures should be utilised. The applicant has agreed to a condition controlling this aspect therefore the proposals would meet the aims of the Supplementary Planning Document entitled "Employment Skills dated September 2017".

9.14.2 Concern has been raised by residents that the economic benefits should not outweigh the impact that the development would have on the existing residents. It is acknowledged that the proposed development would have an impact upon the amenity of the local residents. However, the NPPF makes clear at paragraph 80 that *"planning 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"*.

9.14.3 On balance, therefore, the economic benefits of supporting a worldwide business does attach significant weight when considering all the competing issues.

## 9.15 Ecology

9.15.1 The application is accompanied by an Ecological report entitled "Preliminary Ecological Appraisal" dated July 2019 which concludes that no evidence of protected species has been observed and in summary the buildings have negligible value to support roosting bats and the site has limited value to support hibernating or sheltering reptiles. The site has some limited value for hedgehog which is a Species of Principal Importance and breeding birds. The site may be used by local badgers when foraging and all other species have been reasonably discounted, and no Non-Native Invasive Species were recorded. The information has been assessed by the Council's ecology consultant who concurs with the finding and recommends several conditions including tree protection, the recommendations within Table 4.1 Ecology report to be implemented in full, a minimum of four bat boxes to be installed with two types of bird boxes and the construction of structures to support wildlife.

9.15.2 Concerns have been raised that the ecological issues have not been addressed appropriately. However, subject to the imposition of conditions as set out above the proposal would comply with Policy G 16 of the SRLP.

## 10. Conclusion

10.1. The proposed development is located at the established Moss Side Industrial Estate and is part of an ongoing investment programme for this worldwide company. Manufacturing capacity would be increased at the existing Leyland site in facilities that would be designed and constructed to provide a cohesive built form within the street scene. Concerns have been raised amongst other things with regard to the scale, density, impact upon residential amenity, ecological impacts, air quality and noise. The proposal would have an impact upon the residential amenity of the adjacent properties on Longmeanygate but as part of pre application discussions with the company, the submitted plans demonstrated a reduction in the overall scale of the initial proposal. Furthermore, the

National Planning Policy Framework advises that significant weight should be placed on the need to support economic growth.

10.2 Subject to conditions controlling materials, ecology, off site highway works, noise, air pollution, materials, landscaping, employment and skills, construction management plans, vehicle routing strategy and electric vehicle points and contamination and the signing of a Section 106 agreement to secure the offsite highway works the application is on balance considered acceptable.

10.3 The proposal accords with the NPPF and Policies 1, 10 17 and 30 of the Central Lancashire Core Strategy together with Policies E2 and G13, 14, 16 and 17 of the South Ribble Local Plan.

### **RECOMMENDATION:**

Approval Subject to a S106 Agreement.

### **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 approved plans

180601 200 P r1.0 - Proposed Location Plan  
180601 202 P r1.0 - Proposed Ground Floor Plan  
180601 203 P r1.0 - Proposed First Floor Plan  
180601 205 P r1.0 - Proposed Roof Plan  
180601 290 P r1.0 - Area Classes Plan  
180601 300 P r1.1 - Proposed Elevations (Sheet 1 of 2)  
180601 301 P r1.0 - Proposed Elevations (Sheet 2 of 2)  
180601 900 P r1.0 - Proposed Overall Site Plan  
180601 901 P r1.0 - Proposed Northern Site Plan  
180601 902 P r1.2 - Proposed Southern Site Plan

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

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

3. No part of the development hereby approved shall commence until a scheme for the construction the site access and all off-site works of highway improvement have been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site. Also, in order to provide safe access to the site for all users (motorised and non-motorised).

4. Prior to the first occupation of any part of the development hereby approved, the access and off-site highway works set out in condition 1 should be constructed in accordance with the details approved, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the development will provide a safe access to the site and ensure that users of the development have appropriate access to sustainable transport options

5. No part of the development hereby approved shall commence until planning application 07/2014/0065/FUL is delivered and available for use.

Reason: To maintain the operation and safety of the local highway network.

6. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) Methods to be employed to prevent mud, grit, and dirt, being carried on to the public highway from the development hereby approved.
- vi) a management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures;
- vii) a scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site);
- viii) a scheme to control noise during the construction phase, and
- ix) the routing of construction vehicles and deliveries to site.
- x) provision for pedestrians when the existing footway is not available.

Reason: To maintain the operation and safety of the local highway network during site preparation and construction.

7. There shall not at any time in connection with the development hereby permitted be planted hedges, trees or shrubs over 1m above the road level within any visibility splay required to maintain safe operation for all users.

Reason: To ensure adequate visibility splays are maintained at all time

8. Prior to the occupation of the development hereby permitted, the existing Travel Plan shall be updated and submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan to include objectives, targets, measures to achieve targets, monitoring, and implementation timescales and continue with the provision of a travel plan co-ordinator. The approved plan(s) will be audited and updated at intervals as approved and the approved plan carried out.

Reason: To ensure that the development does all it can to provide and promote sustainable transport options

9. Prior to the occupation of the development hereby permitted, a HGV routing strategy and site operation (from a movement perspective) shall be submitted and approved by the local planning authority in conjunction with the local highway authority. The routing strategy and site operation to be followed and maintained.

Reason: To maintain the operation and safety of the local highway network.

10. With regard to any structures over the highway associated with the development hereby approved, these will be subject to approval by Lancashire County Council by undertaking the necessary Technical Approval Procedures

Reason: To maintain the operation and safety of the local highway network.

11. The recommendations contained in the Noise Impact Assessment Report dated 10 December 2019 shall be implemented in full prior to the first use of the first building constructed.

Reason: In the interest of residential amenity and to meet the aims of Policy G17 of the South Ribble Local Plan.

12. 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

13. The mitigation measures set out in section 5 .1.5 of the report entitled "REC ref AQ106639 dated July 2019 shall be implemented in full prior to the first use of the first building.

Reason: To meet the aims of Policy 30 of the Central Lancashire Core Strategy.

14. Prior to first occupation of the development hereby approved, a minimum of 10% of the communal parking spaces be fitted with Electric Vehicle Recharge points, including adequate charging infrastructure and cabling and specifically marked out for the use of Electric Vehicles.

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

15. Details of a scheme for electrical vehicle charging points shall be submitted to and approved in writing by the local planning authority and the scheme shall be carried out as approved before the development hereby approves is first brought in to use or in accordance with a programme to be agreed by the local planning authority. The approved scheme shall be permanently retained thereafter.



Reason In the interests of Air Quality and to meet the aims of Policy 30 of the South Ribble Local Plan.

16. Prior to the commencement of any piling 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 Monday to Friday with no activity Saturday, Sunday or nationally recognised Bank Holidays.

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

17. 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

18. No deliveries or 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 Cores Strategy.

19. No development above ground shall take place until there has been submitted for the written approval of the Local Planning Authority a scheme of hard and soft landscaping and boundary treatment. The landscaping details shall include trees identified for removal to be planted with a 2:1 replacement together with native species selection, numbers and location and an implementation programme for all planting, seeding and turfing. Any trees or shrubs remove, dying being seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species unless the Authority gives written consent to any variation. The approved landscaping works shall be implemented prior to first use of the of those parts of the development to which they relate.

Reason: To protect and enhance the appearance and character of the site and locality in line with Policy G17 of the South Ribble Local Plan.

20. The development shall be carried out in accordance with the approved materials detailed on the document entitled "Materials Schedule" unless otherwise agreed in writing with the local planning authority.

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

21. Prior to the first use of the development hereby approved, provision of bird, hibernacula and a minimum of four bat boxes including a programme of implementation, location details and timescales, shall be submitted to and approved in writing by the Local Planning Authority. The details shall be based upon Section 4.6 of the Ecology Report entitled Preliminary Ecological Appraisal, Marathon Place, Leyland Reference: 1CO106640EC1R0 Dated: July 2019.

The development shall be carried out in accordance with the approved details within the agreed timeframes.

REASON: To ensure the development makes provision for protected species and to accord with Policy G16 in the South Ribble Local Plan 2012-2026

22. The recommendations contained in Table 4.1 of the Ecology report entitled "Preliminary Ecological Appraisal, Marathon Place, Leyland

Rec Reference: 1CO106640EC1R0 Dated: July 2019" shall be implemented in full before the building is occupied.

