

# Planning Committee

Thursday, 7th October, 2021, 6.00 pm

Shield Room, Civic Centre, West Paddock, Leyland PR25 1DH

## Agenda

### **Polite notice**

In accordance with regulations, all members of the Planning Committee must attend this meeting in person.

[The proceedings will be livestreamed to YouTube and can be watched by clicking here.](#)

Anyone who wishes to speak on an application must register by email to [democraticservices@southribble.gov.uk](mailto:democraticservices@southribble.gov.uk) FAO Charlotte Lynch or by telephone to 01772 625563 no later than 12 noon, two working days prior to the meeting. Further information on speaking procedures can be found at the front of the agenda pack.

### **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, 9 September 2021 of Planning Committee**

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

(Pages 5 - 8)

<b>5 Appeal Decisions</b>	(Verbal Report)
An update will be provided at the meeting.	
<b>6 07/2020/00631/FUL - Clifton House, The Vineyard, Walton-le-Dale</b>	(Pages 9 - 30)
Report of the Director of Planning and Development attached.	
<b>7 07/2020/00907/FUL - The Shampan Indian Restaurant, 97 Pope Lane, Penwortham</b>	(Pages 31 - 50)
Report of the Director of Planning and Development attached.	
<b>8 07/ 2016/0591/OUT - Land off Shaw Brook Road and Altcar Lane, Leyland</b>	(Pages 51 - 56)
Report of the Director of Planning and Development attached.	
<b>9 07/2021/00210/FUL - Kingsmead Stables, Bee Lane, Penwortham</b>	(Pages 57 - 64)
Report of the Director of Planning and Development attached.	

Gary Hall  
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, Chris Lomax, Caroline Moon, Colin Sharples, Phil Smith, Gareth Watson and Barrie Yates

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

#### Forthcoming Meetings

6.00 pm Thursday, 11 November 2021 - Shield Room, Civic Centre, West Paddock, Leyland PR25 1DH

#### Procedure of Debate at Planning Committee

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

- Up to five members of the public who wish to speak against an application will be allowed to speak. Each will have up to four minutes in which to state their case.

- Up to five members of the public who wish to speak in favour of an application will then be allowed to speak. Again each will have up to four minutes in which to state their case.
- Ward 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.
- Anyone wishing to speak on an application must register by email to [democraticservices@southribble.gov.uk](mailto:democraticservices@southribble.gov.uk) or by telephone to 01772 625563 no later than 12 noon, two working days prior to the meeting.
- Speakers will be allocated on a first come first served basis.
- 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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<b>Minutes of</b>	<b>Planning Committee</b>
<b>Meeting date</b>	<b>Thursday, 9 September 2021</b>
<b>Members present:</b>	Councillors Caleb Tomlinson (Chair), Malcolm Donoghue (Vice-Chair), James Flannery, Mary Green, Harry Hancock, Jon Hesketh, Chris Lomax, Caroline Moon, Colin Sharples, Phil Smith, Gareth Watson and Barrie Yates
<b>Officers:</b>	Jonathan Noad (Director of Planning and Development), Steven Brown (Head of Development Management), Jodi Ingram (Senior Solicitor), Chris Sowerby (Development Planning Team Leader), Janice Crook (Planning Officer) and Charlotte Lynch (Democratic and Member Services Officer)
<b>Cabinet members:</b>	Councillor Bill Evans (Cabinet Member (Planning, Business Support and Regeneration))
<b>Public:</b>	5

## Minute's Silence

A minute's silence was held for Councillor Christine Melia, who had recently passed away following a short illness.

### 45 Welcome and Introduction

The Chair, Councillor Caleb Tomlinson, welcomed members of the public to the meeting, introduced the committee and explained that the meeting was being livestreamed to YouTube and held with COVID-secure measures in place.

### 46 Apologies for Absence

An apology for absence was received from Councillor Will Adams.

### 47 Declarations of Interest

Councillor Gareth Watson declared a personal interest in item 7 – land of Belle Field Close, Penwortham.

### 48 Minutes of meeting Wednesday, 25 August 2021 of Planning Committee

Resolved: (For: 7 Abstain: 5)

**For:** Councillors Caleb Tomlinson, Mary Green, Harry Hancock, Jon Hesketh, Colin Sharples, Phil Smith, Gareth Watson.

**Abstain:** Councillors Mal Donoghue, James Flannery, Chris Lomax, Caroline Moon, Barrie Yates

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That the minutes of the previous meeting, held on Wednesday, 25 August 2021, be approved as a correct record for signing by the Chair.

## 49 Appeal Decisions

There were no appeals to report.

## 50 07/2020/01063/FUL - Land to the east of Reynard Close, Longton

Speakers: 3 objectors, the Agent (Mr Phil Garner) and the Applicant (Mr David Cunningham)

Address: Land to the east of Reynard Close, Longton

Applicant: Longton Developments Ltd.

Agent: Mr Graham Edge

Quayside  
Wilderspool Business Park  
Stockton Heath  
Warrington  
WA4 6HL

Development: Erection of 14 new residential units with associated garages and works, and new access from Reynard Close.

An amendment was proposed by Councillor Barrie Yates, seconded by Councillor Phil Smith, to refuse the application.

An additional amendment was proposed by Councillor James Flannery, seconded by Councillor Colin Sharples, to defer the application.

Upon being put to the vote, it was subsequently

**Resolved: (For: 8 Against: 4)**

**For:** Councillors Caleb Tomlinson, Mal Donoghue, James Flannery, Harry Hancock, Chris Lomax, Caroline Moon, Colin Sharples, Gareth Watson

**Against:** Councillors Mary Green, Jon Hesketh, Phil Smith, Barrie Yates

That the application be deferred to enable further consultation with local residents, including a meeting between the applicant and residents to be chaired by the Council's Planning Officers.

## 51 07/2021/00665/FUL - Land off Belle Field Close, Penwortham

Speakers: the Agent (Mr Mike O'Brien)

Address: Land off Belle Field Close, Penwortham

Applicant: Seddon Homes

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Agent: Mike O'Brien  
Pinnacle Planning  
500 Styal Road  
Manchester  
M22 5HQ

Development: Residential development for the erection of 63 dwellings with associated works and infrastructure.

It was proposed by Councillor Caroline Moon, seconded by Councillor Gareth Watson, and subsequently

**Resolved: (unanimously)**

That

1. Members are minded to approve the application; and
2. the decision is delegated to the Director of Planning and Housing in consultation with Chair and Vice-Chair of the Planning Committee upon successful completion of a legal agreement to secure a financial contribution towards public open space and onsite affordable housing.

**52 07/2021/00722/COU - 176-178 Station Road, Bamber Bridge, Preston**

Speakers: None

Address: 176-178 Station Road  
Bamber Bridge  
Preston  
Lancashire  
PR5 6TP

Applicant: Mr Stephen Whittle

Development: Change of use of first floor into House of Multiple Occupancy (HMO)

It was proposed by Councillor Jon Hesketh, seconded by Councillor Harry Hancock, and subsequently

**Resolved: (unanimously)**

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

**53 07/2021/00708/FUL - 8 Hope Terrace, Lostock Hall**

Speakers: the Applicant

Address: 8 Hope Terrace  
Lostock Hall  
Preston  
Lancashire

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PR5 5RU

Applicant: Lostock Ale Company

Development: Change of use of ground floor of No 8 from Retail to Drinking Establishment (Sui Generis) and the formation of internal connection from No 7

It was proposed by Councillor James Flannery, seconded by Councillor Mal Donoghue, and subsequently

**Resolved: (unanimously)**

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

Chair

Date



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**Application Number** 07/2020/00631/FUL

**Address** Clifton House  
The Vineyard  
Walton-Le-Dale  
Preston  
Lancashire  
PR5 4PR

**Applicant** Mr Iain Fowler

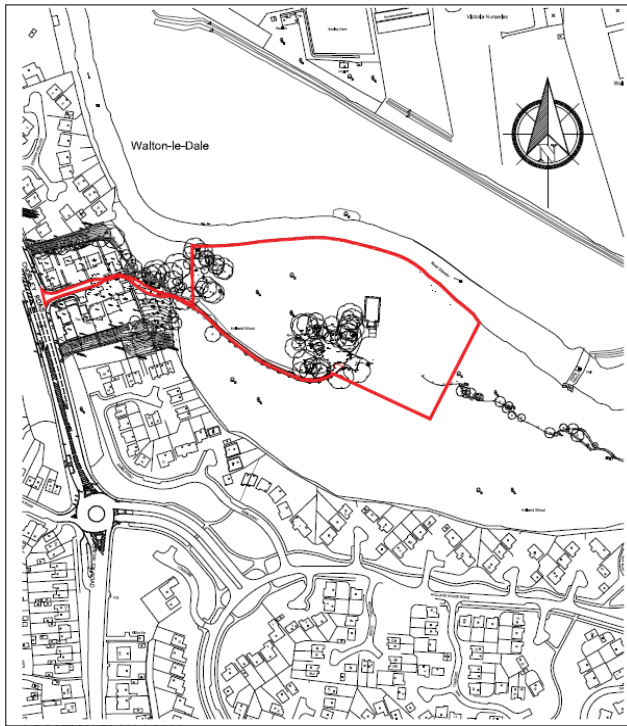
**Development** Erection of a bungalow and detached double garage

**Officer Recommendation** That Members are minded to approve the application, subject to the imposition of conditions and that the decision be delegated to the Director of Planning and Property in consultation with the Chair and Vice Chair of the Planning Committee upon the successful completion of a legal agreement to ensure the extant planning permission Ref: 4/3/3915 and the Lawful Development Certificate Ref: 07/2012/0672/CLU are not implemented further.

**Officers Name** Mrs Linda Ashcroft

Date application valid 03.11.2020  
Target Determination Date 30.05.2021  
Extension of Time 10.07.2021

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## 1. **Report Summary**

- 1.1 This application was brought before the Planning Committee on the 29<sup>th</sup> July at the request of a Ward Councillor. The application was presented to the meeting with the following recommendation: That Members are minded to approve the application, subject to the imposition of conditions and that the decision be delegated to the Director of Planning and Property in consultation with the Chair and Vice Chair of the Planning Committee upon the successful completion of a legal agreement to ensure the extant planning permission Ref: 4/3/3915 and the Lawful Development Certificate Ref: 07/2012/0672/CLU are not implemented further and the Environmental Agency's (EA) holding objection addressed. After a lengthy debate and the application being voted upon, the application remained undetermined.
- 1.2 The applicant has submitted additional information to address the concerns of the Environment Agency which the EA has confirmed are acceptable and the details can be controlled by condition.
- 1.3 The application is in full and relates to the erection of a bungalow and a detached double garage to be accessed via an existing road leading from The Vineyard at Walton-le Dale. The dwelling would be located within Holland Wood, an Ancient Woodland, which is located in an area of Green Belt and is within Flood Zone 3.
- 1.4 There is an extant permission on the site for a large dwelling approved in 1971 by the Preston Rural District Council which has been confirmed by a Lawful Development Certificate granted under reference 07/2012/0672/CLU; this Certificate confirmed the commencement of development under planning permission 4/3/3915 for the erection of a dwelling. The proposed application seeks to surrender the extant permission and provide for a revised location and a different design of dwelling. In assessing this application, a 'Fallback Position' (a lawful ability to undertake the approved

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development) has been assessed and on balance the proposed application is acceptable.

1.5 The current application would provide for a smaller dwelling and the opportunity to impose rigorous conditions to control the development. A total of nine letters of objection from interested parties have been received and two letters raising no objection/ support of the application. There are no objections from formal statutory consultees who acknowledge the unique situation of an extant planning permission.

1.6 The proposal has been assessed against current planning policies, including the National Planning Policy Framework and the development plan policies and is on balance acceptable. The proposal has therefore been recommended for Approval subject to the signing of a legal agreement to address the previously approved application under planning permission 4/3/3915 and the lawful development certificate reference 07/2012/0672/CLU. Conditions including controlling commencement, drainage, water management, ecology, materials, contamination, curtilage of the residential area and removal of permitted development rights are recommended.

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

2.1 The application relates to land within Holland Wood, which is a wooded area to the edge of Walton le Dale.

2.2 In terms of its location, the River Darwen extends across the northern edge of Holland Wood and the built-up area of Walton le Dale is to the west and south. Holland Wood continues to extend eastwards beyond the application site and towards the M6 motorway.

2.3 The site is situated within an area of Green Belt, Biological Heritage Site, Green Infrastructure and Wildlife Corridors which are defined in the Local Plan. Holland Wood is one of a small number of woodlands within the Borough categorised as an ancient/semi-ancient woodland and is subject to Tree Preservation Order -TPO 1990/11.

## 3. **Site History**

3.1 Outline planning permission was granted by Preston Rural District Council in November 1970 (Ref 4/3/3915) for a bungalow and garage. A subsequent Reserved Matters application was approved in March 1971 (Ref 4/3/3915/1.9142).

3.2 An application for a Lawful Development Certificate was granted under reference 07/2012/0672/CLU confirming commencement of development under planning permission 4/3/3915 for the erection of a dwelling.

3.3 07/2015/1676/NMA – An application was approved for a non-material amendment to alter the external finish in that the walls would be white render and larch or cedar cladding with a grey, standing seam, metal roof.

3.4 07/2021/00976 Application for a Non-Material Amendment to planning permission 4/2/3915 for alterations to fenestration. Pending

## 4. **Proposal**

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- 4.1 Planning permission is sought for the erection of a bungalow and detached double garage.
- 4.2 The dwelling will have a main footprint of 9.55m by 17m with a smaller projection measuring 4.85m wide by 4.3m. A mono-pitched roof is proposed with a minimum eaves height of 2.9m and a maximum of 4.3m. The dwelling would be constructed on raised ground levels by approximately 1.4m to address ground conditions.
- 4.3 The dwelling will provide a maximum of four bedrooms and will be sited some 25m south of the River Darwen and some 98m from The Vineyard set to the west.
- 4.4 The external walls will be finished in a mix of white coloured render and larch/cedar timber cladding with a grey standing seam metal roof. Windows will be black pvc and doors consisting of black wood/pvc.
- 4.5 A detached double garage is proposed to the south west of the dwelling and will have a footprint of 6.5m by 8.1m with a mono-pitched roof having an eaves height a minimum of 2.95m and a maximum of 3.9m
- 4.6 There is an existing tarmac road within the site; the proposed drive and parking area fronting the dwelling will be surfaced in loose limestone.

