

PLANNING COMMITTEE

THURSDAY, 12TH NOVEMBER, 2020, 6.00 PM

ACCESSIBLE VIA MS TEAMS AND YOUTUBE

AGENDA

IMPORTANT INFORMATION REGARDING COVID-19

In response to the current government guidance surrounding the COVID-19 pandemic, this meeting will be held with hybrid measures in place.

Committee members may take part either from the Civic Centre or remotely via Microsoft Teams.

Elected members not on the committee or members of the public will not be permitted access to the Civic Centre but may watch the proceedings via a YouTube livestream by clicking [here](#).

Anyone who wishes to speak on the application contained within this agenda should register by email to democraticservices@southribble.gov.uk for the attention of Charlotte Lynch by noon on Tuesday, 10 November.

All registered speakers will be required to dial into the meeting remotely.

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 judgment of the public interest (as explained in the Code of Conduct) then they may make representations, but then must leave the meeting for the remainder of the item.

4 Minutes of meeting Thursday, 15 October 2020 of Planning Committee

(Pages 5 - 10)

To be signed as a correct record.

5 Appeal Decisions

An update will be provided at the meeting.

- 6 07/2020/00761/FUL - 175-177 Station Road, Bamber Bridge** (Pages 11 - 18)

Report of the Director of Planning and Property attached.

- 7 07/2020/00549 - Land adjacent to The Oaks, Potter Lane, Salmesbury** (Pages 19 - 34)

Report of the Director of Planning and Property attached.

- 8 07/2020/00705/FUL - Oakland Farm, Hollins Lane, Leyland** (Pages 35 - 48)

Report of the Director of Planning and Property attached.

- 9 07/2020/00682/VAR - Land at Oldfield and Long Meadow, Much Hoole** (Pages 49 - 56)

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, Harry Hancock, Jon Hesketh, Mick Higgins, Christine Melia, Caroline Moon, Phil Smith, Gareth Watson and Barrie Yates

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

Forthcoming Meetings

6.00 pm Thursday, 10 December 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 three 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 three 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 Thursday, 15 October 2020

MEMBERS PRESENT: Councillors Caleb Tomlinson (Chair), Will Adams, James Flannery, Mary Green, Harry Hancock, Jon Hesketh, Christine Melia, Phil Smith, Gareth Watson and Barrie Yates

OFFICERS: Jonathan Noad (Director of Planning and Property), Steven Brown (Head of Development Management), Catherine Lewis (Development Planning Team Leader), Chris Sowerby (Development Planning Team Leader), Janice Crook (Planning Officer), Debbie Roberts (Planning Officer), Tasneem Safdar (Senior Solicitor) and Charlotte Lynch (Democratic and Member Services Officer)

CABINET MEMBERS: Councillor Bill Evans (Cabinet Member (Planning, Regeneration and City Deal))

OTHER MEMBERS AND OFFICERS: Councillor Jacky Alty (Member Champion (Social Justice and Equality)) and Councillor Karen Walton

51 Welcome and Introduction

The Chair, Councillor Caleb Tomlinson, welcomed the committee and members of the public and explained that, due to the COVID-19 pandemic, the meeting was being held virtually and livestreamed to YouTube.

52 Apologies for Absence

Apologies for absence were received from Councillors Mal Donoghue and Caroline Moon.

53 Declarations of Interest

There were none.

54 Minutes of meeting Thursday, 17 September 2020 of Planning Committee

RESOLVED: (For: 8 Abstain: 2)

That the minutes of the meeting held on Thursday, 17 September 2020 be signed as a correct record by the Chair.

55 Minutes of meeting Monday, 21 September 2020 of Planning Committee

RESOLVED: (For: 7 Abstain: 3)

That the minutes of the meeting held on Monday, 21 September 2020 be signed as a correct record by the Chair.

56 Appeal Decisions

The Director of Planning and Property informed the committee of one appeal relating to 25 Midge Hall Lane, Leyland which had been allowed by the Planning Inspector.

57 07/2020/00544/REM and 07/2020/00552/FUL - Land off Croston Road, Moss Lane and Flensburg Way, Farington Moss

Speakers: Ward Councillor Karen Walton, the Agent and a representative of Keepmoat Homes.

Address: Land off Croston Road, Moss Lane and Flensburg Way
Farington Moss

Applicant: The Homes and Communities Agency (trading as Homes England)

Agent: Mrs Anna Relph
Turley
10th Floor, 1 New York Street
Manchester
M1 4HD

Development: Application for approval of reserved matters (appearance, landscaping, layout and style) for the erection of 399 residential dwellings, internal access roads, garages, public open space and associated infrastructure.

RESOLVED: (Unanimously)

That

1. members are minded to approve the applications; and
2. the decisions be delegated to the Planning Manager in consultation with the Chair and Vice-Chair of the Planning Committee upon successful completion of a legal agreement to secure public open space and affordable housing.

58 07/2020/00443/FUL - Cottage Gardens, Bamber Bridge

Speakers: 2 objectors and the Agent.

Address: Land at Cottage Gardens
Bamber Bridge

Applicant: Dorbcrest Homes
The Old Carnegie Library
Ormskirk Road
Pemberton
Wigan
WN5 9DQ

Development: Erection of 11 dwellings with associated works.

An amendment was moved by Councillor Barrie Yates, seconded by Councillor Gareth Watson, that the application be refused.

Upon being taken to the vote, it was RESOLVED (For: 9 Abstain: 1) that the application be refused for the following reasons:

1. that the proposal would result in the unacceptable and avoidable loss of trees protected by Tree Preservation order and is contrary to Policy G13 (Trees Woodland and Development) of the South Ribble Local Plan
2. the proposed development would result in piecemeal development which would not be integrated with development of the wider site 'S' (land off Brindle Road) allocated for residential development. Access into the site should be from the wider Site S and not through Cottage Gardens. The proposal is therefore contrary to Policy D1 (Allocation of housing land of the South Ribble Local Plan.
3. the proposed development by virtue of access from Cottage Gardens rather than Site S would result in loss of residential amenity to existing Cottage Garden residents. The proposal is therefore contrary to Policy G17 of the South Ribble Local Plan.

59 07/2020/00365/FUL - Land between Lyme Road and The Cawsey, Penwortham

Speakers: None

Address: Land between Lyme Road and The Cawsey
Penwortham

Applicant: Morris Homes

Development: Proposed development for the erection of 12 dwellings with associated infrastructure and landscaping (amended plan and description).

RESOLVED: (For: 9 Abstain: 1)

That

1. members are minded to approve the application; and
2. the decision be delegated to the Planning Manager in consultation with the Chair and Vice-Chair of the Planning Committee upon successful completion of a legal agreement to secure public open space.

60 07/2020/00584/VAR - 14a Liverpool Road, Penwortham

Speakers: None

Address: 14a Liverpool Road
Penwortham

Applicant: Michelle McKiernan

Development: Variation of conditions no. 9 and 10 of planning approval
07/2019/7949/FUL to allow for use of outdoor area until 8pm.

RESOLVED: (Unanimously)

That the application be approved subject to conditions outlined in the report.

61 07/2020/00627/VAR - Land off Shaw Brook Road and Altcar Lane, Leyland

Speakers: None

Address: Land off Shaw Brook Road and Altcar Lane
Leyland

Applicant: Redrow Homes Ltd.

Development: Variation of condition 2 (plan numbers) of planning permission
07/2018/1674/REM amendments including addition of rear conservatories.

RESOLVED: (Unanimously)

That the application be approved subject to conditions outlined in the report.

62 07/2020/00674/FUL - Test Track, Aston Way, Moss Side Industrial Estate, Leyland

Speakers: Representative of the Applicant (Mr Simon Artiss)

Address: Test Track
Aston Way
Moss Side Industrial Estate
Leyland

Applicant: Barratt Homes (Manchester)

Development: Removal of obsolete bridge on Test Track redevelopment requires
embankment removal and site re-profiling.

RESOLVED: (Unanimously)

That the application be approved subject to conditions outlined in the report.

63 07/2020/00495/FUL - Land to the rear of Lancaster House, Centurion Way, Farington

Speakers: Ward Councillor Jacky Alty and a representative of the Agent (Ms Serena Page)

Address: Land to the rear of Lancaster House
Centurion Way
Farington

Applicant: Gleave Partnership Ltd.

Agent: Ms Hannah Thomas-Davies
6 New Bridge Street
London

Development: Erection of a 4-storey decked vehicle storage facility (552 van parking bays and 1 car parking bay) and laying out of hard standing for vehicle storage at ground level including cycle parking, vehicle barriers, welfare facility and entry gatehouse with ancillary infrastructure.

Members of the Planning Committee concurred with many of Councillor Jacky Alty's representations and requested that the Applicant work with Councillor Alty, as ward councillor for the application site, to address the issues raised.

RESOLVED: (Unanimously)

That

1. members are minded to approve the application; and
2. the decision be delegated to the Director of Planning and Housing in consultation with the Chair and Vice-Chair of Planning Committee upon the successful completion of a Unilateral Undertaking to secure a financial contribution to monitor and support the development, implementation and review of the Full Travel Plan for a period of up to 5 years.

Chair

Date

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Agenda Item 6

Application Number 07/2020/00761/FUL

Address 175 - 177 Station Road
Bamber Bridge
Preston
Lancashire
PR5 6LA

Applicant Mr Andrew Bland

Agent Bramley - Pate and Partners
184 Station Road
Bamber Bridge
Preston
Lancashire
PR5 6SE

Development Proposed Change of Use from A1/A2 to American Diner Restaurant and Drinking Establishment with live music (A4)

Officer Recommendation **That Members are minded to approve the application, and that the decision is delegated to the Director of Planning and Property in consultation with Chair and Vice-Chair of the Planning Committee upon expiration of the publicity period.**

Date application valid 10.09.2020
Target Determination Date 05.11.2020
Extension of Time 20.11.2020



1. **Report Summary**

- 1.1 The application site is within the Bamber Bridge District Centre and the application proposes a change of use from (A1/A2 retail) to an American Diner with live music (A4 drinking establishment). Whilst it is acknowledged 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 relation to residential amenity, any impact in terms of noise and disturbance to nearby residential properties can be mitigated by conditions. No noise assessment has been conducted. Environmental Health have recommended two prior to the commencement of any work conditions relating to an acoustic survey and an odour extraction system.
- 1.3 At the time of writing the Committee Report, eight written representations have been received. Of these six support the application, one neutral representation has been received and one letter of objection has been received.
- 1.4 With the use of a suitable conditions to restrict its use, the proposal would not unduly impact on residential amenity. The application is therefore recommended for approval.

2. **Application Site and Surrounding Area**

- 2.1 The application site refers to the former Royal Bank of Scotland building on Station Road, Bamber Bridge.
- 2.2 The property is sited within the District Centre of Bamber Bridge (Policy E4) within the adopted South Ribble Local Plan.
- 2.3 Adjacent properties are commercial although Station Road is residential on the opposite side of the road.
- 2.4 To the rear is a large service yard shared by various businesses including Morrisons supermarket and this will provide the delivery access, bin storage and other service uses for the Restaurant.

3. **Planning History**

07/1987/0833 Conversion of Shop Unit into Bank. Approved

07/1988/0249 Internally illuminated signs. Consent Granted

07/1992/0377 - Installation of second Cashline Machine and re-site existing Nightsafe to side entrance. Application Approved

07/1997/0589 Installation of 1metre diameter satellite antenna. Approved

07/2012/0188/ADV - Advertisement scheme comprising of 1 no. internally illuminated fascia sign, 2 no. externally illuminated hanging signs, and 2 no. ATM header panels to replace existing signage. Consent Granted.

07/2016/0129/ADV - Advertisement scheme. Consent Granted.

4. **Proposal**

- 5.1 Planning permission is sought for a change of use of the former bank with Use Class A1/A2 retail premises to an A4 Drinking Establishment. The proposal also includes some external alterations consisting of the addition of illuminated signage to the existing projecting front canopy fascia and minor alterations to existing fenestration to the rear elevation to an enclosed service yard shared with other businesses. The illuminated sign will be subject to a separate advertisement consent application.
- 5.2 The proposals have been designed to retain all existing window and door openings with new aluminium framed glazing and then utilise the existing large open plan interior space for the restaurant area. Toilets will remain much as existing to the rear but with the addition of a new disabled WC, new kitchen, store and office constructed within the existing building envelope to the rear of the property.
- 5.3 It is proposed that the Restaurant may be open for business through the following hours.
- Monday – Thursday 9:00 am – 12:00 midnight
 - Friday – Saturday 9:00 am – 1:00 am (Sunday)
 - Sunday 9:00 am – 11:00 pm
 - Alcohol would be served from 11:00 am
 - Food would be served from 9:00 am – 10:00 pm
 - It is intended that live music will be performed on the premises periodically on Fridays and Saturdays to 12:00 midnight and similarly on Bank Holidays

6. **Summary of Supporting Documents**

- Application Form
- Design & Access Statement
- Drawing number SK.32.1 Site Location Plan
- Drawing number SK.32.2 Site Layout Plan as Proposed
- Drawing number SK.00.1 Plan As Existing
- Drawing number SK.00.2 Elevations As Existing
- Drawing number SK.0.1 Plan As Proposed
- Drawing number SK.0.2 Elevations As Proposed

7. **Representations**

7.1 **Summary of Publicity**

7.2 One site notice has been posted.

7.3 Twenty One neighbouring properties were notified in. From the consultation eight written representations have been received.