REASON: To ensure the development makes provision for protected species and other ecological enhancements and to accord with Policy G16 in the South Ribble Local Plan 2012-2026

23. Prior to commencement of the development an Employment and Skills Plan (ESP) shall be submitted to and approved in writing by the Local Planning Authority. The ESP shall be implemented in accordance with the approved plan. The ESP shall be based upon the following criteria as set out in the Employment and Skills SPD

- o Creation of apprenticeships/new entrants/graduates/traineeships
- o Recruitment through Job Hub and Jobcentre plus and other local employment vehicles.
- o Work trials and interview guarantees
- o Vocational training (NVQ)
- o Work experience (14-16 years, 16-19 years and 19+ years) (5 working days minimum)
- o Links with schools, colleges and university
- o Use of local suppliers
- o Supervisor Training
- o Management and Leadership Training
- o In house training schemes
- o Construction Skills Certification Scheme (CSCS) Cards
- o Support with transport, childcare and work equipment
- o Community based projects

REASON: In the interests of delivering local employment and skills training opportunities and in accordance with Policy 15 in the Central Lancashire Core Strategy

24. Prior to the commencement of development, details of all external lighting equipment shall be submitted to and be agreed in writing by the Local Planning Authority. The scheme shall include:

- a. the location and height of the lighting columns;
- b. the details of the light fittings;
- c. the colour of the lights;
- d. the lux levels;
- e. horizontal Glare;
- f. impact on adjacent sites:
- g. the upward light ratio;
- h. details of current lighting levels in the area (environmental zone; and
- i. the details of louvers on the light fittings.

The lighting shall be erected, directed and shielded so as to avoid nuisance to residential accommodation in close proximity. No other lighting equipment may then be used within the development other than that approved by the Local Planning Authority. The agreed measures shall be installed prior to occupation of the development and shall be thereafter retained and maintained for the duration of the approved use.

REASON: To safeguard the amenity and character of the area and to safeguard the living conditions of nearby residents and to accord with Policy 17 in the Central Lancashire Core Strategy

## **RELEVANT POLICY**

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

- 1 Locating Growth (Core Strategy Policy)**
- 10 Employment Premises and Sites (Core Strategy Policy)**
- 17 Design of New Buildings (Core Strategy Policy)**
- 30 Air Quality (Core Strategy Policy)**

**POLE2 Protection of Employment Areas and Sites**

### **POLF1 Car Parking**

- POLG13 Trees, Woodlands and Development**
- POLG16 Biodiversity and Nature Conservation**
- POLG17 Design Criteria for New Development**

### **Note:**

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

b. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement with the County Council as Highway Authority. 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 should be advised to contact LCC Community Services at County Hall, Preston PR1 0LD, in the first instance, to ascertain the details of such an agreement and the information to be provided.

c. Traffic Regulation Orders, diversions of Public Rights of Way, Stopping Up of existing highway, changes to public transport scheduling/routing and other activities require separate statutory consultation processes beyond the planning application process. The applicant will be obliged to meet all the costs associated with these of works and ensure that any works which rely upon them do not commence until all legal processes have been satisfactorily completed.

d. The applicant should be advised to contact LCC Community Services at County Hall, Preston PR1 0LD, in the first instance for the relevant Technical Approval forms. The technical approval requires that all the County Council's costs in relation to the approval to be reimbursed by the developer



# Agenda Item 7

<b>Application Number</b>	07/2019/12519/FUL
<b>Address</b>	Lostock St Gerards Football Club Wateringpool Lane Lostock Hall Lancashire
<b>Applicant</b>	Mrs Catherine Southworth
<b>Development</b>	Formation of new football pitch, installation of 4m high retractable netting and creation of additional carpark with 50no spaces
<b>Officer Recommendation</b>	That 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 expiration of the time period associated with the serving of the certificate of ownership notice on the land owners.
<b>Officer Name</b>	Mrs Catherine Lewis
Date application valid	03.12.2019
Target Determination Date	28.01.2020
Extension of Time	N/A



## **1. Introduction**

1.1. The application size and nature of this application would normally fall under the scheme of delegation but as the applicant is the Council, the application is now before you.

## **2. Report Summary**

2.1 The application relates to the construction of a grass football pitch, a 50-space car park and a 4m high safety ball stop netting to secure the north, west and eastern boundaries of the site. The scheme has been assessed against current planning policies including the national planning policy framework and the development plan policies and is recommended for approval.

2.2 The proposed car park and access are in the ownership of the Trustees of St. Gerard's Football Club and the appropriate certificate of ownership needs to be served before the application can be formally determined.

## **3. Site and Surrounding Area**

3.1 The application site relates to a piece of grass land adjacent to the football ground of Lostock St. Gerard's F.C. on Wateringpool Lane in Lostock Hall. To the north of the site is the existing playing pitch with the old gas works beyond. The rear gardens of the bungalows of Ampleforth Drive forms the southern boundary: with the rear gardens of the two storey dwellings on Wateringpool Lane forming the western boundary and the rear gardens of some of the properties on Clayton Gate Drive and Greenhill Road.

3.2 The site is in a predominantly residential area but is subject to Policy G6 Central Park, G7 Green Infrastructure and G12 Green Corridors/Green Wedges.

#### **4. Site History**

4.1 The most recent applications include the following:

4.2 07/2009/0007 erection of 2metre high security fencing to eastern boundary of the match day pitch. Approved and implemented.

4.3 07/2011/0223/FUL Application for the erection of 7 no. 10 m high floodlights Approved- the applicant advises that the electrical ducts have been constructed and if this is the case the application is extant (live).

#### **5. Proposal**

5.1 Planning permission is sought for the construction of senior grass football sports pitch measuring 100m x 64m with a 3m run off. A 4m high safety retractable ball stop netting in 10 metre sections would be provided on the west, southern and eastern boundaries.

5.2 A 50 space car park constructed of compacted stone would be provided to the northern boundary of the proposed football pitch and would also be adjacent to a small part of the north-western boundary. Five mobility spaces would be provided.

5.3 The application site forms part of an area designated as G6 Central Parks and Policy G12 Green Corridor/Green Wedges as identified on the adopted Policies Map of the South Ribble Local Plan. The existing playing pitch is classed as G7 Green Infrastructure.

#### **6. Summary of Publicity**

6.1 A site notice has been posted and neighbouring residents have been notified with two letters of representation being received. The comments are summarised below:

- No objection in general but would raise the following concerns:
- One of the residents of Claytongate Drive which faces the proposed pitch requires at least a 2m high fence to the football pitch to protect security and privacy. Hedges or trees would provide additional security.
- Concern that there could be damage to a drainage ditch which takes surface water from these properties.
- The field is a wild life haven and due to the amount of house building this field is one of the last remaining wildlife havens.

#### **7. Summary of Consultations**

7.1 **LCC Highways:** Raise no objections to the development.

7.2 **Environmental Health:** Initially raised concerns about the noise assessment but has advised that following clarification and a site visit raises no objection. Conditions controlling hours of use, details of the netting, cycle storage, electric vehicle charging points are recommended.

7.3 **Sport England:** No comments received.

7.4 **Ecology Services:** There are unlikely to be any significant ecological issues and any likely issues can be addressed through appropriate conditions mitigation planting, bird nesting, control of Japanese knotweed.

## **8.0 Policy Background**

### **NPPF**

Section 8: Promoting healthy and safe communities -Paragraph 91 states that planning decisions should aim to achieve healthy inclusive and safe places which enable and support healthy lifestyles which includes the provisions of safe and accessible ...sports facilities.

### **Core Strategy**

#### **South Ribble Local Plan**

**Policy G6 Central Park** seeks to ensure that Central Park will be delivered as a comprehensive park land providing a range of recreational and leisure uses for the community.

**Policy G7 Green Infrastructure** Development proposals should seek to protect and enhance the existing Green Infrastructure.

**Policy G12 Green Corridor/Green Wedges** Development should not be permitted which would prejudice the open character, visual amenity and purpose.

**Policy G13: Trees, Woodlands & Development** has a presumption in favour of the retention and enhancement of existing tree, woodland and hedgerow cover on site.

**Policy G16: Biodiversity & Nature Conservation** seeks to protect, conserve and enhance the borough's biodiversity and ecological network resources

**Policy G17: Design Criteria for New Development** permits new development provided that the development does not have a detrimental impact on neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity, use of materials. In addition, any new roads and/or pavements provided as part of the development should be to an adoptable standard; and the proposal would not have a detrimental impact on landscape features such as mature trees, hedgerows, ponds and watercourses.

## **9. Material Considerations**

### **9.1 The principle of the development.**

9.1.2 The proposed development would be located on land that is subject to Policy G6 Central Park and the objective of this policy is to ensure that Central Park is delivered as a comprehensive parkland providing a range of recreational and leisure uses for the Community. This would ensure the enhancement and protection of the existing green Infrastructure.

9.1.3 The construction of the Senior Sports football pitch would enhance the opportunities to play more football matches at a very successful and important community facility. Additional carpark spaces have been provided which would enhance the sport facilities as there have been issues with the number of car park spaces provided leading to on-street car parking which does have an impact upon the neighbouring residential streets.

9.1.4 Policy G6 does provide for some appropriate development which includes car parking for the recreational uses of the park. The policy is set out below for information.