## 5. **Representations**

- 5.1 One site notice has been posted and a total of 24 neighbours have been notified.

### 5.2 **Letters of Representation**

- 5.2.1 A total of 9 individual letters of objection have been received.

- 5.3 Reasons for objection are:

#### 5.3.1 **Highway Safety Issues**

- Access would be via The Vineyard estate which is privately owned;
- Small children play on The Vineyard; construction traffic would be a hazard;
- Access too narrow for emergency vehicles;
- There is a narrow public right of way through the woods used by pedestrians; vehicles would present a serious threat;

#### 5.3.2 **Nature/Conservation**

- Storms and flooding in early 2020 have caused land slippage and uprooted trees; no required action has been undertaken;
- Holland Wood is an ancient woodland and notified as a Local Wildlife Site;
- Holland Wood is a natural habitat including deer, foxes, badgers, bats, birds, hedgehogs;
- Development would destroy the natural habitat for the wildlife;
- If utilities required, this would present further massive disruption and devastation in the Wood;
- Impact on walks, green space, the floodplain;
- Noticed many trees in the area have been felled;
- Development will affect species in the woodland in the long term due to noise, lighting in and around the house;
- Holland Wood forms an important riparian woodland corridor with Mosney Wood and Foundry Wood on the river Darwen;

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- Aware there is an historic planning permission; there is now the opportunity to make up for past mistakes and protect and enhance this important site;

## 5.3.3 Other Issues

- Additional maintenance costs incurred by the Vineyard residents;
- Set a precedent for further applications may follow if this is approved;
- Will the applicants contribute to the management costs once building work is complete and occupied?
- The land should stay as amenity land;
- Site is important for the health and well-being of local people who use it for exercise and recreation;

5.3.4 In response to some of the concerns raised under 'Other Issues', additional maintenance costs and contributions to the management costs are not material planning considerations. In respect of a precedent being set, any application for planning permission of a similar nature will be determined on its own merits.

## 5.4 Letters in Support

5.4.1 A letter has been received raising no objections to the proposal together with one letter in support.

## 6. Summary of Responses

6.1 **LCC Highways** has no objections to the proposed development and is of the opinion that the proposals should have a negligible impact on highway safety and capacity within the immediate vicinity of the site.

6.2 **Ecology** -due to the set of circumstances which have led to this application being unique, there are no grounds to sustain an objection. However, this should not set a precedent for future development within habitats of this type. A number of conditions are proposed.

6.3 **Natural England** have raised no objection commenting that they consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

6.4 **United Utilities** recommend that 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. The submission of this will be secured by condition.

6.5 **Environment Agency** -Initially, objected to the proposal advising that the Flood Risk Assessment (FRA) should demonstrate that the development will be safe for its lifetime without increasing risk elsewhere and where possible reduces flood risk overall. A revised FRA has been received together with additional information and the EA is satisfied with the revised information subject to appropriate conditions.

6.6 **Environmental Health** have raised no objection but have requested a number of conditions to be imposed relating to burning of waste/vegetation on site; hours of construction; wheel wash facilities; piling; contaminated land; electric vehicle recharge point and installation of solid fuel appliances.

6.7 The **Arboriculturist** has raised no objection to the proposal but has requested conditions to protect the trees and appropriate replanting for any tree removal.

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6.8 **The Wildlife Trust (Central & Western Lancashire)** object to the proposal due to its direct impact on a Local Wildlife Site, Holland Wood Biological Heritage Site. But do recommend a number of conditions.

6.9 **Forestry Commission** -initially required further assessments to be undertaken. However, have now advised that due to the existing approved permissions there is now no requirement for any further assessments to be undertaken.

## 7. Material Considerations

### 7.1 Policy Considerations

7.2 The **National Planning Policy Framework (NPPF)** promotes a presumption in favour of sustainable development and supports sustainable economic development to deliver, amongst other things, homes.

7.2.1 Regarding development in the Green Belt, paragraphs 147-148 states *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

7.2.2 *When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

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

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

7.2.4 **Paragraph 180 of the NPPF Habitats and biodiversity** states that when determining planning applications, local planning authorities should apply principles listed in sub-paragraphs a) to d); sub-paragraph c) states *“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and*

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*ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.”*

## 7.3 Core Strategy Policy Considerations

7.3.1 Policy 1 (Locating Growth) of the Core Strategy 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.

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

7.3.3 Policy 5 (Housing Density) of the Core Strategy covers Housing Density and states:

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

7.3.4 Policy 6 (Housing Quality) of the Core Strategy covers Housing Quality and aims at improving the quality of housing.

7.3.5 Policy 17 (Design of New Buildings) requires new buildings to be designed in a manner to take account of the character and appearance of the local area.

7.3.6 Policy 22 (Biodiversity and Geodiversity) conserves, protects and seeks opportunities to enhance and manage the biological and geological assets of the area.

7.3.7 Policy 29 (Water Management) advises on ways to improve water quality, water management and reduce the risk of flooding.

## 7.4 South Ribble Local Plan

7.4.1 Policy G1 (Green Belt) mirrors that set out above in the NPPF in that planning permission will not be given for the construction of new buildings unless there are very special circumstances with exceptions being consistent with those stated in the NPPF.

7.4.2 Policy F1 (Parking Standards) requires car parking provision to accord with the parking standards.

7.4.3 Policy G7 (Green Infrastructure) seeks development to protect and enhance the existing Green Infrastructure. Development which would detrimentally affect the amenity value and the nature conservation value of the site will not be permitted.

7.4.4 Policy G12 (Green Corridors/Green Wedges) will not permit development which would prejudice their open character, visual amenity and purpose.

7.4.5 Policy G13 (Trees, Woodlands and Development) will not permit development where the proposal adversely affects trees, woodlands and hedgerows, including those which are Ancient Woodlands, individual ancient and veteran trees and those defined in Natural England’s inventory of ancient woodlands. Where there is an unavoidable loss of trees on site, replacement trees will be required to be planted on site where appropriate at a rate of two new trees for each tree lost.

7.4.5 Policy G16 (Biodiversity and Nature Conservation). When considering applications for planning permission regard will be had to protecting, conserving and enhancing the borough’s ecological network and providing links to the network from and/or through a proposed development site.

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- 7.4.6 Policy G17 (Design Criteria for New Development) permits development which 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, or use of materials. Furthermore, the development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect.

## 8. **Other Material Considerations**

### 8.1 **Principle of Development**

- 8.1.1 This application is unusual as the site benefits from a previously approved scheme for a large dwelling with a total floor area of 484sq m. A Lawful Development Certificate has been granted which establishes that a legal start has been made to the site. The design included a two-storey element providing a garage at subterranean level with a portion of the bungalow extending over (lower ground garage) 150 sq m; ground floor 334 sq m (totalling 484 sq m). The approved dwelling was set some 11m from the River Darwen.

Due to the unique history of the site, a 'Fallback Position' is a material consideration in the decision-making process. A 'fallback' is a lawful ability to undertake the development. The weight to be attributed to the fall-back position is determined in accordance with the following three tests:

1. Whether there is a fallback;
2. Whether there is more than a theoretical possibility of the fallback occurring; and if so,
3. A comparison must be made between the proposed development and the fallback.

- 8.1.2 The site benefits from planning permission 4/3/3915 for a dwelling. The Local Planning Authority issued a Lawful Development Certificate (07/2012/0672/CLU) confirming commencement of development approved under 4/3/3915. The first test set out above is therefore satisfied.

- 8.1.3 In terms of the likelihood of the fallback position occurring, the likelihood should be more than a theoretical possibility. The Lawful Development Certificate issued under reference 07/2012/0672/CLU confirms that development has commenced and therefore there can be no doubt that the fallback position could be implemented. The second test set out above is therefore satisfied.

- 8.1.4 The third test requires a comparison to be carried out between the proposed development and the fallback position. The proposal now being considered is for a significantly smaller dwelling, some 45% in terms of built form. The original scheme included an integral garage built at subterranean level. Whereas the proposal provides for a standalone garage. The other differences include a revised location and revised design.

- 8.1.5 The dwelling approved under reference Ref 4/3/3915/1.9142 was set some 21m east of that now proposed and had a total floor area of 484 sq m. The dwelling now



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proposed is significantly less in terms of floor area at some 179.5 sq m but with a detached garage of some 79.8 sq m (totalling 259.3 sq m). The detached garage will be sited some 25m south west of the proposed bungalow and as such will be closer to an existing tarmac road and hardstanding. The proposed dwelling would be set some 37m from the River Darwen, rather than the previously approved some 11m away.

8.1.6 On balance therefore, given the fallback position, the principle of the development has been established.

## 8.2 Impact on the Openness of the Green Belt

8.2.1 Inappropriate development in the Green Belt is that which adversely affects the openness of the land. A Lawful Development Certificate confirms that a lawful start has been made to erect a dwelling. The dwelling now proposed is for a bungalow with a detached double garage. The proposed dwelling will be some 45% smaller in terms of built form but with the addition of a detached double garage. The detached garage will be set in a clearance of a woodland and will be set some 25m from the proposed dwelling. There is an existing tarmac road and hardstanding within the site with a proposed drive and parking area to be provided to the south/south west of the dwelling.

8.2.2 The principle of the construction of a dwelling within the Green Belt has been established and the inclusion of the detached garage would not have a detrimental effect upon the openness of the Green Belt. Due to the scale and siting of the development, it is considered that in order to retain control over future development and in the interest of amenity and the character and appearance of the area, a condition should be imposed to remove the permitted development rights.

## 8.3 Very Special Circumstances

8.3.1 When considering any planning application, 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.

8.3.2 It is acknowledged that under the current planning legislation it is unlikely that planning permission would be granted for the development. However, it has been established that there is a 'fallback position' with a definite prospect of the dwelling being completed if planning permission is rejected for this planning application and as such there is no scenario where Holland Wood remains absent of a new dwelling. Therefore, it is considered that the proposal constitutes 'very special circumstances'

## 8.4 Highway Issues

8.4.1 The site will be accessed off The Vineyard which takes its access off the B6258 Chorley Road which serves as a main bus route. Since the original planning permission was granted, in 1971, The Vineyard, a gated residential site, has been developed.

8.4.2 The plans demonstrate a four-bedroom dwelling for which three off road parking spaces are required. A detached double garage is also proposed as part of the development and a parking area for two cars to the south of the dwelling have been indicated on a site plan.

8.4.3 Concerns have been raised in respect of highway safety and future maintenance within The Vineyard, which is a private road and therefore an unadopted highway. Any maintenance would be a matter for the owner of the site. LCC Highways have

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raised no objection to the proposal and therefore it is considered that the proposal meets with the aims of Policy F1 in the South Ribble Local Plan.

## 8.5 **Design, Appearance and Impact on Character of Area**

- 8.5.1 The bungalow is of single storey construction with a mono-pitched roof measuring a minimum eaves height of 2.9m and a maximum of 4.3m.
- 8.5.2 The external walls will be finished in a mix of white coloured render and larch/cedar timber cladding with a grey standing seam metal roof. Windows will be black pvc and doors consisting of black wood/pvc. The dwelling would be raised from the existing ground level by 1.4m to address potential flooding and ground conditions and a condition to control the details of the raised ground levels is required.
- 8.5.3 Given the landscape designations, and as the site is in the Green Belt concern was raised about the size of the domestic curtilage which would enable amongst other things, outbuildings to be constructed under permitted developed. A revised plan has been received which addresses this aspect by reducing the size of the residential curtilage and thereby providing greater environmental protection to the surrounding area.
- 8.5.4 It is considered that due to the scale, siting and appearance of the proposal, this will not unduly detract from the character and appearance of the woodland setting and is acceptable.

## 8.6 **Relationship to Neighbours**

- 8.6.1 A number of concerns have been raised by residents of The Vineyard in respect of use and maintenance of the privately-owned highway. However, these concerns are a private matter and therefore not material to the consideration of this application.
- 8.6.2 The proposed dwelling will be set at a substantially lower level some 98m from the nearest dwelling set within The Vineyard and will therefore not have a detrimental impact upon the residential amenity of occupiers of these properties.

## 8.7. **Ecology.**

- 8.7.1 The site is subject to a number of environmental designations as set out in paragraph 3.3 of the report. Natural England have raised no objection commenting that they consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. An Ecological Survey and Assessment has been submitted and reviewed by the Council's Ecology Consultants who have commented as follows:
  - 8.7.1 **Protected Sites and Habitats – Ancient Woodland and Biological Heritage Site (BHS).** The habitat within the red line boundary of the proposed development site does not have the characteristics of ancient or semi natural woodland habitat, and the predominant habitat is species poor neutral grassland, which is regularly mown/stripped with scattered semi-mature and mature trees. An existing access track to the site and an area of hardstanding are present within the site in the location of the proposed garage. The Arboricultural Impact Assessment has identified that the proposed tree removal is largely in response to the presence of ash die back or the presence of other defects with the trees, rather than to facilitate the development. The River Corridor consists of a woodland belt between the river and the proposed development site, which is more characteristic of semi-natural woodland habitat.