7.4 Six representations are in support of the planning application on the following grounds:

- *It will take Bamber Bridge forward in the hospitality industry*
- *Create jobs / and other local business should be embraced*
- *Make use of an long time empty premise*

- *Will bring money and visitors to the village/ encourage footfall*
- *Residents should benefit*
- *Current building in its current state is an eyesore*
- *Detracts from the aesthetics of the village*
- *There is nothing like it in the vicinity*
- *Nice change from the usual takeaways and hairdressers*
- *Really different environment than anywhere else because of the American food and live music*
- *Any person (s) willing to make a go of opening a business in the current climate deserves everybody's support without question.*
- *Bamber Bridge as a village needs a variety of night time entertainment*
- *Unfortunately rents from breweries have hit pubs which are on the verge of closing. An independent operator will be under more control of costing and do much more likely to be a success. This type of venue will do well in this location.*

7.5 One neutral representation have stated the following:

Co Op Funeralcare - We would support the re use of this building but would respectfully request that conditions are appended to any planning permission which mitigate potential noise pollution created by live music at the site... we hope that conditions can be imposed that prevent disturbance.

7.6 One representation have been received objecting to the proposal on the following grounds:

- *Where the staff and patrons going to park?*
- *Difficult to park in St Mary's Road*
- *What would be the opening times? Also I am concerned about possible late night noise from patrons leaving the premises*

8. Summary of Consultee Responses

8.1 **Lancashire County Council Highways** has no objections to the planning application and is of the opinion that the nature and scale of the proposals at this location should have a negligible impact on highway safety and capacity within the immediate vicinity of the site.

8.2 **Environmental Health** have recommended two prior to the commencement of any work conditions relating to an acoustic survey and an odour extraction system.

9. Policy Considerations

9.1 The National Planning Policy Framework notes at Para 11 that plans and decision should apply a presumption in favour of sustainable development. Sustainability specifically the ability to provide for the development needs of the local area whilst protecting the immediate environment.

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

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

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

9.3 The Adopted South Ribble Local Plan

9.3.1 **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.

9.3.2 **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

10. **Material Considerations**

10.1 **Impact on District Centre**

10.1.1 The proposal is for the change of use of the existing use formally a bank (A2), planning has previously been granted for retail (A1) however, the building is currently empty. As the application site is within Bamber Bridge District Centre planning 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.

10.1.2 Bamber Bridge District Centre currently has 42% retail premises and 3% of units are vacant. (November 2019).

10.1.3 It is considered that the proposal would not unduly affect the sustainability of the shopping area, particularly given the current retail climate. It is considered to have a unit in use rather than for the unit to be empty and recognising that Policy E4 does allow for such changes of use.

10.2 **Impact on External Alterations**

10.2.1 In terms of external alterations, the existing window and door openings with new aluminium framed glazing and then utilise the existing large open plan interior space for the restaurant area. Toilets will remain much as existing to the rear but with the addition of a new disabled WC, new kitchen, store and office constructed within the existing building envelope to the rear of the property.

10.2.2 The proposal also includes some external alterations consisting of the addition of illuminated signage to the existing projecting front canopy fascia and minor

alterations to existing fenestration to the rear elevation to an enclosed service yard shared with other businesses.

10.2.3 The illuminated sign will require separate permission under the Advertisement Regulations.

10.2.4 The proposed alterations are considered acceptable and in keeping with the District Centre.

10.3 Impact on Residential Amenity

10.3.1 The application site is situated on a busy road in Bamber Bridge. Station Road has a mix of premises along with residential dwellings. There are neighbouring properties along Eaveswood Close which is situated to the north east of the site. Opposite the site is a range of mix use premises. Along Station Road there are a range of premises with flats above and residential dwellings. The Council's Environmental Health team have recommended two planning conditions relating to acoustic survey and an odour extraction system.

10.3.2 The Co-operative Funeral care is adjacent to the application site and there is another funeral care on the opposite side of the road. Live music is proposed for Fridays and Saturday evenings only and the hours of opening would be controlled by a planning condition.

10.3 The application site is situated within a mixed use area. Consequently, the proposed development is not considered to have a detrimental impact on the character and appearance of the area.

10.4 On balance the proposal would not unduly impact upon the residential amenity of the neighbouring properties.

10.4 Highways Considerations and Parking Arrangements

10.4.1 County Highways have no objection to the application and they 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.

10.5 Conclusion

10.5.1 The proposal is deemed to be in accord with Policies E4 and G17 of the Adopted Local Plan 2012 – 2026, Policy 1 and 17 of the Central Lancashire Core Strategy. Therefore, the application is recommended for approval subject to the imposition of conditions.

RECOMMENDATION:

Approval with Conditions.

RECOMMENDED CONDITIONS:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans
Drawing number SK.32.1 Site Location Plan
Drawing number SK.32.2 Site Layout Plan as Proposed
Drawing number SK.00.1 Plan As Existing
Drawing number SK.00.2 Elevations As Existing
Drawing number SK.0.1 Plan As Proposed
Drawing number SK.0.2 Elevations As Proposed

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

3. Prior to the commencement of any works on site an acoustic survey shall be undertaken covering in particular 'live music', amplified music, and the extraction system. Details of the findings of the survey and any mitigation measures identified shall be submitted for approval to the local planning authority. Once approved the mitigation measures shall be carried out as approved prior to the first occupation of the site or as agreed otherwise with the local planning authority. The approved mitigation measures shall be retained and maintained thereafter.

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

4. Prior to the commencement of the development details of all extraction, filters and external ventilation stacks (including height of stacks and odour control) shall be submitted for written approval to the local planning authority. Once agreed the approved scheme shall be fully implemented prior to first use of the site and shall thereafter be retained and maintained in efficient working order in line with the approved scheme for the duration of the approved use.
Any changes to the approved scheme must first be agreed with the local planning authority.

Reason: In the interests of the amenity and to safeguard the living conditions of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and the NPPF.

5. The use hereby approved shall not be open to the public outside the hours of
Monday - Thursday 9:00 am - 12:00 midnight
Friday - Saturday 9:00 am - 1:00 am (Sunday)
Sunday 9:00 am - 11:00 pm and Bank Holidays
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy

6. Table and chairs provided to the outside area shall only be provided between the hours of 11:00 to 18:00. Outside of these hours they must be removed to prevent their unauthorised usage.
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy

7. All doors and windows to the property shall remain closed at all times except for access and egress so as not to cause a noise nuisance to nearby properties and residents.
REASON: In the interests of the amenity of the nearby residents and businesses in accordance with Policy 17 of the Central Lancashire Core Strategy
8. No deliveries shall be received by the site between the hours of 19:00 and 09:30 Monday to Sunday. No deliveries shall be received on nationally recognised Bank Holidays.
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy
9. Waste collections shall not occur outside the hours of 19:00 to 08:00 Monday to Friday and 19:00- 10:00 Saturdays. There shall be no collections on Sundays and nationally recognised Bank Holidays.
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy
10. Waste, including empty bottles, shall not be removed from the premises (taken outside the building) between the hours of 20:00 - 08:00 on any day.
Reason: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy

RELEVANT POLICY

- | | |
|---------------|---|
| 1 | Locating Growth (Core Strategy Policy) |
| 17 | Design of New Buildings (Core Strategy Policy) |
| POLG17 | Design Criteria for New Development |
| POLE4 | District Centres |

Note:

Agenda Item 7

Application Number 07/2020/00549/OUT

Address Land adjacent to the Oaks
Potter Lane
Samlesbury
Preston
Lancashire

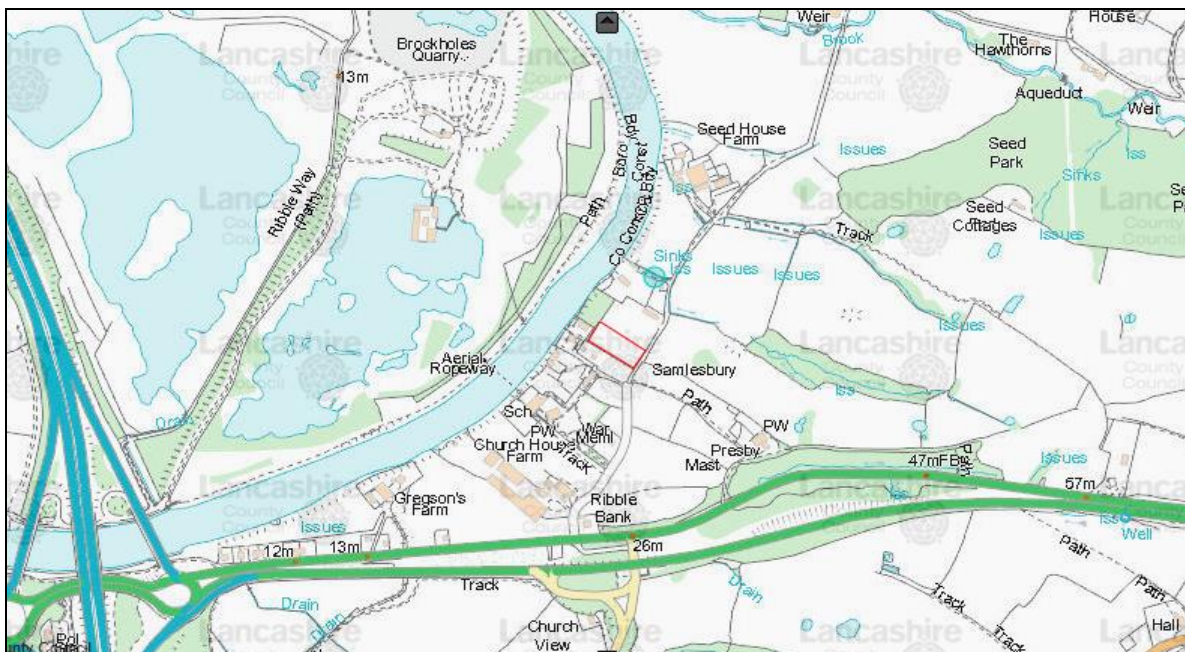
Applicant Mr and Mrs Darbyshire

Agent The Artistry
16 Winkley Square
Preston
PR1 3JJ

Development Erection of two storey plus basement level family eco-home with associated landscaping and sublevel car parking and proposed new access

Officer Recommendation **Refusal**
Officer Name **Mrs Catherine Lewis**

Date application valid 08.07.2020
Target Determination Date 02.09.2020
Extension of Time 13.12.2020



1.0 Report Summary

1.1 The application site consists of part of the grassed field area of the property known as The Oaks at Samlesbury. The application seeks full planning permission for a large modern eco dwelling and new access off Potter Lane. The application details include a long a 60m drive way and gabion retaining wall. The site is designated as Green Belt under Policy G1 of the South Ribble Local Plan.

1.2 The applicant considers that the proposal should be classed as infill development as it would be located adjacent to existing dwellings, and as such would constitute one of the exceptions of Green Belt policy.

1.3 A recent appeal decision acknowledges that it may be helpful to consider infill development as being that which fills a gap in an otherwise developed frontage. Whether the site is classed as limited infilling in a village is a matter of planning judgement and it is considered that the application due to its size, scale and location is not infill development. Due to the relationship of the existing properties, the plot does not infill a gap in an otherwise developed frontage. Therefore, the proposal constitutes inappropriate development in the Green Belt contrary to policy G1 of the South Ribble Local Plan and the Framework.

1.4 The proposal would also conflict with one of the purposes of the Green Belt which is to assist in safeguarding the countryside from encroachment. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

1.5 On balance, limited weight can be attached to the construction of an Eco dwelling to accommodate intergenerational family members which does not outweigh the harm that the proposed development would cause. The site has not been allocated for housing by the South Ribble Local Plan and is not needed to ensure the Councils five-year housing supply. The substantial weight to be given to Green Belt harm is not clearly outweighed by other considerations to demonstrate very special circumstances.

1.6 Although residents have raised concerns about several aspects as set out in the report, no objections are raised by the other statutory consultees. Conditions could be imposed to address aspects of drainage, ecology, trees and construction work should planning permission be granted.

1.7 Therefore, the application is recommended for refusal for the following reasons:

1. The application site is allocated as Green Belt in Policy G1 of the South Ribble Local Plan. The proposed development would be contrary to the Green Belt designation and is not classed as limited infilling in villages. Therefore, the proposal would not meet the exception (e) of paragraph 145 of the NPPF or exception (e) of Policy G1 of the South Ribble Local Plan.
2. The proposal would introduce residential development into an open, green area which would be contrary to Policy 134 of the NPPF which seeks to safeguard the countryside in the Green Belt from encroachment.

2.0 Site and Surrounding Area

2.1 The Oaks, a former converted piggery has a domestic curtilage with an open green area beyond. The application site approximately 3736 square metres relates to part of this large open field area and is located off Potter Lane which is accessed off the A59 Preston New Road.. Within the application site there are trees to the western, southern and eastern boundaries.

