

Planning Committee

Thursday, 11th November, 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 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 FAO Charlotte Lynch or by telephone to 01772 625563 no later than 12 noon on Tuesday, 7 November. 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, 7 October 2021 of Planning Committee

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

(Pages 5 - 10)

5	Appeal Decisions An update will be provided at the meeting.	(Verbal Report)
6	07/2020/00907/FUL - The Shampan Indian Restaurant, 97 Pope Lane, Penwortham Report of the Director of Planning and Development attached.	(Pages 11 - 30)
7	07/2021/00113/FUL - Oaklands Convent, Moss Lane, Leyland Report of the Director of Planning and Development attached.	(Pages 31 - 50)
8	07/2021/00841/FUL - Land opposite Ye Olde Hob Inn, Bamber Bridge Report of the Director of Planning and Development attached.	(Pages 51 - 56)
9	07/2020/00210/VAR - 14 Liverpool Road, Penwortham Report of the Director of Planning and Development attached.	(Pages 57 - 66)
10	Response to Chorley Borough Council in respect of a Planning Application for a new prison Report of the Director of Planning and Development attached.	(Pages 67 - 72)

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

Forthcoming Meetings

6.00 pm Thursday, 9 December 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 be then be discussed by Committee. At this point members of the public, the applicant and other councillors not on Committee will not be able to speak further.
- Planning Committee will then take a vote on the matter.
- Anyone wishing to speak on an application must register by email to 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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Minutes of	Planning Committee
Meeting date	Thursday, 7 October 2021
Members present:	Councillors Caleb Tomlinson (Chair), Malcolm Donoghue (Vice-Chair), Will Adams, James Flannery, Mary Green, Harry Hancock, Chris Lomax, Caroline Moon, Peter Mullineaux, Colin Sharples, Phil Smith, Gareth Watson and Barrie Yates
Officers:	Steven Brown (Head of Development Management), Jodi Ingram (Senior Solicitor), Catherine Lewis (Development Planning Team Leader), Chris Sowerby (Development Planning Team Leader), Linda Ashcroft (Planning Officer) and Charlotte Lynch (Democratic and Member Services Officer)
Cabinet members:	Councillor Bill Evans (Cabinet Member (Planning, Business Support and Regeneration))
Other members and officers:	Councillor Keith Martin
Public:	7

54 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.

55 Apologies for Absence

An apology for absence was received from Councillor Jon Hesketh and Councillor Peter Mullineaux acted as substitute.

56 Declarations of Interest

A query was raised as to whether all committee members should declare interests in item 6 – Clifton House, The Vineyard, Walton-le-Dale – as they had previously voted on an application at this site.

In response, the Senior Solicitor advised that the application on the agenda was separate to previous applications for the site and that it was for individual members to decide whether they had a closed mind to the application, in which case they should declare a prejudicial interest and not participate in the vote.

Councillor Barrie Yates consequently declared a non-prejudicial interest in item 6 but would remain in the meeting for the duration of the item.

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57 Minutes of meeting Thursday, 9 September 2021 of Planning Committee

Resolved: (For: 11 Abstain: 2)

For: Councillors Flannery, Mary Green, Hancock, Lomax, Moon, Sharples, Phil Smith, Caleb Tomlinson, Watson and Yates

Abstain: Councillors Adams and Mullineaux

That the minutes of the meeting held on Thursday, 9 September 2021 be approved as a correct record for signing by the Chair.

58 Appeal Decisions

The Head of Development Management informed the committee of one appeal which had been allowed by the Planning Inspector, relating to land adjacent to The Oaks, Potters Lane, Samlesbury.

59 07/2020/00631/FUL - Clifton House, The Vineyard, Walton-le-Dale

Speaker(s): 1 supporter and a representative of the Applicant

Address: Clifton House
The Vineyard
Walton-le-Dale
Preston
PR5 4PR

Applicant: Mr Iain Fowler

Development: Erection of a bungalow and detached double garage.

An amendment was proposed by Councillor Mary Green, seconded by Councillor Gareth Watson, to refuse the application **which was lost (For: 6 Against: 7)**

For: Councillors Mary Green, Moon, Mullineaux, Phil Smith, Watson and Yates

Against: Adams, Donoghue, Flannery, Hancock, Lomax, Sharples and Caleb Tomlinson.

The officer recommendation to the approve the application was proposed by Councillor James Flannery and seconded by Councillor Chris Lomax. Upon being put to the vote, it was subsequently

Resolved: (For: 7 Against: 6)

For: Councillors Adams, Donoghue, Flannery, Hancock, Lomax, Sharples and Caleb Tomlinson

Against: Councillors Mary Green, Moon, Mullineaux, Phil Smith, Watson and Yates

That

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1. Members are minded to approve the application, subject to the imposition of conditions and
2. that the decision be delegated to the Director of Planning and Development 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.

60 07/2020/00907/FUL - The Shampian Indian Restaurant, 97 Pope Lane, Penwortham

Speaker(s): 2 objectors, 1 supporter, Ward Councillor Keith Martin, and the Applicant

Address: The Shampian Indian Restaurant
97 Pope Lane
Penwortham
Preston
PR1 9DB

Applicant: CCPI Ltd.

Agent: Mr R Raja
Princess House
62 Princess Street
Wigan
WN3 4HW

Development: Proposed 3no retail units and 1no hot food takeaway, following demolition of existing buildings

An amendment was proposed by Councillor Phil Smith and seconded by Councillor Gareth Watson to approve the application with an additional condition to restrict HGV deliveries on Sundays **which was lost (For: 3 Against: 10)**

For: Councillors Mullineaux, Phil Smith and Watson

Against: Councillors Adams, Donoghue, Flannery, Mary Green, Hancock, Lomax, Moon, Sharples, Caleb Tomlinson and Yates.

A separate amendment was proposed by Councillor James Flannery, seconded by Councillor Will Adams, to defer the application. Upon being put to the vote it was subsequently

Resolved: (For: 12 Against: 1)

For: Councillors Adams, Donoghue, Flannery, Mary Green, Hancock, Lomax, Moon, Sharples, Phil Smith, Caleb Tomlinson, Watson and Yates

Against: Councillor Mullineaux

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That the decision be deferred to allow for a meeting between officers and the Applicant to discuss options to resolve issues identified by the Planning Committee including parking, servicing and HGV deliveries.

61 07/ 2016/0591/OUT - Land off Shaw Brook Road and Altcar Lane, Leyland

Speaker(s): None

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

The officer recommendation was proposed by Councillor Caroline Moon, seconded by Councillor Will Adams, and subsequently

Resolved: (Unanimously)

That delegated authority to vary the Section 106 Agreement to provide for a commuted sum in lieu of the 20% on site affordable dwellings be granted.

62 07/2021/00210/FUL - Kingsmead Stables, Bee Lane, Penwortham

Speaker(s): None

Address: Kingsmead Stables
Bee Lane
Penwortham
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.

The officer recommendation was proposed by Councillor Will Adams, seconded by Councillor Caroline Moon, and subsequently

Resolved: (Unanimously)

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

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Chair

Date

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Application Number 07/2020/00907/FUL

Address The Shampan Indian Restaurant
97 Pope Lane
Penwortham
Preston
Lancashire
PR1 9DB

Applicant CCPI LTD

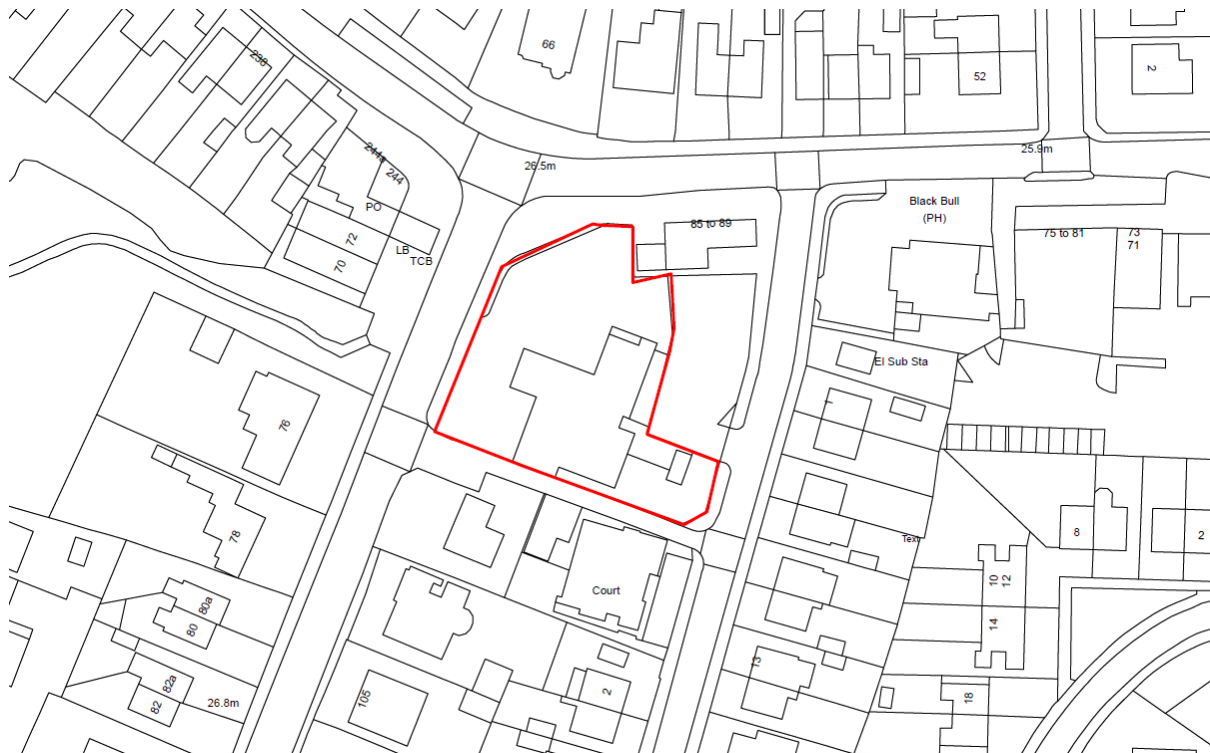
Agent Mr R Raja

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 10.11.2021
Extension of Time 15.11.2021