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- 8.7.2 Given the previous planning history, current habitat types/land management of the site, and the conclusion of the ecology report that the development has been sensitively located so not to significantly adversely affect the integrity of the BHS or function of the woodland and riparian habitats, an objection upon ecological grounds would be difficult to sustain. It is acknowledged that the situation is unique and a number of recommendations have been suggested to mitigate some of the impact which can be secured by appropriate conditions.
- 8.7.3 **Protected Species – Bats.** An assessment of trees on site identified three trees which had potential to support roosting bats. Two were identified as having low potential and one has features with moderate potential; T14 has low potential and is proposed to be felled. It has been recommended that where possible, all trees with bat roost potential should be retained and T14 identified for removal should be done in accordance with section 5.3.9-5.3.10 of the Ecology Report; this can be incorporated into the requirement for a Construction Environmental Management Plan. Enhancement for bats through the provision of bat boxes can be secured by condition. Any impact of lighting can be appropriately conditioned too.
- 8.7.4 **Breeding Birds.** The trees on the site could potentially support breeding birds and the nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). It is therefore recommended that a condition relating to the bird nesting season and enhancements for nesting birds to provide 4 bird boxes are imposed.
- 8.7.5 **Other Protected Species.** No evidence of badger was found on the site and the site was judged to be unsuitable for reptiles. Riparian mammals are not likely to be impacted upon given the distance of the proposed bungalow from the river. An informative should be attached to a planning permission to make the applicant aware of the potential for protected species to be present within the site.
- 8.7.6 Although not a formal statutory consultee, the Wildlife Trust has objected to the proposed development. They have suggested conditions to help mitigate the development which are similar to those proposed by the Council's ecology consultant. Given that the site has an accepted fall-back position subject to conditions controlling the ecological aspects, on balance, the development meets the aims of Policy G13 and 16 of the South Ribble Local Plan.
- 8.8 **Trees**
- 8.8.1 The trees are a protected woodland – TPO 1990/11 and the Council's Arboriculturist has advised that any works to trees that are not required to facilitate the development (as part of general woodland management) would require formal approval. The proposed removal of T14 (Ash) and G9 (2 x Ash) identified in the Tree Report which accompanies the application, is acceptable given their condition and their loss should be mitigated on site. The proposal also requires trees to be pruned to facilitate development, the majority of which is to remove deadwood- such works should be completed in accordance with BS3998 2010.
- 8.8.2 The Arboriculturist has raised concern relating to the driveway to the development together with the requirement for a suitable storage area for machinery and equipment, access routes from the storage area to and from the plot and the linkage to the access road off site. Conditions to control this aspect in relation to root protection areas of any trees and the construction of a temporary load bearing surface are recommended. The routing of services is also likely to be detrimental to trees if there is excavation within the root protection areas of retained trees on site and service routes should therefore avoid these areas.

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8.8.3 A further concern is the amount of light that will be available to the development upon completion and that there may be future requests to complete works to protected trees in the immediate vicinity to address this. Any further requests for tree works would be the subject of future applications. Subject to appropriate conditions to control the development and protect the trees the proposed development is acceptable and meets the aims of Policy G13 and 16 of the South Ribble Local Plan.

## 8.9 Water Management

8.9.1 The site is located within Flood Zone 3 and as such has a high probability of flooding. The application is for a bungalow and detached garage which are classed as a 'more vulnerable' development. The Environment Agency initially objected to the proposal as the Flood Risk Assessment (FRA) failed to provide suitable mitigation measures in light of the associated risk nor did it consider the effects of climate change. In order to overcome their objection, the FRA must satisfactorily demonstrate that the development will be safe for its lifetime without increasing risk elsewhere and where possible reduce flood risk overall.

8.9.2 The Environment Agency acknowledge that there is an extant permission for a bungalow on the site, however there have been significant changes to the way flood risk is managed, through better knowledge about flood mechanisms and climate change. The applicant has worked with the EA to address their outstanding concerns. The information demonstrates that to achieve a suitable Finished Floor Level on site, ground levels will be raised as per the proposed elevations (Rev B). In order to mitigate against any increased flood risk elsewhere, compensatory storage has been provided. The EA is satisfied with the technical information subject to the imposition of appropriate conditions.

## 8.10 Drainage

8.10.1 The applicant has advised that the development will be served by a septic tank. United Utilities have raised no objection but recommend that the site should be drained on a separate system with foul water draining to the public sewer and the surface water draining in the most sustainable way. A surface water drainage scheme based on the hierarchy of drainage options in the NPPF should be submitted to the LPA for approval. The submission of these aspects will be secured by condition with an Informative about the Section 104 process (UU waste water adoption process) too.

## 8.11 Other Matters

8.11.1 Concern has been raised about the right of public access through the site. The access track into Holland Wood is not a definitive 'public right of way' and is owned by 'Landsat UK Limited', a company for which the applicant is a Director who has confirmed that the footpath which runs in front of the site into Holland Wood is not a public right of way. However, Holland Wood, which measures 5.72 hectares, was offered in lieu of onsite Public Open Space as part of planning application 07/2006/0258/FUL, for the erection of 10 two-storey dwellings now known as The Vineyard development. The plans demonstrate access through the site and conditions are recommended to control the residential curtilage, and the public access through the site.

8.11.2 Concern has been raised by third parties about the impact upon an area with a number of Environmental designations. However, the merits of this application must be considered against the legal fall-back position for a dwelling. As there are no formal objections from any of the statutory consultees, on balance, the proposed development is acceptable.

# Agenda Item 6

8.11.3 In response to some of the concerns raised about additional maintenance costs and contributions required to the management costs of the internal estate road, these are not a material planning consideration. In respect of a precedent being set, any application for planning permission of a similar nature will be determined on its own merits.

## 9. **Community Infrastructure Levy (CIL)**

9.1 The Community Infrastructure Levy was adopted by the Council on 24 July 2013 and became effective on the 1 September 2013. The required monies, which the CIL charging schedule details £65/m<sup>2</sup> of floor space (multiplied by the BCIS Index Figure for the current year), would contribute to infrastructure requirements contained within the Regulation 123 list. The application is accompanied by a self-build exemption and therefore the development will not be liable to any CIL payment.

## 10. **CONCLUSION**

10.1 Holland Wood which is subject to a number of environmental designations, benefits from an extant planning permission for a large detached dwelling. The application seeks approval to construct a dwelling and detached double garage in a revised location. A legal agreement would be entered into to ensure that the extant permission was not further implemented. There are no formal objections from statutory consultees and although neighbours have raised concerns about the proposal, Natural England have raised no objection commenting that they consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Given the legal fall-back position to continue to implement the current permission, on balance the application is supported.

10.2 The proposal accords with the NPPF, and relevant policies in the Central Lancashire Core Strategy and South Ribble Local Plan and therefore recommended for approval subject to the imposition of conditions and the signing of a legal agreement.

## 11. **RECOMMENDATION:**

11.1 That Members are minded to approve the application subject to the imposition of conditions and that the decision be delegated to the Director of Development and Planning in consultation with the Chair and Vice Chair of the Planning Committee upon the successful completion of a legal agreement to ensure that the extant planning permission Ref: 4/3/3915 and the Lawful Development Certificate Ref: 07/2012/0672/CLU are not further implemented.

## **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.

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2. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans.
- Flood Risk Assessment, produced by Betts Hydro Consulting Engineers, HYD576-Holland\_Wood\_FRA-A, Revision 1.0, January 2021.
  - HYD576/Holland Wood/RDN/IF/11/L01, no date, produced by Betts Hydro Consulting Engineers.
  - HYD576/Holland\_Wood/RDN/IF/11/L02, dated 14th June 2021, produced by Betts Hydro Consulting Engineers.
  - Compensatory Flood Storage Area, Produced by Betts Hydro Consulting Engineers, Revision B, 02.08.21.
  - Site Plan/Location Plan, Revision H, 18.03.2021.
  - Proposed Elevations and Illustrative Section, Drawing no 0003, Revision B, 21.05.21.
  - Drawing entitled "Boundary of Residential Curtilage".
  - Drawing Ref: 0001 A entitled Floor Plans

- Flood Risk Assessment, produced by Betts Hydro Consulting Engineers, HYD576-Holland\_Wood\_FRA-A, Revision 1.0, January 2021
- HYD576/Holland\_Wood/RDN/IF/11/L01, no date, produced by Betts Hydro Consulting Engineers
- HYD576/Holland\_Wood/RDN/IF/11/L02, dated 14th June 2021, produced by Betts Hydro Consulting Engineers
- Compensatory Flood Storage Area, Produced by Betts Hydro Consulting Engineers, Revision B, 02.08.21
- Site Plan/Location Plan, Revision H, 18.03.2021
- Proposed Elevations and Illustrative Section, Drawing no 0003, Revision C, 21.05.21

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

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

3. Prior to commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Policy Framework with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.
- The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewer system either directly or indirectly.
- The development shall be completed, maintained and managed in accordance with the approved details.

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REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policy 29 in the Central Lancashire Core Strategy

4. Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul water shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that buildings, in accordance with the approved details.

REASON: For the avoidance of doubt and to protect the living conditions of future occupants of the site in accordance with Policy 29 in the Central Lancashire Core Strategy

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no development of the type described in Class (A to E) Part (1) of Schedule 2 of that Order shall be undertaken without the express permission of the Local Planning Authority

REASON: To enable the Local Planning Authority to retain control over future development in the interest of residential amenity and the character and appearance of the area in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

6. Prior to the commencement of any works on site, details of all piling activities shall be submitted to the local planning authority together with all mitigation measures to be taken. Piling activities shall be limited to 09:30-17:00 Monday to Friday with no activity Saturday, Sunday or nationally recognised Bank Holidays.

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

Note to Applicant: Mitigation measures may include and are not limited to:

- I. The use of low impact piling, auger piling
- II. Boundary vibration and noise monitoring
- III. Informing neighbouring properties on the times and duration of piling activities.

7. Prior to the commencement of any works on site, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:

(a) A full desk study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on and off-site contamination and ground gases, in line with BS10175:2011 +A1:2013.

(b) If the desk study identifies potential contamination and/or ground gases, a detailed site investigation shall be carried out to address the nature, degree and distribution of contamination and/or ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part 2A, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied buildings, on services and landscaping schemes, and on wider environmental receptors including ecological systems and property.

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

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

(d) 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.

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

REASON: To ensure that:

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

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

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

REASON: To ensure that the site is suitable for its intended end use and development work will not cause pollution of ground and surface waters both on and off site, in accordance with:

- Policy 17 of the Central Lancashire Development Plan,
- the National Planning Policy Framework.

9. An electric vehicle recharge points shall be provided to the property, prior to occupation. This shall consist of as a minimum a 7Kwh electrical socket located externally (or in the garage if available) in such a position that a 3-metre cable will reach the designated car parking spaces. A switch shall be provided internally to allow the power to be turned off by the residents.

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

Note to applicant: The electrical charging point shall be fitted with a weather proof cover.

10. No solid fuel appliances shall be installed within the permitted development without first obtaining written permission from the local planning authority in consultation with the Environmental Health Department.

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

11. Prior to commencement of the development details of a wheel wash shall be submitted to and approved by the local planning authority. Once approved the wheel wash shall be installed prior to first use of the site. Thereafter the wheel wash shall be retained and maintained in accordance with the agreed details.

Reason: In the interests of highway safety and other highway users in accordance with Policy 2 in the Central Lancashire Core Strategy and in the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and the NPPF.

NOTE TO APPLICANT: The details to be provided to discharge this condition shall as a minimum include:

- o Location,
- o Type of wheel wash
- o Water source
- o Prevention and treatment of water run off
- o Management of the use of the wheel wash



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- o If road sweepers are to be used - the company providing the road sweeper, response times, criteria to be followed for calling the road sweeper.
12. No deliveries of construction materials or removal of construction waste shall be undertaken outside the hours of 09:00 - 17:00 Monday to Friday. No deliveries or removal of waste shall be carried out at weekends or nationally recognised Bank Holidays.  
Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy and NPPF.
13. During the site preparation and construction of the development no machinery, plant or powered tools shall be operated outside the hours of 08:00 to 18:00 Monday to Friday 09:00 - 13:00 on Saturdays. No construction shall take place at any time on Sundays or nationally recognised Bank Holidays.  
Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy and the NPPF.
14. There shall be no burning of waste material or vegetation on site.  
Reason: In the interests of the amenity and to safe guard the living conditions of the nearby residents in accordance with Policy 17 in the Central Lancashire Core Strategy and the NPPF.
15. Once works commence on the site, should site operatives discover any adverse ground conditions and suspect it to be contaminated, they should report this to the Site Manager and the Contaminated Land Officer at South Ribble Borough Council. Works in that location should cease and the problem area roped off. A Competent Person shall be employed to undertake sampling and analysis of the suspected contaminated materials. A report which contains details of sampling methodologies and analysis results, together with remedial methodologies shall be submitted to the Local Planning Authority for approval in writing. The approved remediation scheme shall be implemented prior to further development works taking place and prior to occupation of the development.  
Should no adverse ground conditions be encountered during site works and/or development, a verification statement shall be forwarded in writing to the Local Planning Authority prior to occupation of the building/s, which confirms that no adverse ground conditions were found.  
REASON: To ensure that the site is suitable for its intended end use and development work will not cause pollution of ground and surface waters both on and off site, in accordance with:  
- Policy 17 of the Central Lancashire Development Plan,  
- the National Planning Policy Framework.  
NOTE TO APPLICANT: If no adverse conditions are encountered to discharge this condition photographic evidence of all ground workings shall be submitted together with a description of the ground encountered
16. The new dwelling is required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the new dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.  
REASON: Policy 27 of the Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4. However, following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. As Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new

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residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so is can be assured that the design meets the required dwelling emission rate

17. 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.

18. No development shall commence until details of a Construction Environmental Plan (CEMP) has been submitted and approved by the local planning authority. The details shall include the following:

The recommendations in Section 5.3 of the ecology report and include details of protection of existing and retained habitats (including BHS habitats and the riparian corridor), protection of species (bats and nesting birds) and the prevention of spread of invasive species.

The tree identified as T14 shall be felled in accordance with Paragraph 5.3.9 -5.3.10 of the Ecology Report.