2.2 The dwelling known as Westray forms the southern boundary and there is a tract of green space approximately 1m in depth that separates the western boundary from the dwelling known as Waters Edge with the River Ribble beyond. There are other residential properties within this low-density rural area. St. Leonards Church is Grade I Listed and there are some artefacts within the Church Grounds namely a sundial and outside font which are Grade II Listed. Samesbury Church of England is Grade II listed.

2.3 Potter lane is a single-track unclassified road and the application site is within the adopted highway. Beyond this point Potter Lane is privately maintained.

2.4 The application site is within an area of land designated as Green Belt in the South Ribble Local Plan.

3.0 Planning History

3.1 PREAPP/17/0120 was sought for the erection of a detached dwelling to the land of The Oaks.

3.2 The Oaks which is land in the ownership of the applicant has the following planning history.

- 07/20008/0205/FUL-Single storey side extension together with dormer and 2 No solar panels to front. Allowed at appeal.
- 07/2007/1178/FULL Removal of planning conditions Nos 3 and 5 attached to planning permission 07/2002/0902-Appeal allowed
- 07/2006/0485/FUL Installation of roof lights into rear Withdrawn
- 07/2006/0977/FUL Installation of 2 No. dormers to front Approved
- 07/2006/0156/FUL Single storey side extension together with formation of chimney stack Refused
- 07/2004/0971 Retention of circular window into north eastern elevation of garage. Approved
- 07/2004/0045- Amendment to planning permission 07/2002/0902 to include re-location of detached double garage and retention of stable block (Re-submission) Approved
- 07/2003/546/Amendment to Planning Permission 07/2002/0902 to include relocation of detached double garage and retention of stable block. Refused
- 07/2003/0545 Single storey side extension (amended dwelling type). Refused
- 07/2003/0207 Revised proposal to planning permission 07/2002/0902 incorporating amendments to window and door detail including re-location of porch. Approved
- 07/2002/0902 Variation of planning consent 07/2000/0608 to allow continued conversion of former piggery including partial rebuilding and repair works. Approved
- 07/2002/0180. Conversion of former piggery into dwelling house. Single storey side extension. Erection of detached double garage. Withdrawn
- 07/2001/0320 Conversion of piggery into 1 no. dwelling (Amended Scheme) Refused.

- 07/2000/0608 Conversion of piggery into 1 no. dwelling. Erection of detached double garage Approved.

4.0 Proposal

4.1 Planning permission is sought for the erection of a 5/6 bedroomed detached 2 storeys dwelling with a subterranean level. The dwelling has been designed to consist of three masses each containing living spaces and sleeping spaces joined in the centre by a glass link for circulation.

4.2 The dwelling would measure from the ground floor 7.2 metres to ridge height with an eave's height of approximately 5metres. The ground floor would provide for dining, lounge, kitchen, study and open plan infinity pool. The first floor would include five bedrooms and associated ensuites.

4.3 The subterranean level would extend to 2.6metres below ground level to house the four garage spaces, cinema, open plan games room, bedroom and storage.

4.4 Materials would include off white render, larch timber cladding and tecu copper cladding to be used as a feature detailing some of the facades. A sedum green roof and modern aluminium profile sheeting are proposed. Doorways and windows would be triple glazed and a feature screened balcony to one of the gables would be constructed using copper so that views would be framed.

4.5. A long driveway some 60 metres in length would be constructed from Potter Lane to the low-level parking/basement of the dwelling. A fountain feature would be constructed in the turning circle and a pedestrian walkway bridge at ground level would be constructed over the subterranean driveway. A stone gabion retaining wall would be used for the construction of the sloped driveway.

5.0 Summary of Supporting Documents

5.1 The following documents have been submitted to support the application:

- Planning Statement Supporting Statement (Inc. D and A).
- Design and Access Statement
- Tree Report
- Topographical Survey

6.0 Summary of Publicity

6.1 A site notice has been displayed and neighbouring properties notified of the development. Eighteen letters of representation have been received which are summarised below:

Objections (12)

Green Belt

- Contrary to Green Belt Policy as it would impact upon open ness and would cause urban sprawl. The area would be adversely affected and there would be a negative effect on the open ness of the Green Belt due to size, massing and appearance.
- The applicant's statement is confusing and contradictory -there are no very special circumstances to warrant the development.

- Samlesbury is a green lung creeping urbanisation and development on garden areas means this land is lost forever.
- The development is a stand-alone dwelling and not an infill as there is an expanse of land between it and the Oaks

Residential Amenity

- Neighbouring properties would suffer from loss of privacy, noise and light pollution.

Flooding

- Neighbouring properties have been impacted by floods and evacuated in 2015 and 2020 concerns about flooding as the water table is high and the impact of this on the proposed basement.
- The development would cause more localised flooding.

Highways

- Potter name is a single-track private road bridle way and an LCC Safe Cycle. More vehicles would increase Health and Safety Issues, a5/6 bedroomed house would generate a significant increase in traffic movements on Potter Lane.
- The development proposes a new vehicular access on to Potter Lane which would require permission from the Trustees of Booths Charities. In the absence of the Trustees consent to undertake the work the proposed development is not possible.

Ecology

- The site is considered a Nature Conservation Area and is part of the Ribble Environment scheme.

Design

- Not in keeping with the other properties. How can an Eco house with a swimming pool and numerous car parking facilities be classed as sustainable?
- The proposed development is excessive in scale and contrary to CS Policy 17 and G17 of the South Ribble Local Plan.
- The development would cause light pollution

Other Matters

- Historic Significance -Close to the church and archaeological importance due to the Cuerdale Hoard.
- People who are in support of the application have land that they wish to develop.
- Concern that the property which would also be used to run a business could be expanded commercially in the future and cause more traffic on Potter Lane.

Support (6)

Green Belt

- Not out of keeping with the character of the area as there are large houses
- No impact on the Green Belt as this is garden area
- Hedges and Trees would mean that the design would not be visible from Potter Lane
- Lots of people have put forward their garden areas as part of the Call for sites for land to be development- the impact on the Green Belt of one house would be minimal.

Residential Amenity

- The scheme meets the requirements of the Local Plan policies and the residential separation distances.

Design

- Attractive design
- Water's Edge garage has been extended and converted creating two properties on a modest plot. The garage at Westray is used as an office. Other properties have been demolished and larger buildings created in their place adding to the amount of development on Potter Lane. Therefore, this scheme is supported
- Respect the integrity of the planned build for the planned build that would complement the area of Potter Lane which would not be detrimental to the area.

Highways

- Other forms of access could be considered- if the Trustees restrict development.

7.0 Summary of Consultations

United Utilities: Foul water and surface water drainage to be on separate systems. A condition to control the surface water to be drained in the most sustainable way as per national guidance is recommended. A pre commencement condition would be required to control any backwash/discharge caused by the swimming pool. Early discussion with UU are also advised in terms of water supply.

LCC Waste and Minerals Section: Response not received

LCC Highways Have raised no objection, the proposal would have a negligible effect upon highway safety and highway capacity. The required sightlines from the access are fully achievable. A condition to control the traffic during construction is required.

Environmental Health: Comments to be reported.

Environment Agency: Advise that as the proposed development is not within a Flood Risk Area no formal comment is required. It is noted that the nearby cottages do fall within FZ2, so are flagged as having a higher flood risk than the proposed development site. Ultimately, there is no flood risk indicated under current conditions. The applicant may however want to consider that there are two areas of flood zone 2 to the north and south of their proposed site and that the potential for flood risk could increase in the future. It might be wise to have some regard to that when designing the development, particularly as they are proposing to excavate. Tanking the underground section might help to future proof the development but the design is at the applicant's risk based on current flood mapping.

The Council's Tree Officer requests an Arboricultural Impact Assessment (AIA) and method statement as the build appears to be a way from the trees and which are not protected. The AIA should include a tree survey, removal/retention on a TOPO, 2:1 replacement landscaping plan for trees and a tree protection plan. A tree survey has now been submitted and conditions to control the trees before and during construction are recommended.

Ecology Services The River Ribble is designated as a biological heritage site, the designation restricted to the river and riparian strip either side. Brockholes managed by Lancs Wildlife Trust is located on the other side of the river. The development is however separated and screened by trees and another dwelling from the river, therefore direct

impacts are unlikely. An ecological survey is not required for a single dwelling on restricted amenity grassland. Any potential impacts would be resolvable via condition and or informative.

Samlesbury and Cuerdale Parish Council Parish Council: Wish to object as the site is Green Belt and the proposal would set a precedent

8.0 Policy Background

8.1. National Planning Policy Framework (NPPF) known as The Framework

The overarching theme of the Framework is one of presumption in favour of sustainable development and supports sustainable economic development to deliver, amongst other things, homes. Section 13: Protecting Green Belt Land sets out the Governments intentions for the Green Belt and provides policy guidance making it clear that the Government attaches great importance to Green Belts. Paragraphs 143,144 and 145 are particularly relevant.

- Chapter 2: Achieving Sustainable Development states that ‘at the heart of the framework is a presumption in favour of sustainable development’. The NPPF supports sustainable economic growth to deliver, amongst other things, homes. Paragraph 11 states “Plans and decisions should apply a presumption in favour of sustainable development”.
- Paragraph 11 Application of the Titled Balance -plans and decisions should apply a presumption in favour of sustainable development. For decision making this means approving proposals which accord to an up to date development plan, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF if taken as a whole.
- Chapter 5: Delivering a sufficient supply of homes – a sufficient amount and variety of land to come forward where it is needed. Land with permission should be developed without unnecessary delay. Where major development involving the provision of housing is proposed, decisions should expect at least 10% of the homes to be available for affordable home ownership (as part of the overall affordable housing contribution from the site). Within this context, the size, type and tenure of housing needed for different community groups - including older people, must be taken into account. Chapter 5 also details its requirements for affordable housing provision.
- Planning decisions should ensure that new development can be integrated effectively within existing businesses and community facilities (paragraph 182).
- Chapter 11: Making effective use of land: Decisions should promote effective use of land and there is a specific section about achieving appropriate densities. Within paragraph 123 criterion (c) encourages a range of densities that reflect the accessibility and potential of different areas rather than one broad density.
- Chapter 12: Achieving well-designed places - Paragraph 124 “*Good design is a key aspect of sustainable development*”. Developments should add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site, by creating and sustaining an appropriate mix of uses, and create safe, accessible environments which are visually attractive.

- Chapter 13: Protecting the Green Belt
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change - Paragraph 148 makes clear that the transition to a low carbon future in a changing climate should be supported through the planning system. When determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere.

8.2 Central Lancashire Core Strategy

Policy 1: Locating Growth focuses growth and investment on brownfield sites in the main urban areas, whilst protecting the character of suburban areas. Part (f) of this policy relates to smaller villages, which includes Samlesbury, and states *“development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes”*.

Policy 5: Housing Density seeks to secure housing densities which are in keeping with the local areas and which will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area.

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

Policy 17: Design of New Buildings expects the design and new buildings to take account of the character and appearance of the local area and effectively mirrors Local Plan policy G17.

Policy 19: Areas of Separation and Major Open Space acknowledges the general presumption against inappropriate development in the Green Belt.

Policy 22: Biodiversity and Geodiversity relates to biodiversity and geodiversity and seeks to conserve, protect, enhance and manage the biological and geological assets of an area.

Policy 27: Sustainable Resources and New Development seeks to ensure sustainable resources are incorporated into new development.

Policy 29: Water Management Aims to improve water quality water management and reduce the risk of flooding. New development is encouraged to adopt Sustainable Drainage Systems.

8.3 South Ribble Local Plan July 2015

Policy G1 Green Belt In line with the NPPF has a presumption against inappropriate development.

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 states that development will not be permitted where it affects protected trees and woodland unless justified. Where loss of the same is unavoidable, this policy accepts suitable mitigation.

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

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

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

Both the Central Lancashire Core Strategy, which was adopted July 2012, and the South Ribble Local Plan (adopted 2015), were adopted post the National Planning Policy Framework 2012 (NPPF) being issued. Both had to demonstrate at examination compliance with the NPPF and are therefore considered to be fully NPPF compliant.

8.4 Supplementary Documents

Central Lancashire Design Guide SPD provides an overview of the design principles that are employed throughout the three Central Lancashire authorities. It draws on key policy and good-practice guidance in order to raise the level and quality of design of new buildings in the built environment.

Central Lancashire Biodiversity and Nature Conservation SPD provides guidance for developers in relation to improving biodiversity of the Central Lancashire area. Its main goal is to ensure that there is no net loss of nature conservation assets and where appropriate there is an improvement in them. It also explains the Council's approach towards conserving, protecting and enhancing biodiversity and ecological networks.

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

9.0 Assessment of the Scheme

9.1 The main issues include:

- Whether the proposal constitutes inappropriate development in the Green Belt for the purposes of policy G1 of the South Ribble Local Plan 2015 and the National Planning Policy Framework (the Framework);
- The effect on the openness of the Green Belt;
- The effect on the character and appearance of the area
- If inappropriate development whether there are any other considerations which clearly outweigh the potential harm to the Green Belt by way of inappropriate development, and any other harm, so as to amount to the very special circumstance necessary to justify inappropriate development.