#### ***Policy G6 –Central Park***



*Central Park is defined on the Policies Map. The park lies to the north east of Lostock Hall and runs westward from the east of London Way towards the allocated residential site K. The Park allocation allows a natural break in the built environment between the areas of Lostock Hall, Walton-le-Dale to the North, Bamber Bridge to the east and Penwortham to the north west.*

*Central Park will be delivered as a comprehensive parkland providing a range of recreational and leisure uses for the community. This will ensure the enhancement and protection of the existing Green Infrastructure in this area and aid the delivery of new Green Infrastructure provision within the Central Park boundary.*

*Some appropriate development will be permitted in the park. This includes car parking, public amenities (such as toilet facilities), changing rooms and buildings for the purpose of recreational uses in the park.*

9.1.5 Policy G12 seeks to prevent development within the green corridors which would prejudice the open character visual amenity and purpose. However, development may be permitted in very exceptional circumstances if it can be demonstrated that the proposal would have significant community and environmental benefits. The construction of the sports pitch would maintain the open character of the area, the 4m high netting would be used whilst the pitch is in use and would then be retracted.

9.1.6 Paragraph 92 of the NPPF makes clear that the planning process should plan positively for the provision of shared spaces and community facilities and makes specific reference to sports venues and open space to enhance the sustainability of communities and residential environments.

9.1.7 The carpark would have an impact upon the open character of the area, but this would only be used during the use of the sports facilities. Further Policy G12 does allow development in exceptional circumstances and the car parking would provide the opportunity to reduce the on-street car parking which has been an issue in the past.

9.1.8 Therefore, in principle the scheme is supported and meets the aims of Policy G6 and Policy G12 of the SRBC.

## **9.2 Character and Design**

9.2.1 The proposed pitch would be located some 120 m to the west of Wateringpool Lane and is surrounded by residential properties. The car park would be visible from Wateringpool Lane but would be seen against the backdrop of the existing access to the football club. Therefore, the site is visible from residential properties but is not prominent in terms of views from public areas and therefore it is considered that there would be limited impact upon the street scene or the character of the area.

## **9.3 Ecology**

9.3.1 The Council's ecology consultant has advised that a full ecological survey is not required. There are unlikely to be any significant ecological issues, with no potential bat roosting habitat and the surveys of the Lostock Hall Gas Works found no evidence of great crested newts in the ponds to the south.

9.3.2 A preliminary walk over survey or the use of appropriate conditions to support ecological issues is recommended. to ensure that there is replacement boundary treatment, protection of birds during the bird breeding season and a condition controlling Japanese knotweed if found during construction works.

9.3.4 The applicant has confirmed and is in support of tree planting as a form of boundary treatment and subject to appropriate species so that any planting on the boundary would not cause long term maintenance the council's landscape officer is in support too. There is a further opportunity to provide additional planting within the grounds of the football club which would support the Council's aims of 110, 000 trees to be planted with in South Ribble. The club have confirmed verbally that they are very supportive of further tree planting within their grounds.

9.3.5 Subject to the imposition of these conditions the proposal meets the aims of Policy G12 and G13 of the SRLP.

### **9.3 Highways.**

9.3.1 The scheme provides for 50 off road car park spaces which would address the existing car park issues faced by the residents of Wateringpool Lane. LCC Highways has been consulted and advise that the proposals would have a negligible impact on highway safety and capacity within the immediate area. There are no recorded incidents on the LCC Highway data base, the development would be accessed via an existing vehicular access and the level of parking and internal layout of the car park is acceptable. Therefore, the scheme is acceptable in highway and car parking terms.

### **9.4 Residential Amenity**

9.4.1 The site is surrounded on three side by residential properties with the nearest residential properties are located on Ampleforth Road, Wateringpool Lane, Claytongate Drive and Green Hill Lane.

9.4.2 The applicant has advised that there would be no lighting to the pitch and that the hours of operation subject to natural day light would be:

- ☐ Saturday and Sunday 10am to 2pm
- ☐ Tuesday, Wednesday and Thursday 6pm to 8:30pm.

9.4.3 Policy G17 of the SRLP seeks to ensure that proposals would not cause harm to neighbouring properties by leading amongst other things, to undue overlooking, overshadowing or have an overbearing effect.

9.4.4 The Environmental Health Officer acknowledges that the use of the proposed football pitch will be heard in nearby residential properties including any shouting or potential foul language, A noise report has been submitted with the application which has been assessed by Environment Health who confirm that having visited the site to undertake background monitoring, they are satisfied with the noise survey and raises no objection.

9.4.5 However, the site has been identified for recreational use within the local plan and as part of the recent housing development, monies have been set aside to provide for a sports pitch. Therefore, subject to the imposition of conditions controlling hours of use for the sport pitch to that applied for together with conditions to control the use of the car park, on balance the proposal would meet the aims of Policy G6 of the SRLP and the NPPF.

9.4.6 The proposed safety netting would be 4m in height and every 10metres there would be a 4m high pole. The alignment of the netting adjacent to the rear boundaries of Claytongate Drive would be angled so that at the narrowest point the safety netting would be located approximately 1m from the rear boundary of no 60 Claytongate Drive. The applicant has advised that the poles would have a retractable mechanism so that the netting can be wound in after the pitch has been used. Given the limited amount of times that the pitch would be used and subject to a condition controlling the details of the netting and that the netting

would be retracted after use, this aspect of the proposal is considered acceptable and meets the aims of Policy G17 of the SRLP.

9.4.7 The proposal includes the construction of 50 car park spaces on compacted stone. The nearest residential properties would be located some 8m from the proposed car park. There is a small ditch between the rear boundary timber fencing of no 4 Green Hill Road and the football grounds. The Environmental Health Officer has advised that whilst some noise would be experienced which would have an impact upon the residential amenity of the adjoining houses subject to a condition controlling hours of use no objection is raised.

## **9.5 Drainage and Ground Levels**

9.5.1 The site is currently undulating in places and as this would need to be levelled conditions controlling this aspect are recommended.

## **10 CONCLUSION**

10.1. To conclude, it is acknowledged that the use of the club would be intensified through the addition of a further football pitch, however Section 106 monies have been identified to seek to enhance the sporting opportunities for the club. Subject to conditions controlling the hours of use, ecology, levels, landscaping, details of the fencing and that the fencing is retracted after use, the facility is considered acceptable.

## **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 approved plans  
Drawing Number REG1000-1 entitled Planning Application Drawing  
or any subsequent amendments to those plans that have been agreed in writing by the Local Planning Authority.  
  
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
3. The proposed development shall only operate within the hours of 18:00-20:30 Tuesday to Thursday, 10:00-14:00 Saturday and Sunday.  
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.
4. The car parking area shall only be used during the hours of 17:30-20:30 Tuesday to Thursday, 09:30-14:30 Saturday and Sunday Details of measures to be taken to prevent access outside of these hours shall be submitted to the local planning authority for approval.  
  
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.

5. The provision of secure cycle storage for all dwellings has be provided as part of the development. Full details of the cycle storage provision shall be submitted for approval by the local planning authority prior to commencement of any works onsite.

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.

6. The site shall not be used for any other purpose than a sports ground, e.g. fair, concert

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. The fencing shall be so constructed to minimise noise from the site. Details of the construction methods shall be submitted to the local planning authority for approval prior to the commencement of works on site.

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. Before the Sports Pitch is brought in to use details of the landscaping of the site including, wherever possible, the retention of existing trees and hedges have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest.

The approved scheme shall be maintained by the applicant or their successors in title thereafter for a period of 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies, by the same species or different species, and shall be agreed in writing by the Local Planning Authority. The replacement tree or shrub must be of similar size to that originally planted.

Details submitted shall be compliant with 'BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations' and shall include details of trees and hedges to be retained or removed, root protection zones, barrier fencing, and a method statement for all works in proximity to those trees or hedges to be retained during the development and construction period. Details shall also indicate the types and numbers of trees and shrubs, their distribution on site, those areas seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of all fencing and screening.

REASON: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G8 in the South Ribble Local Plan 2012-2026

9. Prior to the commencement of development, a detailed method statement for the removal or long-term management /eradication of invasive plants, as identified under the Wildlife and Countryside Act 1981 shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of invasive plants during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

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

10. 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
11. No site clearance, demolition or construction works associated with the development no machinery, plant or powered tools shall be operated, no process carried out and no deliveries taken at or dispatched from the site shall take place outside the hours of 0800 hrs to 1800 hrs Monday to Friday; 0800 hrs to 1300 hrs Saturday and no construction works shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing with the Local Planning Authority.  
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. Prior to construction of the Sports Pitch details of the ball stop retractable fence shall be submitted to and approved by the Local Planning Authority and the use of the Sports Pitch shall not occur until the fencing has been erected in accordance with the approved details. The approved fence line shall be retained and maintained at all times thereafter. The netting shall be retracted after each use of the Sports Pitch herby approved.  
REASON: To ensure the provision and retention of adequate screening in the interest of amenity and to accord with Policy 17 in the Central Lancashire Core Strategy.
13. The use of the Sports Pitch shall not occur until the car park has been constructed in accordance with the approved plans.  
REASON: In the interest of highway amenity in accordance with Policy G17 of the SRBC.