An ecological management plan for the remaining woodland/riparian corridor within the side edge red by way of providing enhancement to the existing semi natural habitats within the BHS. This shall include a description and evaluation of features to be managed, aims and objectives of management including target condition, prescriptions for management actions, details of roles and responsibilities and provision for ongoing long-term monitoring and remedial measures.

A lighting scheme for the site and the lighting design must follow best practice guidelines (5.2.3 and 5.2.4 of the ecology report and see also <https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229&focal=none>) and should demonstrate a dark corridor can be maintained around the riparian corridor and woodland edge to ensure habitat connectivity and function for nocturnal mammals is maintained.

A time table for the implementation of the CEMP.

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

19. No development shall commence until details of the landscaping of the site including, wherever possible, the retention of existing trees and hedges have been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall identify trees which require the removal of deadwood in accordance with BS39998 2010.

The tree planting plan shall include details to create a coppice of native trees in line with the recommendations in line with 5.2.6 of the Ecology Report.

The approved scheme shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest.

The approved scheme shall be maintained by the applicant or their successors in title thereafter for a period of 5 years to the satisfaction of the Local Planning Authority.

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This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies, by the same species or different species, and shall be agreed in writing by the Local Planning Authority. The replacement tree or shrub must be of similar size to that originally planted.

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

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

20. No development shall commence until details of the machinery and storage area of construction materials has been designated on a site plan at a scale of 1:500  
If these areas are within the root protection of any trees details of a temporary load bearing surface shall be provided and remain on site until the completion of the development.  
Reason: To prevent damage to trees during construction works in accordance with Policy G13 in the South Ribble Local Plan.
21. No development shall commence until details of the internal access road to the dwelling have been submitted to and approved by the local planning authority.  
The details shall include a cross sectional diagram to demonstrate the permanent load bearing access road.  
Reason: To prevent damage to trees during construction works in accordance with Policy G13 in the South Ribble Local Plan.
22. Prior to the commencement of the development hereby approved, a scheme for the provision of four bird boxes and five bat boxes as identified in Section 5.4 of the Ecology Report, including a programme of implementation, location details and timescales, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details within the agreed timeframes.  
Reason: To ensure the development makes provision for protected species and to accord with Policy G16 in the South Ribble Local Plan 2012-2026
23. Prior to the commencement of development details of the materials and timescales to be used to construct the mound, retaining walls and landscaping as identified on Drawing No. 0002 Rev C shall be submitted to and approved in writing to the Local Planning Authority. The details shall be implemented in full.  
Reason: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G8 in the South Ribble Local Plan 2012-2026.
24. The domestic curtilage of the property hereby approved shall be restricted to the Green Line detailed on the Drawing entitled "Proposal: Boundary of Residential Curtilage."  
*REASON: To ensure a satisfactory standard of development in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G1 of the South Ribble Local Plan (2012-2026).*

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- 25 The development shall not begin until a scheme detailing the boundary treatments for the site has been submitted to and approved in writing by the Local Planning Authority. The occupation of the dwelling shall not occur until the fencing/walling has been erected in accordance with the approved details. Any fencing/walling erected pursuant to this condition shall be retained at all times thereafter.

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

- 26 The compensatory storage scheme shall be fully implemented prior to commencement of works in accordance with the submitted Compensatory Flood Storage Area, Produced by Betts Hydro Consulting Engineers, Revision B, 02.08.21. The measures detailed shall be retained and maintained thereafter throughout the lifetime of the development.

*Reasons: To reduce the risk of flooding to the proposed development and future occupants during and post construction and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided*

## **RELEVANT POLICY**

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

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

### **POLF1 Car Parking**

- POLG1 Green Belt**
- POLG7 Green Infrastructure Existing Provision**
- POLG12 Green Corridors/Green Wedges**
- POLG13 Trees, Woodlands and Development**
- POLG16 Biodiversity and Nature Conservation**

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## POLG17 Design Criteria for New Development

### **Note:**

1. Your attention is drawn to comments from United Utilities in their letter dated 30 November 2020.
2. The applicant should be aware of the potential for protected species to be present within the site. Should you find or suspect any such species on the site during the development, work should cease and the Local Planning Authority should be contacted for further advice.
3. **Environmental permit - advice to applicant**  
The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
  - on or within 8 metres of a main river (16 metres if tidal)
  - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
  - on or within 16 metres of a sea defence
  - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
  - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

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# Agenda Item 7

**Application Number** 07/2020/00907/FUL  
**Address** The Shampian Indian Restaurant  
97 Pope Lane  
Penwortham  
Preston  
Lancashire  
PR1 9DB

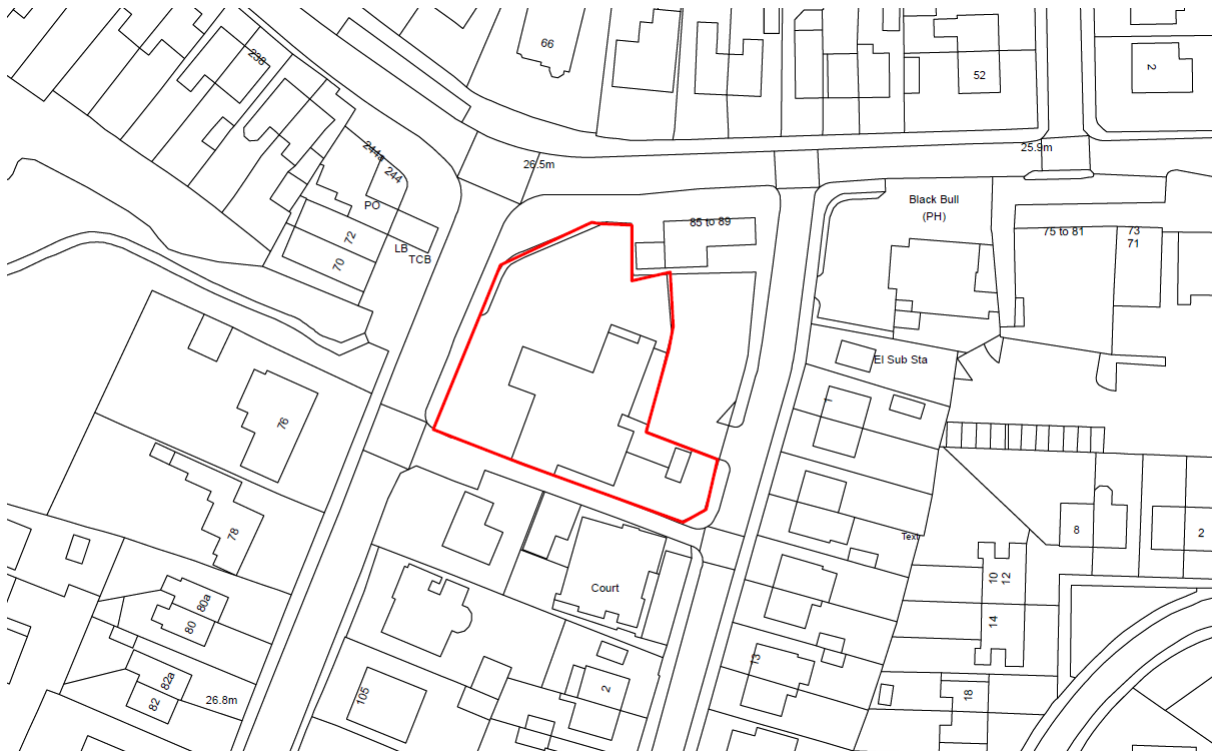
**Applicant** CCPI LTD

**Agent**  
Mr R Raja  
Princess House  
62 Princess Street  
WIGAN  
WN3 4HW  
United Kingdom

**Development** Proposed 3no Retail Units And 1no Hot Food  
Takeaway, Following Demolition Of Existing  
Buildings

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

Date application valid 29.10.2020  
Target Determination Date 08.08.2021  
Extension of Time 11.10.2021



## 1. REPORT SUMMARY

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1.1 The application relates to a 0.19 hectare at the junction between Pope Lane and Cop Lane in Penwortham. The site comprises of a vacant part two-storey, part-single storey detached building and the associated parking and servicing area. The site, which was most recently occupied by The Shampan Indian Restaurant, has been vacant since May 2019. The site is within the Kingsfold Local Centre, as defined by Policy E5 of the South Ribble Local Plan, and is also covered by Policy B1: Existing Built-Up Area.

1.2 The application seeks planning permission for the erection of a single store building comprising of 3 retail units (Class E) and a hot food takeaway (Sui Generis Use Class) following the demolition of the existing vacant building. The proposed building, which takes an irregular shape, covers an area of 720 sq metres and would front the north-south stretch of Pope Lane. The building would have a height of 4.7m and would be constructed in a mixture of red brick and metallic silver cladding, in addition to smooth blue engineering brick detailing and glazed unit frontages. Feature full height glazing on the building at the corner of Pope Lane and Cop Lane, in addition to window graphics, have been included to improve the visual appearance of the building.

1.3 The existing shared access on to Pope Lane is proposed to be retained and utilised to serve a 15 space customer car park. An existing shared access on to Woodville Road is proposed to be widened to the rear of the units to provide a one-way service/delivery access with the egress point to be newly formed onto the western-eastern stretch of Pope Lane. Both the entrance and egress of the service road are to be barriered. Within the service/delivery access area 5 staff car parking spaces and a bin store are proposed.

1.4 A mixture of commercial, retail and food and drink premises are present to the west and east of the application site on Cop Lane and Pope Lane. Properties to the north on the opposite side of Pope Lane, and to the south on Pope Lane and Woodville Road, are residential in use. Given the location of the site within a defined local centre and the mix of uses present within the locality the principle of 3 retail units and a hot food takeaway unit on the site would not be out of character with the surroundings.

1.5 With a maximum roof height of 4.7m the proposed building would be lower than surrounding commercial and residential uses. The total floor space of the proposed units would also be less than the existing vacant building on the site by virtue of the development only being single storey in height. It is acknowledged that the location of the proposed building within the site is to be sited in a more prominent location compared to the existing vacant building. However, as previously stated, the proposed building is only of a single storey scale and includes a full height glazing feature, landscaping and window graphics to add interest at the prominent Pope Lane/Cop Lane junction elevations.

1.6 Whilst the outlook for some residential properties would undoubtedly change, the loss or change of a view is not a material planning consideration and therefore cannot be afforded any weight in the planning balance. It is however noted that the existing vacant building on the site is falling into disrepair and has been subject to incidents of anti-social behaviour, with the proposal offering the opportunity for investment into the site.

1.7 With the proposed building being single storey in scale and the site already having a lawful commercial use, the spatial separation distances to neighbouring properties are considered to be sufficient to prevent the proposal for having an undue impact on the amenities in terms of overlooking / loss of privacy and overshadowing / overdominance.

1.8 Of the 3 vehicular access/egress points, the existing vehicular access to the west onto Pope Lane is to be retained and used for access to a customer car park. The existing access from Woodville Road to the east is to be widened for use as access to a staff car park and an



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access point only to a gated service area. A closed off access onto Pope Lane to the north is proposed to be reinstated as an egress only point from the service area and is to be gated.

1.9 Highway safety, off-street parking provision and access to the proposed service yard by HGVs have been highlighted by neighbours as particular areas of concern. County Highways have however full assessed the proposed access/egress points and consider these to be acceptable, including for use by HGVs for deliveries along Woodville Road, together with the provision of acceptable visibility splays. The concerns of objectors, specifically in relation to the service vehicle access, have been shared with County Highways, who state "*The amended swept path analysis (SCP/200401/ATR03, Revision G) indicates that the movement along the service area is confined for the largest delivery vehicles but achievable*". Having considered these responses, and confirming the undertaking of "*a number of site visits*" County Highways have confirmed these do not alter their view as expressed above that the proposed access and egress points are acceptable.

1.10 The submitted Transport Assessment suggests that the proposed development would generate 13 more vehicle movements in the AM peak hour and 1 more vehicle movement in the PM peak hour than the existing lawful use of the site as a restaurant. This has not been disputed by County Highways, who have raised no concerns regarding traffic generation.

1.11 Whilst the use of the existing car park on site for customer only, which provides circa 30 spaces, has not been enforced by the landowners there is no requirement for the applicant to provide car parking spaces to support other businesses or the wider local centre. A public car park comprising of 35 spaces is present off Ryefield Avenue some 150m to the east of the application site (behind the Co-Op foodstore) with a further 22 spaces present along Pope Lane. Given this local provision, together with good local transport links, County Highways are of the opinion that the provision of 20 off-street spaces on the site, where guidance seeks the provision of a maximum of 50 spaces, would not have severe impact on highway safety or capacity.

1.12 With the existing vacant building on the site having extraction systems present on the rear elevation, which were in use when the premise was operational as a restaurant, the submitted Noise Impact Assessment considers how the proposed plant systems compares to that currently on the building. The calculations made conclude the difference between the previous calculated sound level and the rating level of the proposed source to be -12dB which "*presents a significant improvement upon the previously permitted development at the site*". Environmental Health have raised no objections to the proposal subject to the imposition of conditions.

1.13 The application accords with Policies 1, 3, 10, 17 and 22 of the Core Strategy and Policies B1, E5, F1 and G17 of the South Ribble Local Plan and the Kingsfold Local Centre the Development Plan. For these reasons, and those contained within the report, it is therefore recommended that the application is approved subject to the imposition of conditions.

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

2.1 The application relates to a 0.19 hectare at the junction between Pope Lane and Cop Lane in Penwortham. The site comprises of a vacant part two-storey, part-single storey detached building and the associated parking and servicing area. The site, which was most recently occupied by The Shampan Indian Restaurant, has been vacant since May 2019.

2.2 The site is served by an access on to Pope Lane which is shared with the adjacent Betfred betting shop. A mixture of commercial, retail and food and drink premises are present to the west and east of the application site on Cop Lane and Pope Lane. Properties to the north on the opposite side of Pope Lane, and to the south on Pope Lane and Woodville Road, are residential in use.