9.2 The application site is within the Green Belt as defined on the Policies Map which accompanies the South Ribble Local Plan (2015).

9.3 Policy G1 of the South Ribble Local Plan 2015 (SRLP) and the National Planning Policy Framework (the Framework) identify that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that inappropriate development

is harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to several exceptions as set out in Policy G1 and paragraph 145 of the Framework. One of these exceptions is limited infilling.

9.4 Paragraph 143 of the Framework makes clear that inappropriate development is by definition harmful to the Green Belt and Paragraph 145 sets out the limited purposes for which the construction of buildings will not be considered inappropriate development in the Green Belt.

9.5 Paragraph 145 of the NPPF states:

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

- a) buildings for agriculture and forestry;
- b) provision of appropriate facilities ...for outdoor sport, outdoor recreation and for cemeteries, as long as the facilities preserve the openness of the Green Belt and does not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages,
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would:

-not have a greater impact on the open ness of the Green Belt than the existing development; or

- not cause substantial harm to the open ness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

9.6 South Ribble Local Plan Policy G1 mirrors this paragraph and for completeness is set out below.

Policy G1:

“As set out in the NPPF, there is a presumption against inappropriate development within the Green Belt. Planning permission will not be given for the construction of new buildings unless there are very special circumstances:

Exceptions to this are:

- a) buildings for agriculture and forestry;*
- b) provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*

- d) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- f) *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”*

9.7 The applicant has advised that the proposed development is classed as an exception and falls within point (e) of both policies -limited infilling in villages. Whilst there is no definition of ‘village’ in policy terms Samlesbury does have a primary school and a local church. It is accepted that the application site falls within the village of Samlesbury, and therefore point (e) is satisfied.

9.8 No definition of limited infilling is given in either South Ribble Local Plan or in the Framework. The Planning portal provides the following definition “development of relatively small gaps between existing buildings.” In the recent appeal decision at Land at the east of the Cottage and West of Beech Wood Appeal Ref: 3244797 the inspector advised that – it may be helpful to think of infill development as being that which fills a gap in an otherwise developed frontage (paragraph 6). However, the Inspector concludes that the matter has to be assessed in terms of the context of the site’s location and the form of the development proposed. Whether a site is limited infilling is a question of fact and planning judgment having regard to the nature and size of the proposed development, the location of the site and its relationship to existing development adjoining and adjacent to it.

9.9 On plan form it is acknowledged that the proposed location of the dwelling would provide for four detached dwellings in close proximity to each other. Immediately to the southern boundary is Westray a detached property and some 22m away from the southern boundary of the proposed dwelling. On the western boundary there is a strip of land approximately a metre in depth that separates Waters Edge some 30 metres from the proposed dwelling. The Bungalow some 40 metres away is located to the rear of Waters Edge and to the west of Westray.

9.10 In terms of the nature and size of the development these properties are much smaller than the proposed development. Although the curtilage of The Oaks would be adjacent to the application site, the dwelling would be some 60 metres away and limited weight is given to this property being adjacent or adjoining the existing cluster of dwellings. Therefore, the proposed development would not be of a similar size to the adjoining and adjacent development.

9.11 Potter Lane splits with a spur serving a number of properties including Westray, Waters Edge and the Bungalow to the west. Potter Lane also serves other properties to the north and north east including The Oaks and the proposed application site. The access to the proposed development is in a different location than the access to the existing cluster of dwellings. Further, the access details to the proposed dwelling would require a driveway 60 metres in length from Potter Lane. Therefore, the proposed development would not be classed as infill in terms of “that which fills a gap in an otherwise developed frontage” as there would not be a continued residential frontage.

9.12 Having regard to the scale and location of the site it is considered that the proposal would not be limited in filling in the village and would be contrary to Paragraph 145 of the Framework and Policy G1 of the South Ribble Local Plan.

Openness on the Green Belt

9.13 Paragraph 133 of the Framework states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open: the essential characteristics of Green Belts are their open ness and their permanence.

9.14 The appeal site is enclosed by trees and hedges along the front, rear, and western boundaries. This limits the views in to the site from Potter Lane. The development would require a new access point on Potter Lane and some of the boundary planting would remain. Whilst the dwelling would be larger than a number of buildings in this cluster the height of the new dwelling would be similar. However, the design, size and massing would be significantly larger than the existing dwellings.

9.15 Further, the appeal site currently contains no buildings or structures and provides an important green gap between The Oaks and other sporadic properties to the northeast of the site. The new access point would open up views in to the site and the large dwelling would be visible from Potter Lane. Therefore, there would be a reduction in the open spatial quality of the site and this part of the Green Belt through encroachment which would cause an excessive adverse impact upon the rural character. The visual intrusion resulting from the very presence of a large dwelling would harm the important contribution that the site makes to the openness of the Green Belt in this part of the village. As a consequence, there would be clear harm to the openness of the Green Belt. Thus, the development would be contrary to Policy G1 of SRBC and NPPF paragraph 133.

Character and Appearance

9.16 The site consists of a relatively flat area of green space associated with The Oaks. A number of trees and hedges are located on the east, west and southern boundaries. The plans provide for a large detached property over three floors, but through the design led approach would not have a dissimilar height to the existing properties. The design is contemporary, and the use of materials provides for a strong, visually interesting dwelling. However, the construction of a fountain feature, a pedestrian walkway bridge at ground level to be constructed over the subterranean driveway some 60 metres in length and the stone gabion retaining wall that would be used for the construction of the sloped driveway are features that are considered to have an urbanising effect in a rural setting. Therefore, it is considered that the proposed development would have a significant adverse effect on the character and appearance of the surrounding area contrary to Policy G17 (a) of the SRLP which states that development should not have a detrimental impact on surroundings.

Very Special Circumstances

9.17 The proposal constitutes inappropriate development in the Green Belt contrary to Policy G1 of the South Ribble Local Plan and the Framework. It would also conflict with one of the purposes of the Green Belt which is to assist in safeguarding the countryside from encroachment. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The site has not been allocated for housing by the South Ribble Local Plan and is not needed to ensure the Councils five-year housing supply and it is felt that the benefits of the proposal do not outweigh the harm caused to the openness of the Green Belt.

9.18 The applicant has advised that the home goes above and beyond the standards required for Building Control Code for Sustainable Homes (Level 4+) and a fabric first approach to modern methods of construction would be executed. The applicant has advised that the following methods would be considered -Eco concrete, Durisol Block, and

structurally insulated panels or similar. The scheme would minimise energy bills and reduce the impact on the environment. New technologies would be specified as much as possible and could include Solar PV and ground /airsource heat pumps. Environmentally friendly materials as well as prolonged lifespan specifications have been investigated. It is considered that limited weight is attached to the construction of an Eco friendly home of such standard.

9.19 The applicant has advised that the construction of the property would enable more generations of the family to live together and be in close proximity to family members of the Oaks. This would enable other housing to be released for prospective purchasers. NPPF paragraph 143 indicates that inappropriate development is, harmful to the Green Belt and should not be approved except for in very special circumstances. The proposed development would result in harm to the openness of the green belt. NPPF 144 specifies that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.

9.20 In undertaking this balancing exercise, it is considered that limited weight is attached to the benefits of generations living together. Other forms of accommodation in terms of a small annex to the main house could be considered. As such these benefits including the use of Eco friendly materials and construction details together with the increase of one dwelling, do not outweigh the significant harm to the Green Belt and therefore very special circumstances do not exist. The development would not comply with national or local policy which seek to protect the Green Belt from inappropriate development.

9.21 It is therefore considered that the proposal is inappropriate development contrary to Paragraph 143 of the Framework. The development would not be classed as limited infilling in villages and as such would be contrary to Paragraph 145 of the Framework and Policy G1 of the South Ribble Local Plan. Limited weight is given to the very special circumstances of an Eco type dwelling and the intergenerational family requirements.

Other matters:

Access and Parking

9.22 The application site proposes a new access from Potter Lane and LCC Highways advised that the sight lines are fully achievable over the applicant's land and the existing highway. A condition controlling the details for the management of the construction traffic would be required. The drawings demonstrate the required car parking arrangements and therefore this aspect can be controlled by condition and meets the aims of Policy F1 of the South Ribble Local Plan.

9.23 A third-party representation and title plan have been received on behalf of the Trustees of Booths Charities which advised that the length of Potter Lane coextensive with the boundary of the Oaks is owned by the charity. Therefore, no works to Potter Lane can take place without the consent of the Charity. As the applicant details require a new access from Potter Lane the applicant has served notice on the owner of this part of the lane and Certificate B which relates to ownership on the planning application form has been submitted. Whether the owner of the land gives access to the applicant is now a legal matter.

Residential Amenity

9.24 Concern has been raised by third parties about the impact of the development upon privacy noise and light. Immediately to the southern boundary is Westray a detached property and some 22m away from the southern elevation of the proposed dwelling. On the

western boundary there is a strip of land approximately a metre in depth that separates Waters Edge some 30 metres from the proposed dwelling. The Bungalow some 40 metres away is located to the rear of Waters Edge and to the west of Westray. The design of the dwelling has been assessed against the Residential Extension SPD and the proposed development meets the separation distances set out in the document which require 21m from any facing habitable rooms.

Water Management and Drainage

9.25 In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

9.26 The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy and the developer should therefore consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

9.27 United Utilities raised no objection provided that conditions are imposed requiring that foul and surface water be drained on separate systems and that a surface water drainage scheme, based on the hierarchy of drainage options in the NPPG with evidence of an assessment of the site conditions be submitted for approval prior to commencement of any development. These aspects could be controlled via a planning condition and would meet the aims of policies 27 and 29 of the Core Strategy.

9.28 Concerns have been raised by third parties about the impact of the development with regard to flooding. The Environment Agency has been consulted and acknowledged that there has been localised flooding but it is beyond their remit to comment formally as the site is within Flood Zone 1 of the current flood maps. The applicant may want to consider tanking the underground section to future proof the development.

Trees

9.29 The applicant is accompanied by a Tree Survey and a Tree Report dated September 2020. Which advised that a total of 137 trees were surveyed. A small section (approx. 15 metres) of the hawthorn hedge would need to be removed to facilitate the new entrance. T85 and T84 located in between the proposed entrance were given a Category A rating and are the principle trees on Potter Lane highly visible both inside and outside of the site. They provide visible interest and are good examples of their species.

9.30 The report advises that all the trees can be retained with appropriate root protection measures. The Council's Arborist confirms this approach and subject to appropriate conditions the details are acceptable and meet the aims of Policy G13 of the South Ribble Local Plan. Conditions to protect birds during the bird breeding season would be required too.

Other matters.

9.31 Representation has been received about ecological issues and that the site is a Nature Conservation Area. The River Ribble is a Biological Heritage site from London Road Bridge Preston in the west to the County in the East. However, the application site does not fall

within this designation. The Council's Ecological consultant has advised that conditions and informatives would address any concerns.

9.32 The applicant has provided appeal decision notices to support the view that this site is an infill plot. Having carefully considered the Decision Notices in the case of APP/T2350/W/16/3164118 in Ribble Valley, this related to a demolition and rebuild with 'dwellings either side of the appeal site'. In terms of APP/P0240/w/18/3196341 Leyton Buzzard this too described the appeal site as one dwelling between existing properties. The location of the proposed dwelling is not considered to be between existing properties within the context of an infill plot as the existing property The Oak is some 60metres away.

Community Infrastructure Levy

9.33 The proposed development would be subject to the Community Infrastructure Levy (CIL).

Conclusion

9.34 The proposed development would form a quadrangle in relation to the existing three properties. However, the access to the dwelling from Potter Lane means the plot does not infill a gap in an otherwise developed frontage. On balance, there would be a reduction in the open spatial quality of the site and this part of the Green Belt through encroachment which would cause an excessive adverse impact upon the rural character.

9.35 The proposal constitutes inappropriate development in the Green Belt contrary to policy G1 of the South Ribble Local Plan and the Framework. It would also conflict with one of the purposes of the Green Belt which is to assist in safeguarding the countryside from encroachment. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

9.36 Limited weight is attached to the design of an eco-type dwelling providing intergenerational accommodation and which does not outweigh the harm that the proposed development would cause. On balance, the substantial weight to be given to Green Belt harm is not clearly outweighed by other considerations to demonstrate very special circumstances. Therefore, the application is recommended for refusal.

10.0 RECOMMENDATION:

10.1 Refusal.

REASONS FOR REFUSAL:

1. The application site is allocated as Green Belt in Policy G1 of the South Ribble Local Plan. The proposed development with a separate access and frontage from Potter Lane would be contrary to the Green Belt designation and is not classed as limited infilling in villages. Therefore, the proposal would not meet the exception (e) of paragraph 145 of the NPPF or exception (e) of Policy G1 of the South Ribble Local Plan

2. The proposal would introduce residential development into an open, green area which would be contrary to Policy 134 of the NPPF which seeks to safeguard the countryside in the Green Belt from encroachment.