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REPORT ADDED/DUM

i. Members will recall that this application was considered at the Planning Committee meeting on the 7 October 2021, with the application being deferred to allow for a meeting to take place between Officers and the applicant to discuss options to resolve issues raised by the Planning Committee including parking, servicing and HGV deliveries.

ii. Following a meeting between Officers and the applicant the following updates are provided in regards to the issues raised by the Planning Committee.

iii. **HGV Deliveries** – The Transport Assessment and Swept Path Analysis submitted as part of the planning application worked on the basis of a worst case scenario of 14.9m long (4 axle) HGVs being used to service one or more of the units. Following the Planning Committee meeting the applicant has contacted logistic departments of food store operators, all of which stated a preference of option to use 14.9m vehicles in order to maximise the efficiency of deliveries (i.e. less deliveries required) and to reduce the carbon footprint associated with deliveries. The food store operators have however confirmed that a reduction to 12m (3 axle) vehicles for deliveries could be agreed if necessary. Condition 27 has therefore been included which restricts the servicing of the units to 26 tonne delivery vehicles (12 metre vehicles) or less.

iv. **Sunday Deliveries** – All of the logistic departments of food store operators contacted by the developer confirmed that they would not sign up to operate the store should Sunday deliveries not be permitted. We have been advised that the option to receive Sunday deliveries is essential to prevent damage to retailer reputation through goods being out of stock and also Sundays commonly being the fallback delivery day if there have been any transporting or seasonal issues. The applicant has highlighted other retail stores in the immediate vicinity of the site and in close proximity to residential properties who are permitted to have deliveries on Sundays (namely the Co-Op and Tesco). In order to respond to the concerns of the Committee and residents the applicant has advised that recommended Condition 14, which would have allowed Sunday and Bank Holiday deliveries between 09:00 – 19:00, can be amended to reduced delivery hours between 09:00 – 17:00. This recommended condition has now been amended to reflect this change.

v. **Extraction System Hours** – The applicant is keen to highlight that the submitted Noise Assessment shows the proposed extraction system being a 12dB improvement over the system installed on the existing building on the site. Having considered the types of potential traders from Unit 4 and the typical hours of operation the applicant has advised that recommended Condition 17, which would have permitted use of the extraction system between the hours of 07:00 – 23:00, can be amended to reduced hours between 10:00 – 23:00. This recommended condition has now been amended to reflect this change.

vi. **Parking** – The applicant is keen to highlight that LCC Highways have raised no objections to the proposed off-street parking provision and the nature of the largest unit, a convenience store, results in a high turnover of parking space availability with the average visit being between 5-6 minutes. Once operators have been identified the applicant will review and propose parking duration restrictions to ensure that spaces are fairly available. The applicant has explored the possibility of reducing the floor area of the units to increase off-street parking provision, however this was found to make the scheme not commercially viable.

1. REPORT SUMMARY

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.

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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 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

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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.

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.

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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.”

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

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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, of which 17 were in opposition, 1 was in support and 1 offered neutral or positive and negative views.

5.5 A summary of the points raised in opposition not previously covered above follows:

Character and Design

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- ☐ 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

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condition requiring a license from Natural England before demolition of existing building is recommended.

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.

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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 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

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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.

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

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Highways have confirmed these do not alter their view as expressed above that the proposed access and egress points are acceptable.

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.

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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.

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.

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.

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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.

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

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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
- 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.

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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 lhsstreetworks@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.

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 Friday, 09:00 - 19.00 Saturdays and 09:00 - 17:00 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

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

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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 10.00 - 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.

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

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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

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.

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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

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.

27. The units hereby approved shall only be serviced by 26 tonne or less (gross weight) delivery vehicles.

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.

RELEVANT POLICY

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

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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, 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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Application Number 07/2021/00113/FUL

Address Oaklands Convent
Moss Lane
Leyland
Lancashire
PR25 4SH

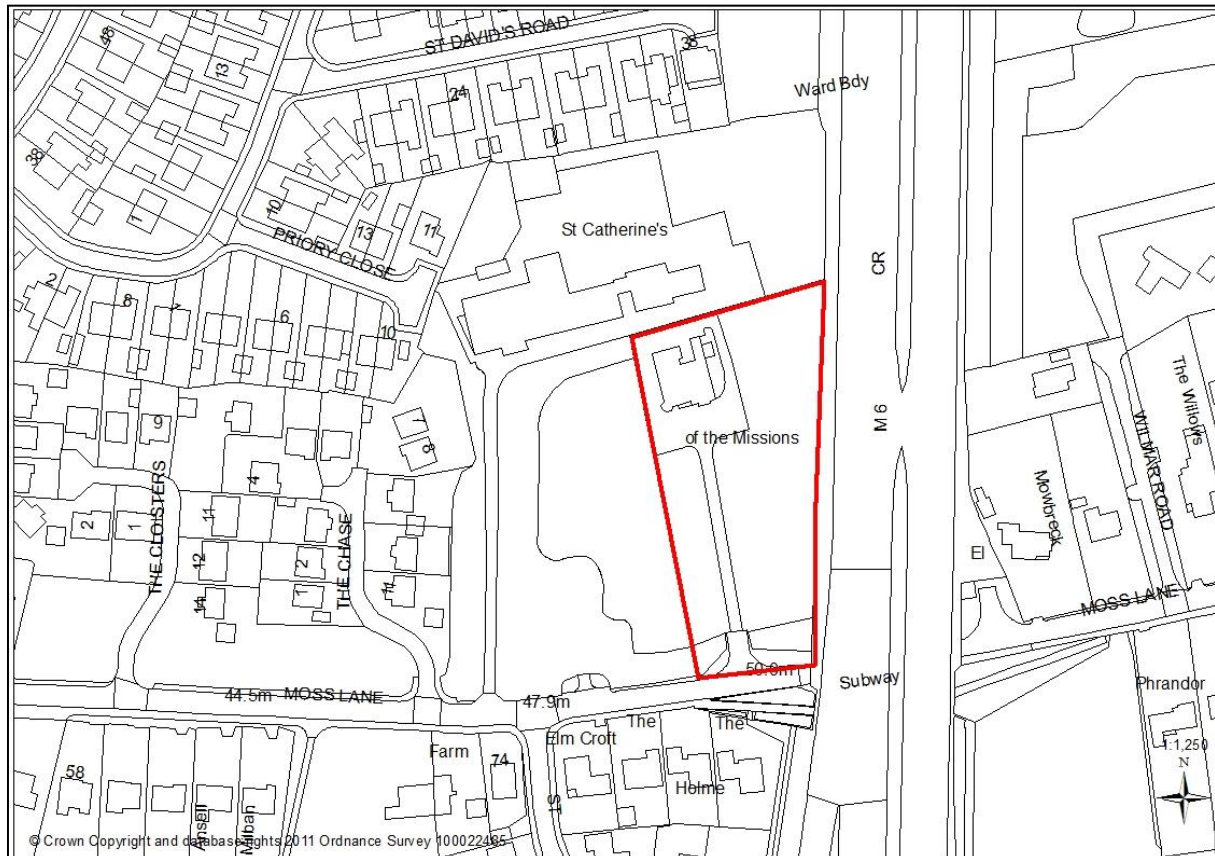
Applicant Mr Barry Woods
Corsa Construction

Agent Mr David Morse
Baltic PDC
Queens Dock Business Centre
69 Norfolk Street
Liverpool

Development Demolition of existing Convent building and erection of 66-bed care home with all associated works.

Officer Recommendation **Approval with Conditions**

Date application valid 05.07.2021
Target Determination Date 04.10.2021
Extension of Time 15.11.2021



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1. Report Summary

1.1. This application refers to Oaklands, Moss Lane, Leyland – a former Convent building located to the north of a deep rectangular site (approx. 1.2 ha) designated under Policies B1 (Existing Built up Area – north-east quadrant) and G7 (Green Infrastructure – rest of site) of the South Ribble Local Plan. Access into the site is from Moss Lane; a wholly residential, but quiet suburban locale.

1.2. The site which is well screened on all sides sits to the south of St Catherine's School, west of the M6 motorway and east of the school playing fields beyond which are residential properties.

1.3. The application proposes demolition of the existing Convent building and recently constructed foundations, and erection of 66-bed care home, with associated works and landscaping. Permission was granted in 2016 and 2017 to provide extension of the existing building to create 35 and 46 care home bedrooms respectively, but the Convent has since been left to deteriorate to such a level that its use is not now viable. Anti-social behaviour as a result of this neglect is now also of concern

1.4. The proposed development is not considered to be of detrimental impact on the amenities of neighbouring properties, the character and appearance of the area or highways safety and capacity. It therefore appears to comply well with Local Plan Policy B1 (Existing Built Up Area).

1.5. It is the Officers view that proposed development would not detrimentally affect the amenity or nature conservation value of the site. Although some loss of trees occurred prior to the initial application, mitigation in the form of supplementary tree planting and well designed, effective landscaping ensures general protection of site biodiversity. In addition, the proposal site which is in private ownership does not constitute a community recreational need, and for these reasons, the proposal also accords well to the requirements of Local Plan Policy G7 (Green Infrastructure)

1.6. Following full consultation, representation has been made by three residents. Statutory consultees have also fully assessed the application and raise no objections subject to the imposition of conditions and inclusion of informative notes.

1.7. Developer contributions in this case are not required (see discussion below).

1.8. The proposed development is deemed to be in accordance with the National Planning Policy Framework, and relevant policies of the South Ribble Local Plan 2012-2026, Central Lancashire Core Strategy and south Ribble Residential Design Guide (as identified below) and is recommended for **approval subject to imposition of conditions**.