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2.3 A public car park comprising of 35 spaces is present off Ryefield Avenue some 150m to the east of the application site (behind the Co-Op foodstore) with a further 22 spaces present along Pope Lane.

2.4 The site is within the Kingsfold Local Centre, as defined by Policy E5 of the South Ribble Local Plan, and is also covered by Policy B1: Existing Built-Up Area.

## **3. SITE HISTORY**

3.1 None relevant.

## **4. PROPOSAL**

4.1 The application seeks planning permission for the erection of a single store building comprising of 3 retail units (Class E) and a hot food takeaway (Sui Generis Use Class) following the demolition of the existing vacant building.

4.2 The proposed building, which takes an irregular shape, covers an area of 720 sq metres and would front the north-south stretch of Pope Lane. The building would have a height of 4.7m and would be constructed in a mixture of red brick and metallic silver cladding, in addition to smooth blue engineering brick detailing and glazed unit frontages. Feature full height glazing on the building at the corner of Pope Lane and Cop Lane, in addition to window graphics, have been included to improve the visual appearance of the building.

4.3 Unit 1 (retail) is proposed to occupy the corner location at the Pope Lane/Cop Lane junction, fronting the Betfred building, and would have a Gross Internal Area (GIA) of 374sq m. Units 2 and 3 (both retail) would have GIAs of 87sq m and front Pope Lane. Unit 4 (hot food takeaway) would have a GIA of 101sq m and would also front Pope Lane.

4.4 The existing shared access on to Pope Lane is proposed to be retained and utilised to serve a 15 space customer car park. An existing shared access on to Woodville Road is proposed to be widened to the rear of the units to provide a one-way service/delivery access with the egress point to be newly formed onto the western-eastern stretch of Pope Lane. Both the entrance and egress of the service road are to be barriered. Within the service/delivery access area 5 staff car parking spaces and a bin store are proposed.

4.5 The existing hedge along the site frontage with Pope Lane is to be retained with exception to two sections, each 2m long, which are proposed to be removed to provide pedestrian access to the site. Two trees are also proposed to be planted along this frontage. The stretch of the existing hedge and low wall along which fronts the junction between Pope Lane and Cop Lane is to be removed to provide shrub beds.

4.6 The applicant proposed 6am-11pm open hours daily for each of the units.

4.7 The applicant asserts within supporting documentation:

*“Under policy E5 of the council’s adopted local plan, the proposed use, layout, scale and appearance of the proposed development is appropriate to the site and its relationship with adjoining uses. It would result in an improvement in the general appearance of the site and would safeguard the future of the Kingsfold local Centre.*

*The development is in a sustainable location and would deliver a wide ranging economic, social and environmental benefits to the local community*

*The proposed redevelopment of the site would bring a vacant site back into appropriate uses and the planning application put forward is worthy of the council’s support.”*

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4.8 The application is accompanied by a Design and Access Statement and a Transport Statement.

4.9 Amended plans have been submitted incorporating design improvements to the external appearance of Unit 1 recommended by Officers and additional security measures (gated exit onto Pope Lane and replacement fencing to 85-91 Pope Lane) recommended by the Crime Prevention Officer at Lancashire Constabulary.

## **5. REPRESENTATIONS**

5.1 A total of 43 letters of representation were received in relation to the proposal as originally submitted, of which 25 were in opposition, 16 were in support and 2 offered neutral or positive and negative views.

5.2 A summary of the representations made in opposition follows:

### **Character and Design**

- ☒ Proposed development is out of scale with the surroundings
- ☒ Lack of amenity space/landscaping proposed – *note: amended plans have since been submitted which in part attempt to address this issue which was shared by Officers*
- ☒ Large blank façade proposed on prominent junction - *note: amended plans have since been submitted which in part attempt to address this issue which was shared by Officers*
- ☒ Proposed use of metal cladding is out of character with the local area

### **Relationship To Neighbours**

- ☒ Overlooking / loss of privacy

### **Highway Issues**

- ☒ Proposed servicing and delivery access/egress are inappropriate and unsafe
- ☒ Insufficient and substandard off-street parking proposed
- ☒ Loss of over-flow car park used by customers of nearby businesses

### **Noise/Disturbance Issues**

- ☒ Potential for noise and odours
- ☒ Anti-social behaviour attracted by the proposed hot food takeaway
- ☒ Disturbance issues during demolition and construction

### **Other Issues**

- ☒ Devaluation of neighbouring properties
- ☒ No need for the uses proposed
- ☒ Over-proliferation of hot food takeaways in the locality

5.3 A summary of the representations made in favour follows:

- ☒ Removal of site that is “*dirty, badly lit and attracting crime*”
- ☒ Current site is an eye-sore and fire risk
- ☒ Removal of existing anti-social behaviour at the rear of the building
- ☒ The reasons in favour of the proposal outweigh the reasons against the proposal

**Penwortham Town Council** objected to the proposed development citing concerns in regards to the off-street parking provision, access to the servicing area, character and appearance, odours and noise.

5.4 Following the submission of amended plans a further 18 letters of representation were received as of the 15<sup>th</sup> September, of which 17 were in opposition, 1 was in support and 1 offered neutral or positive and negative views.

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5.5 A summary of the points raised in opposition no previously covered above follows:

## **Character and Design**

- ☐ Proposed buildings are of poor design quality

## **Relationship To Neighbours**

- ☐ Proposed wire mesh security gates do not provide privacy for residents opposite

## **Highway Issues**

- ☐ Increase in traffic along Woodville Road and the impact on pedestrian safety
- ☐ The submitted swept path analysis for service vehicles does not take account of existing on-street parking
- ☐ Egress onto Pope Lane was closed off approx. 20 years ago on highway safety grounds
- ☐ Visibility splays from customer car park impaired by a bus stop
- ☐ There is a requirement for 53 car parking spaces but only 20 are proposed

## **Noise/Disturbance Issues**

- ☐ Potential for light pollution
- ☐ Alley needs blocking off to prevent anti-social behaviour (*note: security gates are now shown on the amended plans*)

5.6 A summary of the supporting representation made follows:

- ☐ Proposal is better than the existing eyesore

5.7 A summary of the neutral representation made follows:

- ☐ Changing one or two of the proposal car parking spaces to a cycle shelter would make the proposal “*sound*” (*note: whilst no cycle shelter is proposed the proposal does include cycle racks*)

## **6. CONSULTATION REPLIES**

**County Highways** initially raised concern in relation to the proposed service access arrangements and detail contained within the associated submitted swept path analysis, with the stated need for the use of banksman to assist delivery vehicles through the site underlining this.

Following the submission of additional information by the applicant and after undertaking “*a number of site visits*” County Highways raised no objections to the proposal subject to the imposition of conditions relating to the agreement of a Construction Management Plan, a scheme of localised highway improvement works at the points of access, the provision of wheel washing facilities for construction traffic and the provision of car parking and cycle spaces.

County Highways comment that their five year data base for Personal Injury Accident and Crashmap website indicates that there has been four recorded incidents within the vicinity of the proposed development within the last 5 years and the incident “*appear to be of a nature that would not be worsened by the proposals*”.

Having assessment submitted additional plan and the Transport Statement, County Highways are of the opinion that the visibility splays from all of the proposed access/egress points are acceptable and achievable over the existing adopted highway and/or the development site.

County Highways confirm that:

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*“Following discussion between the applicant and LCC the service and staff parking access from Woodville road has been amended. The vehicle swept path on Woodville Road and at the access to the site as shown within drawing SCP/200401/ATR03 Revision G is now acceptable.*

*Service vehicles would exist the site from the reinstated access point on Pope lane. The applicant has proposed that this would be egress only and controlled by barriers (NB subsequent amended plans now propose security gates instead of bollards). To avoid any confusion LCC highways would also request signage indicating no entry from Pope lane. When taking into consideration the low levels of vehicle movements that would be expected from this controlled egress point and the available visibility LCC Highways find these arrangements acceptable”.*

In relation to the proposed internal layout County Highways comment:

*“The amended swept path analysis (SCP/200401/ATR03, Revision G) indicates that the movement along the service area is confined for the largest delivery vehicles but achievable.*

*A barrier has been included between the staff car park and the service area, this measures is acceptable and would eliminate the possibility of unauthorised vehicles access the service area (NB subsequent amended plans now propose security gates instead of a vehicle barrier).*

*The applicant has proposed a customer car park of 15 spaces and a staff car park of 5 spaces. This total of 20 spaces is substantially lower than the level recommended in South Ribble Borough Council Parking standards for a development of this size and nature (50 spaces). As stated earlier the site sits within the Kingsfold Local Centre with good public transport links and an existing public car park, the area is also served with parking restrictions. LCC Highways is of the opinion that the shortfall at this local centre location would not have a severe impact on highway safety or capacity.”*

County Highways also comment that the level of vehicle movements to and from the development *“would not have a significant impact on the operational performance of the local network”.*

The concerns of objectors, specifically in relation to the service vehicle access and parking provision, have been shared with County Highways. Having considered these responses County Highways have confirmed these do not alter their view as expressed above.

In response to the submission of amended plans that included the provision of security gates at the service area County Highways confirmed no objections to the revision.

**Environmental Health** initially raised concern that the application was not accompanied by an Odour Assessment or a Noise Assessment. Both of these documents have since been provided with Environmental Health raising no objections to the proposal subject to the imposition of conditions relates to the burning of waste, restrictions on the hours of construction, restriction on piling, dust management, the provision of wheel washing facilities for construction traffic, restrictions on the hours of opening for the units and delivery hours, the agreement of waste storage details and waste collection, restrictions on extraction systems and the provision of electric vehicle charging points.

**Ecology** have advised that the submitted Ecology Report noted a small bat roost within the existing vacant building on the site, however given the nature of the roost Ecology are satisfied that adequate mitigation can be provided and that Natural England would issue a license as the conservation status of the species can be maintained. The imposition of a condition requiring a license from Natural England before demolition of existing building is recommended.

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**The Local Lead Flood Authority (LLFA)** have raised no objections to the proposal.

**United Utilities** have raised no objections to the proposal recommending conditions in relation to agreeing foul and surface water drainage details.

The Local Authority's **Arboriculturist** has raised no objections to the proposal commenting that trees identified for removal are mitigated with the addition of trees at the frontage of the site. A condition to secure the landscaping proposed is recommended.

**Lancashire Constabulary (Architectural Liaison Officer)** have raised no objections to the proposal, highlighting a number of security measures for the consideration of the applicant. These have been forwarded to the applicant for their information with amended plans being provided including the installation of 2m high anti climb security gates and perimeter fencing as recommended.

## **7. MATERIAL CONSIDERATIONS**

### **Policy Considerations**

#### **7.1 NPPF**

7.1.1 The NPPF promotes a presumption in favour of sustainable development and supports sustainable economic development, stating *"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"*.

7.1.2 With regards to highway issues associated with development proposal, Paragraph 109 of the NPPF states *"Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.

#### **7.2 Core Strategy Policy Considerations**

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

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

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

7.3.1 The site is within the Kingsfold Local Centre, as defined by Policy E5 of the South Ribble Local Plan, and is also covered by Policy B1: Existing Built-Up Area.

7.3.2 Policy B1 permits the re-use and redevelopment of land and buildings provided that:

- i) the development complies with the requirements for access parking and services, as set out elsewhere in the Plan;
- ii) is in keeping with the character and appearance of the area; and
- iii) will not adversely affect the amenities of nearby residents.

7.3.3 This will be assessed in the following sections of this report.

7.3.4 Policy E5 seeks to maintain a minimum presence of 60% of units being in retail uses. As the former use of the site was not a retail use the proposal, which includes 3 the construction

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of 3 retail units, would result in a net gain of retail within the Local Centre. The application therefore accords with the requirements of Policy E5.

## **7.4 Penwortham Town Neighbourhood Development Plan**

7.4.1 The site is covered by the Penwortham Town Neighbourhood Development Plan. In regards to the Kingsfold Local Centre the Development Plan states:

*“The purpose of this policy to prevent the over proliferation of non-retail uses at the expense of local retail provision within the Centre is supported. It is important to the vitality and viability of Kingsfold that the retail offer and appearance of the frontages is retained where possible.”*

7.4.2 The provision of 3 retail units on the site where a vacant non-retail use exists accords with the requirements of the Kingsfold Local Centre the Development Plan and also would improve the vitality and viability of the local centre.

## **7.5 CIL**

7.5.1 Only the neighbourhood convenience store element of the proposal (Unit 1) is potentially subject to the Community Infrastructure Levy, dependant on the internal trading floor area. The floor area of the existing building on the site to be demolished however far exceeds the floor area of proposed Unit 1, therefore providing exemption from the need to pay the Community Infrastructure Levy.

## **7.6 Character and Design**

7.6.1 Policy G17 of the Local Plan, amongst other things, requires development to be well related to neighbouring buildings and the locality in terms of its size, scale and intensity (plot coverage) and Policy 17 of the Core Strategy expects new buildings to *“take account of the character and appearance of the local area”*.

7.6.2 The application site is within the Kingsfold Local Centre, as defined by Policy E5 in the South Ribble Local Plan. A mixture of commercial, retail and food and drink premises are present to the west and east of the application site on Cop Lane and Pope Lane. Properties to the north on the opposite side of Pope Lane, and to the south on Pope Lane and Woodville Road, are residential in use.

7.6.3 Given the location of the site within a defined local centre and the mix of uses present within the locality the principle of 3 retail units and a hot food takeaway unit on the site would not be out of character with the surroundings.

7.6.4 With a maximum roof height of 4.7m the proposed building would be lower than surrounding commercial and residential uses. The total floor space of the proposed units would also be less than the existing vacant building on the site by virtue of the development only being single storey in height.

7.6.5 It is acknowledged that the location of the proposed building within the site is to be sited in a more prominent location compared to the existing vacant building. However, as previously stated, the proposed building is only of a single storey scale and includes a full height glazing feature, landscaping and window graphics to add interest at the prominent Pope Lane/Cop Lane junction elevations.