RELEVANT POLICY

NPPF National Planning Policy Framework

Central Lancashire Core Strategy

1. Locating Growth (Core Strategy Policy)
- 4 Housing Delivery (Core Strategy Policy)
- 6 Housing Quality (Core Strategy Policy)
- 17 Design of New Buildings (Core Strategy Policy)
- 22 Biodiversity and Geodiversity (Core Strategy Policy)
- 29 Water Management (Core Strategy Policy)

South Ribble Local Plan

- | | |
|---------------|---|
| POLG1 | Green Belt |
| POLG13 | Trees, Woodlands and Development |
| POLG16 | Biodiversity and Nature Conservation |
| POLG17 | Design Criteria for New Development |

Agenda Item 8

Application Number 07/2020/00705/FUL

Address Oakland Farm
Hollins Lane
Leyland
Preston
Lancashire
PR26 8LJ

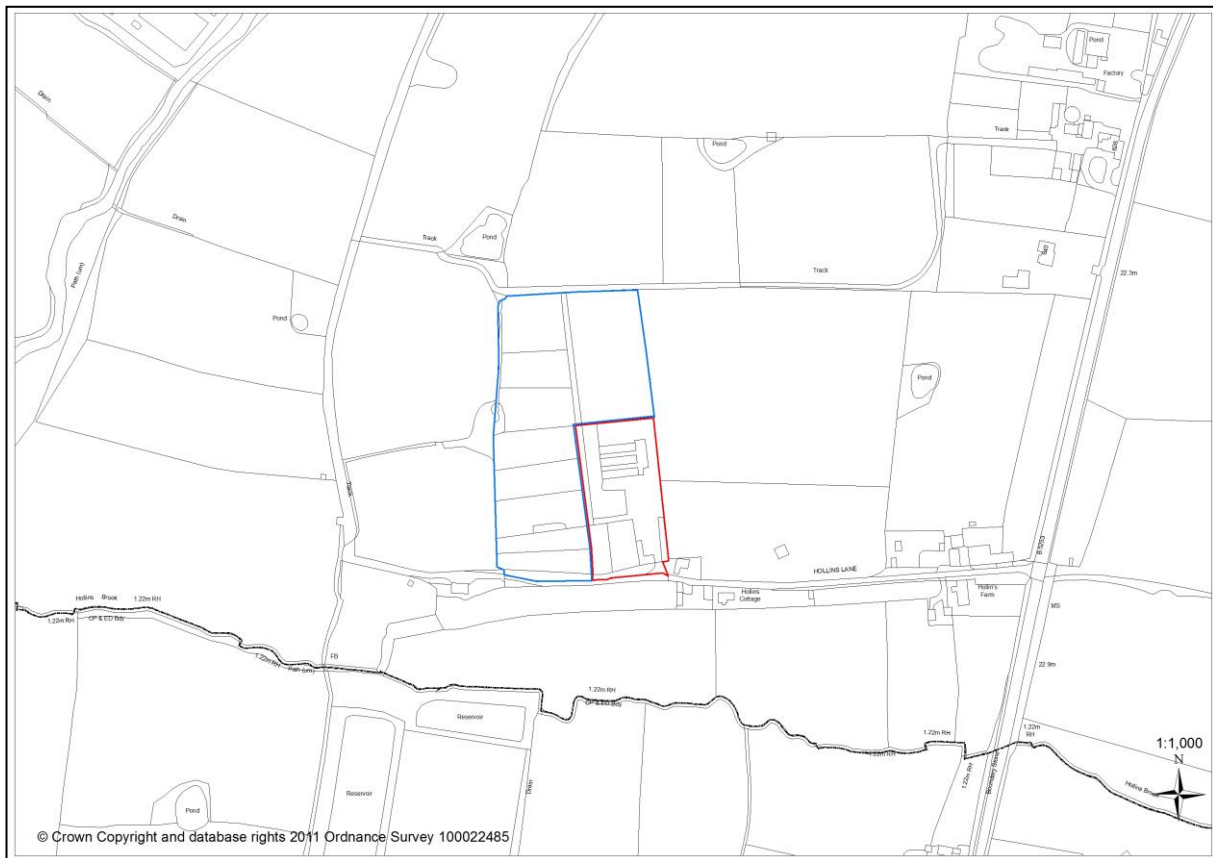
Applicant Mr Lewis Buller

Agent Mr Andrew Cowley
1086 Estates Ltd
50 Merlin Grove
Leyland

Development Erection of 4 no: dwellings

Officer Recommendation Refusal
Officer Name Mrs Debbie Roberts

Date application valid 24.08.2020
Target Determination Date 19.10.2020
Extension of Time Refused



1. Introduction

1.1. This application has been brought to Committee as the applicant is related to an officer of the Council.

2. Report Summary

2.1. The applicant seeks full permission for erection of 4 no: dwellings with associated works. This proposal seeks to address concerns raised by both this Council and the Planning Inspectorate relating to prior, but larger schemes. The site is an area of previously developed land in a secluded rural location which currently accommodates a number of structures in storage, horticultural and equine use. Bounding on all sides are mature trees and hedgerows although these are predominantly along the eastern side.

2.2. Proposed access into the site would be from Hollins Lane into a typical cul-de-sac courtyard with a mix of detached and semi-detached properties. Hedgerow and trees would be removed to accommodate access and sightlines but would be subject to relevant replacement if approved.

2.3. Whilst the application site is acknowledged as previously developed land, and as such satisfies criterion G, Para 145 of the National Planning Policy Framework 2019 (mirrored by Criterion F of Local Plan Policy G1), the proposal would introduce development which is inconsistent with adjacent patterns of development, on a badly maintained, single track road that currently serves only two dwellings.

2.4. LCC have not objected on highways access and parking grounds, and whilst traffic along the lane would increase loss of amenity as a result is considered limited.

2.5. Sustainable and public transport options are however also limited, and access to community, retail and education facilities would not be possible without transport or a considerable walk; particularly as pavements are 250m from the site entrance and the closest settlement is some distance again from the first available pavement. The sites sustainability appraisal which was formally assessed as sound during the Local Plan examination process concurs with this stance as detailed in full at Para 8.5 of this report.

2.5. In response to publicity two letters of objection have been received. Comments raised by statutory consultees have been dealt with either by amendments to the scheme or by condition should permission be granted

2.6. It is acknowledged that significant changes have been made with former comments in mind, but the fact remains that at this time the sites location cannot be made sustainable, and on balance the proposal is not considered to be sustainable development, in a sustainable location within easy access of community and retail facilities. The appeal decision relating to an earlier scheme echoes this conclusion and is detailed in full below – this appeal must be given considerable weight in the planning balance. The proposal does not conform to the requirements of the NPPF, Local Plan Chapter F or Core Strategy Policy 3 which attach great importance to highways and pedestrian safety, and seek to improve opportunities for sustainable transport and for development in sustainable locations.

2.7. In design terms it has been demonstrated that a development of four properties in a relatively traditional design can be accommodated, but these are in a form more likely to be found within an urban environment and in Officers opinion would not respect the open, rural character and appearance of the area; again the appeal comments relating to design are available at Para 9.3 below and must be given serious consideration. Despite extant permissions and existing development, the proposal would result in an incongruous, stand-alone scheme with little access to existing infrastructure or services. The site has not been allocated for housing by the South Ribble Local Plan and is not needed to ensure the

Councils five-year housing supply. For these reasons the proposal is recommended for refusal on the following grounds:

- ☐ It has not been demonstrated that a development of 4 dwellings would not be an incongruous addition to the rural location which fails to make a positive contribution to the quality of the environment. In relation to this the proposal has the potential to conflict with and not respect or enhance the established character and appearance of the area. It would therefore be contrary to Policy G17(a) of the South Ribble Local Plan
- ☐ The application site is considered to be in an unsustainable location due to the distance from the nearest shops and services, the absence of nearby public transport and the lack of connection to nearby settlements. Proposed development therefore does not represent sustainable development and does not comply with Chapter 9 (Promoting sustainable transport)- particularly paragraphs 102c, 103, 105 and 108 of the National Planning Policy Framework, Central Lancashire Core Strategy Policy 3 (Travel) and Local Plan Chapter F (Catering for sustainable travel)

3. Application Site and Surrounding Area

3.1. The application refers to a relatively flat piece of land accessed from, and to the northern side of Hollins Lane, Leyland. The 0.5ha rectangular site is bound on its southern and eastern sides by mature trees and hedgerow. Hollins Cottage sits 19m south-east of the access whilst Hollins Farm straddles the lane at around 200m away. Otherwise the site is surrounded on all sides by wide tracts of open land.

3.2. Within the contained site are a stable block, sand paddock, 3 no: polytunnels and a number of dishevelled storage containers, although parts remain open.

3.3. Hollins Lane runs along the southern boundary, Leyland Lane lies 250m east and the boundary with Chorley Borough sits 90m to the south. Public Right of Way 7-1-FP52 runs in a westerly direction from the access, and there is street lighting on Leyland Lane but not Hollins Lane. There are no pavements on Hollins Lane which is single track and generally in bad condition

3.4. The site is designated as Green Belt by Policy G1 of the South Ribble Local Plan.

4. Site Context / Planning History

4.1. There is a detailed planning history for this site, the most relevant of which is:

- ☐ 07/1994/0423 – building for keeping of horses. Approved September 1994
- ☐ 07/2000/0507 – Erection of 2 no: polytunnels and 3 no: storage buildings. Approved October 2000
- ☐ 07/2002/0732 – temporary siting of static caravan for use as agricultural dwelling. Approved 2002 (as extended October 2004 – 07/2004/0929)
- ☐ 07/2007/0659/FUL – erection of horse shelter. Approved September 2007
- ☐ 07/2008/0863/CLU – Certificate of lawfulness to use static caravan as permanent dwelling. Refused Jan 2009 and dismissed at appeal
- ☐ 07/2011/0591/FUL - Erection of 12 stables, single storey tack/store room, horse shower/hay store, horse exercise area and extension of existing sand paddock. Erection of office building change of existing polytunnels to storage of machinery and plant, haylage, shavings and straw and breeding process. Erection of floodlighting to sand paddock. Approved January 2012

- ❑ 07/2016/0248/FUL - Erection of two storey, detached dwelling with glazed link to stables/workshop building for Blacksmiths/Equestrian use, and erection of detached, single storey cattery building following demolition of existing structures. Refused August 2016
- ❑ 07/2017/0019 - Lawful development certificate for existing use - livery stables/ mixed use of polytunnels for storage, repair of vehicles, and general workshop. Certificate not granted May 2017
- ❑ 07/2017/2505/FUL - Retrospective change of use of three agricultural polytunnels and associated hardstanding to a mixed use as a mechanic's workshop (Use Class B2) and General Storage (Class B8). Approved October 2017 as varied 07/2018/2742/VAR
- ❑ 07/2018/0844/FUL - Erection of 1no. Two-storey dwelling with detached garage, domestic stable block and single storey cattery building following demolition of existing buildings. Approved April 2018 at appeal
- ❑ 07/2019/0092/OUT – Outline permission for 9 dwellings (access and siting applied for). Withdrawn Feb 2019 to allow the applicant to seek additional advice.
- ❑ 07/2019/2257/OUT - Outline application for the erection of 9no dwellings and associated work with access and siting applied for (resubmission of 07/2019/0092/OUT). Refused by Committee 30.5.19 and dismissed at appeal 10 June 2020 (APP/F2360/W/19/3232010) for the following reasons
 - o That the proposal would have a greater impact on the Green Belt than the existing
 - o That the proposal would create a poor contrast with the surrounding rural area
 - o that the proposed development would not be in a suitable location having regard to accessibility of services,
 - o That the substantial weight to be given to Green Belt harm is not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances.
- ❑ 07/2019/6653/OUT - Outline application for the erection of up to 8 no. dwellings with access only applied for was refused in Sept 2019 before the appeal decision for 2019/2257/OUT was issued

5. Proposal

5.1. The application seeks full permission for erection of 4 no: dwellings (two detached and pair of semi-detached) with associated works.

5.2. The proposal site would be accessed via the existing entrance into a courtyard turning area towards which the four properties would face. Plots 1 and 2 would be on the western side (plot 1 immediately adjacent Hollins Lane) whilst plots 3 and 4 would sit along the northern boundary. Existing shrubbery and trees would be retained along the eastern and southern boundaries, and a 1.8m boundary fence installed to denote the northern and western sides. The new internal access would be 5m wide with a short stretch of 2m pavement from Hollins Lane to the courtyards eastern side

5.3. Properties are two storey – plots 1 and 2 to be four bed roomed and plots 3 and 4 to have three bedrooms. Adequate amenity space is proposed, and parking provision identified in line with adopted standards. Waste storage is possible to the rear and in spatial separation terms the scheme is compliant

6. Summary of Supporting Documents

6.1. The application is accompanied by the following:

- ❑ Arboricultural Impact Assessment (Treestyle 15.1.19) including
 - o Cellweb installation guide and method statement

- o Tree numbering and categorisation plan (Drawing 1)
- o Tree removal, root protection and fencing plan (Drawing 2)
- o Tree Schedule (Appendix 1)
- o Tree assessment (Appendix D)
- o Tree protection statement (Appendix E)
- o Safety within proximity of utility infrastructure guideline
- ☑ Community Infrastructure Forms
- ☑ Ecological Appraisal update (Erap 2018-374: November 18)
- ☑ Supporting statement (1086 Estates Ltd)
- ☑ Planning statement (1086 Estates: August 2020)
- ☑ Design & Access statement (1086 Estates: August 2020)
- ☑ Location Plan (1545-EX03A: MM Architectural Design)
- ☑ Existing Site Plan (1545-EX01)
- ☑ Proposed site plan (PL/32/01; Bramley Pate)
- ☑ Proposed elevations & floor plans (PL/00/01, 02 & 03 Bramley Pate)

7. Representations

7.1. Summary of Publicity

7.1.1. A site notice has been posted, and two neighbouring properties consulted. Ward Councillors Bell and Donohue have also been notified

7.2. Letters of Objection or Support

7.2.1. Two letters of objection from the occupants of Hollins Cottage (19m south-east) and Hollins Farm (200m east) has been received. Comments are summarised as:

Green Belt/Rural Development

- ☑ Proposal does not comply with Green Belt or other planning policies
- ☑ Loss of rural visual appearance

Highways/Traffic

- ☑ Increased noise, pollution and lack of privacy on a single-track road
- ☑ Increased traffic will exit onto Leyland Lane where traffic often exceeds the speed limit
- ☑ Access on this narrow, single track lane is not suitable for construction vehicles or increased numbers of cars.