2. Application Site and Surrounding Area

2.1. 'Oakland's', Moss Lane (The Convent) is a late Victorian/Edwardian detached villa (c1910), occupied since the 1950's by The Sisters of Our Lady of the Mission following its vacation by the Poor Clare Order of nuns. The property was used by The Sisters as a school and residence until February 2016, and although little altered until recently was in good condition.

2.2. The Convent has a very large front garden accessed from Moss Lane, but narrow side and rear amenity spaces resulting from the construction of the M6 through what was Convent land. St Catherine's Primary School abuts the site in the north. The schools playing fields beyond which are 'The Chase' and Priory Close (residential) sit in the west, and the M6 lies

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immediately east. In the south opposite the access is a short row of detached dwellings and an underpass through to the eastern side of Moss Lane (now Chorley Borough).

2.3. A Tree Preservation Order (TPO 1/2016) was placed on the site in 2016 and now covers a large oak (western edge) and a row of trees facing Moss Lane. The eastern boundary is also well screened by mature trees which are to be retained.

2.4. The rectangular site is primarily designated under Policy G7 (Green Infrastructure) of the Local Plan 2012-2026, although the north-eastern quadrant sits within land allocated as Existing Built Up Area (Policy B1) with its presumption towards development – all other material considerations being acceptable.

2.5. The property is within a particularly sustainable location, with immediate access to a cycle route and public right of way 9-9FP18 (Moss Lane to Leyland Way). It is 0.4 miles from Leyland Railway Station (8 minutes' walk) and 0.8m from Leyland Town Centre (15 min walk).

2.6. *Background Information:* The applicant originally sought pre-application advice from this Council for a range of schemes; some of which involved demolition of the Convent and complete re-development of the site. As a result, and following discussions with the Victorian and 20th Century Societies, the Borough Historian, Civic Society representative and an independent Conservation Specialist, the decision was made to apply to have the property formally listed by Historic England.

2.7. Historic England concluded that *'Oaklands clearly remains locally valued for the positive contribution of its external appearance, including its (truncated) mature garden setting and for historical and communal interest as a former school and Convent. These may be appropriately recognised through local designation (local list), and although this assessment should not be taken to undermine the local significance of the house, Oaklands is not considered to meet the criteria for national listing'*. Following this response, the former applicant agreed to work towards a development scheme which retained the original building at its centre, but the properties recent deterioration and issues relating to anti-social behaviour must be given considerable weight in any determination made.

3. Site History

3.1. There are 10 applications on the history of this site; the most relevant of which are:

☐ 07/2016/0654/FUL (as discharged 2016/1023/DIS and 2017/0065/DIS) - approved by committee October 2016 for conversion of existing Convent to create a 35 bedroomed residential care home together with two storey side extensions, additional car parking and landscaping. Scheme implemented and remains extant

☐ 07/2017/1054/FUL (as varied 2017/1065/VAR) for conversion of existing convent to create 46 bedroomed care home together with two storey side extensions, additional car parking and landscaping – approved April 2017. Conditions have not been discharged and the permission expired on the 1st May 2021

4. Proposal

4.1. The application proposes demolition of the Convent and erection of a 66 bedroomed care home for the elderly, together with landscaping and associated works. The Convent currently covers 428m² over two floors, whilst the proposal would result in an additional 3101m² of floor space over three floors (1643m² more than approved over 3 floors) The basic structure however would remain approximately the same as previously approved in height, size and footprint, although it would project slightly further forward into the deep front garden.

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4.2. The proposed development would take a 'T' shaped form measuring 42m wide x 38m deep at the widest points. It would have a ridge height of between 9.5m and 11m, and, and eaves which would stand at around 8.2m. The staggered gabled and pitched roof sections provide for an interesting design which would be constructed in red brick, pale render and grey zinc with grey roof tiles; similar to other care facilities approved in recent years in this Borough.

4.3. The ground floor would include 14 en-suite bedrooms, kitchen, ancillary, bathroom and reception space (western side), a coffee shop and hairdresser, and communal dining and lounge areas. Levels two and three would accommodate 26 en-suite bedrooms per floor, quiet lounges, dining/communal space, assisted bathrooms and ancillary rooms.

4.4 On first and second floors only one bedroom and a stairwell would be immediately adjacent to the M6, with bedrooms on the eastern side being further from the acoustic bund installed for the earlier scheme. At ground floor kitchens lie along this side. Bedrooms to the rear would face the rear of the school at 8m from the common boundary and 15m from the school itself as previously approved

4.5. A small car park (16 spaces including 2 mobility) would be to the west of the proposed entrance accessed from the existing roadway off Moss Lane. Electric vehicle charging points would be secured by condition for 10% of all spaces. Cycle storage has not been identified but is possible to the rear. There is also space for waste storage at the rear. The existing driveway would be retained

4.6. Protected trees to the frontage and western side are shown to be retained, and a landscaping plan provided showing additional tree planting to the rear and formalised gardens. Conditions to secure the same are felt necessary. On the eastern side is an acoustic earth mound/bund with a requirement for it to be topped by a 2m high, close boarded acoustic wooden fence (condition to previous approval), but otherwise the site is secured by boundary fencing. Whilst not ideal, the bund is visible only from the Convent itself and rooms at the rear of St Catherine's School, and was approved as part of the earlier scheme following recommendations of an acoustic specialist to mitigate against noise issue from the adjacent motorway.

4.7. The applicant suggests that the facility would employ 20 full time and 35 part time staff members.

4.8. Being mindful of Members previous concerns that the building would not be used in the future for the applied purpose, a condition to restrict to use as a residential care home for the elderly (over 55 age group) has been included.

5. Supporting Documents

5.5. The application is accompanied by a suite of documents noted in recommended condition 2

6. Representations

6.5. Summary of Publicity

6.5.1. Two site notices and newspaper advertisement have been posted, and 14 neighbouring properties consulted.

6.6. Letters of Objection

6.6.1. Three letters of objection received which in addition to material considerations below refer to matters beyond the remit of this planning application – namely existing parking

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issues on Moss Lane and to the adjacent school, state and use of the adjacent subway and anti-social behaviour. Anti-social behaviour has been an ongoing issue which is in the hands of the Police, and highway issues have been considered by LCC Highways. Comments do however include

Highways

☐ Proposal will result in excessive parking by staff, visitors and construction vehicles on Moss Lane – request for LCC to review Moss Lane before development

Amenity

☐ Need for tree planting between rear bedrooms and the school

☐ Query re demolition management – particularly relating to the school

6.7. Letters of Support

6.7.1. None received

Officer Comment: Parking for staff, visitors and construction vehicles would be within the Convents own grounds and is more than adequate. In fact, during earlier site visits construction (on the earlier approval) was well underway yet resulted in no on-road, construction vehicle parking of any kind.

7. Summary of Responses

7.1. **Chorley Borough Council** has no objection

7.2. The Council's **Ecology Consultant** assessed the accompanying documentation. Comments are as follows:

Bat & Bat Roosts – The Preliminary Bat Survey appears to have used reasonable effort to assess the building externally for the presence of bats and the likelihood that the building would be used at other times by bats. The report recorded no evidence of present or historic usage but concluded that the main building had moderate potential to support roosting, which could also include winter hibernation. Additional activity surveys were required due to the moderate potential of the building. These appear to have used reasonable effort and personnel, whilst undertaking the survey in the appropriate weather conditions.

Activity surveys recorded emergence/re-entry on two of three occasions where common pipistrelle bats were recorded utilising roosting points in 3 locations around the roof. Other bat species were recorded foraging and commuting in the immediate vicinity at the time of the surveys. It is therefore considered that the Convent is a bat roost under the definition of the Conservation of Habitats & Species Regulations (Amendment (EU Exit) (2019).

The bat roosts are in a part of the site which will be subject to complete demolition, therefore, as identified in the activity survey report some form of Protected Species licence (PSL) will be required from Natural England, to derogate from the provision of the legislation in order to implement the proposals should an application receive permission.

In order to provide for derogation three tests, exist, which the Local Planning Authority should have regard to in their decision making: -

o That the action is for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature;

o that there is no satisfactory alternative; and

o that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range

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Any application for a Natural England Protected Species Licence will also require the submission of a reasoned statement regarding the consideration of all three tests.

The Report indicates the presence of small numbers of widely distributed frequent bat species of bat at an occasional/transitional roost but of low conservation status. GMEU concur with this current assessment.

GMEU are of the opinion that the favourable conservation status (the third test) of the species can be maintained via the implementation of mitigation measures. The Mitigation Strategy (Section 6) includes proposed mitigation to be implemented via the PS Licence, and this adequate for planning purposes and demonstrates the approach that will be used in the Natural England Licence application.

Officers have considered the 3 tests separately and whilst the convent has been purposely left to fall into disrepair, it is now in such a state that its removal would assist with preserving public health or safety. There is no satisfactory alternative at this late stage, but subject to a Natural England licence, both GMEU and Officers are satisfied that the action authorised will not be detrimental to the maintenance of the species concerned

Landscape & Biodiversity Enhancement - proposals retain Public Open Space to the front and this area is reinforced with planting of native species. This is acceptable. The built schemes internal configuration shows ornamental shrubs and small trees which will provide various benefits to biodiversity. Cotoneaster is proposed and this should be a non-invasive variety which is not listed on Schedule 9 (W&CA) as Invasive Non-Native Species and should not be planted. The scheme does not demonstrate any specific biodiversity enhancement and GMEU suggest that the landscape proposals seek to provide 7 bat/bird/other features of value to biodiversity within the landscape proposals.