7.6.6 The use of brick and contrasting panel treatment on the external elevations of the proposed building, whilst modern, is not considered to have undue detrimental impact on the character and appearance of the area. A variety of external finishes are present on neighbouring commercial premises including Puccini’s, which is opposite on Pope Lane, and is primarily clad in timber with traditional red brick at the first floor.

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7.6.7 Whilst the outlook for some residential properties would undoubtedly change, the loss or change of a view is not a material planning consideration and therefore cannot be afforded any weight in the planning balance. It is however noted that the existing vacant building on the site is falling into disrepair and has been subject to incidents of anti-social behaviour, with the proposal offering the opportunity for investment into the site.

7.6.8 For the above reasons the proposed development is considered to comply with Policy G17 a), relating to the character and appearance of the area and Core Strategy Policy 17.

## 7.7 Relationship To Neighbours

7.7.1 A minimum distance of 26m would be present from the northern elevation of the proposed building to the front elevation of 64 Pope Lane.

7.7.2 A minimum distance of 23m would be present from the western elevation of the proposed building to the front elevation of commercial premises at 70-72 Pope Lane.

7.7.3 A splayed distance of 15m would be present from the southern side elevation of Unit 4 (hot food takeaway) to the northern elevation of Woodville Court.

7.7.4 With the proposed building being single storey in scale and the site already having a lawful commercial use, the above spatial separation distances are considered to be sufficient to prevent the proposal for having an undue impact on the amenities in terms of overlooking / loss of privacy and overshadowing / overdominance.

7.7.5 A neighbour has raised concern that the proposed wire mesh security gates onto Pope Lane do not provide privacy for residents opposite. A minimum distance of 20.5m would be present from the front elevation of 64 Pope Lane to the proposed security gates with Pope Lane intervening. This inter-relationship, which includes evergreen hedge planting along the front boundaries of properties on Pope Lane, is considered to be acceptable and will not result in an undue loss of privacy.

## 7.8 Highway Issues

7.8.1 County Highways comment that their five year data base for Personal Injury Accident and Crashmap website indicates that there has been four recorded incidents within the vicinity of the proposed development within the last 5 years and the incident *“appear to be of a nature that would not be worsened by the proposals”*.

7.8.2 Of the 3 vehicular access/egress points, the existing vehicular access to the west onto Pope Lane is to be retained and used for access to a customer car park. The existing access from Woodville Road to the east is to be widened for use as access to a staff car park and an access point only to a gated service area. A closed off access onto Pope Lane to the north is proposed to be reinstated as an egress only point from the service area and is to be gated. Objections have particularly being has been raised from residents to the appropriateness of the proposed service access from Woodville Road, with it being queried if the swept path analysis provided by the applicant is achievable in reality. County Highways have full assessed the proposed access/egress points and consider these to be acceptable, including for use by HGVs for deliveries along Woodville Road, together with the provision of acceptable visibility splays. The concerns of objectors, specifically in relation to the service vehicle access, have been shared with County Highways, who state *“The amended swept path analysis (SCP/200401/ATR03, Revision G) indicates that the movement along the service area is confined for the largest delivery vehicles but achievable”*. Having considered these responses, and confirming the undertaking of *“a number of site visits”* County Highways have confirmed these do not alter their view as expressed above that the proposed access and egress points are acceptable.



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7.8.3 The submitted Transport Assessment suggests that the proposed development would generate 13 more vehicle movements in the AM peak hour and 1 more vehicle movement in the PM peak hour than the existing lawful use of the site as a restaurant. This has not been disputed by County Highways, who have raised no concerns regarding traffic generation.

7.8.4 Whilst the use of the existing car park on site for customer only, which provides circa 30 spaces, has not been enforced by the landowners there is no requirement for the applicant to provide car parking spaces to support other businesses or the wider local centre. A public car park comprising of 35 spaces is present off Ryefield Avenue some 150m to the east of the application site (behind the Co-Op foodstore) with a further 22 spaces present along Pope Lane. Given this local provision, together with good local transport links, County Highways are of the opinion that the provision of 20 off-street spaces on the site, where guidance seeks the provision of a maximum of 50 spaces, would not have severe impact on highway safety or capacity.

## **7.9 Noise/Disturbance Issues**

7.9.1 The submitted Noise Impact Assessment states that as the tenants of the development and their required plant equipment and operations are not yet known, it is not possible to undertake a noise impact assessment for the development as a whole. Consequently the Noise Impact Assessment considers only the hot food takeaway (Unit 4), with Environmental Health recommending a condition requiring the future details to be submitted and agreed in relation to plant on Units 1-3 prior to installation.

7.9.2 With the existing vacant building on the site having extraction systems present on the rear elevation, which were in use when the premise was operational as a restaurant, the submitted Noise Impact Assessment considers how the proposed plant systems compares to that currently on the building. The calculations made conclude the difference between the previous calculated sound level and the rating level of the proposed source to be -12dB which *“presents a significant improvement upon the previously permitted development at the site”*.

7.9.3 Environmental Health have raised no objections to the proposal subject to the imposition of conditions relates to the burning of waste, restrictions on the hours of construction, restriction on piling, dust management, the provision of wheel washing facilities for construction traffic, restrictions on the hours of opening for the units and delivery hours, the agreement of waste storage details and waste collection, restrictions on extraction systems and the provision of electric vehicle charging points.

7.9.4 Neighbours have raised concerns at the potential for the development to generate odours. Ventilation plans have been provided by the application at the request of Environmental Health who are satisfied with the system proposed.

7.9.5 Concerns raised by neighbours in regards to the potential for disturbance issues during demolition and construction can be controlled through conditions recommended by Environmental Health and County Highways including the agreement of a Construction Management Plan to also cover demolition and site clearance.

7.9.6 The potential for anti-social behaviour attracted by the proposed hot food takeaway have been highlighted by neighbours. Lancashire Constabulary (Architectural Liaison Officer) have raised no objections to the proposal, highlighting a number of security measures that were forwarded to the applicant with amended plans being provided including the installation of 2m high anti climb security gates and perimeter fencing as recommended.

7.9.7 Neighbours have raised concern at the potential for light pollution. Any external lighting can be controlled by a suitably worded condition. Advertisement schemes, including any potential illuminated signs, would be considered as part of a separate advertisement consent application.

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## **7.10 Other Issues**

7.10.1 Neighbour have raised concern at the perceived potential for the proposal to devalue neighbouring properties and there being “no need” for the uses proposed. These concerns are not material planning considerations and therefore cannot be considered as such.

## **8.1 CONCLUSION**

8.1 The proposed development conforms with the requirements of Policies B1 and E5 of the South Ribble Local Plan and also the Kingsfold Local Centre the Development Plan. The proposed development would not be out of character with the local area and there are no highway safety or neighbour amenity issues raised by County Highways or Environmental Health, subject to the imposition of conditions.

8.2 The proposed development is deemed to be in accord with Policies 1, 3, 10, 17 and 22 of the Core Strategy and Policies B1, E5, F1 and G17 of the South Ribble Local Plan and the Kingsfold Local Centre the Development Plan. For these reasons, and those contained within the report, it is therefore recommended that the application is approved subject to the imposition of conditions.

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## **RECOMMENDATION:**

Approval with Conditions.

## **RECOMMENDED CONDITIONS:**

1. That the development 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 numbered 20.11-PL-OS Rev.A (Site Location Plan), 20.11-PL-01 Rev.C (Proposed Site Layout), 20.11-PL-02 Rev.C (Proposed Ground Floor and Roof Plans), 20.11-PL-03 Rev.D (Proposed Elevations) and 20.11-PL-04 Rev.B (Hot Food Takeaway - Kitchen Ventilation),

REASON: To ensure a satisfactory standard of development in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G1 of the South Ribble Local Plan (2012-2026).

3. Notwithstanding the provision of the Town and Country Planning (Use Classes) Regulations 2020 or any provision equivalent to this in any statutory instrument revoking and re-enacting this Order, the use of the premises shall be restricted to the use applied for unless the prior consent of the Local Planning Authority is obtained.

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

4. The development hereby permitted shall be registered with the Building Research Establishment (BRE) under BREEAM and constructed to achieve a BREEAM rating of 'Very Good' (or where possible in urban areas ('Excellent'. No phase or sub-phase of the development shall commence until a Design Stage Assessment Report showing that the development will achieve a BREEAM rating of 'Very Good' or 'Excellent' has been submitted to and approved by the Local Planning Authority

REASON: To be in accordance with Policy 27 in the Central Lancashire Core Strategy

5. Prior to first occupation of the development hereby approved, a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 'Very Good' (or where possible in urban areas) 'Excellent' has been submitted to and approved by the Local Planning Authority.

REASON: To be in accordance with Policy 27 in the Central Lancashire Core Strategy.

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6. On completion of the development hereby approved a Building Research Establishment issued Post Construction Review Certificate confirming that the development has achieved a BREEAM rating of 'Very Good' (or where possible in urban area) 'Excellent' has been submitted to and approved in writing by the Local Planning Authority.

REASON: To be in accordance with Policy 27 in the Central Lancashire Core Strategy

7. The approved landscaping scheme, as detailed on the Proposed Site Layout plan (ref. 20.11-PL-01 Rev.C) shall be implemented in the first planting season following completion of the development or first occupation/use, whichever is the soonest, and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority, in compliance with BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations. This maintenance shall include the watering, weeding, mulching and adjustment and removal of stakes and support systems, and shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies by the same species. The replacement tree or shrub must be of similar size to that originally planted.

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

8. No development shall commence until a grounds level survey, to include existing ground levels and proposed ground and slab levels, has been submitted to and approved in writing by the Local. The development shall be constructed in accordance with the approved levels.

REASON: In order to satisfy the Local Planning Authority that the development will not have a detrimental impact on residential amenity or the character of the area before work commences in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan.

9. For the duration of demolition and construction there shall be no burning of waste material or vegetation on site.

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

10. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- o the proposed times demolition and construction works will take place
- o the parking of vehicles of site operatives and visitors
- o loading and unloading of plant and materials
- o storage of plant and materials used in constructing the development
- o the location of the site compound
- o suitable wheel washing/road sweeping measures
- o appropriate measures to control the emission of noise during demolition and construction
- o details of all external lighting to be used during the demolition and construction
- o a scheme for recycling/disposing of waste resulting from demolition and construction works

# Agenda Item 7

- o 24 Hour emergency contact number
- o Arrangements for turning of vehicles within the site
- o Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures
- o Measures to protect vulnerable road users (pedestrians and cyclists)
- o The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- o Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction
- o Construction vehicle routing

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

Note: Construction Management Plan.

- o There must be no reversing into or from the live highway at any time - all vehicles entering the site must do so in a forward gear and turn around in the site before exiting in a forward gear onto the operational public highway.
- o There must be no storage of materials in the public highway at any time.
- o There must be no standing or waiting of machinery or vehicles in the public highway at any time.
- o Vehicles must only access the site using a designated vehicular access point.
- o There must be no machinery operating over the highway at any time, this includes reference to loading/unloading operations - all of which must be managed within the confines of the site.
- o A licence to erect hoardings adjacent to the highway (should they be proposed) may be required. If necessary this can be obtained via the County Council (as the Highway Authority) by contacting the Council by telephoning 01772 533433 or e-mailing [Ihsstreetworks@lancashire.gov.uk](mailto:Ihsstreetworks@lancashire.gov.uk). All references to public highway include footway, carriageway and verge.

11. Prior to the commencement of any works on site, details of all piling activities shall be submitted to the local planning authority together with all mitigation measures to be taken. Piling activities shall be limited to 09:30-17:00 Monday to Friday with no activity Saturday, Sunday or nationally recognised Bank Holidays.

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

Note to Applicant: Mitigation measures may include and are not limited to:

- I. The use of low impact piling, auger piling
- II. Boundary vibration and noise monitoring
- III. Informing neighbouring properties on the times and duration of piling activities.

12. Prior to the commencement of any works on site a Dust Management Plan shall be submitted, for written approval, to the local planning authority. The Dust Management Plan shall identify all areas of the site and site operations where dust may be generated and further identify control measures to ensure dust and soil does not travel beyond the site boundary. Once agreed the identified control measures shall be implemented and maintained throughout the duration of the site preparation and construction phase of the development.

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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.

13. The units hereby approved shall only operate within the following hours:

Units 1, 2 and 3 - 06.00 - 23.00  
Unit 4 - 07.00 - 23.00

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

14. Deliveries to the site shall not occur outside the hours of 07:00 to 19:00 Monday to Saturday and 09:00 - 19.00 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 and the NPPF

Note to applicant: Any application to vary / extend the permitted delivery times would need to be accompanied by a noise impact assessment, to demonstrate that the application did not have an adverse effect upon the amenity of nearby residents by virtue of noise.

15. Prior to the commencement of the development full details of the waste storage facilities within the site shall be submitted to and approved in writing by the local planning authority. Once approved the waste storage facilities shall be provided prior to first use of the development and shall be retained and maintained thereafter.

Reason: To provide effective and sufficient storage facilities for refuse and to safeguard amenities and living conditions of any nearby residents particularly with regards to odour, noise and insects in accordance with Policy 17 of the Central Lancashire Core Strategy and the NPPF.

16. Waste collections shall not occur outside the hours of 07:00 to 21:00 Monday to Friday and 07:00 to 13:00 on 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 and the NPPF.

17. The approved extractor system on Unit 4 may only operate within the hours of 07.00 - 23.00, with an automatic timer to be fitted prior to the first use of the extractor system.

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

18. Prior to the installation of any external fixed plant, ventilation or extraction systems (other than that approved on Unit 4) full details of the noise levels to be experienced at the nearest properties and the fixings to be used shall be provided to the local planning authority for written approval. The approved system(s) shall then be installed as agreed and thereafter maintained as approved. Any changes to the system(s) shall first be agreed with the local planning authority in writing.