## **RELEVANT POLICY**

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

#### **22 Biodiversity and Geodiversity (Core Strategy Policy)**

**POLG6 Central Parks Policy A1 Developer Contributions**

**POLG 12 Green Infrastructure**

**POLG 13 Trees Woodland/and Development**

**POLG 16 Biodiversity & Nature Conservation**

**POLG G17: Design Criteria for New Development**

**POLF1 Car Parking**



# Agenda Item 8

**Application Number** 07/2019/0300/REM

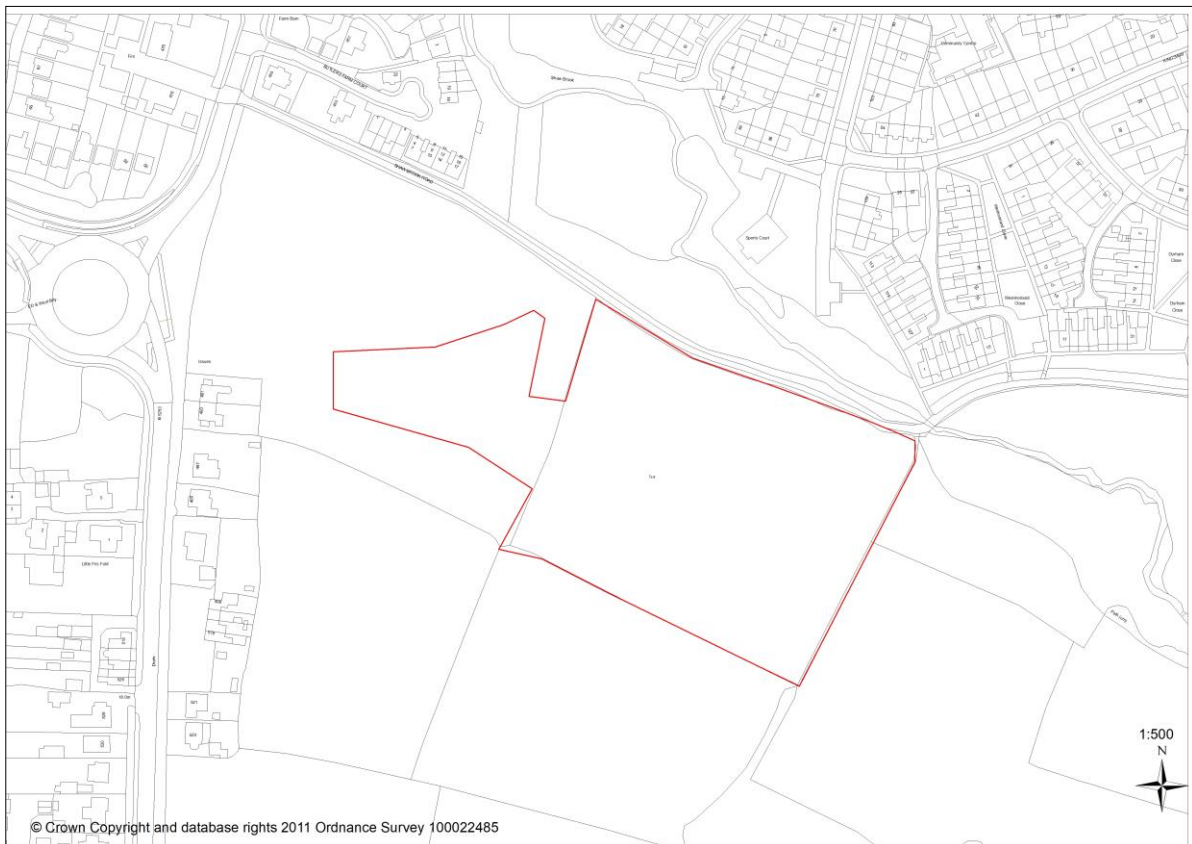
**Address** Land Off Shaw Brook Road and  
Altcar Lane  
Leyland  
Lancashire

**Applicant** Redrow Homes Lancashire Ltd

**Development** Application for Reserved Matters for residential development for 87 dwellings (Appearance, Landscaping, Layout and Scale applied for) 07/2016/0591/OUT

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

Date application valid 18.10.2019  
Target Determination Date 17.01.2020  
Extension of Time N/A



## **1.0 Report Summary**

1.1 Outline planning permission was granted for up to 400 dwellings and associated infrastructure following the successful completion of a Section 106 Agreement in September 2017. The Affordable housing contribution element of the Section 106 required 10% as a commuted sum for provision off-site and 20% discounted open market value units on site.

1.2 A Reserved Matters application was granted approval in July 2018 for up to 232 dwellings as part of the approved outline consent. Matters of layout, scale, appearance and landscaping were agreed. The details provided for a housing mix of 186 open market three and four bedroom together with a total of 46 affordable including: 3, two bedroomed; 12, three bedrooms and four apartments of two bedrooms each.

1.3 This current application seeks Reserved Matters approval for a partial re-plan of part of the consented site for 87 dwellings which would increase the overall number of dwellings by 14 from 232 to 246. The partial re-plan would increase the number of units by a further 14 to provide a wider choice of house types.

1.4 The site forms an important opportunity to support the aims of the Preston, South Ribble and Lancashire City Deal. Key to the success of City Deal is for development sites to come forward to deliver houses which in turn provides funding towards the costs of the infrastructure. The proposed development would enable the delivery of the site to provide a significant number of residential dwellings, with a wider choice which will help South Ribble deliver part of its requirement towards the City Deal housing target.

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

## **2.0 Site and Surrounding Area**

2.1 The application site is located approximately 2km south of Leyland town centre and forms part of a wider residential development. Shaw Brook Road forms the northern boundary, with residential properties previously approved under permission 07/2018/1674/REM to the west and southern boundaries. The eastern boundary has permission in outline form for residential development and therefore no formal details have yet been submitted for this aspect.

2.2 Construction is currently taking place on part of the wider site. Public Footpath number 46 runs east from Leyland Lane along part of the southern boundary of the site boundary. This path joins Footpath 20 which runs north from Altcar Lane and continues north to meet with Shaw Brook Road.

2.3 There are two locally designated Biological Heritage Sites (BHS) in proximity to the application site: Shaw, Altcar and Ruin Woods BHS, is located on the eastern boundary and Brickfield Wood BHS, approximately 250m to the north of the site.



### **3.0 Planning History**

3.1 A Masterplan has been endorsed by the Planning Committee in March 2016 for up to 600 residential properties which included two access points one to the north to serve the Redrow Homes development and one to the south off Leyland Lane to serve the Homes and Community Agency (HCA).

3.2 Outline planning permission has been granted for the Redrow Homes application for up to 400 dwellings to be served from the northern access point (Ref:07/2016/0591/OUT). This application is subject to a Section 106 agreement which requires:

- Delivery and Financial Contribution to Worden Park of £123,000
- Financial Contribution to the Travel Plan of £24,000
- Affordable Housing:
  - 10% Off site Housing Contribution
  - 20% On site Affordable Housing
- Management of Open Space

3.3 A number of applications have been submitted for the details reserved by condition.

3.4 07/2018/1674/REM Reserved Matters (appearance, landscaping, layout, and scale applied for) for a residential development of 232 dwellings at land near Shaw Brook Road. Approved July 2018.

3.5 Outline planning permission has also been granted for the Home England application for up to 200 dwellings to be served from the south eastern access point (Ref: 2016/0310/OUT). This too is the subject of a Section 106 agreement which requires: The two residential sites would be linked via an internal access road.

### **4.0 Proposal**

4.1 The application seeks a re-plan of a small part of the approved site to increase the number of properties by 14 from 73 to 87 and is a Reserved Matters application for the erection of 87 dwellings with the matters of Appearance, Layout, and Scale and of the buildings and Landscaping being applied for.

4.2 The table below provides the accommodation schedule:

<b>House Type</b>	<b>Beds</b>	<b>Number of Units</b>
Birch	3	9
Chestnut	4	10
Holly	4	13
Lime	3	2
Oxford	4	1
Rowan	4	10
Pine (semi)	3	6
<b>TOTAL</b>		<b>51</b>
<b>Affordable</b>		
Ledbury	2	18
Ledbury 3	3	9
Alton Apartments GF	2	4
Alton Apartments FF	2	4
<b>TOTAL</b>		<b>35</b>
<b>Grand Total</b>		<b>87</b>

## **5. Summary of Supporting Documents**

5.1 The applicant has submitted the following supporting documents:

- Planning Statement
- Community Infrastructure Forms.
- Tree Protection Drawings
- Landscape Plans
- Surface Water Drainage Plans
- Materials Layout Sheet
- Housing elevations
- Site Sections
- Street Scenes
- Waste Management Plan
- Elevations
- Floor Plans

## **6. Summary of Publicity**

6.1 Site Notices have been posted and a total of 144 properties have been notified. Two letters of representation have been received which make the following summarised points:

### **6.2 Letters of objection**

- Concern about the amount of surface water impacting upon the rear garden areas on Leyland Lane.
- Difficulty in the surface water draining away and concern about the amount of additional water affecting their properties.
- Current development affecting their properties creating a nuisance due to mud on the road
- Mud from vehicles impacting upon the parked cars on Leyland Lane- the Lovells site is also causing similar issues.