7.3. Economic Development are happy for Employment & Skills Assessment to be secured by condition

7.4. Highways England have no objections but request that conditions are attached to any grant of consent to ensure the safety and integrity of the motorway, and that there is no post-development redress with regards to motorway noise. As these are beyond the remit of this planning application, the request has been included as informative notes. For consistency, precautionary notes raised during the earlier approved scheme have also been included

7.5. Lancashire Constabulary - the detailed Design and Access Statement submitted with this application incorporates a crime prevention and security section. This provides details of proposed security measures which are acceptable based on the risk associated with the development. A number of informative notes are also proposed relating to security issues outside of the planning process remit

7.6. Lancashire County Council's Flood Advisor - The Lead Local Flood Authority originally objected to this application, but revised drainage information sees this objection withdrawn subject to the imposition of relevant drainage conditions

7.7. Lancashire County Council Highways has no objection

7.8. South Ribble Arborist - The application is accompanied by a tree appraisal. Four trees categorised as class 'U' trees due to their poor condition are recommended for removal. Two of these are on the eastern boundary and two to the front. One other tree is also to be removed because of its growth lean towards the M6. A number of moderate value, small trees would be retained but these would not constrain, or be affected by development. Protected trees would be retained and protected. The Councils Arborist has no objections and is of the opinion that proposed landscaping is acceptable but recommends conditions re: root and tree protection.

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7.9. **South Ribble Environmental Health** has no objection subject to the imposition of conditions with regards to construction management, electric vehicle charging points, pre-commencement glazing confirmation and contaminated land. They also concurred with the findings of the acoustic assessment but requested a condition to ensure construction in line with those findings.

7.10. **United Utilities** - In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Further to review of the Sustainable Drainage Strategy Report - Dated: 16/02/2021, UU note foul flows are proposed to discharge into a 300mm public combined sewer and surface water flows are proposed to drain into an unknown public surface water sewer located within Moss Lane. According to UU mapping records, there are no records of a public surface water system located within this part of Moss Lane, that said, there does appear to be a culverted watercourse located a short distance South West of the proposed site. In the absence of robust evidence demonstrating that the surface water destination hierarchy has been fully explored and exhausted (including an assessment of ground conditions), together with uncertainty surrounding the current surface water proposals, UU request pre commencement conditions and advisory notes. Revised information and revised conditions have been provided by the Lead Local Flood Authority which also cover UU's requirement

8. Material Considerations

8.1. Site Allocation

8.1.1. The north-eastern section of the site on which the majority of proposed built development would stand, is designated under Local Plan Policy B1 (Existing Built Up Area). The remainder of the site which is to remain relatively undeveloped is separately allocated as G7 (Green Infrastructure)

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

8.1.3. Policy G7 states that development will only be permitted on such lands where it can be demonstrated that (a) alternative provision can be implemented within the same or another local site, (b) retention of the site is not required to satisfy a recreational need in the local area, and where (c) development would not detrimentally affect the amenity or nature conservation value of the site.

8.1.4. It is the Officer's view that several factors in combination result in the proposals compliance with criterion b) and c) of Policy G7, and therefore not requiring to satisfy criteria a). Firstly, the proposal site is in private ownership and is not required to satisfy a community, recreational need, and secondly, evidence provided confirms that proposed development would not detrimentally affect the amenity or nature conservation value of the site. In fact, proposed and retained landscaping ensures a well-designed development which would benefit rather than be of detriment to the biodiversity offer of the site, whilst protecting the extended green network. For these reasons the minor elements of the proposal which sit within this section of the site are considered to accord with the requirements of Policy G7 of the Local Plan.

8.2. Relevant Policy

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

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8.2.1. National Planning Policy Framework 2021

8.2.1.1. The NPPF (2019) at Para 11: provides a presumption in favour of sustainable development which for decision making means approving development which accords with the development plan unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the framework as a whole. Other NPPF chapters of interest are:

8.2.1.2. Chapter 5: Delivering a sufficient supply of homes - housing applications should be considered in the context of the presumption in favour of sustainable development. Large scale development should be well located and designed, and supported by necessary infrastructure and facilities. Para 62 notes that within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to ... older people... and people with disabilities

8.2.1.3. Chapter 9: Promoting sustainable transport – this encourages opportunities for alternatives to travel by car (cycle, walking, public transport) with development which is close to appropriate facilities and employment options

8.2.1.4. Chapter 11: Making effective use of land – planning should promote the effective use of land in meeting the need for homes whilst safeguarding and improving the environment and living conditions. Decisions should avoid homes being built at low density where there is identified need, and should consider minimum density standards, but development should also reflect that of its surroundings.

8.2.1.5. Chapter 12: Achieving Well Designed Places attaches great importance to the design of the built environment which contributes positively to making better places for people.

8.2.1.6. Chapter 14: Meeting the challenge of climate change, flooding and coastal change – the planning system supports the transition to a lower carbon future taking account of flood risk and climate change.

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

8.2.2. Central Lancashire Core Strategy

8.2.2.1. Policy 1: Locating Growth focusses growth and investment on well-located, brownfield sites within key service and urban areas of the Borough.

8.2.2.2. Policy 3: Travel encourages alternative, sustainable travel methods to reduce dependence on motor vehicles.

8.2.2.3. Policy 4: Housing Delivery provides for, and manages the delivery of new housing.

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

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

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8.2.2.6. Policy 7: Affordable Housing confirms a target of 30% affordable housing for housing developments of 15 dwellings or more. Specialist housing is exempt from this calculation

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

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

8.2.2.9. Policy 26: Crime & Community Safety seeks to reduce crime levels and improve community safety by encouraging the inclusion of Secured by Design principles in new development.

8.2.2.10. Policy 29: Water Management seeks to improve water quality and flood management by appraising, managing and reducing flood risk in all new development.

8.2.3. *South Ribble Local Plan*

8.2.3.1. In addition to site allocation policies B1 and G7 (above), the following are also pertinent:

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

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

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

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

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

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

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

8.2.4. *South Ribble Residential Design SPD* discusses design in very specific terms and is relevant with regards to separation between properties in and beyond the site bounds.

8.2.5. *Central Lancashire Open Space and Playing Pitch SPD* sets out the standards for provision of on and off site public open space and playing pitch provision

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

8.3. Highways and Parking

8.3.1. The Town & Country Planning (Use Classes) Order 1987 identifies residential care and nursing homes as being in Use Class C2 (Residential Institutions).

8.3.2. In line with Local Plan Policy F1 (Parking Standards), Appendix 4 of the South Ribble Local Plan states that parking provision for C2 uses would be 1 parking space per 5 bedrooms, of which 3 bays or 6% are disabled parking; in this case 14 spaces (including 2 disabled). The application provides for 16 standard and 2 designated mobility spaces, but within an area of hardstanding more than capable of significant additional parking and manoeuvring space. As such the proposal is fully compliant with adopted parking standards. Furthermore, the highways authority has no objection to the proposal.

8.3.3. Parking standards for C2 use are much lower than those required for standard C3 dwelling house accommodation (roughly 25%). This reduced parking capacity has been accepted on the basis of the C2 use, but to prevent future alternative uses which would not be policy compliant it is felt necessary to restrict use of the building as a care home for the over 55 age group by condition.

8.4. Design and Character of the Area

8.4.1. Local Plan Policy G17 (Design Criteria for new development) seeks to ensure new development relates well to neighbouring buildings and the extended locality, that layout, design and landscaping of all elements of the proposal are of a high quality; providing interesting visual environments which respect local character, reflect local distinctiveness, and offer appropriate levels of parking and servicing space in line with Policy F1 (Parking Standards) of the same document. Core Strategy Policy 17 (Design of New Buildings) effectively mirrors these criteria.

8.4.2. In consideration of the above, local distinctiveness and character of the area have been assessed. This part of Leyland is a relatively traditional, sub-urban street with some new but appropriately designed property. This vernacular continues along Moss Lane West – disrupted only by the motorway.

8.4.3. Although in the main the facility offers a functional, simple design, it does so with a contemporary nod to the Convents traditional appearance. Set back within the deep, well screened site at the cul-de-sac of Moss Lane, impact by way of visual intrusion to and from the site is not anticipated.

8.4.4. This particularly sustainable site is within easy reach of both community and public transport facilities, sits well within its own environment and where possible, retains and augments existing green infrastructure. Proposed changes also serve to prevent further deterioration and misuse of the disused Convent site in the long term.

8.5. Noise Impact

8.5.1. The application is accompanied by Noise Impact Assessment (Sound Advice: Feb 2021/revised Sept 21) which proposes mitigation measures including an earth bund, acoustic fence and noise-deadening construction methods.

8.5.2. The report has been assessed by South Ribble's Environmental Health team who subject to construction in compliance with the above have no objection on noise grounds.

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8.6. Impact Upon Neighbours

8.6.1. The most rearward part of St Catherine's School sits approx. 15m to the north but is screened by 2m fences and would be subject to proposed landscaping if approved. Proposed bedroom windows to the first and second floors would be in the main view beyond the one and a half storey, flat roofed school building. A previous approval for bedrooms at this distance remains extant

8.6.2. Properties in the west enjoy 84m separation in addition to screening from the existing Convent, and those to the south lie 120m away. Although dwellings in the east are only 75m away they are separated by the M6 motorway.

8.6.3. Impact by virtue of overlooking, loss of privacy or general residential amenity as a result of this proposal is therefore considered negligible.

8.7. Developer Contributions

8.7.1. Local Plan Policy A1 (Developer Contributions) expects all new development to contribute towards mitigation of impact upon infrastructure, services and the environment by way of Section 106 agreement and/or CIL contributions. The Central Lancashire Open Space SPD and CIL Regulations however offer a specific exemption for care facilities, whilst the Central Lancashire Affordable Housing SPD and NPPF Para 64 solely target market rather than institutional housing or that purpose built for the elderly. As this use would be secured by condition such a contribution in this case is not required.