Miscellaneous

- ☑ Lack of services on the lane (gas, mains sewerage, poor water pressure).
- ☑ Combined impact of developments on Leyland Lane, Test Track and Croston Road

Residential Amenity

- ☑ Loss of privacy to and disruption of existing residents

8. Summary of Responses

8.1. **South Ribble Arborist** recommends tree protection measures to be secured by conditions, and submission of a landscape plan to provide for replacement trees on a 2:1 equivalent basis.

8.2. The Council's **Ecology Consultant's** notes that the ecology report is now nearly 2 years old and by the time of determination will be past the 2-year mark. However, given the site has been surveyed twice, is primarily low value habitat, the development footprint would be reduced, and surveys under 3 years of age may if necessary be reviewed the ecologist is satisfied that survey updates are not required. It is therefore recommended that prior to

determination, the previous ecological reports are reviewed and surveys only updated if required. The Councils Ecologist has considered the re-assessment and is now satisfied

8.3. Environmental Health have assessed the site and request conditions regarding construction management, pre-commencement contaminated land and electric vehicle charging points. Comments made during the 2018 withdrawn application also sought to condition importation of material and asbestos removal. For consistency, and having regard to the nature of existing buildings, these would be carried forward if approved.

8.4. Lancashire County Council Highways note that the site will be accessed via Hollins Lane, an unclassified adopted road up to the site. Hollins Lane changes to a private road halfway across the proposed sites access point. The internal layout as shown is acceptable, however the applicant should be aware that the road would remain private due to the internal road not having a full width connection to the adopted highway. The applicant should check with their solicitor that they have rights over this road and rights to make alterations to the section of the private road that adjoins the sites access point. The new site access (which connects to the adopted highway) will need to be constructed under separate legal agreements – S278 for the adopted section with LCC and a S106 to provide for the unadopted private section. The S106 would need to be signed by all parties including other owners of the private road. LCC reserves the right to provide the highway works within the highway including design, procurement and supervision of work. The LCC five-year injury data base indicates one slight incident at the junction of Hollins Lane and Leyland Lane but this is of a nature that would not be worsened by the proposals.

As part of a previous application LCC raised concerns regarding intervisibility along Hollins lane. The applicant has since proposed some localised widening which is now acceptable to LCC. The applicant must also fund improvements to the bus stop located to the south of Hollins lane, including upgrading the surfacing adjacent to the pole and flag. This would also be secured by S106 legal agreement

Taking all of the above into consideration LCC Highways has no objections to the proposed development subject to conditions, and is of the opinion that the proposals should have a negligible impact on highway safety and capacity within the immediate vicinity of the site.

8.5. The Councils Policy Planning team confirms that her previous comments relating to the sites Site Allocation DPD sustainability appraisal remain valid. These are:

'The applicant previously referred in his Planning Statement, to the fact that the Sustainability Appraisal of the Site Allocations DPD scored the site well under the sustainability appraisal. I do not agree with these findings whatsoever.

In terms of Objectives S1 and S2, the site scores very poorly, with over half of the indicators falling in the worst band, and only 3 indicators scoring in the top 2 bands. These are the objectives that relate specifically to distance to services and other services which residents of the site would require.

The site does score better in relation to the environmental indicators, however, these relate to issues such as heritage, biodiversity and contaminated land.

In terms of sustainability of the site in relation to services, the site scores extremely poorly. The site appraisal sheet, which was publicly available at the time, indicates that the site does not perform well in the Sustainability Appraisal. This was not challenged at the time.

The Sustainability Appraisal Methodology went through the Local Plan Examination and was found to be sound by the Examiner. It is therefore a reasonable assessment of the

sustainability of sites, especially as ALL of the allocations in the Local Plan went through the same process’.

8.6. United Utilities request that conditions are imposed with regards to foul and surface water drainage, drainage management

8.7. Strategic Housing has no comment to make

9. Material Considerations

9.1. The National Planning Policy Framework notes at Para 11 that plans and decisions should apply a presumption in favour of sustainable development. For decision making this means approving proposals which accord to an up to date development plan, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF if taken as a whole.

9.2. Sustainability takes two forms – firstly the ability to provide for the development needs of the local area whilst protecting the wider environment. Separately, users of the development should be able to easily access existing services and infrastructure without the need for significant works which in their own right would have an undue environmental impact, or the need for excessive travel to reach such services.

9.3. Whilst assessing the proposal against adopted policy, consideration must also be given to comments made by the Planning Inspector (APP/F2360/W/19/3232010), and any changes made to address those comments

9.4. Site Allocation Policy / Green Belt Development

9.4.1. The site is designated as Green Belt by Policy G1 of the South Ribble Local Plan

9.1.2. In line with the National Planning Policy Framework, planning permission will not be given for the construction of new buildings in the Green Belt which are considered inappropriate unless the proposal sits within a clearly defined range of exceptions, or the applicant can demonstrate that there are very special circumstances which clearly outweigh the harm caused to the fundamentally open nature of the area. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances; when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

9.1.3. A number of exceptions however are prescribed by both the NPPF and G1; the most relevant of which in this case is NPPF Para 145, Point G (mirrored by Policy G1 Point F). Exceptions are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

9.1.4. In line with G1(F), the NPPF allows for development of previously developed land where proposals will not impact upon the area's openness more than existing buildings. Despite previous refusal on the grounds that the proposal was inappropriate development in the Green Belt, previous and extant permissions have established that this site does in fact constitute previously developed land, development is not inappropriate and as such is compliant with the principle of Policy G1 subject to the caveat underlined above.

9.1.5. The appeal decision does place great weight on the footprint and volume of the previous scheme which exceeded that of the existing buildings but is taken in the context of 9 dwellings not 4. The Inspector notes that *'given the low heights and volumes of the existing buildings, it is not at all clear to me from the evidence that the volume of the existing buildings would not be exceeded by the volume of the proposed buildings, within the footprints proposed, even if the dwellings were single storey. As such, I am not persuaded that the proposal would not have a greater impact on the openness of the Green Belt than the existing development, in spatial terms'*.

9.1.6. He goes on to say however that *'even were the spatial aspect to have a neutral effect, the visual aspect forms part of the concept of openness of the Green Belt, and the visual dimension of the Green Belt is an important part of the purpose of designating land as Green Belt. The existing buildings occupy a relatively small area of the overall site and, whilst the proposed dwellings would occupy a similar locus to the existing buildings, even single storey dwellings would be more prominent, with adverse visual effects. Furthermore, the remaining dwellings are located in open parts of the site, and the visual intrusion resulting from the very presence of dwellings sited in otherwise open locations, would have a negative effect on the openness of the Green Belt. I therefore find that in both spatial and visual terms the proposal would have a greater impact on the openness of the Green Belt than the existing development, and in doing so the scheme also fails to check the unrestricted sprawl of large built-up areas in the countryside, one of the five purposes of the Green Belt. I therefore conclude that the proposal is inappropriate development in the Green Belt and, as such, conflicts with policy G1 of the LP, and the Framework'*.

9.1.7. In order to address the Inspectors concerns the proposal has been reduced in dwelling numbers, and the cumulative footprints of existing and proposed structures are similar. Development would be around the site edges with an open centre as currently exists, and existing landscaping would be augmented by private gardens. Previous, extant proposals however have been agreed at an overall volume of 2115m³ whilst existing structures account for 2412m³ (now claimed at 2557m³). Having regard to the Rural Development SPD which accepts residential development of up to 30% additional volume, any development proposal approved would be expected to remain within an overall figure of around 3300m³ (2557 + 30%). The proposed scheme accounts for 2950m³ in volume terms – an acceptable increase in on-site volume which is in accordance with adopted guidance subject to all other material considerations being acceptable.

9.1.8. Properties are however not single storey and would therefore be more visible from outside of the site than the current situation. Domestic style fencing and general paraphernalia would be present, and overall there would be an increase in urban sprawl to the detriment of the Green Belt allocation, but there is no arguing the fact that the site is previously developed land and, in that respect alone development complies with Green Belt

policy. Notwithstanding this current status, the site is not a naturally logical housing site. It is not an infill site and would not have built development surrounding in the manner normally expected of estate style residential development. Concerns also remain with regards to the schemes impact upon the character and appearance of the wider rural area and being mindful of the aforementioned 'in principle' compliance, members may decide that proposed dwellings would impact more on the areas openness than the existing collection of structures.

9.2. Site Sustainability

9.2.1. Having regard to the NPPF Para 11 presumption in favour of sustainable development as described above, the site has been assessed on the basis of the range of services that the occupants of four family sized homes would require, and which should be easily accessible. It is acknowledged that extant permission remains for one dwelling on site.

9.2.2. *Access to services-* The NPPF is clear that new development should support, and be supported by opportunities for sustainable transport modes including walking, cycling and public transport, and that development should be focussed on locations which are or could be made sustainable. This reflects the sentiments of Core Strategy Policy 3 which seeks to improve opportunities for cycling, public transport and pedestrian facilities, and attaches great importance to highways and pedestrian safety.

9.2.3. The applicants statement refers to approved development at Earnshaw Business Park and notes that during determination there was no mention of sustainability or access to services. Consistency of approach is now, and has previously been questioned. Notwithstanding that this scheme is to be determined on its own merits, for fairness and to offer clarity to Members such a comparison of sites is provided.

9.2.4. Earnshaw Business Park is 0.5miles (0.8km) from Earnshaw Bridge retail centre and 1.4miles form Leyland railway station. Lostock Hall and Bamber Bridge station are 2 and 3miles away respectively. There are 8 primary and 3 secondary schools within 1.5miles, and 6 doctors/6 dentists within the same distance. Hugh Lane is similar in construction to Hollins Lane. Whilst the number of services within reach of the site are similar, the Earnshaw site is closer to retail and public transport options than Hollins Lane, and as such occupants would be less dependant on the car for transport.

9.2.5. In contrast the proposal site is approximately 1.2 miles from the Seven Stars retail area (north), 2.5 miles from Eccleston (south) and just under 3 miles from retail facilities in Euxton (east). Euxton, Croston and Leyland railway stations are roughly 2.5 miles away. 5 primary and 2 secondary schools are within 1.5 miles and 4 doctors/2 dentists lie at a similar distance. The site is 250m along a single-track road without pavements from the Hollins Lane/Leyland Lane junction. Bus stops are present on Leyland Lane near to the entrance of Hollins Lane and there are pavements along the western side of Leyland Lane

9.2.6. Council Officers also offer their own comparison in the form of appeal decision 3238704 - Winston, Drumacre Lane, Longton for 9 dwellings as replacement for agricultural buildings, which was dismissed in December 2019. Whilst there are differences in the proposal itself, locationally the site is a similar distance to services and accessed via unpaved roads leading to classified paved highway. Refusal was on similar grounds including sustainability and on that point the Inspector stated that *'Taking into account the characteristics of the site location and the surrounding area, I consider that walking or cycling would be unlikely to be attractive options for most people making their day-to-day journeys, especially in darkness or inclement weather. I consider therefore that there would be a high dependency upon private motor vehicle usage amongst the occupiers of this development to gain access to retail, education and community facilities. While the relatively short journeys involved may be well suited to electric cars, there would nevertheless be a dependency on private vehicles.'*

9.2.7. *I conclude that the location would fail to provide acceptable access to retail, education and community facilities by a range of transport modes. The proposal would therefore conflict with Policy 3 of the 2012 Central Lancashire Core Strategy, as well as the requirements of Chapter 9 of the Framework’.*

9.2.8. A number of other appeals have been dismissed by the Inspectorate on the grounds of unsustainable location. Two such examples are Appeal 3156246 (Old Stables, Thurston) which noted the limited relationship to very few other dwellings such that it was not considered that the appeal site forms part of a cohesive group. It was also felt distant from a range of services, and the Inspector quotes road speed, lack of footways or lighting, narrow verges and limited natural surveillance which would combine to deter regular walking or cycling. It is realistic and reasonable to assume that occupants of proposed dwellings would be reliant on the private car to access day to day services including public transport. Appeal 2221992 (Knotts Lane, Skipton) at 2.2 miles outside the settlement was similarly described; both being contrary to NPPF Para 55 which seeks to prevent isolated homes in the countryside. There are notable similarities between these examples and the proposal site