- The current development is taking away biodiversity in terms of loss of trees.
- Has the proposed development been properly assessed with regard to impact upon the junctions and traffic safety?
- The traffic management has been poorly designed -footpaths half finished, raised work surfaces common what assurances can SRBC give to ensure that the works will be appropriately addressed?
- Concern that the residential development has not provided any benefits to existing residents.

## **7. Summary of Consultations**

**7.1 County Highways:** Initially raised concerns about the proposed turning head adjacent to Plot 39 and the size of one of the car park spaces. The applicant has submitted revised plans which addresses this point and LCC Highways has confirmed that the amended plans are acceptable.

**7.2 United Utilities:** Initially advised that the application is subject to a Section 104 application which relates to surface water and site drainage. These plans have been subsequently approved.

**7.3 Chorley Council:** No objection to the proposal.

**7.4 SRBC Housing:** The overall scheme would increase by 14 dwellings to provide for a total of 246. Whilst the number of the number of affordable homes to be provided on-site has increased by 3 meeting the 20% on site provision for the site overall, concern was raised about the lack of pepper potting across the site. A revised layout has been provided which has addressed this aspect and it is acknowledged that small clusters are accepted on larger developments.

It is noted that the provision includes 2 blocks of four flats each. Whilst there has been limited demand for this type of housing for this type of tenure in other parts of the borough the developers are clear that there is a demand in Leyland. Given that each flat would have a separate front door the design and limited number of flats is considered acceptable

**7.5 Fire and Rescue:** Have provided advice in respect of access for fire appliances and water supplies for firefighting purposes to the site.

## **8 Policy Background**

### **i) NPPF**

The NPPF Sustainable Growth Policy - The NPPF at Para 11: provides a presumption in favour of sustainable development and supports sustainable economic growth to deliver, amongst other things, homes. Similarly, Chapter 5 Delivering a sufficient supply of homes makes it clear that there is a sufficient amount and variety of land to come forward where it is needed.

Design Policy - NPPF Chapter 12 (Achieving well designed places) is also relevant.

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

**Policy 1: Locating Growth** supports development.

**Policy 4: Housing Delivery** seeks to provide a minimum of 417 dwellings per annum within South Ribble during the period 2012 to 2026.

**Policy 5: Housing Density** advises that the density of development should make efficient use of land whilst also maintaining with the character of local areas.

**Policy 6: Housing Quality** supports the provision of accessible housing, neighbourhoods and the use of higher standards of construction.

**Policy 7: Affordable and Special Needs Housing** requires the provision of 30% affordable housing within urban areas and 35% in rural areas for sites providing 15 or more dwellings, subject the financial viability considerations and contributions to community services.

**Policy 17: Design of New Buildings** provides guidance for the design of new buildings. Designs should consider a number of criteria including the character and uses of the local area, minimise opportunity for crime, be inclusive, adaptable to climate change and the achievement of 'silver' or 'gold' Building for Life ratings.

**Policy 22: Biodiversity and Geodiversity** promotes the conservation and enhancement of biodiversity and the safeguarding of ecological networks and geological assets.

**Policy 26: Crime and Community Safety** encourages the use of Secure by Design principles in new development.

**Policy 27: Sustainable Resources and New Development** requires the incorporation of sustainable resources into new dwellings. The design of new homes should minimise energy use, maximise energy efficient and be flexible enough to withstand climate change. Further, appropriate facilities should be provided for the storage of recyclable waste and composting.

**Policy 29: Water Management** aims to improve water quality, water management and reduce the risk of flooding through a number of measures.

**Policy 30: Air Quality** seeks to improve air quality through the use of green infrastructure initiatives.

### iii) South Ribble Local Plan

**Policy B1: Existing Built-up Area** permits development proposals for the re-use of undeveloped and unused land and buildings, or for redevelopment providing that the development complies with the requirements for access, parking and servicing; is in keeping with the character of the local area and would not adversely impact the amenity of nearby residents.

**Policy D1: Allocation of Housing Land** provides a schedule of housing allocation sites. The application site is identified as Site R: Land off Wesley Street, Bamber Bridge. It identifies that the site extends to 6.9ha and has capacity for up to 195 dwellings. It is noted that the site includes land which forms part of the playing fields of Cuerden Church School and proposals should provide a replacement playing field.

**Policy D2: Phasing and Monitoring of Housing Land Supply** has regard to the phasing of housing development, advising that delivery will be monitored on an annual basis.

**Policy F1: Parking Standards** advises that parking and servicing space should accord with the adopted parking standards. Any variation from the standards should be supported by a transport statement based on local evidence.

**Policy G10: Green Infrastructure Provision in Residential Development** requires residential development with a net gain of 5 or more dwellings to provide sufficient Green Infrastructure, which should be provided on-site, though off-site provision can be made via developer contributions. Residential developments are normally required to meet the needs for equipped children's play area which are generated by the development, either as part of the integral design or by developer contributions.

**Policy G11: Playing Pitch Provision** requires residential development with a net gain of 5 or more dwellings to provide playing pitches at a standard provision of 1.14 ha per 1,000 population. The stated standards are to be flexible and appropriate for each individual development.

**Policy G13: Trees, Woodlands and Development** prevents development that will adversely impact on protected trees, ancient woodlands, trees in conservation areas or recognised conservation sites. The policy supports the retention and enhancement of existing trees and hedgerows and the provision of replacements for any trees on a 2 for 1 basis.

**Policy G14: Unstable or Contaminated Land** supports the redevelopment of previously developed land and advises that applications should be supported by satisfactory site investigations and mitigation measures where required.

**Policy G15: Derelict Land Reclamation** supports the reclamation of derelict land for employment and residential development. Provision should also be made for maintaining and improve the environment and landscape.

**Policy G16: Biodiversity and Nature Conservation** seeks the protection and enhancement of biodiversity assets, with the use of appropriate mitigation measure where required.

**Policy G17: Design Criteria for New Development** permits new development provided that, the proposal does not have a detrimental impact on neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity, use of materials. Furthermore, the development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect; the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and will provide an interesting visual environment which respects the character of the site and local area; the development would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Policy F1, unless there are other material considerations which justify the reduction such as proximity to a public car park. Furthermore, any new roads and/or pavements provided as part of the development should be to an adoptable standard; and the proposal would not have a detrimental impact on landscape features such as mature trees, hedgerows, ponds and watercourses. In some circumstances where, on balance, it is considered acceptable to remove one or more of these features, then mitigation measures to replace the feature/s will be required either on or off-site.

**Policy H1: Protection of Health, Education and Other Community Services and Facilities** protects health, education and other community services through CIL and/or developer contributions.

#### **iv Supplementary Design**

The South Ribble Residential Design SPD discusses design in very specific terms, and whilst more attuned to domestic extensions, is relevant with regards to separation with properties within and beyond the site bounds.

The Employment Skills SPD seeks additional benefits (social value) to be incorporated within major development (housing and other development opportunities).

### **9.0 Material Considerations**

#### **9.1 Local Plan Allocation**

9.1.2 The principle of the development has been established through the Masterplan process and the granting of planning permission for 400 dwellings Ref: 07/2016/0591/OUT. Details have been approved for 232 dwellings as part of the Reserved Matters Ref: 07/2018/1674/REM.

9.1.3 This Reserved Matters application seeks permission to re-plan an area of housing for 87 dwellings which would increase the overall number of dwellings by 14 from 232 to 246. Although the design details have previously been approved, the layout would now change and the matters under consideration include layout, scale, appearance and landscaping. These matters are considered in further detail below with reference to the relevant planning policies.

#### **9.2 Access and Car Parking**

9.2.1 The principle of the access points to Site P have been agreed through the Masterplan process. The re-plan is only concerned with the internal layout. LCC Highways initially raised concerns about the parking and grass verge in relation to Plot 39. The applicant has submitted revised plans which addresses this point and LCC highways has raised no objection

9.2.2 Residents have raised concerns about the current junction and whether the amount of traffic has been appropriately assessed. This aspect was fully considered by LCC Highways who raised no objection subject to conditions and a number of offsite highway works to be undertaken. Residents have also raised concerns about the reinstatement works associated with the Highway works. These matters would be controlled by Lancashire County Council and the concerns have been forwarded to them for their action. Therefore, the increase in traffic has been previously addressed, together with the details of the construction from the roundabout and the internal layout.