9. CONCLUSION

9.1. It is Officers opinion that the proposed demolition of the former Oaklands Convent, Moss Lane, Leyland and erection of 66 bedroomed rest home, with ancillary landscaping and parking provision would be in keeping with, but protective of the area, the immediate street scene and the extended environs. It should not result in detrimental impact upon the amenities of neighbouring properties, and impact upon highways safety is not anticipated.

9.2. The proposed development therefore is deemed to be in accordance with the National Planning Policy Framework, and relevant policies of the South Ribble Local Plan 2012-2026, Central Lancashire Core Strategy and south Ribble Residential Design Guide (as identified above) and is recommended for approval subject to imposition of conditions.

RECOMMENDATION:

Approval with Conditions.

RECOMMENDED CONDITIONS:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in accordance with the approved plans and suite of documents as follows:
 - o Arboricultural Impact Assessment (20979/A2-AIA Indigo)
 - o Accommodation schedule 1634/SRD/CW
 - o Bat Survey & Preliminary Roosting Assessment (Ecology Service 21006/Feb 2021/June 21)

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- o Design & Access Statement Rev E (Keith Dickinson)
- o Noise Impact Assessment (Sound Advice 4.2.21)
- o Planning Statement (Baltic Feb 21)
- o Proposed Landscaping Plan (18.2.21 Indigo)
- o Sustainable Drainage Strategy (Tunstall Smith King/Lumax Rev B 17.9.21)

Proposal drawings (Keith Dickinson Architects)

- o Proposed site plan (200/I)
- o Location plan (LP)
- o Existing site plan (100/A)
- o Proposed elevations (205/C-)
- o Ground floor plan (201/I)
- o 1st floor plan (202/E-)
- o 2nd floor plan (203/E-)

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

3. Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987 (as amended) Paragraph 3(1) or any provision equivalent to this in any statutory instrument revoking and re-enacting this Order, the use of the premises shall be restricted to the use applied for - namely residential care home for the elderly (over 55 age group), 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. No development shall commence in any phase until a detailed, final surface water sustainable drainage scheme for the site has been submitted to, and approved in writing by, the local planning authority. The detailed sustainable drainage scheme shall be based upon the site-specific flood risk assessment and indicative sustainable drainage strategy submitted and sustainable drainage principles set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

Those details shall include, as a minimum:

- a) Confirmation that an agreement is in place to discharge surface water into the combined sewer.
- b) Final sustainable drainage layout plan appropriately labelled to include all pipe/structure references, dimensions, design levels, discharge rates, finished floor levels in AOD with adjacent ground levels. Final sustainable longitudinal sections plan appropriately labelled to include all pipe/structure references, dimensions, design levels, discharge rates, with adjacent ground levels. Cross section drawings of flow control manhole and attenuation pond inlets/outlets.
- c) Cross section drawing of attenuation pond with 1 in 1 year, 1 in 30 year and 1 in 100 year + climate change water levels.
- d) The drainage scheme should be in accordance with the principles of the Tunstall Smith King Sustainable Drainage Strategy for Our Lady of the Missions Oakland, Leyland revision B dated 17th September 2021 and should demonstrate that the surface water runoff and volume shall not exceed the pre-development runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- e) Sustainable drainage flow calculations (1 in 1, 1 in 2, 1 in 30 and 1 in 100 + climate change).
- f) Plan identifying areas contributing to the drainage network

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- g) Measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses,
- h) A plan to show overland flow routes and flood water exceedance routes and flood extents.
- i) Breakdown of attenuation in pipes, manholes and attenuation pond.

The scheme shall be implemented in accordance with the approved details prior to first use of the care home.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

5. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.

Those details shall include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.
- b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall be constructed in accordance with the approved details.

Reasons

- 1. To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere;
- 2. To ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

6. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed

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is compliant with and subsequently maintained pursuant to the requirements of Paragraph 165 of the National Planning Policy Framework.

7. Foul and surface water shall be drained on separate systems.
Reason: To secure proper drainage and to manage the risk of flooding and pollution

8. Before any site activity (construction or demolition) is commenced in association with the development, barrier fencing shall be erected around all trees to be retained on the site. The fencing shall be constructed and located in compliance with BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations. Fencing shall comprise a metal framework. Vertical tubes will be spaced at a maximum interval of 3m. Onto this, weldmesh panels shall be securely fixed with scaffold clamps. Weldmesh panels on rubber or concrete feet should not be used. The site manager or other suitably qualified appointed person will be responsible for inspecting the protective fencing daily; any damage to the fencing or breaches of the fenced area should be rectified immediately. Within these fenced areas no development, vehicle manoeuvring, storage of materials or plant, removal or addition of soil may take place. This includes ground disturbance for utilities. The fencing shall not be moved in part or wholly without the written agreement of the local planning authority. The fencing shall remain in place until completion of all development works and removal of site vehicles, machinery, and materials in connection with the development.
REASON: To prevent damage to trees during construction works in accordance with Policy G13 in the South Ribble Local Plan 2012-2026

9. The approved landscaping scheme shall be implemented in the first planting season following completion of the development or first occupation/use, whichever is the soonest, and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority, in compliance with BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations. This maintenance shall include the watering, weeding, mulching and adjustment and removal of stakes and support systems, and shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies by the same species. The replacement tree or shrub must be of similar size to that originally planted.
REASON: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy, Policy G13 and Policy G17 in the South Ribble Local Plan 2012-2026

10. Prior to the commencement of development hereby approved, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:
 - a) A Desk Study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on & off-site contamination and ground gases.
 - b) If the Desk Study identifies potential contamination and ground gases, a detailed Site Investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part IIA, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied building structures, on services and landscaping schemes and on wider environmental receptors including ecological systems and property.
The sampling and analytical strategy shall be submitted to and approved in writing by the LPA prior to the start of the site investigation survey.

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

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

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.

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

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

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

REASON: To ensure before importation of materials on site that materials are suitable, to protect human health and the environment in the interests of residential amenity and in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G14 in the South Ribble Local Plan 2012-2026

12. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) proposed suitable times of construction which take into account the safe and practical operation of the St Catherine's Primary School.
- b) parking of vehicles of site operatives and visitors
- c) loading and unloading of plant and materials
- d) storage of plant and materials used in constructing the development
- e) location of site compound
- f) suitable wheel washing facilities for vehicles leaving site. Details also to include mechanical sweeping of roads adjacent to the site.
- g) measures to control the emission of dust and dirt during construction
- h) measures to control the emission of noise during construction
- i) details of external lighting to be used during construction
- j) a scheme for recycling/disposing of waste resulting from demolition and construction works
- k) anticipated delivery times

REASON: To ensure prior to development on site that works will safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy and Local Plan 2012-2026 Policy G17

13. No development pursuant to this application shall commence until a detailed construction plan working method statement (including Risk Assessment Method Statement) relating to site development, earthworks and drainage alongside the M6 motorway has been submitted to and agreed in writing by the local planning authority in consultation with Highways England.

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REASON: To ensure prior to development on site that works will safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy and Local Plan 2012-2026 Policy G17

14. Prior to commencement of works, details of glazing specifications to be employed as part of the development shall be submitted to, and agreed in writing by the Local Planning Authority. These shall be in line with the findings/recommendations of the approved Noise Impact Assessment (Sound Advice. Ref AbramOaklands: June 2016/revised Sept 21), and following completion but prior to first occupation, confirmation that the agreed glazing and ventilation systems have been installed shall be submitted to, and agreed in writing by the Local Planning Authority.

REASON: To ensure prior to commencement on site that proposed works will safeguard the amenities of neighbouring properties in accordance with Policy 17 in the Central Lancashire Core Strategy and Local Plan Policy G17

15. Should the development not have commenced within 24 months of the date of this permission, a re-survey be carried out to establish whether bats or other protected species are present at the site shall be undertaken by a suitably qualified person or organisation. In the event of the survey confirming the presence of such species details of measures, including timing, for the protection or relocation of the species shall be submitted to and agreed in writing by the Local Planning Authority and the agreed measures implemented.

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

16. If the presence of bats, barn owls, great crested newts or other protected species is detected or suspected on the development site at any stage before or during development or site preparation, works must not continue until Natural England has been contacted regarding the need for a licence.

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

17. Removal/Salvage of materials or demolition of the convent hereby approved which supports roosting common pipistrelle bats, shall not in any circumstances commence unless the Local Planning Authority has been provided with a licence issued by Natural England pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) 2019, authorising the specified development to go ahead;

REASON: To ensure that adequate provision is made for these protected species in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-202

18. No tree felling, clearance works, demolition work or other works that may affect nesting birds shall take place between March and August inclusive, unless the absence of nesting birds has been confirmed by surveys or inspections.

REASON: To protect habitats of wildlife, in accordance with Policy 22 in the Central Lancashire Core Strategy

19. During construction and site clearance, no machinery shall be operated, no processes carried out or deliveries taken at or dispatched from the site outside the following times:

0800 hrs to 1800 hrs Monday to Friday

0800 hrs to 1300 hrs Saturday

No activities shall take place on Sundays, Bank or Public Holidays.

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

20. Prior to first occupation of the proposal hereby approved, three bat and four bird roosting opportunities in line with those recommended by the approved ecology report Ecological Appraisal (Ecology Services ref: 21006/21040 June 21). Once installed these shall be retained thereafter

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

21. The development hereby approved shall not be brought into use until the waste storage area denoted on approved plans has been provided. The approved facilities shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

REASON: To safeguard the character and visual appearance of the area and to safeguard the living conditions of any nearby residents particularly with regard to odours and/or disturbance in accordance with Policy 27 in the Central Lancashire Core Strategy and Local Plan 2012-2026 Policy G17

22. Prior to first occupation of the development hereby approved, the associated parking spaces shall be drained and surfaced with a material to be agreed by the Local Planning Authority. This area shall be retained at all times thereafter and shall not be used for any purpose other than the parking of vehicles.