9.2.9. The Planning Inspector involved in the Hollins Lane appeal noted that whilst there was a range of proximate services, and that these would be accessible via footpath along Leyland Lane, *‘this walk would take in the region of 20 minutes or more, on a footpath that is narrow in places and runs alongside an arterial 50 mph road. Given the length of time, the distance involved, and the character of the route, I find that residents of the proposed development are likely to be discouraged from walking to Seven Stars, where most local facilities are concentrated, regardless of suitable crossing points. Having regard to the Institute of Highways and Transportation guidelines which suggest maximum walking distance of 2 km to schools, I accept that a daily commute to the schools would potentially be within acceptable distances. However, the IHT also advises 0.8 km for town centres and 1.2 km for elsewhere, supporting my findings that the walk to Seven Stars would be beyond a reasonable maximum, regardless of whether Seven Stars is considered a town centre or elsewhere. Rather it is more likely that residents would be encouraged to use the car. There is no cycle lane in the vicinity of the appeal site that would offer an alternative sustainable option for this journey, and the speed limit along Leyland Lane would disincentivise cycling, despite the existence of cycle infrastructure further afield. In terms of rail travel, the appeal site is too peripheral from the station, at some 4.5 km, to reasonably represent a convenient transport choice without use of the car to reach it, despite the wide availability of services. The bus stop located close to the end of Hollins Lane would offer an option for sustainable transport to larger centres. However, the hourly service is not likely to encourage sustainable transport for shorter journeys such as to Seven Stars, given probable return journey times. Overall, although there are some limited opportunities for sustainable transport, this is insufficient in itself to offer a genuine choice of transport modes. I conclude that the proposed development would not be in a suitable location having regard to accessibility of services, such that there would be conflict with paragraphs 102c, 103 and 108 of the Framework, which require development to reduce car dependency and encourage opportunities for walking, cycling and public transport’*

9.2.10. The Councils Policy team separately assessed the site and the original LDF scoring appraisal and strongly dispute the applicant’s assertions of sustainability.

9.2.11. *Sustainable housing* - Paragraph 77 of the NPPF (2019) states that in rural areas planning should support housing development which reflects local needs, and opportunities to bring forward rural exception sites *‘that provide affordable housing to meet identified local need... some market housing on these sites would help to facilitate this’*. Para78 goes on to say that *‘in rural areas, housing should be located where it will enhance or maintain the vitality of a rural community; especially where this supports local services’* whilst Para 79 states that *‘planning decisions should avoid the development of isolated homes in the*

countryside unless the development would re-use redundant or disused buildings and enhance its immediate setting'

9.2.12. The proposed development does not include, but is not required to offer any affordable housing. It is not an allocated housing site, has not been identified as one which reflects local needs and does not support or enhance the vitality of a rural community. Similarly, it does not re-use existing buildings and in terms of rural development, sustainable transport or access to services is particularly lacking. The scheme however would replace built development which has been approved and remains extant. On balance, and having regard to the comments made by the Planning Inspectorate and the Councils Policy team, and the fact that regardless of amendments to the proposal the location of the site at this time cannot be made more sustainable in proximity terms, the site is considered to be unsustainable and contrary to the NPPF and adopted policy

9.3. Five Year Housing Supply

9.3.1. The NPPF (Para 11) states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the most important determining policies are out-of-date, granting permission unless application of NPPF policies provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole (tilted balance).

9.3.2. 'Out of date' includes, for housing applications situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with buffer), or where the Housing Delivery Test indicates that the housing delivery was substantially below the housing requirement over the previous three years. Para 213 of the NPPF however is clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF, and that due weight should be given to them, according to their degree of consistency with that framework (the closer policies align the greater the weight that may be given).

Having regard to the Councils housing supply calculations, and housing delivery expectations, in terms of the tilted balance Officers are confident that housing delivery in this case affords little weight as using the standard method of calculation the Council can justify a five-year supply of housing land, and as the site in question is not allocated specifically for housing or included in those calculations it is not needed to support that supply need. There is no reasonable justification therefore for approval of this site but it is for members to decide whether the benefits seen from speculative housing development on an unallocated site in an unsustainable location would significantly and demonstrably outweigh the harm caused by that development. NPPF Para 11 which forms the basis of sustainable development should therefore be given considerable weight in the decision-making process, but it is Officers opinion that the harm is not outweighed by the benefits in this case.

9.4. Character and Appearance

9.4.1. The site layout plan demonstrates that 4 dwellings can be accommodated on the site. The question then is whether the development is likely to impact upon the character and appearance of the area by virtue of the urbanising effect it would have on a particularly rural locale.

9.4.2. The Inspectors comments on the earlier but bigger scheme note that '*existing buildings read visually as being related to rural activities associated with the open countryside, and the two other dwellings along Hollins Lane are physically separated from each other by that open countryside. However, the proposed layout and access demonstrate*

a suburban character of development, and the proximity of the proposed detached dwellings to each other would not be in keeping with the wide separation between existing properties. Even though the existing building heights are low, they are still clearly visible from the Hollins Lane public footpath through the intermittent gaps in landscaping. It therefore follows that even single storey dwellings would be more elevated in the landscape than the existing buildings. Overall, the proposal would create a poor contrast with the surrounding rural area... The proposed cul-de-sac layout would result in a more domesticated character and appearance than is currently the case and would appear incongruous and unrelated to the locality. The proposal would have a significant adverse effect on the character and appearance of the surrounding area, contrary to policy G17(a) which states that development should not have a detrimental impact on its surroundings'

9.4.3. Although reduced in number, properties remain two storey and in a cul-de-sac arrangement. Proposed dwellings would replace a number of untidy structures, but these are of a form and height generally expected in a rural area unlike estate style development, and although drawings suggest landscape screening where possible to retain some 'green' to the area the potential of the proposal to be visually incongruous is considered to outweigh any benefits seen to the upgrade of the area.

9.5. Relationship to Neighbouring Properties

9.6.1. Hollins Cottage sits 19m south-east of the access whilst Hollins Farm straddles the lane at around 200m away. Otherwise the site is surrounded on all sides by wide tracts of open land. Although the site is contained and there are unlikely to be any issues from overlooking or loss of privacy to existing residents, there would undoubtedly be an increase in traffic generation on the lane which runs past both properties

9.6.2. LCC have not objected on highways access and parking grounds. Similarly, the Inspectorate was not persuaded that movements from nine dwellings would generate significantly greater noise and disturbance than the fallback position, notwithstanding the proximity of these properties to the road or its status as public or private road. As the scheme has been reduced and as such would generate fewer traffic movements loss of amenity to occupants of adjacent properties is considered limited

9.7. Environmental Protection

9.7.1. Policies G13 (Trees, Woodland & Development) and G16 (Biodiversity/Nature Conservation) both seek to conserve and enhance the natural environment and protect site biodiversity. G13 states that development will not be permitted where it affects trees and woodland, but where loss of non-protected trees is unavoidable suitable mitigation may be offered to mitigate against any harm.

9.7.2. *Trees* – The applicants Tree Survey notes that there are 13 trees, 1 hedgerow and 5 tree groups, on and surrounding the site edges. Of these 4 nos: category C tree groups and 2 no: unclassified tree would be removed to accommodate access along the southern edge. and for tree health reasons. All other trees and hedgerow on site would be retained and protected during development by condition if approved. In light of the Councils Arborists comments however proposed tree works are considered acceptable.

9.7.3. *Site Ecology* – the accompanying site survey considers that the site offers negligible bat roosting or amphibian habitat potential, and that the proposal would not introduce any adverse effect on statutory or non-statutory designations. Reasonable avoidance conditions in line with Section 5 of the applicant's survey have therefore been confirmed as adequate by the Councils ecologist

9.8. Planning Obligations

9.8.1. Community Infrastructure Levy – CIL is payable on any approved property at the current rate of £65x1.427 (subject to annual change) – liability has been assumed. The site is below the threshold for affordable housing and public open space provision

10. Conclusion

10.1. This proposal must be viewed from two perspectives. On the one hand the scheme has been reduced and would re-use an existing, untidy, previously developed site at a low density of 8 dwellings per hectare. Planning permission already exists for development of the site and there has been no objection from the Councils consultees, yet the Inspectorate offered limited weight to either of these points. Proposals however indicate both appropriate screening and landscaping. Although traffic generation is to increase it is not considered to be sufficient to be detrimental to the amenity of neighbouring residents who would also be protected from loss of privacy.

10.2. Conversely the proposal would introduce urban style development which is not consistent with adjacent patterns of development and would not respect the character and appearance of the area. Options for sustainable and public transport are extremely limited, and access to community, retail and education facilities would not be possible without a vehicle or considerable walk; particularly as the first available pavement is in itself 250m from the site entrance. Development in the Green Belt and any potential harm caused to that land designation should also be offered weight in the planning balance, although the sites previously developed status holds considerable weight of its own.

10.3. On balance and having regard to the above commentary, Officers do not consider the proposal to be sustainable development, in a sustainable location within easy access of community and retail facilities. It does not conform to the requirements of Core Strategy Policy 3 which attaches great importance to highways and pedestrian safety and seeks to improve opportunities for sustainable transport.

10.4. In design terms it is not considered that an 'estate' development of large scale properties more likely to be found within an urban environment would respect the open, rural character and appearance of the area, and despite extant permissions and existing development, the proposal would result in an incongruous, stand-alone scheme with little access to existing infrastructure or services, and which would be more visible from outside of the site than the current structures. The applicants own Design and Access statement further highlights this potential for an independent development by stating that one of their aims for the site is '*To deliver a high quality "place" which is sustainable, safe and attractive*'. The site has not been allocated for housing by the South Ribble Local Plan, is not needed to ensure the Councils five-year housing supply and it is felt that the benefits of the proposal do not outweigh the harm caused to the openness of the Green Belt despite its partial exemption by Policy G1(g). For these reasons the proposal is recommended for refusal

10.5. Should Members however feel that the proposal should be approved with conditions, it is recommended that the decision is delegated to the Chairman, Vice Chairman and Director of Planning and Property until successful completion of a S106 legal agreement to secure bus stop improvements and access onto private land from Hollins Lane.

RECOMMENDATION:

Refusal.

REASONS FOR REFUSAL:

1. It has not been demonstrated that a development of 4 dwellings would not be an incongruous addition to the rural location which fails to make a positive contribution to the quality of the environment. In relation to this the proposal has the potential to conflict with and not respect or enhance the established character and appearance of the area. It would therefore be contrary to Policy G17(a) of the South Ribble Local Plan
2. The application site is considered to be in an unsustainable location due to the distance from the nearest shops and services, the absence of nearby public transport and the lack of connection to nearby settlements. Proposed development therefore does not represent sustainable development and does not comply with Chapter 9 (Promoting sustainable transport)- particularly paragraphs 102c, 103, 105 and 108 of the National Planning Policy Framework, Central Lancashire Core Strategy Policy 3 (Travel) and Local Plan Chapter F (Catering for sustainable travel)

RELEVANT POLICY

NPPF National Planning Policy Framework

South Ribble Local Plan

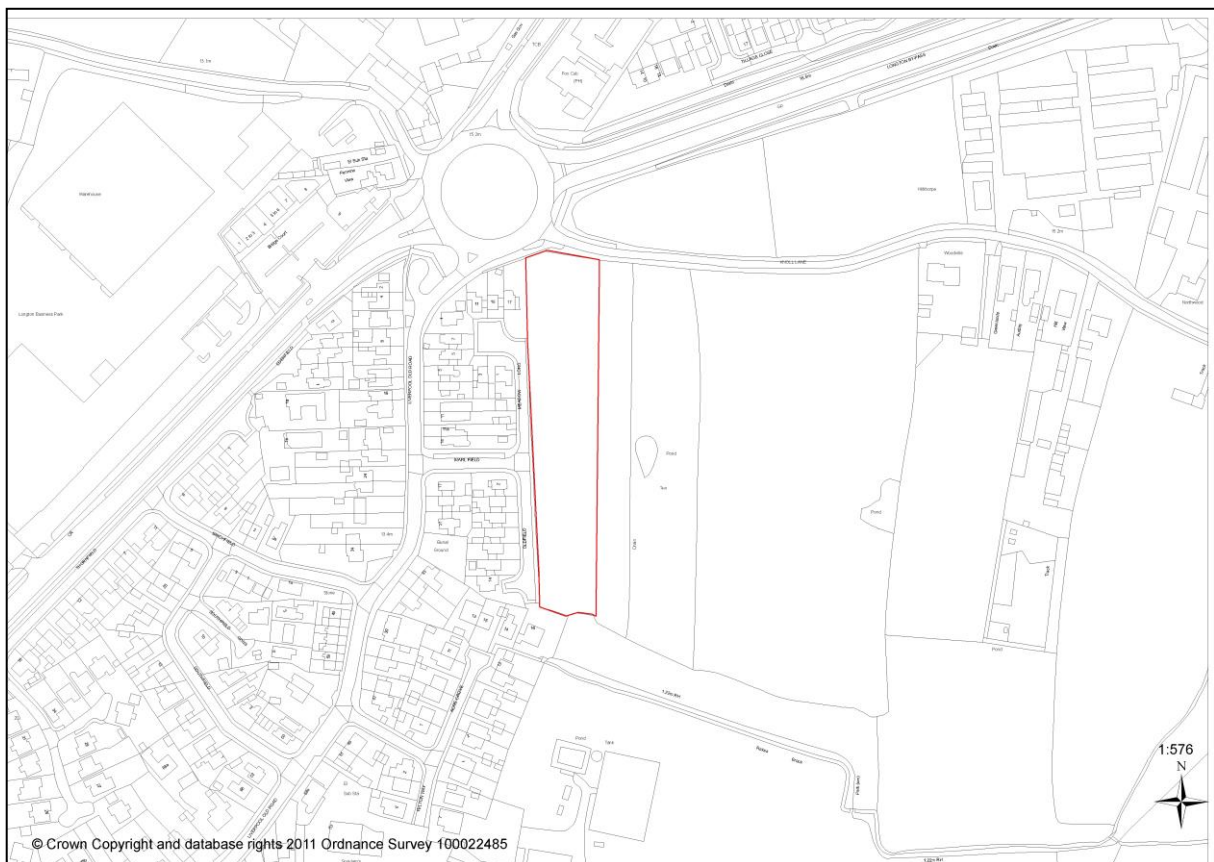
- F1 Car Parking
- G1 Green Belt
- G13 Trees, Woodlands and Development
- G16 Biodiversity and Nature Conservation
- G17 Design Criteria for New Development