### **9.3 CIL**

9.3.1 Based on the Community Infrastructure Levy charging schedule, the initial approved reserved matters development would be required to pay a net CIL payment (after deductions for the Social Housing element) of £2,076,966.45 which will contribute to infrastructure requirements contained within the Regulation 123 list.

A recalculation of the CIL figure will be required due to the change in house types and increase in housing numbers.

### **9.4 Housing**

9.4.1 Policy 7 of the Core Strategy -Affordable Housing states that a target of 30% affordable housing provision is to be sought on new housing schemes on urban sites. The approved scheme is policy compliant and provides for both on site equating to 20% to be provided of an intermediate tenure and the remaining 10% as an off-site financial contribution.

9.4.2 The current application increases the affordable housing provision by three units and meets the 20% on site provision for the site overall. The Councils' Strategic Housing has raised no objection to this aspect.

9.4.3 Initially concern was raised with regard to the location of these units and revised plans have been received that provide for a more integrated layout. Whilst affordable housing should be pepper-potted through the development, small clusters are accepted on larger developments. In this case the revised plans provide for a layout that is similar to the approved scheme.

9.4.4 The applicant has advised that the affordable units on the site are discounted open market value units and would be standard Harwood Range house types. As such they would be indistinguishable from the larger units in terms of style/design. This will create a totally integrated tenure blind development. The site offers a mix of 3 and 4 bed market dwellings, to be complemented with 2 and 3 bed discounted open market value units (including apartments). This will offer an attractive mix of dwellings across the site to suit a range of people and their needs.

9.4.5 Paragraph 59 of the NPPF advises that there is a need to deliver a wide choice of high-quality homes to boost significantly the supply of housing. The following factors need to be weighed in the balance: the applicant has provided additional landscaping; the nature of the build costs of the affordable product which would be small mews (terraces) and some flats and although clustered they are dispersed within the site, Therefore, on balance the scheme is acceptable.

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

9.6.1 Policy 17 of the Core Strategy expects new buildings to “*take account of the character and appearance of the local area*” with Policy G17 of the South Ribble Local Plan 2012-2026 requiring development not have a detrimental impact on “*the existing building, neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity, use of materials*”. The re-plan of the 87 dwellings would be located to the north of the site: Shaw Brook Road forms the northern boundary and the other boundaries relate to the housing site under construction. The applicant has advised that the rationale behind the submission is to provide a wider choice of house types. The approved layout provides for a housing type known as the Heritage Range which provides for larger housing on a larger plot. To provide a wider choice of products the Harwood range has been introduced which would provide for three- and four-bedroom detached homes and some semi’s on a smaller footprint.

9.6.2 The scheme has been assessed with regard to the separation distances set out in the Residential Extension SPD and is acceptable. As the original approved layout provides for a considerable amount of the more executive type housing the range and mix is welcomed.

9.6.3 As set out in the Accommodation Schedule there is a range of house types with a total of 34 four bedroomed detached dwellings and 11 three bedroomed detached with 6 three bed semi-detached as part of the 51 units- open market provision. A total of 35 affordable including: 8 two bed apartments, 9 three bed houses and 18 two bed houses.

9.6.4 Considering the variety of house types present within the locality, the proposed mixture of house types and designs on the site is not considered to be out of character with the surrounding area. Sufficient garden spaces are proposed for the dwellings. It is therefore considered that the proposed development is not considered to result in the overdevelopment of the site. A simple palette of materials utilising brick and render to the walls and grey and brown roof tiles is proposed, but through the use of different elevational treatments an interesting design would secure a strong sense of place. Although there are no three storey properties to provide a focal point on corners within the site, dual aspects of elevational treatment are utilised.

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

## **9.7. Drainage and Ground Levels**

9.7.1 Concerns by residents have been raised in relation to drainage issues. The impact of the construction of the development upon the existing properties has generated complaints. The associated outline planning consent included planning conditions requiring the agreement of foul and surface water drainage details. Both United Utilities and the Local Lead Flooding Authority have worked with the applicant to agree the details which have been found acceptable. It is acknowledged that there have been issues due to the construction work and the periods of heavy rainfall and these concerns are forwarded to the relevant bodies to ensure that the approved schemes are implemented appropriately.

9.7.2 The applicant has advised that in terms of the drainage on the site, surface water flows will be restricted to greenfield rates, and attenuated within an on-site balancing pond. The surface water outfall will discharge into Shaw Brook, to the north of the site. The foul water will discharge into the public sewers in Leyland Lane. Due to the topography of the site,

which falls towards the west, the foul will drain to the sewers in Leyland Lane by gravity and no pumping will be required.

## **9.8 Landscape**

9.8.1 A detailed landscape plan and scheme has been assessed and approved under the previous Reserved Matters application. The submitted plans with this application reflect the approved scheme and are acceptable. It is considered that that this aspect is acceptable and supports the aims of Policy G17 criterion (b).

## **10 CONCLUSION**

10.1 The application site forms part of a wider housing site known as Site P under D1 of the adopted South Ribble Local Plan 2015. The application site is a parcel of land that the Council wishes to see come forward for residential development and a Masterplan was endorsed by the Planning Committee in March 2016 which identified two access points for Site P. Planning permission has been granted for outline consent with “access only” applied for and would provide for 400 dwellings to gether with a Reserved Matters permission for 232 dwellings.

10.2 The proposed replan of 87 dwelling which would include a further 14 dwellings would provide for a greater choice of size and type of dwellings. The proposed development is not considered to result in the overdevelopment of the site and is not considered to be out of character with the street scene. There are no significant highway safety or amenity implications. Conditions controlling, time scale, plans, materials, landscaping, delivery of parking before occupation and retention of garages for storage of cars are recommended.

10.3 The proposed development is deemed to accord with the NPPF and, policies 1, 4, 5, 6, 17, 22, 26 and 29 of the Central Lancashire Core Strategy and policies A1, D1, F1, G7, G10, G13, G14, G16 and G17 of the South Ribble Local Plan. The application is therefore recommended for approval subject to the imposition of conditions.

## **RECOMMENDATION:**

Approval with Conditions.

## **RECOMMENDED CONDITIONS:**

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

Drawing No. ALL/LOC/01 Location Plan  
Drawing No. ALL/DSL/01 Rev. K Detailed Site Layout Sheet 1  
Drawing No: HRP/DSL/03 Rev B Composite Site Layout.  
Drawing No. ALL/EPL/01 Rev G Existing and Proposed Site Levels Sheet  
Drawing No. ALL/BTP/01 Rev K Boundary Treatment Layout sheet 1  
Drawing No. ALL/MP/01 Rev J Materials Layout Sheet 1  
Drawing No. ALL/WMP/01 Rev F Waste Management Layout Sheet 1  
Drawing No. 4178/ENG/101 S104 Drainage Layout



Drawing No.18584-0500-501.Rev G Site Drainage Layout  
Drawing No. 18584-0500-502.Rev G Site Drainage Layout  
Drawing No. 4178/ENG/125 Levels Plan Sheet 1  
Drawing No. 4178/ENG/125 Levels Plan Sheet 2  
Drawing No. 4178/ENG/106-1 Long Sections Sheet 1  
Drawing No. 4178/ENG/106-1 Long Sections Sheet 2  
Drawing No. 4178/ENG/106-1 Long Sections Sheet 3

Drawing No. 4829.05 Rev C Landscaping Proposals Sheet 1 of 4  
Drawing No. 4829.05 Rev B Landscaping Proposals Sheet 2 of 4  
Drawing No. 4829.05 Rev B Landscaping Proposals Sheet 3 of 4  
Drawing No. 4829.05 Rev C Landscaping Proposals Sheet 4 of 4

Alton apartments Floor Plans  
Alton Apartments Elevations  
Birch House Type -Elevations  
Birch House Types Floor Plans  
Chestnut House Type Brick  
Chestnut House Type Render  
Holly House Type  
Ledbury/Ledbury 3 Typical Mews Types Brick elevations  
Ledbury/Ledbury 3 Typical Mews Types Brick Floor Plans  
Oxford House type  
Rowan House Type Brick  
Rowan House Type Render  
Brick Screen Wall Timber Screen Wall  
Plot Division Fence  
Railing Detail1.2m

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

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

3. An electric vehicle recharge point shall be provided to every property, prior to occupation. 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 electric vehicle car parking space. 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."

4. The development shall be carried out in accordance with the approved materials detailed on the approved drawing:

Drawing Number ALL/MP/01 Rev J entitled "Materials Layout Sheet 1"

unless otherwise agreed in writing with the Local Planning Authority.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development ) (England) Order 2015 or any subsequent Orders or statutory

provisions re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority in consultation with the Highway Authority

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

6. No property shall be occupied or be brought in to use until their respective car parking spaces have been surfaced or paved in accordance with the details shown on:  
Drawing number ALL/PP/01 Rev E entitled "Parking Plan Parcel 1"  
Drawing number ALL/PP/02 Rev E entitled "Parking Plan Parcel 2"  
This area shall be retained at all times thereafter and shall not be used for any purpose other than the parking of vehicles.
7. The approved landscaping scheme, as detailed on Drawings no. XXXXXX shall be implemented in the first planting season of each completed phase as set out in Drawing No ALL/ P-P/01 Rev B entitled "Phasing Plan" following completion of the development of each phase or first occupation/use, whichever is the soonest, and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority, in compliance with BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations. This maintenance shall include the watering, weeding, mulching and adjustment and removal of stakes and support systems, and shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies by the same species. The replacement tree or shrub must be of similar size to that originally planted.