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

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Note to applicant: Any additional external fixed plant, ventilation or extraction system(s) shall be so designed to ensure the following standards are achieved:

The proposed development shall be designed so the rating levels for cumulative noise from all noise sources (including the extractor system at Unit 4) shall not exceed, 10 dB(A) below the existing LA90, at the nearest noise-sensitive premises to the proposed development as assessed in accordance with British Standard 4142 (2014).

or

LAeq 50 dB 16 hours - gardens and outside living areas (for example balconies)

LAeq 35 dB 16 hours - indoors daytime

LAeq 30 dB 8 hours - indoors night-time (23.00-07.00)

LAfmax 45 dB( 8 hours - indoors night-time (23.00-07.00)

LAfmax 45 dB 4 hours - indoors evening (19.00-23.00)

Whichever is lower (In considering any future noise impact assessments relating to this site the Council will also have

regard to the background levels within the noise impact assessment accompanying this application, by NCSL, Ref. NCSL1036, dated 27th July 2021).

19. Prior to the first use of the development 10% of parking bays shall be provided with a rapid (30 mins) electric vehicle recharge point to the parking area. The parking bay shall be appropriately marked to ensure the sole use by electric vehicles and an adequate charging infrastructure with associated cabling provided for the designated parking bay. The charging point shall be located so that a 3m cable will readily reach the vehicle to be charged when parked in the designated parking bay.

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

20. No part of the development hereby approved shall be occupied until all the highway works (amended vehicle accesses, Bus stop improvements, no entry signs) have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works in the interest of highway safety in accordance with Policy G17 in the South Ribble Local Plan 2012-2026

21. No unit shall be occupied until the car parking and service areas have been surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan (including barriers on service area). The car parking areas shall thereafter be kept free of obstruction and available for the parking cars at all times.

Reason: To allow for the effective use of the parking areas in the interest of highway safety in accordance with Policy G17 in the South Ribble Local Plan 2012-2026

22. No building shall be occupied until the cycle parking provision shown on the Proposed Site Layout plan (ref. 20.11-PL-01 Rev.C) has been completed. The area shall thereafter be kept free of obstruction and available for the parking of cycles only at all times.

Reason: To ensure the provision and availability of adequate cycle parking and the promotion of sustainable forms of transport to accord with Policy G17 in the South Ribble Local Plan 2012-2026

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23. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation. The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy 29 in the Central Lancashire Core Strategy

24. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy 29 in the Central Lancashire Core Strategy

25. No demolition works shall commence unless the local planning authority has been provided with either:

- a) a license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead: or
- b) a statement in writing form the relevant licensing body to the effect that it does not consider that the specified development will require a license

REASON: To ensure the protection of schedule species protected by the Wildlife and Countryside Act 1981 and so as to ensure work is carried out in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026

26. That any tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall not take place between March and July inclusive of any year, 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 Core Strategy.

## **RELEVANT POLICY**

- 1 Locating Growth (Core Strategy Policy)**



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- 3 Travel (Core Strategy Policy)
- 10 Employment Premises and Sites (Core Strategy Policy)
- 17 Design of New Buildings (Core Strategy Policy)
- 22 Biodiversity and Geodiversity (Core Strategy Policy)
- POLB1 Existing Built-Up Areas
- POLE5 Local Centres
- POLF1 Car Parking
- POLG17 Design Criteria for New Development
- NPPF National Planning Policy Framework
- PEN Penwortham Neighbourhood Development Plan

**Note:**

1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Highway Development Control Section on 0300 123 6780 or email [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk), in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number.

This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.

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# Agenda Item 8

**Application Number** 07/ 2016/0591/OUT

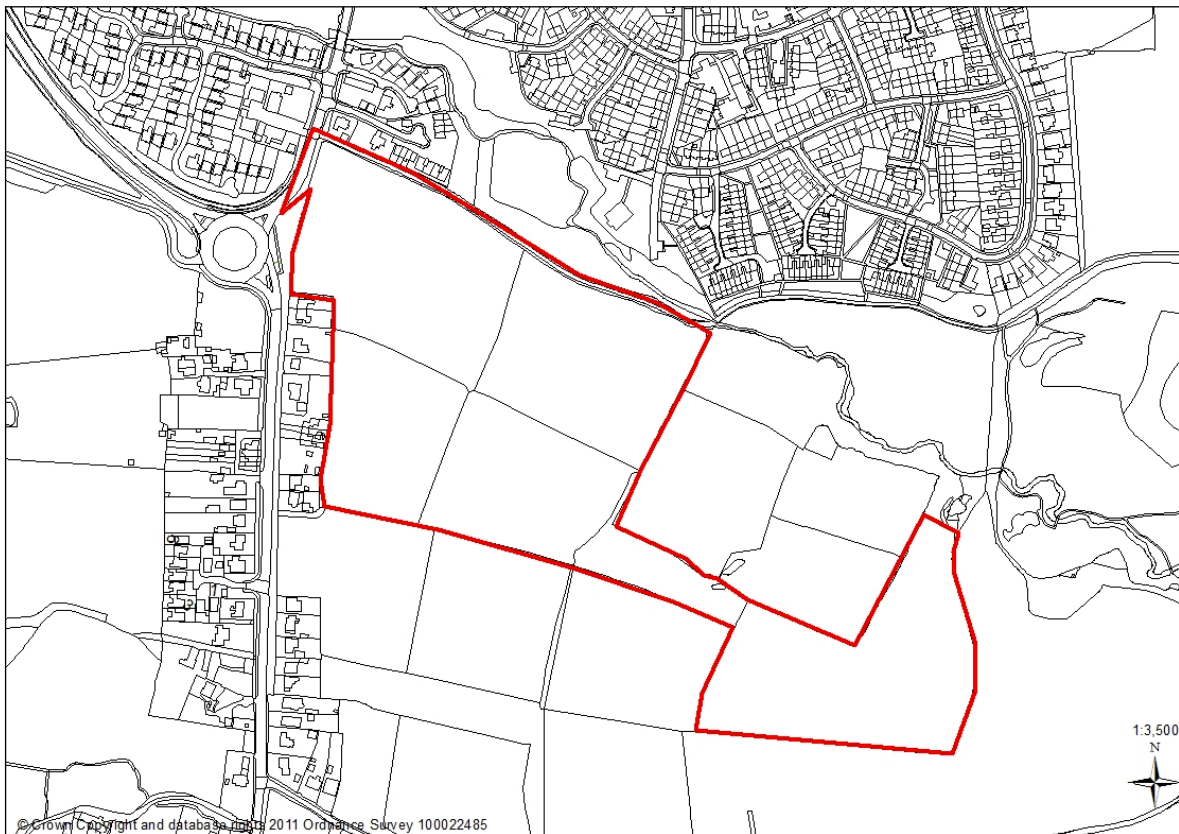
**Address** Land Off Shaw Brook Road and  
Altcar Lane  
Leyland  
Lancashire

**Applicant** Redrow Homes Lancashire Ltd

**Development** Variation to the Section 106 Agreement to provide for a commuted sum in lieu of affordable dwellings on site Ref: 07/2016/0591/OUT.

**Officer Recommendation** To seek delegated authority to vary the Section 106 Agreement to provide for a commuted sum in lieu of the 20% on site affordable dwellings.

**Officer Name** Mrs Catherine Lewis



# Agenda Item 8

## **1.0 Report Summary**

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

1.2 Due to the failure of the Starter Home initiative and the recent changes to lender requirements obtaining mortgages for DOMV units Redrow has advised that this tenure has become less financially attractive to sell. Under the current Section 106 agreement if these properties have not sold in six months a commuted sum is paid to the Council.

1.3 Redrow has requested that the Section 106 be varied to bring forward this payment. The Council's viability assessor has sense checked the information and in principle is in agreement. They have recommended some caveats to be put in place with regard to the timing and calculation of the off-site commuted sum which have been agreed by the applicant. These changes ensure that any off-site commuted sum is based upon the most recent Land Registry prices which is a transparent and fair way to calculate such a sum.

1.4 The variation of the Section 106 to bring forward the commuted sum instead of the 20% on site affordable housing is recommended for approval as per the officer recommendation.

## **2.0 Site and Surrounding Area**

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

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

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

## **3.0 Planning History**

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

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

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

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

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

3.5 07/2019/0300/REM Reserved matters (appearance, landscaping, layout, and scale applied for) for a re-plan of 87 dwellings Approved January 2020.

3.6 07/2020/00935/REM Application for Reserved Matters for residential development for 54 dwellings (Appearance, Landscaping, Layout and Scale) applied for 07/2016/0591/OUT.

## **4.0 Proposal**

4.1 To vary the Section 106 Agreement dated 20 September 2017 to bring forward the payment of a commuted sum instead of the 20% discounted open market value (DOMV) units to be delivered in site.

## **5.0 Material Considerations**

5.1 The South Ribble Affordable Housing Supplementary Planning Document (SPD) requires 30% of dwelling to be affordable units. In September 2017 planning permission was granted for the provision of 400 dwellings of which 20% of the Affordable Housing would be sold as either Discounted Market Units or Starter Homes. In both cases the homes would be sold at an affordable price which is 80% of the Open Market Value. A commuted sum would be paid to SRBC in lieu of the final 10% of units.

5.2 Due to the failure of the Starter Homes initiative, Redrow Homes have progressed on the basis that the Affordable Housing was to be disposed of as Discount Market Units in accordance with the terms of the Section 106.

5.3 The applicant has recently advised that: Following the onset of the Covid-19 pandemic, Redrow became aware of recent changes to lender requirements in respect of offering mortgages for this tenure type. Specifically, through our discussions with mortgage advisors RCS, we understand that the only mortgages currently being offered for this tenure type are those with a 15%+ deposit. This level of deposit tends to be unaffordable to many prospective purchasers, especially where account is taken for fact that these are a proposed Affordable Housing tenure. Unlike other market changes which have proved temporary, this requirement in relation to Discount Market Units remains in place, raising serious questions as to the saleability and affordability of the affordable housing tenure.

5.4 A comparison table has been provided comparing a purchaser buying a £200,000 house under the Discounted Market model, alongside Help to Buy (where the purchasers benefit from a LTV of 75% with a 5% deposit).

# Agenda Item 8

5.5 As can be seen from the table below, not only does the Help to Buy purchaser pay less than half of the deposit, they also end up paying less per month in mortgage payments. This significantly undermines the status of the Discounted Market Units as 'Affordable Housing', with a Help to Buy purchase of the same property on the open market being more affordable in most cases. As well as affordability, the purchaser of the property using Help to Buy would also benefit from being able to sell at 100% of MV, without the eligibility criteria stated in the Section 106. This raises a concern for the applicant in finding suitable purchasers for the properties, as well as potentially leaving any purchasers in a position where an acquisition on the open market would be more affordable.

	Discount Market	Help to Buy
Market Value	£200,000	
Purchase Price	£160,000	£200,000
Buyer Deposit	£24,000 (15%)	£10,000 (5%)
Help to Buy Loan	-	£40,000
LTV	85%	75%
Mortgage Rate	2.75% (Barclays DMV via RCS)	1.59% (Barclays website)
Mortgage Amount	£136,000	£150,000
Monthly Payments (assuming 25 year term)	£627	£606
Resale %	80%	100%

5.6 The above information has been sense checked by the Council's Viability Consultants who have agreed in principle to the findings. They have recommended some caveats to be put in place with regard to the timing and calculation of the off-site commuted sum which have been agreed by the applicant. These changes ensure that any off-site commuted sum is based upon the most recent Land Registry prices which is a transparent and fair way to calculate such a sum.

## 6.0 Other Options Considered

6.1 To continue to enforce the Section 106 as it stands. If there is no take up of the DMV within the time frames specified in the Section 106 the default position currently provides that if unsold after 6 month of marketing the affordable homes can become market value with Redrow paying the Council 20% of their sale value. Based upon the independent valuations the amount that would be payable is approximately £1,700,000.

6.2 If agreeable to the Council, Redrow would be open to varying the Section 106 agreement to bring forward payment of this sum (with account taken for any extra CIL payable) in exchange for the plots becoming open market sale without encumbrance.

# Agenda Item 8

## **7.0 CONCLUSION**

7.1 The application site forms part of a wider housing site known as Site P under D1 of the adopted South Ribble Local Plan 2015. The site is a parcel of land that the Council wishes to see come forward for residential development. Planning permission has been granted for outline consent to provide for 400 dwellings, together with Reserved Matters permissions for 232 dwellings.

7.2 The affordable housing provision at this site sought to be one of the first to provide Starter Homes a Conservative Government initiative in 2017. If the Starter Homes were not delivered, as part of the provisions within the Section 106, a fall-back position included the delivery of Discounted Market Homes (DMV). Due to the current housing issues including the ability to secure a mortgage the DMV units have become less financially attractive to first time buyers.

7.3 The variation of the Section 106 agreement would provide the opportunity for more open market homes to be available for first time buyers together with a commuted sum in lieu of the on-site affordable provision.

7.4 On that basis the variation to the Section 106 with regard to the land the subject of the following permissions 07/2018/1674/REM, 07/2019/0300/REM and 07/2020/00935/REM, each being pursuant to 07/2016/0591/OUT be supported insofar as it relates to the land currently owned by Redrow Homes.

## **8.0 RECOMMENDATION:**

8.1 To seek delegated authority to vary the Section 106 with regard to the land the subject of the following permissions 07/2018/1674/REM, 07/2019/0300/REM and 07/2020/00935/REM, each being pursuant to 07/2016/0591/OUT insofar as it relates to the land currently owned by Redrow Homes. The Variation relates to the Council receiving a commuted sum instead of the 20% on site affordable housing provision.