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

23. Prior to first occupation of the development hereby approved, details of the acoustic fencing and earth bund to be erected along the eastern boundary shall be provided to, and approved in writing with the Local Planning Authority. Both shall be installed before first occupation of the development and shall be retained and maintained at all times thereafter.

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

24. Prior to first occupation of the development hereby approved, a minimum of 10% of the communal parking spaces identified on approved site plan 200/I (Keith Dickinson) be fitted with Electric Vehicle Recharge points, including adequate charging infrastructure and cabling and specifically marked out for the use of Electric Vehicles

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

25. Prior to commencement of works on site, details of future employment and skills as explained by, and in line with the Central Lancashire Employment and Skills SPD and Appendix 1 of the same document shall be submitted to, and approved in writing by the Local Planning Authority.

REASON: To identify skills shortages, and to ensure that there are the necessary employment and skills opportunities in local areas in accordance with Central Lancashire Core Strategy Policy 15

RELEVANT POLICY

NPPF National Planning Policy Framework

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Central Lancashire Core Strategy

- 1 Locating Growth
- 3 Travel
- 4 Housing Delivery
- 5 Housing Density
- 6 Housing Quality
- 7 Affordable and Special Needs Housing
- 17 Design of New Buildings
- 22 Biodiversity and Geodiversity
- 26 Crime and Community Safety
- 27 Sustainable Resources and New Developments
- 29 Water Management

South Ribble Local Plan 2012-2026

- A1 Policy A1 Developer Contributions
- B1 Existing Built-Up Areas
- F1 Car Parking
- G7 Green Infrastructure Existing Provision
- G10 Green Infrastructure Provision in Residential Developments
- G13 Trees, Woodlands and Development
- G16 Biodiversity and Nature Conservation
- G17 Design Criteria for New Development

Supplementary Planning Documents

Residential Extensions Supplementary Planning Document
Open Space and Playing pitch
Affordable Housing

Note:

Other application Informative

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

2. Highways England Note 1: General

- o There shall be no direct vehicular or pedestrian access of any kind between the site and the M6 motorway
- o There shall be no works relating to construction of the care facility which requires any temporary closure to traffic of the M6 motorway.
- o There shall be no encroachment of the site or any boundary feature onto motorway land owned by the Highways England Company Ltd under title LAN68116

Highways England Note 2: Embankment/Existing Structures

- o Existing site levels should be maintained, and no surface water flow shall be allowed to head in the direction of the motorway boundary. There shall be no development on, or adjacent to the M6 motorway embankment that shall put the embankment or earthworks at risk
- o The existing motorway boundary fence shall not be altered in anyway and any damage to it sustained during construction shall not be left uncorrected by the applicant.

Highways England Note 3: Proposed Landscaping/Earthworks

- o No drainage from the proposed development shall connect into the motorway drainage system, nor shall the drainage from the site run off onto the M6 motorway

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- o There shall be no planting or obstruction of the surface of the site within 1m of the motorway boundary fence so as to establish a buffer zone for maintenance
- o There shall be no planting of species that when mature, shall be of a height that should they fall down, could fall onto the motorway carriageway.
- o Access to the site along a one metre strip of land adjoining the motorway boundary for the purposes of maintaining the M6 motorway boundary fence, motorway embankment or motorway boundary landscaping planting shall not at any time be withheld to Highways England and its representatives.
- o Any measures (such as additional fencing) should be installed within the applicant's land and at the applicant's expense and be no closer than one metre from the motorway fenced boundary.

Highways England Note 4: Noise

- o The applicant shall not ignore the need to ensure that effective steps are taken to mitigate the impact of noise emanating from the M6 motorway upon the development to the satisfaction of the local planning authority; such steps being entirely independent of the M6 motorway and implemented at the expense of applicant on land under their ownership/control.
- o Highways England shall not at any time be responsible for mitigating the effects of noise from the motorway in respect of this new development.

3. Lancashire Constabulary Note:

The development shall be designed, and a security analysis compiled with reference to the following:

1. Secured by Design - The scheme should be developed to Secured by Design security standards; an evidence based police preferred security scheme that designs out opportunities for crime at new build developments.

2. CCTV - Full CCTV coverage of main communal entrance and circulation areas is required. Car parking areas should be covered by CCTV. The images recorded must be good quality and clear in all lighting conditions therefore digital, day/night capable systems are advised. Data should be stored securely for a 30 day period before being destroyed if not required.

3. Physical Security - Security Rated (SR) PAS 24/2016 windows with restrictors should be fixed on all ground floor opening windows to deter theft and burglary offences. Glazing should be laminated to P1A standards.

4. Doors should be certificated to PAS 24/2016 standards or an equivalent security standard such as Loss Prevention Standard (LPS) 1175 Issue 7/8. Internal doors in high risk areas such as the drugstore should also be Security Rated to a standard such as PAS 24/2016 or LPS 1175 Issue 7/8. These doorsets should also be covered by CCTV and linked to an alarm system.

5. An access control system should be fitted throughout the development including the main entrance. External doors should be operated by access control system and individual rooms fitted with a system where residents can control door release with an audio or visual identification system.

6. Boundary treatments should restrict access into private areas. The height and design should be sufficient to deter intruders, 1.8-2m high is recommended. Landscaping at the front and side of the development must be no more than 1 metre high so as not to restrict natural surveillance.

7. Lighting - A lighting scheme should be devised that provides an even spread of illumination.

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8. Construction Site Security - The site should be secured throughout the construction phase with security measures, including a; robust 2.4m high anti-climb weld mesh perimeter fence with matching lockable gates; a monitored alarm system (with a response provision) for site cabins where tools, materials and fuel could be stored; and a monitored and/or recorded HD digital colour CCTV system, accredited with either National Security inspectorate (NSI) or Security Systems & Alarm inspection Board (SSAIB) approval. Any onsite CCTV recording equipment must be stored securely and located within an alarmed building/cabin.

4. Lead Local Flood Authority Note: For the avoidance of doubt, this response does not grant the applicant permission to connect to the United Utilities combined sewer and, once planning permission has been obtained, it does not mean that a connection agreement will be given. The applicant should obtain a Connection Agreement from United Utilities before starting any works on site.

5. General Note: Parking

In the interests of highways safety and residential amenity, the applicant may wish to actively encourage staff, occupants and visitors of the facility hereby approved to park within the rest home grounds (as identified by the 'red edge' on approved site layout plan 200/l (Keith Dickinson) e.g. noted within rest home promotional materials, during staff training etc.

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Application Number 07/2021/00841/FUL

Address Land Opposite Ye Olde Hob Inn
Bamber Bridge
Preston
Lancashire
PR5 6EP

Applicant South Ribble Borough Council - Regeneration
Dept

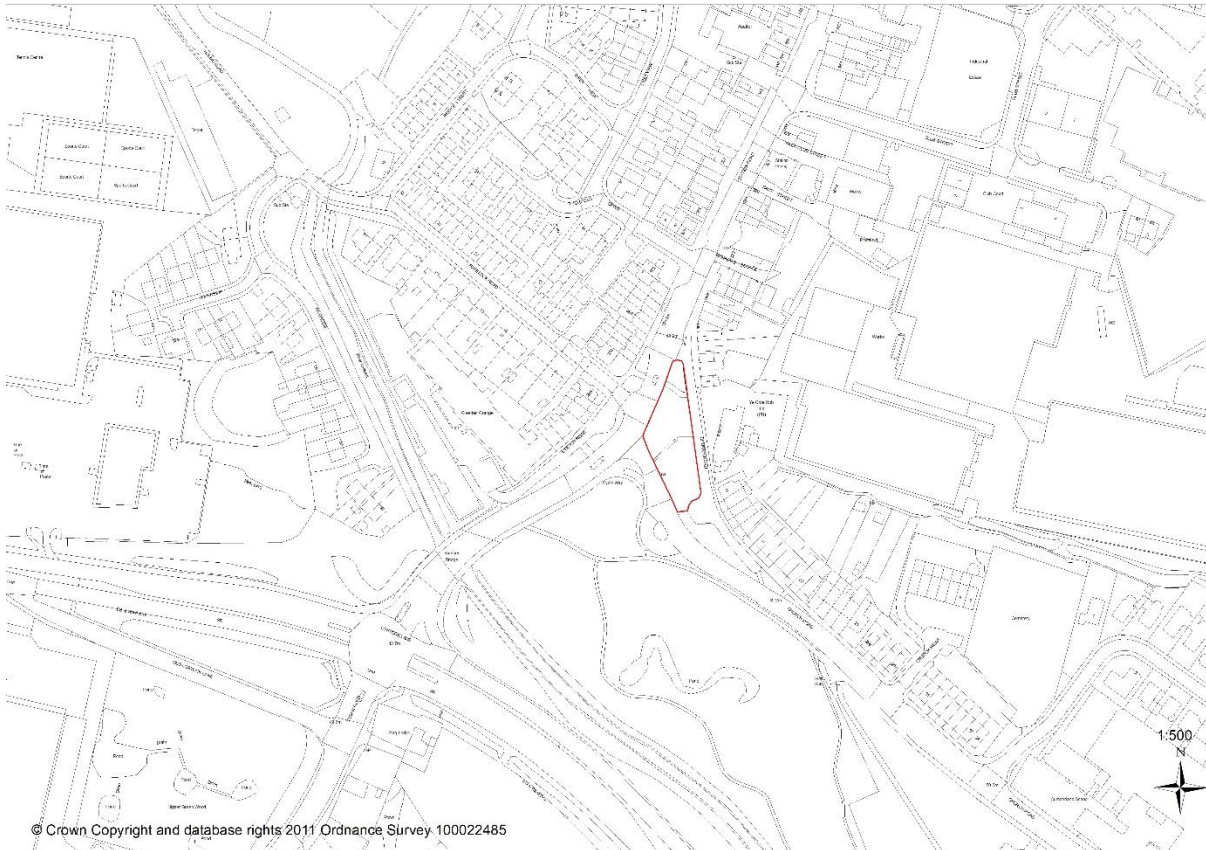
Development Regeneration of green space including erection
of streeel sculpture to commemorate the 'Battle of
Bamber Bridge'

Officer Recommendation **Approval with Conditions**
Mrs Debbie Roberts

Officer Name

Date application valid 13.08.2021
Target Determination Date 15.12.2021
Extension of Time 15.11.2021

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1. Introduction

1.1. This application comes before Committee as the proposal is made by the Council's Projects Team

2. Report Summary

2.1. The application seeks permission for regeneration of land at the junction of Church and Station Roads, Bamber Bridge. The proposal as detailed in Section 5 (below) centres around celebration of the Battle of Bamber Bridge.