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

## **RELEVANT POLICY**

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

- 1 Locating Growth (Core Strategy Policy)**
- 4 Housing Delivery (Core Strategy Policy)**
- 5 Housing Density (Core Strategy Policy)**
- 6 Housing Quality (Core Strategy Policy)**
- 7 Affordable and Special Needs Housing (Core Strategy Policy)**
- 22 Biodiversity and Geodiversity (Core Strategy Policy)**
- 26 Crime and Community Safety (Core Strategy Policy)**
- 27 Sustainable Resources and New Developments (Core Strategy Policy)**
- 29 Water Management (Core Strategy Policy)**

**POLA1 Policy A1 Developer Contributions**

<b>POLD1</b>	<b>Allocations of housing land</b>
<b>POLD2</b>	<b>Phasing, Delivery and Monitoring</b>
<b>POLF1</b>	<b>Car Parking</b>
<b>POLG9</b>	<b>Worden Park</b>
<b>POLG11</b>	<b>Playing Pitch Provision</b>
<b>POLG13</b>	<b>Trees, Woodlands and Development</b>
<b>POLG16</b>	<b>Biodiversity and Nature Conservation</b>
<b>POLG17</b>	<b>Design Criteria for New Development</b>

**Note:**

1. Informatives:

1. Regardless of planning permission being granted the applicant will have no rights to build on a public right of way unless a diversion has been applied for and certified.
2. A temporary closure on the relevant rights of way will be necessary during construction if there is likely to be a danger to the public
3. Rights of way should not be obstructed during or after construction unless temporarily with a temporary closure in place and rights of way to be reinstated on completion e.g. gates or vehicles
4. Rights of way should be taken into account if there is likely to be a change in ground level - a raise in ground level could cause surface water to run off onto a right of way potentially flooding.
5. Drainage of properties should also take into account the potential threat of flooding onto the rights of way
6. The quality of resurfacing of any right of way should be of sufficient standard to take into account the increased footfall and also contribution to future maintenance costs would be agreeable.
7. 4 weeks' notice is required for a temporary closure application and should there need to be a PROW diversion this can take several years due to the process involved.

**Cadent Pipelines:**

The applicant is advised to contact Cadent direct due to operational gas apparatus within the vicinity.

**CIL Liable for approvals**

2. You are advised that as of 1st September 2013, the Central Lancashire Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL applies to all applicable planning permissions granted on or after this date. The proposed development has been assessed and it is the Council's view that it is CIL LIABLE. Full details are available on the Council's website <http://www.southribble.gov.uk/content/community-infrastructure-levy>

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**Application Number** 07/2019/8975/FUL

**Address** Jayne Miller Ltd  
7 Hope Terrace  
Lostock Hall  
Preston  
Lancashire  
PR5 5RU

**Applicant** Mr Raymond McLaughlin

**Agent** Mr Geoffrey Lee  
Lee and Co Solicitors  
Hough Lane  
Leyland  
Preston  
PR25 2SB

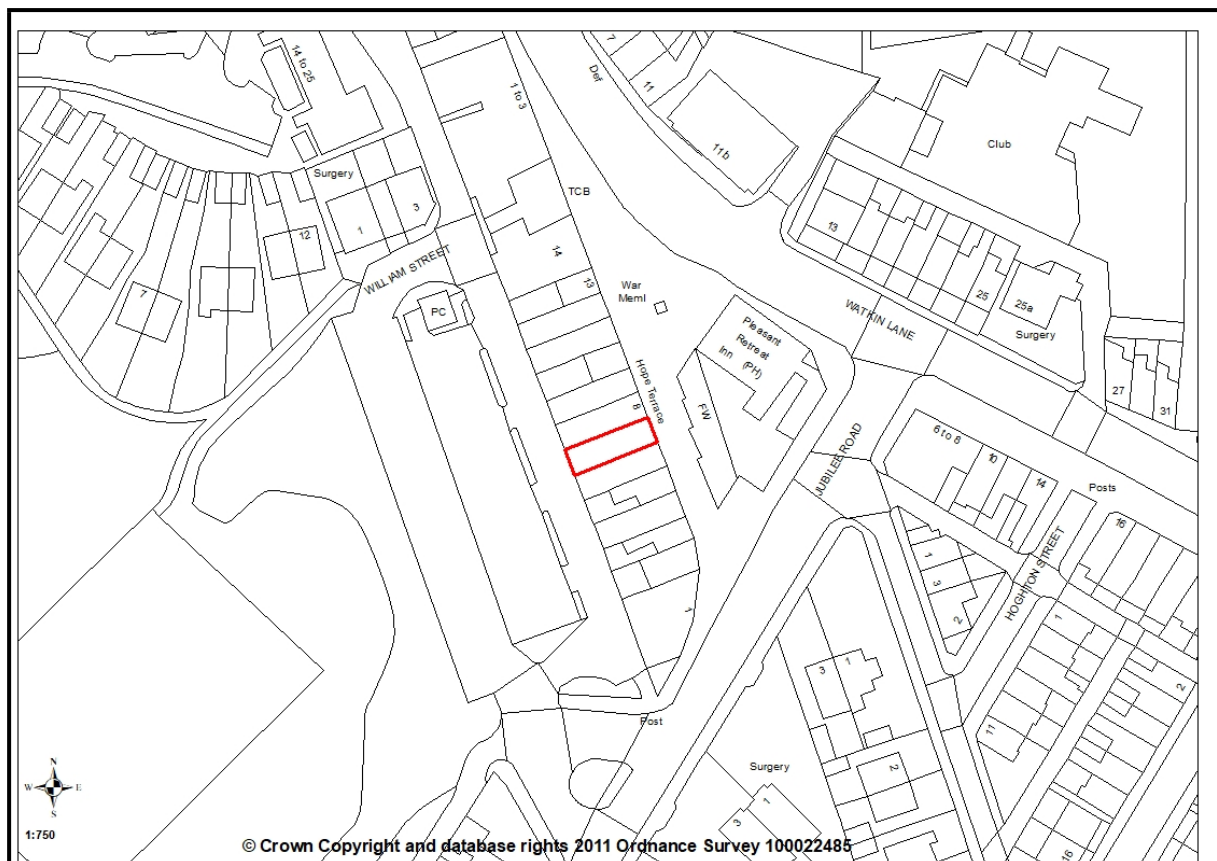
**Development** Change of use from (Class A1) Retail to (Class A4) Drinking Establishment with external alterations

**Officer Recommendation** **Approval with Conditions**

**Officer Name** **Mrs Janice Crook**

Date application valid 15.11.2019  
Target Determination Date 10.01.2020  
Extension of Time

## Location Plan



## **1. Report Summary**

1.1 The application site is within the Lostock Hall District Centre and the application proposes a change of use from a retail premises to a drinking establishment. Whilst it is accepted that the proposed change of use reduces the number of retail establishments in the District Centre, Policy E4 does allow for such changes and, on balance, it is considered the proposal will not harm the vitality and viability of the district centre and brings a vacant unit back into use.

1.2 In terms of residential amenity, any impact in terms of noise and disturbance to neighbouring residential properties can be mitigated and a condition is proposed to ensure the development is carried out fully in accordance with the Noise Impact Assessment. Although the Noise Impact Assessment has not demonstrated that there will be no impacts on the residential flat that is part of the application property, with the use of a suitable condition to restrict its use, the proposal would not unduly impact on residential amenity. The application is therefore recommended for approval.

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

2.1 The application relates to a retail premises at 7 Hope Terrace in Lostock Hall formerly a card shop. The site is within a terrace of commercial properties within the Lostock Hall District Centre. There is a public car park to the rear, a pedestrianised area to the front and opposite is the Pleasant Retreat public house.

## **3. Planning History**

07/1990/0472 First Floor Rear Extension. APPROVED 01/08/1990

07/2019/7688/FUL Blocking up of ground floor rear window, installation of new rear door and internal alterations. WITHDRAWN 16/09/2019

## **4. Proposal**

4.1 The application proposes the change of use of a Class A1 retail premises to a Class A4 drinking establishment together with external alterations. To the rear a window is to be removed and replaced with a new fire exit door. An existing sign is also to be removed.

4.2 To the front elevation a new window will replace the existing with a new illuminated fascia sign. This will need to be subject of a separate advertisement consent application. The existing sign above the first-floor window is to be removed. The existing boxed roller shutter is to remain.