Central Lancashire Core Strategy

- 1 Locating Growth
- 4 Housing Delivery
- 5 Housing Density

Agenda Item 9

Application Number	07/2020/00682/VAR
Address	Land at Oldfield and Long Meadow Oldfield Much Hoole
Applicant	Applethwaite Ltd
Agent	Mr David Devine
Development	Variation of condition 2 (Approved plans) pursuant to planning permission 07/2020/00277/FUL for erection of 14 no: bungalow for over 55 age group to allow for removal, and replacement of a tree (T9) adjacent the Knoll Lane boundary to further assist the formation of the approved construction access from Knoll Lane.
Officer Recommendation	Approval
Officer Name	Mrs Debbie Roberts
Date application valid	5.10.2020
Target Determination Date	4.1.2021
Extension of Time	None



1. Report Summary

1.1. The site in question is a strip of land (30m x 200m) located at the edge of a larger piece of open land facing Oldfield and Long Meadow, Much Hoole (residential).

1.2. Approval was granted for erection of 14 no: bungalows and associated works for use by the over 55 age group. The scheme is a linear development accessed from Oldfield/Long Meadow via existing highway and in design terms would reflect the wider streetscene. A track was proposed between plots 8 and 9 to allow access for farm vehicles into the field beyond. A field gate access is also present on Knoll Lane to the north-east of neighbouring properties and was suggested by the developer as a temporary construction access; this was confirmed as acceptable by the Highways Authority.

1.3. The site is undeveloped and allocated by the South Ribble Local Plan as a site for village development (Policy B2). Land beyond is designated as Green Belt

1.4. The application seeks permission to vary a condition imposed on approval 07/2020/00277/FUL (approved by Committee July 2020). This condition required construction vehicles to use the Knoll Lane field gate only, but the applicant has since found access to be difficult and would prevent the correctly sequenced development of properties. It also precludes to some extent access to the temporary site cabins at the rear. The temporary site compound which includes a two-storey office and cabin, toilet block, storage unit and generator would sit behind these plots in the field beyond but does not require planning permission

1.5. The Councils Arborist was consulted in advance of submission and had no objections subject to replacement with an appropriate tree – this detail has been provided and is acceptable to the Arborist

1.6. Overall, and giving due weight to the following commentary the proposal to vary the condition is felt acceptable and is recommended for approval

Application Site and Surrounding Area

1.7. The application refers to a narrow strip of land accessed off Oldfield and Long Meadow, Much Hoole. The site is 30m wide x 200m long running in a slightly sloping, north to south direction and bordered by mature hedgerow and a number of sporadically placed trees.

1.8. To the west is residential development on Oldfield and Long Meadow, and in the east and south are deep tracts of open, Green Belt land. Immediately north is Knoll Lane; field gate access is also possible from here. The site itself is designated by Policy B2 (Village Development) of the South Ribble Local Plan.

2. Site Context / Planning History

2.1. There are seven planning applications on the history of this site:

☐ 07/1976/0254 – erection of 18 semi-detached dwellings. Refused June 1976

☐ 07/2020/00277/FUL – erection of 14 dwellings and associated works. Approved July 2020 as discharged by 07/2020/00578/DIS, 579/DIS (Part discharged), 00611/DIS and 00636/DIS and amended by 07/2020/00609/NMA to reverse / 'hand' three house types plots

07/2020/00606/VAR – variation of condition 21 to allow construction access via Marlfield. Refused Sept 2020

3. Proposal

3.1. Members may recall in September 2020 that the applicant tried to vary condition 21 of the July 2020 approval which restricted construction traffic to the Knoll Lane entrance only. As explanation the applicant stated that having reviewed the logistics of accessing the site it has become apparent that while they can access and build 90% of the site using Knoll Lane as the principle access point, in doing so it does preclude commencement and construction of Plot 1 until all the other properties have been completed. This has a significant impact on the logical sequence of build and will undoubtedly have financial implications as Plot 1 would effectively be built as a standalone plot.

3.2. Following refusal of this variation, an alternative has been discussed with the Councils Arborist to remove the retained tree adjacent Plot 1; thereby allowing access from Knoll Lane into the site with little impact on the ability to build Plot 1. The Arborist in principle supported this proposal at pre-application stage subject to replacement with a substantial specimen. Replacement with a 16-18 cm girth, Alder tree (*Alnus glutinosa*) has been proposed and would be secured by condition

3.3. N.B. The compound shown on the accompanying Proposed Construction Traffic and Site Logistics Plan (C034-CTM-01/A) is outside of the sites approved 'red edge' and was not part of the original approval. Notwithstanding this however, Schedule 2, Part 4, Class A of the Town & Country Planning General Permitted Development Order 2015 allows for the provision of buildings, moveable structures, plant or machinery required temporarily in connection with, and for the duration of operations being carried out on land, or on land adjoining that land without planning permission. The same class requires reinstatement of the adjacent land as soon as reasonably practicable once development has completed. As such planning permission for the adjacent compound is not required.

4. Representations

4.1. Summary of Publicity

4.1.1. A site notice has been posted and 61 neighbouring properties have been consulted. Representation has been received from six residents

- ☐ Object to loss of tree and nesting opportunities
- ☐ Loss of screening and subsequent visual impact
- ☐ Tree must be replaced like for like
- ☐ Loss of tree would be a hazard to users of the pavement – *it is likely that temporary tree loss would improve use of, and visibility down the pavement rather than limiting it*
- ☐ Respondent questions whether LCC Highways have been consulted – *see response below*

4.1.2. A number of comments have been made which relate to the original proposal and not this variation or are not material planning considerations. As such they have not been taken into account

- ☐ comments relating to drainage, flooding on site and to properties on Acre Grove (40m south of site boundary). As the proposal to be determined does not relate to either subject these are not relevant.
- ☐ The proposal is for financial reasons

Existing use of Marlfield by contractors – *the Council is already in contact with the developer over this comment, has visited the site and noted signage requiring contractors to use Knoll Lane only.*

5. **Summary of Responses**

5.1. **Councils Ecologist** confirms that the tree is of a stature and condition that is unlikely to have changed since the 2019 ecological survey. The tree is not suitable for bat roosts but should be felled outside of the bird breeding season (March to August inclusive) unless it can be demonstrated that there is no breeding activity present.

Arborist - the tree identified for removal although classed as B2 forms part of a group of three alders approaching semi maturity. The group offers amenity value to the local area and the requested removal subject to mitigation planting will not have a negative long-term effect on the local area given the retention of similar specimens in the vicinity. The proposed replacement planting is suitable, given the species and although it will not offer immediate compensation for the removal of the tree it will offer significant amenity value in the future.

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

6. **Material Considerations**

6.1. Site Allocation Policy

6.1.1. The site is designated by Policy B2 of the South Ribble Local Plan as a Village Development site, but as the proposal does not seek to alter the premise of approved development on this site B2 is not pertinent

6.1.2. Local Plan Policies G13 (Trees, Woodland and Development), G17 (Design of New Buildings) and Core Strategy Policy 17 (Design) are however relevant; as is the National Planning Policy Framework.

8.2.1. National Planning Policy Framework (2019)

The NPPF at Para 11: provides a presumption in favour of sustainable development, supporting sustainable economic growth to deliver amongst other things homes. In particular, chapter 15 of the NPPF is also relevant in that Local Planning Authorities should aim to conserve and enhance biodiversity as reflected by Core Strategy Policy 22 (Bio and Geo diversity)

8.2.2. Central Lancashire Core Strategy

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

Policy 17: Design of New Buildings requires new development 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

8.2.3. South Ribble Local Plan

In addition to site allocation policy B2 (above), the following are also pertinent:

☐ Policy G13: Trees, Woodlands and Development – permission will not be granted where development adversely impacts upon protected trees or woodland. G13 includes a presumption to retain trees and woodland, but where loss of an unprotected tree is unavoidable replacement trees must be planted on an equivalent basis

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

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

6.1.3. Highways

6.1.4. The Knoll Lane access has already been assessed as acceptable by LCC Highways and has extant permission for its use. Alterations do not involve any change to the approved layout.

7. Conclusion

7.1. It is acknowledged that approved development on this site will cause some disruption, and although generally construction is considered a temporary nuisance and permission is never refused on that basis, any permission granted – including this one – is subject to conditions which protect the amenity of neighbouring residents to the best of the Councils ability. For this reason, the Knoll Lane construction access proposed by the developer allowed development to continue yet maintained as best a clean, undisturbed access from Marfield as this type of scheme would allow for. Measures have already been put into place to prevent construction access from adjacent roads but by varying the condition to allow slightly wider access, the developer will be able to work in a co-ordinated sequence. It is likely therefore that they will vacate the site more quickly to the betterment of residential amenity. The tree would be lost but both ecologist and arborist are satisfied that mitigation would be appropriate.

7.2. On balance, the benefit of expedited delivery of 14 bungalows for the over 55 age groups to the benefit of residential amenity is considered to outweigh loss and replacement of a tree and as such this proposal is recommended for approval.

7.3. Should Members decide to approve this variation, where an application to vary conditions is granted, the effect is the issue of a new planning permission, sitting alongside rather than as amendment to the original permission, which remains intact and un-amended. All earlier conditions which have not been discharged would therefore be carried forward.

RECOMMENDATION:

Approval.

RELEVANT POLICY

NPPF National Planning Policy Framework

Central Lancashire Core Strategy

MP Sustainable development

17 Design of New Buildings

22 Biodiversity & Geodiversity

South Ribble Local Plan

- B2 Village Development
- G13 Trees Woodlands and Development
- G16 Biodiversity and Nature Conservation
- G17 Design Criteria for New Development

RECOMMENDATION:

Approval with Conditions.

RECOMMENDED CONDITIONS:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans Dwg 6230.02 and 03 (TBA Landscape)
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
3. A ground survey remediation statement, detailing the recommendations and remedial measures to be implemented within the site.
On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a verification report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.

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

REASON: To confirm before work commences on site that proposed development 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

4. No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.
REASON: Policy 27 of the Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4. However, following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. As Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.
5. Prior to first occupation of each dwelling hereby approved, waste storage facilities to the rear of that dwelling shall be provided in line with approved drawing 1968-P02 (Woodcroft). The approved facility shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.
REASON: To safeguard the character and visual appearance of the area and to safeguard the living conditions of any nearby residents particularly with regard to

odours and/or disturbance in accordance with Policy 27 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

6. Construction traffic shall access into the site only from Knoll Lane prior to, during and post construction and not at any time from Oldfield or Long Meadow.
REASON: In the interests of highway safety and other highway users in accordance with Policy G17 in the South Ribble Local Plan 2012-2026
7. That any tree or hedgerow felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall not take place during the nesting season, (between March and August inclusive), 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.
8. The approved landscaping scheme identified on approved plans 6230.02 and 03 (TBA Landscape) shall be implemented in the first planting season following completion of the development or first occupation/use, whichever is the soonest, and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority, in compliance with BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations. This maintenance shall include the watering, weeding, mulching and adjustment and removal of stakes and support systems, and shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies by the same species. The replacement tree or shrub must be of similar size to that originally planted.
REASON: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy, Policy G13 and Policy G17 in the South Ribble Local Plan 2012-2026

RELEVANT POLICY

NPPF National Planning Policy Framework

Central Lancashire Core Strategy

- 17 Design of New Buildings**
- 22 Biodiversity and Geodiversity**

South Ribble Local Plan

- B2 Village Development**
- G13 Trees, Woodlands and Development**
- G16 Biodiversity and Nature Conservation**
- G17 Design Criteria for New Development**

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