2.2. Representation was received from one resident in support, but who has concerns about tree protection. Approved plan REG-5529-02 however provides for tree retention as acceptable to the Councils Arborist and secured by tree protection condition. Comments from statutory consultees have been considered and conditions recommended where appropriate.

2.3. It is recommended that planning permission should be granted subject to the imposition of conditions

3. Application Site and Surrounding Area

3.1. The application relates to the northern half of a piece of raised land /large grass verge located at the junction of Church and Station Roads, Bamber Bridge. The site is dissected by public footpaths, has mature trees and seating in its centre, and trees along the west and southern edges. A small BT Openreach box sits in the south-east corner.

3.2. The site is separated by an access road from Ye Olde Hob Inn public house (Grade II) and Church Road terraced dwellings (east). Grass verge extends in the south, and in the west is Church Road; beyond which is a similar, but larger tract of open land. The site and its surroundings are designated as Church Road Conservation Area.

4. Site History

4.1. None relating directly to this piece of land

5. Description of works

5.1. The application proposes regeneration of green space and erection of steel sculpture to commemorate the 'Battle of Bamber Bridge'.

5.2. *Battle of Bamber Bridge* - During the Second World War, Bamber Bridge hosted American servicemen from the 1511th Quartermaster Truck regiment. The 234th US Military Police Company was also located in the town, but US Armed Forces were racially segregated; soldiers of 1511th regiment being almost entirely African American, while most officers and MP's were white. The people of Bamber Bridge supported the black troops, resisting segregation, and welcoming African American men who mingled freely with local white people. When American officers demanded a colour bar in the town, all three local pubs reportedly posted 'Black Troops Only' signs. On 24th June 1943 soldiers from the 1511th regiment were drinking with English troops and civilians in Ye Olde Hob Inn when passing MPs attempted to arrest one soldier; stating he was improperly dressed and without a valid pass. An argument ensued but as MPs left a beer was thrown at their jeep. MPs picked up reinforcements and intercepted the soldiers on Station Road prompting violent confrontation in which shots were fired and a black GI wounded. Rumours spread that MPs were shooting black soldiers; particularly as several jeeps full of MPs, and an improvised armoured car with a large machine gun arrived at the camp. This over-reaction prompted African American soldiers to arm themselves. A large group left the base, and what follows was a violent confrontation that led to stray bullets which entered houses, seven wounded and the death of Private William

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Crossland in the crossfire. A court martial convicted 32 African American soldiers of mutiny and related crimes. The American army remained segregated until 1948

5.3. *The proposal* – New pathways (tarmac or bonded resin - to be agreed) would connect the existing dissecting paths into a crescent shape. To the centre of the crescent would be a sculpture and information lectern, and benches and waste bins would be relocated to northern and southern ends. Trees would be retained and protected during construction. Ornamental landscaping is also proposed, and the BT box would be retained

5.4. *Sculpture* – A stainless, polished and galvanised steel, rectangular structure (2.4m x 1.3m) would be erected on fixed concrete pads. The frame would be engraved with ‘Bamber Bridge’ whilst the main structure would depict a Bamber Bridge skyline, Union Jack and USA national flags and the unit insignia of the 1511th Quartermaster Truck Regiment. Floor standing uplighters would be installed at the base of the sculpture.

6. Summary of Supporting Documents

6.1. The application is accompanied by documents noted in proposed condition 2

7. Representations

7.1. Site and newspaper advertisements were posted, and eleven neighbours individually consulted. Representation was provided by one resident who supports the scheme which will ‘*improve the entrance to Bamber Bridge*’. The same resident however is concerned that trees would be removed and that the site may be used as extra parking for users of the Hob Inn

7.2. *Officer Note:* Trees are to be retained and protected, and although there are parking issues on this stretch of Church Road, the site in question which sits between sections of highways is at a higher land level and banked steeply on the Church Road side. This and the general layout of the proposal should deter unauthorised parking.

8. Summary of Responses

Lancashire County Council Highways – following a series of amended plans which now include mobility crossings, LCC have no objections.

8.1. **South Ribble Arborist** have no objections provided that the root protection level is not altered. There are no trees identified for removal, although an oak on the site edge would require work to its canopy. Trees in the immediate vicinity of works would be protected by condition during development.

8.2. **South Ribble Environmental Health** has no objections

9. Material Considerations

9.1. Specific Policy Background

9.1.1. National Planning Policy Framework 2021: Chapter 16, Core Strategy Policy 16 (Heritage Assets) and Local Plan Policy G17 (Design) state that when considering proposed development of a designated heritage asset (including conservation areas and listed buildings), great weight should be given to the assets conservation, and to protecting and enhancing both the asset and its setting from inappropriate development.

9.1.2. The NPPF at Para 189 in particular states that ‘*assets are an irreplaceable resource to be conserved in a manner appropriate to their significance, so that they can be enjoyed ... for future and existing generations*’

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9.2. Other relevant policy

National Planning Policy Framework (2021)

9.2.1. Chapter 2 (Achieving Sustainable Development) includes a presumption towards sustainable development across a number of different objectives; one of which is a social role which includes '*fostering well designed and safe environments ... that reflect current and future needs and support communities' health, social and cultural well-being*'

Central Lancashire Core Strategy

9.2.2. Policy MP: states that applications which accord with the policies of the Local Plan will be approved without delay unless material considerations indicate otherwise.

9.2.3. Policy 17 (Design of New Buildings) requires new development to take account of the character and appearance of the local area.

South Ribble Local Plan

9.2.4. Policies G13 (Trees, Woodland and Development) and G16 (Biodiversity and Nature Conservation) seek to protect and enhance the natural environment

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

9.3. Character and Appearance, Impact upon Designated Heritage Assets and Relationship to Neighbouring Properties

9.3.1. Regeneration of the site will undoubtedly change its physical appearance, but not in such a distinct way that the proposal would impact negatively on the character or appearance of the conservation area or immediate locality. Existing seating will remain but will not be supplemented, and as such there would be no increased opportunity for anti-social behaviour. Proposed landscaping will be enhanced, and trees retained.

9.4. The proposal which is on land owned by the County Council will not affect or impact on the amenity of neighbouring residents. It will relate well to its surroundings and is considered to be appropriate in design and construction. As such it accords well to the National Planning Policy Framework, Core Strategy and South Ribble Local Plan, and is recommended for approval of planning permission consent subject to the imposition of conditions.

RECOMMENDATION:

Approval with Conditions.

RECOMMENDED CONDITIONS:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in accordance with the following approved documents
 - o Battle of Bamber Bridge information sheet
 - o Tree Survey (Ken Linford 15.7.21)
 - o Light specifications

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- o Site plan REG-5529-.02 (South Ribble)
- o Location plan REG-5529-01 (South Ribble)
- o New features plan REG-5529-04 (South Ribble)
- o Spike lights specification REG-5529-05 (South Ribble)
- o TP Path REG-5529-07 (South Ribble)
- o New planting REG-5529-03 (South Ribble)
- o Revised planting distances 5542-01
- o Work area 5544-01
- o Utilities location 5543.01

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

3. No work shall be commenced until satisfactory details of the colour and texture of the facing and roofing materials to be used have been submitted to and approved by the Local Planning Authority.

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

4. Prior to commencement of development, protective fencing should be erected around all trees to be retained within proximity of the approved development. The fencing shall consist of a scaffold framework in accordance with Figure 2 of BS 5837 - 2012 comprising a metal framework. Vertical tubes will be spaced at a maximum interval of 3m. Onto this, weldmesh panels shall be securely fixed with scaffold clamps. Weldmesh panels on rubber or concrete feet should not be used. The site manager or other suitably qualified appointed person will be responsible for inspecting the protective fencing daily; any damage to the fencing or breaches of the fenced area should be rectified immediately. The fencing will remain in place until completion of all site works and then only removed when all site traffic is removed from site.

reason: To protect trees from damage during construction in accordance with BS 5837 2012 in accordance with Local Plan Policy G13

5. No machinery shall be operated, no process carried out and no deliveries taken at or dispatched from the site where associated with construction, demolition or clearance of the site outside the following times:

0800 hrs to 1800 hrs Monday to Friday

0800 hrs to 1300 hrs Saturday

No activities shall take place on Sundays, Bank or Public Holidays.

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

6. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) parking of vehicles of site operatives and visitors
- b) loading and unloading of plant and materials
- d) storage of plant and materials used in constructing the development
- e) suitable wheel washing facilities for vehicles leaving site. Details also to include mechanical sweeping of roads adjacent to the site.
- f) measures to control the emission of dust and dirt during construction
- g) measures to control the emission of noise during construction
- h) details of external lighting to be used during construction

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i) a scheme for recycling/disposing of waste resulting from demolition and construction works

j) anticipated delivery times

REASON: To ensure before development commences that construction methods will safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy and Local Plan 2012-2026 Policy G17

RELEVANT POLICY

NPPF National Planning Policy Framework

Central Lancashire Core Strategy

16 Heritage Assets

17 Design of New Buildings

South Ribble Local Plan 2012-2026

G13 Trees, Woodlands and Development

G17 Design Criteria for New Development

Note:

Other application Informative

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

2. The applicant is advised that under the terms of the Wildlife and Countryside Act 1981, Wild Mammal (Protection) Act 1996 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds, roosting birds or other protected species, or to inflict unnecessary suffering to wild animals. The work hereby granted does not override the statutory protection afforded to these species or provide defense against prosecution under this act, and you are advised to seek expert advice if you suspect that any aspect of the development would disturb any protected species

3. Highways Note: All works in the adopted highway to improve the existing paths must be completed in accord with a S144 License issued by LCC - Area West Highways Operations, or any form of highway agreement determined to be appropriate. The grant of planning permission will require the developer to obtain the appropriate permits to work on, or immediately adjacent to, the adopted highway network. The applicant should be advised to contact Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lancashire.gov.uk or on 01772 533433.