## **5. Summary of Publicity**

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

## **6. Summary of Consultations**

6.1 **County Highways** comment based on all the information provided by the applicant to date and after undertaking a site visit. They have no objections to the application and are of the opinion that the nature and scale of the proposals should have a negligible impact on highway safety and capacity within the immediate vicinity of the site.

6.2 They also comment that the site is within a sustainable location with good access to public transport and with a large population within easy walking distance. There is also a public car park to the rear of the site and sufficient waiting restrictions in the vicinity to control on road parking.

6.3 **Environmental Health** consider that the development has the potential to adversely affect nearby uses. They comment that, following a review of the acoustic report submitted as part of the application, they object to the granting of the planning permission. Following further clarification and discussion between the EHO and the applicant's Noise Consultant, Environmental Health further commented that the applicant has failed to demonstrate that there would not be an unacceptable impact upon the residential amenity of the first floor flat from noise from either the ground floor use or adjacent cellar. Therefore, the upstairs flat should not be used for residential accommodation.

## 7. Policy Background

7.1 **Policy E4: District Centres** seeks to protect and enhance the district centres to maintain their vitality and viability. Planning permission will be granted for new buildings, redevelopment of existing sites, extensions to, or change of use of existing buildings for A1 Retail Use, which will be encouraged to achieve a minimum of 60% of the overall units and A3 Cafe and Restaurant uses. Applications for other district centre uses including A2 Financial and Professional Services, A4 Drinking Establishments and B1 Offices will be permitted where this would not harm the sustainability of the shopping area.

7.2 **Policy G17: Design Criteria for New Development** permits new development, including extensions and free-standing structures, provided that, the proposal does not have a detrimental impact on the existing building, neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity, use of materials. Furthermore, the development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect; the development would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Policy F1.

## 8. Material Considerations

### 8.1 **Impact on District Centre**

8.1.1 The proposal is for the change of use of the existing retail premises, formerly a card shop, to an A4 drinking establishment. As the site is within the Lostock Hall District Centre, Policy E4 is applicable. This policy seeks to protect and enhance the district centres to maintain their vitality and viability. The policy specifies that planning permission will be granted for, among other things, the change of use of for A1 Retail Use, which will be encouraged to achieve a minimum of 60% of the overall units. However, it also allows for change of use to A4 Drinking Establishments where this would not harm the vitality of the shopping area.

8.1.2 Lostock Hall District Centre currently has 50% retail premises (as at October 2019). This has dropped since October 2018 by 9% due to currently vacant premises, including the application premises.

8.1.3 It is considered that the proposed change of use will not harm the sustainability of the shopping area, particularly given the current retail climate. It is considered preferable to have a property in use rather than remaining vacant and recognising that Policy E4 does allow for such changes of use.

### 8.2 **Impact of External Alterations**

8.2.1 In terms of the external alterations, the proposal is to remove a window to the rear and replace with a fire exit door. The existing entrance door to the first-floor flat is to remain. The existing advertisement signage is also to be removed. To the front elevation a new window is to be installed with the existing boxed roller shutter to remain. An existing sign

above the first-floor window is to be removed and a new illuminated fascia sign is to be installed. This will need separate permission under the Advertisement Regulations.

8.2.2 The proposed alterations are considered acceptable and in keeping with the District Centre in which the property is located.

### 8.3 Impact on Residential Amenity

8.3.1 Some of the properties along Hope Terrace have first floor residential accommodation, for example 8a Hope Terrace, the adjacent property, and therefore there is the potential for the proposal to impact on the residential amenity of occupants of those apartments. The first floor of the application property is also a residential apartment with the main accommodation in the rear of the building. The proposal is to retain this apartment and store rooms and cellar to serve the drinking establishment, towards the front. The apartment is the owner's residential flat and is used in association with the main use of the premises. The proposed floor plans indicate that the flat is vacant and it is understood is tied to the premises as a whole and cannot be sub-let.

8.3.2 The proposed change of use to a drinking establishment has the potential to create noise and disturbance to neighbouring residents. This is discussed further below.

### 8.4 Noise

8.4.1 A Noise Impact Assessment has been submitted to support the application. This Assessment advises the bar does not intend to play live amplified or un-amplified music or recorded amplified music and therefore has made no assessment of music noise or its impact.

8.4.2 The Assessment also advises that noise from the cellar space at first floor from fixed plant or from changing over consumables is not expected to impact on the amenity of the residential neighbour in the adjacent property.

8.4.3 In terms of customer noise transferring into the adjacent properties, this is not expected to be significant.

8.4.4 Based on predicted sound levels against the existing ambient sound levels of the area, the noise assessment concludes that sound from customers breaking out from the bar is likely to be inaudible against the existing ambient sound level internally within the nearest noise sensitive premises.

8.4.5 The assessment concludes that, based on the assessments of the site, it is expected the proposed development will have little or no impact from noise to the surrounding noise sensitive uses. However, to control this impact it is recommended that the following measures are put in place:

- Provision of planning condition restricting the hours of use of the premises
- Restriction of the playing of live amplified and un-amplified music and recorded amplified music noise
- Restriction on deliveries to the site to daytime hours only, for example 09:00 to 17:00.

8.4.6 Environmental Health have considered the Noise Impact Assessment and advise that the development has the potential to adversely affect nearby land uses and initially objected to the granting of the planning permission. In more detail, Environmental Health advised that Table 4.2 details the sound insulation tests which identify the source as the ground floor bar area. Table 4.3 then introduces a measured level between the first-floor cellar and the adjacent building.

8.4.7 The assessment has been based on previous measurements of a small bar in London and no details of the venue have been provided other than there was no music



playing. The measurements were made during an afternoon and not for example during a busy weekend evening. As such the suggested levels are not considered to be representative. Additionally, no consideration has been made of the noise from the cellar to the bedroom of the first floor flat.

8.4.8 As a result, correspondence took place between Environmental Health and the applicant's Noise Consultant and a number of points were clarified. For example, the Noise Consultant confirm he had tested across the party floor from the bar to the living area and bedroom of the flat but did not test between the cellar and bedroom across the wall.

8.4.9 He also advised that: *"As I understand it the lease agreement Mr McLaughlin has entered into means the flat comes with the ground floor and is ancillary to its use and it cannot be sub-let. His intention was to have it as his living accommodation and therefore we do not consider the flat a receptor. We outline this in Section 2.0 of the report."*

8.4.10 Environmental Health further commented that the noise consultant confirmed the level of attenuation with the adjacent buildings, but concerns remain over the use of the first floor flat. They acknowledge that it has been suggested that the manager of the bar will use this property, but still have concerns over the potential impact from the bar below and importantly from the cellar adjacent to the bedroom as this will have chillers operating throughout the night.

8.4.11 As the applicant has failed to demonstrate that there would not be an unacceptable impact upon the residential amenity of occupants of this flat from noise from either the ground floor use or cellar, at this time the upstairs should not be used for residential accommodation. However, as this is for use of the applicant only and can be conditioned to control this, it is not considered unacceptable in these circumstances. Alternatively, should the applicant carry out a further noise testing to demonstrate that there will be no unacceptable impact then this can be reviewed.

8.4.12 In summary, it is considered that, with the imposition of a suitably worded condition to restrict the use of the first floor flat, then the development could proceed.

## **8.5 Access and Parking**

8.5.1 The front of the application site is pedestrianised with a large public car park located to the rear. County Highways have no objections to the application, commenting that the site is within a sustainable location with good access to public transport and with a large population within easy walking distance. There is a public car park to the rear of the site and sufficient waiting restrictions in the vicinity to control on road parking. Therefore, County Highways have no objections and consider that the nature and scale of the proposals should have a negligible impact on highway safety and capacity within the immediate vicinity of the site.

## **9. Conclusion**

9.1 Although the proposed A4 use has the potential to create noise and disturbance to neighbouring residential properties, the Noise Impact Assessment has demonstrated that the level of attenuation with the adjacent buildings is acceptable. However, the applicant has failed to demonstrate that there would not be an unacceptable impact on the first floor residential flat, part of the same unit. It is recognised that this flat is associated with the use of the ground floor and cannot be sub-let but it is considered appropriate to further secure this by way of a condition. With this condition in place, the application is recommended for approval.

## **10. Recommendation**

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 BM-04 Proposed Floor Plan with Details; BM-05 Existing and Proposed Elevations; First Floor Plans (no reference)

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

3. The first floor residential flat shall be used wholly in conjunction with, and associated to, the use of A4 premises hereby approved. In particular, it shall not be occupied, sold, disposed of or otherwise let as a separate dwelling.

REASON: It has not been demonstrated that the A4 use would not create noise and disturbance to an independent dwelling and to ensure the proposal is in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan

12. **Relevant Policy**

**Central Lancashire Core Strategy**

Policy 17 Design of New Buildings

**South Ribble Local Plan**

G17 Design Criteria for New Development

E4 District Centres