## **RELEVANT POLICY**

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

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

# Agenda Item 8

<b>POLA1</b>	<b>Policy A1 Developer Contributions</b>
<b>POLD1</b>	<b>Allocations of housing land</b>
<b>POLD2</b>	<b>Phasing, Delivery and Monitoring</b>
<b>POLF1</b>	<b>Car Parking</b>
<b>POLG9</b>	<b>Worden Park</b>
<b>POLG11</b>	<b>Playing Pitch Provision</b>
<b>POLG13</b>	<b>Trees, Woodlands and Development</b>
<b>POLG16</b>	<b>Biodiversity and Nature Conservation</b>
<b>POLG17</b>	<b>Design Criteria for New Development</b>



# Agenda Item 9

**Application Number** 07/2021/00210/FUL

**Address** Kingsmead Stables  
Bee Lane  
Penwortham  
Preston  
Lancashire  
PR1 9TT

**Applicant** Danielle Ryder

**Agent**

Mr Luke Banks  
  
Burlington House  
Ribblesdale Place  
Preston  
PR1 3NA

**Development** Retrospective Application for the siting of 3 No. containers used for stabling facilities, a timber stable block and storage of a touring caravan

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

Date application valid 25.05.2021  
Target Determination Date 07.11.2021  
Extension of Time 08.10.2021



# Agenda Item 9

## **1 Introduction**

- 1.1 This application is being brought before the Planning Committee as the Agent is related to a member of staff.

## **2. Report Summary**

- 2.1 The application seeks planning permission for the retention of 3 No. containers used for stabling facilities, a timber stable block, heras fencing and storage of a touring caravan.
- 2.2 The containers have been sited on land to the east of Balshaw Croft to provide a tack room, block of three stables and a block of two stables. A timber stable block has been erected on land to the west of Balshaw Croft replacing a much larger structure which was not structurally sound. A touring caravan is to be sited to the south of the containers which will not be used as residential accommodation or ancillary to the application site.
- 2.3 The structures are a temporary solution due to uncertainties around the probable re-development of the site, which forms part of an allocated major site for development, 'Pickering's Farm'.
- 2.4 No objections have been received from statutory consultees. Two letters of representation have been received from neighbours raising objection to the application.
- 2.5 On balance, it is considered the proposed development complies with Policy 13 in the Central Lancashire Core Strategy and Policies G1 and G17 in the Local Plan and therefore recommended for approval.

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

- 3.1 The application site consists of two separate pieces of land. An area of land to the east of Balshaw Croft measures 0.62 hectares, 0.51 hectares of which consist of grassland, the remainder of which is made up by a stable yard, stable block and ménage. An additional 3.08 hectares of land is rented within the vicinity of both sites and is used for horse turnout/haylage production and is located to the west of Balshaw Croft and to the east of the site close to the junction with Leyland Road.
- 3.2 Land to the rear of the stable yard consists of 0.5 hectares of grassland used for the grazing of horses.
- 3.3 The application site occupies a semi-rural position in the local landscape, which is predominantly urban settlements and urban fringe farmland. Both sites are accessed directly from Bee Lane through existing gateways.
- 3.4 The land to the east of Balshaw Croft is bounded by mature hedgerows and trees to the south and west; to the east lies agricultural land and Bee Lane to the north.
- 3.5 The site is set within land allocated under Policy C1 Pickering's Farm (Major Sites for Development) in the South Ribble Local Plan.

## **4. Site History**

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- 4.1 Planning permission was refused in 1989 for a detached dwelling on the land based on open land policy. This was unsuccessfully appealed against.
- 4.2 In 2006 planning permission 07/2005/1072 was granted for the temporary siting of a mobile home on the land together with the installation of a septic tank for a period of 3 years.
- 4.3 Planning permission 07/2009/0003/FUL was granted in 2009 for the retention of the temporary mobile home for a further 3 years period.
- 4.4 Permission was granted under 07/2012/0090/REN for the retention of land to accommodate a static mobile home.
- 4.5 Two revised planning applications have been submitted in August of this year for the Pickerings Farm Site as follows:
  - 4.5.1 **07/2021/00886/ORM** - Outline planning application with all matters reserved except for the principal means of access for a residential-led mixed-use development of up to 920 dwellings (Use Classes C3 and C2), a local centre including retail, employment and community uses (Use Classes E and Sui Generis), a two form entry primary school (Use Class F), green infrastructure, and associated infrastructure following the demolition of certain existing buildings.
  - 4.5.2 **07/2021/00887/ORM** - Outline planning application with all matters reserved except for the principal means of access for a residential development of up to 180 dwellings (Use Classes C3 and C2), green infrastructure and associated infrastructure.

## 5. Proposal

- 5.1 Planning permission is sought retrospectively for the siting of 3 No. storage containers used for stabling facilities, a timber stable block, heras fencing and storage of a touring caravan.
- 5.2 Three containers have been sited on land to the east of Balshaw Croft measuring:
  - ☐ 2.43m wide x 2.59m high x 6.06m long to provide a tack room.
  - ☐ 2.43m wide x 2.59m high x 12.2m long accommodating three stables
  - ☐ 2.43m wide x 2.59m high x 6.06m long accommodating two stables

The containers have been located here as it was adjacent to the existing stables providing easier and more efficient access for the Applicant. In addition, it also ensures that the yard is more contained preventing further sprawling of the yard.

- 5.3 A timber stable block has been erected on land to the west of Balshaw Croft measuring 3m wide x 10m long with a pitched roof covered in a white waterproof tarpaulin. The timber stable block provides housing for up to three horses and is situated with a large grass paddock used to exercise those horses and is used firstly as an overflow space but also to provide housing for horses away from the main equestrian facility. The stable block provides a holding stable to ensure that the horses are free from illness/disease before being housed in close proximity to other horses. This stable block replaces a much larger structure which was not structurally sound.
- 5.4 Heras fencing has been erected adjacent to Bee Lane and the outdoor exercise area to protect and secure the horses.

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- 5.5 A touring caravan is to be sited to the south of the containers and will be taken off site when the applicant attends horse shows all over the country and will therefore not be used as residential accommodation or ancillary to the application site.
- 5.6 The sites are accessed directly from Bee Lane through existing gateways.
- 5.7 The applicant has run their equestrian business from the application site for in excess of 25 years but has been in the ownership of the family since December 1987 stabling as many as 20 horses at the stable yard at any one time. Horses are imported and housed temporarily at the stable yard until a purchaser can be found where they are watered, fed, exercised and groomed prior to their sale.
- 5.8 The applicant, together with the help of two full time employees, carry out all the work associated with the stable yard in addition to travelling around the country to horse shows in order to build her business.
- 5.9 The structures are a temporary solution in order to increase the capacity for housing horses. Due to uncertainties around the probable re-development of the site, which forms part of an allocated major site for development, 'Pickering's Farm', The applicant has advised spending a significant amount of monies on permanent stabling facilities at present would be unwise. The Applicant's future intention is to move her business to Belgium to be closer to the stud farms importing horses to the UK from countries such as Belgium and Holland.

## 6. Representations

### 6.1 Summary of Publicity

- 6.1.1 Seven neighbouring properties have been notified and a site notice posted.
- 6.1.2 Two neighbour representations have been received which includes objections on behalf of Bee Lane (West) Residents Association, objecting for the following reasons:
- ☐ Already a mobile home on the site which was intended as temporary
  - ☐ Another touring caravan will be used as further accommodation;
  - ☐ Site is being used as business premises; no planning permission to run a business;
  - ☐ Grown out of all proportion resulting in regular blockages and restrictions to the narrow lane by cars and commercial vehicles;
  - ☐ Application form contains no information about the extra parking requirements for the employees' cars, the horse boxes and a touring caravan currently located alongside the Lane;
  - ☐ Bee Lane narrows and becomes an unadopted single track cul-de-sac and is the only means of access and egress for service vehicles which should remain passable at all times;
  - ☐ Complete lack of any site management or maintenance which is visually inappropriate;
  - ☐ Steel shipping containers, galvanised temporary fencing panels around the ménage and the timber stable block with a white sheet tarpaulin roof, are not in any way in keeping with the local area;
  - ☐ Site partially screened by unmaintained hedges and trees, being deciduous is only effective during the summer months;
  - ☐ Lack of maintenance to building, perimeters and paddocks results in horses breaking out, causing a danger to residents and general public. Was "instructed" to divert journey down Lords Lane recently due to stallions rampaging along the length of Bee Lane;

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- ☐ Stable waste is dumped within an adjacent enclosure resulting in an abundance of vermin, flies and offensive smells;
- ☐ Routinely used as an unlicensed waste tipping area;
- ☐ Regular on site burning of waste occurs with the resultant smoke nuisances;
- ☐ Suggest a visit to the site would be beneficial to Committee members.

6.1.3 In response to some of the above queries: There is an existing mobile home on the site which has been the subject of an application in 2005 for its temporary siting of 3 years and an application in 2009 for its retention for a further 3 years. Planning permission 07/2009/0003/FUL did not have any conditions on the decision notice relating to the temporary siting of the mobile home and is now sited lawfully.

6.1.4 Bee Lane is an unadopted road and therefore does not fall under the remit of Lancashire County Council. Any obstruction of the highway is a Police matter.

6.1.5 In respect of issues relating to burning/smoke on the site and the disposal of stable waste/manure has been forwarded to Environmental Health.

## 7. **Summary of Responses**

7.1 Environmental Health have been consulted but had no comments to make.

## 8. **Material Considerations**

### 8.1 **Policy Considerations**

8.2 **Policy C1 (Pickering's Farm, Penwortham)** states that "planning permission will only be granted for the development of the Pickering's Farm site subject to the submission of:

a) an agreed Masterplan for the comprehensive development of the site. The Masterplan must include the wider area of the Pickering's Farm site which includes the safeguarded land which extends to Coot Lane as shown on the Policies Map, and make provision for a range of land uses to include residential, employment and commercial uses, Green Infrastructure and community facilities;

b) a phasing and infrastructure delivery schedule;

c) an agreed programme of implementation in accordance with the Masterplan and agreed design code."

8.3 **Policy G17 (Design Criteria for New Development)** permits development which 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, or use of materials. Furthermore, the development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect.

8.4 **The Central Lancashire Rural Development SPD** advises on certain matters to be taken into account in assessing the acceptability of equestrian development which includes the scale, siting, design/materials, site treatment (hardstanding areas, access tracks and sand paddocks), highway safety and reinstatement (removal of unused stables).

### 8.4 **Character and Appearance**

8.4.1 The site has been used for the stabling of horses in excess of 25 years and is located within a semi-rural area with adjacent lands consisting of open fields. In order to increase the capacity for housing horses, a temporary solution for suitable stabling was required. The timber stables to the west of Balshaw Croft were erected due to

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safety concerns of the previous structure, which was not structurally sound and as such a health and safety risk to the applicant and her staff.

- 8.4.2 Heras fencing located around the ménage and fronting Bee Lane has been installed to protect not only the horse riders but also the general public. The horses are often spooked by ongoing traffic and pedestrians with dogs and has caused the horses to jump over the timber fence on numerous occasions. The fencing is located on the outside of the timber fence to prevent riders catching their stirrups in the fence.
- 8.4.3 It is acknowledged that the storage containers are not sympathetic to the semi-rural nature of the area but due to the uncertainties around the probable re-development of the site, which forms part of an allocated major site for development, 'Pickering's Farm', spending a significant amount of monies on permanent stabling facilities at present would be unwise. On balance therefore a temporary permission is considered acceptable.

## **8.5 Relationship to Neighbours**

- 8.5.1 The stable block to the west of Balshaw Croft replaces a much larger structure which was not structurally sound. The replacement stable block is set some 5m from the boundary with Balshaw Croft; the previous stable block abutted this common boundary.
- 8.5.2 The site boundary to the east of Balshaw Croft is set some 45m away; the eastern boundary of the site is set some 43m from the dwelling at 'Crossroads'. The areas the subject of this application, are screened by mature trees/shrubs. Therefore, there is no undue impact on residential amenity.

## **8.6 Highway Issues**

- 8.6.1 The highway fronting both sites is unadopted and therefore not maintained by LCC Highways.
- 8.6.2 Photographs submitted as evidence show a number of vehicles, including trailers/wagon for transporting horses, a touring caravan and cars parking within a 'passing' area of the highway causing an obstruction. As previously stated, any obstruction to a highway is a police matter. However, a Title Plan has been submitted which shows this area of land to be within the applicant's ownership.

## **9. Other Considerations**

- 9.1 The applicant has advised that the structures are a temporary solution due to uncertainties around the potential re-development of the site which forms part of an allocated major development site 'Pickering's Farm'. Over time steel storage containers deteriorate visually and the roof to the replacement timber stable block is covered by a white waterproof tarpaulin. It is for these reasons that a condition will be imposed to secure their removal within two years of the date of the permission.

## **10. Conclusion**

- 10.1 The site has an established permission to run as a business and is also subject to the outcome of the large development known as Pickering's Farm. The proposal for the retention of the storage containers and stable block and the storage of a touring caravan are considered to be acceptable in principle. On balance as storage containers are temporary in nature a temporary permission is recommended. The heras fencing is also used as a temporary fencing solution and on that basis, this too is recommended for a temporary permission. Due to the roofing material of the stables this is subject of a temporary permission. The touring caravan is movable and is not subject to the temporary permission. The siting and use of the structures for a

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temporary period will not unduly impact upon the amenities of the adjacent residential properties. On balance the proposal is considered to be acceptable and as such complies with Policies C1 and G17 in the Local Plan and therefore recommended for approval, subject to the imposition of conditions.

## **RECOMMENDATION:**

Approval with Conditions.

## **RECOMMENDED CONDITIONS:**

1. That the three storage containers, temporary stable and heras fencing hereby permitted shall be removed and the land restored to its former condition on or before two years from the date of this decision  
Reason: To enable the Local Planning Authority to retain control over the use of the land

## **RELEVANT POLICY**

**POLC1 Pickering's Farm, Penwortham**

**POLG17 Design Criteria for New Development**

**SPD3 Rural Development (Supplementary Planning Documents)**

## **Note:**

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