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Application Number 07/2020/00210/VAR

Address 14 Liverpool Road
Penwortham
Preston
Lancashire
PR1 0AD

Applicant Mr Wayne Bretherton

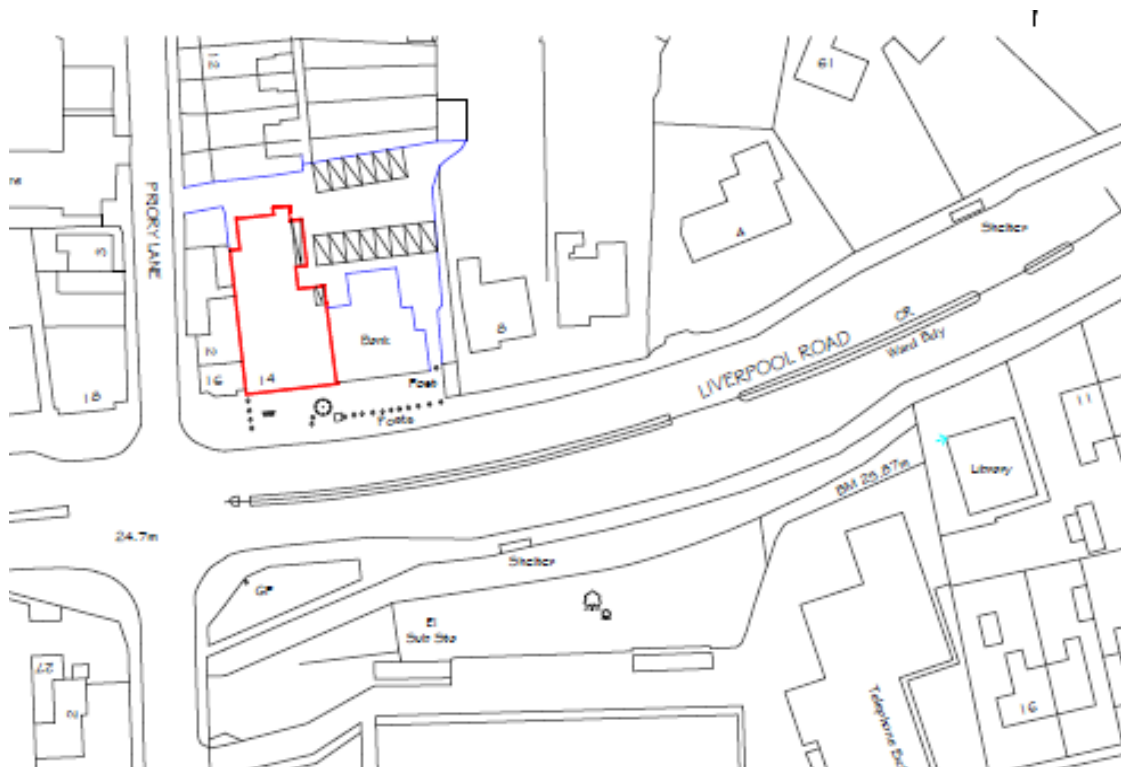
Agent Mr Chris Weetman
1 Reeveswood
Eccleston
Chorley
PR7 5RS

Development Variation of condition 2 of planning approval
07/2018/8006/FUL to amend the internal layout

Officer Recommendation **Approval with Conditions**

Date application valid 25.02.2020
Target Determination Date
Extension of Time

Location Plan



1.0 Report Summary

- 1.1 The application has been called to planning committee by the local ward member due to a number of complaints that continue to be received from neighbouring residents in terms of noise and disturbance. The application seeks to vary condition 2 of planning approval 07/2018/8006/FUL in terms of the internal layout of the Craft and Crust 1260 premises only.

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2.0 Site and Surrounding Area

2.1 The application relates to the Craft and Crust 1260 restaurant unit in what was the former Booths supermarket located at 14 Liverpool Road in Penwortham, within the Penwortham District Centre. The premises had been vacant for a number of years, since September 2010 but was refurbished and sub-divided to form 3 units following grant of planning permission 07/2018/8006/FUL.

2.2 The premises is located close to the busy crossroads junction of Liverpool Road, Cop Lane and Priory Lane. It has commercial properties either side, and along Liverpool Road. On the opposite side of Liverpool Road is the recently constructed Tesco supermarket.

2.3 There are a number of residential properties to the north. At first floor above the application property are residential apartments.

3.0 Planning History

3.1 There have been a number of planning permissions relating to this premises with those of relevance to this current application being:

07/2004/0950 Change of use of first floor from retail storage (Class A1) to two residential flats (Class C3) approved 08/10/2004

07/2018/8006/FUL for the conversion of the building to form 3 units together with the change of use from A1 (retail) to A3 (restaurant) for 1 unit and the other 2 units to remain in A1 retail use. The proposal also included a new shop front, windows, doors and cladding.

4.0 Proposal

4.1 The application is for a variation of condition 2 of planning approval 07/2018/8006/FUL to amend the internal layout. Condition 2 required that the development be carried out in accordance with the approved plans and listed those plans by reference number.

4.2 The layout of the A3 restaurant unit of the sub-divided building had not been carried out in accordance with the approved layout and therefore this application seeks to regularise the situation.

4.3 Internally the layout consists of a seating area to the front of the premises with a large bar area to the western side with a pizza oven/kitchen area adjacent and a kitchen storage area with WC's to the northern end of the western side. To the eastern side is a VIP seating area with storage, office and a second seating area. As approved the layout had a much larger seating area with kitchen in the location of the VIP area with a small bar adjacent. The WC's were to be in the same location.

5.0 Summary of Publicity

5.1 Neighbouring properties were notified with one letter of representation being received, objecting to the proposal on the following grounds:

- object on the grounds of noise and disturbance
- The floor plan does not follow the noise strategy that was first approved. The strategy did not cater for a large bar and cellar; or the extraction systems which are located below the roofline
- The acoustic test shows additional attenuation is required to meet approved target, dated 11th December 2019. This still needs clarity.

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- Unacceptable levels of impact and airborne noise can be heard. This prevents us from enjoying our home, and has affected our wellbeing from the very first day of trading 11th December 2019
- Our property is an open plan design and cannot move around the house to avoid operational noise as it occurs (day or night)
- Countless hours have been lost working with the owner to try and mitigate the noise to some degree. Soundproofing material has been used without the desired effect

5.2 Following the submission of a Noise Report, neighbouring residents were reconulted with 3 further letters of representation being received, objecting on the following grounds:

- the recent commissioning report carried out by red acoustics is only applicable to flat 14b, noise levels. No noise level assessments have been carried out at flat 14c which is directly above the main bar, kitchen and toilet areas of the premises and where the outside seating area is directly beneath.
- to ongoing noise disturbance from the premises below.
- The original planning was for a restaurant. Craft and crust is a bar/pub with TVs and caters for standing customers therefore increasing footfall of incoming and outgoing customers.
- Craft and crust has a larger bar area than the original planning application for a restaurant. There is daily ongoing noise coming from craft and crust, of people talking, walking movement, noise from equipment and furniture movement.
- The noise also comes from people seated in the front outside area of the bar, which is directly below the living room and a bedroom.
- There is a loss of privacy due to customers seated outside in the paving area and can see into the living room and bedroom in the evening times.
- loss of the existing view of the paved area as the paved area is now covered by a huge canopy
- The noise that filters into our flat needs to be resolved.
- For the past two-years we have not been able to enjoy our home due to noise, odour, and disturbance caused by the two commercial venues that operate below the residential parts of this building; 1260 Craft & Crust and GinJarAle.
- Opposed the original planning application on the same grounds
- led to believe that the planning conditions and the noise mitigation assessment (report by Red Acoustics dated December 2018) would alleviate our concerns. This turned-out to be far from the truth.
- Since December 2019 we have been regularly disturbed by airborne and impact noise that travels into our entire flat.
- Have little faith in the South Ribble planning and assurance process
- The acoustic ceiling was not tested at completion and prior to occupation of the space, as per the planning condition 3
- An impact sound insulation test (ISO 140-7) did not form part of the original noise assessment, unlike other planning applications: - Bread & Butter (07/2019/0415/FUL) report by Red Acoustic dated June 19. - Lostock Ale House (07/2019/8975/FUL) report by Red Acoustic dated November 19 - Brooklyn's American Diner (07/2021/00563/DIS) report by KP Acoustics dated July 21
- The planning application for GinJarAle (August 2019) was granted without any evidence that showed the acoustic ceiling had be installed, noise reassessments were not submitted and impact tests were also omitted from this development.
- the noise commissioning tests (report by Red Acoustics dated 17th December 2019) shows additional attenuation is required. The retest report is vague, it does not show a pass/fail and offers no explanation for what 'additional attenuation' is required.
- the re-test was only done in same week that 1260 Craft & Crust opened and no tests have been carried out for GinJarAle.
- feel that this venue is trading as a pub and this goes against its intended use.

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- It's difficult to see how this venue differs from most micropubs that operate across South Ribble and Preston. It's not a typical restaurant. It does not offer a mixed menu that provides dishes for all tastes, but this cannot be said for its wide range of craft ales and beverages
- In April 2020, environmental health also expressed similar
- The internal noise assessment (report by Red Acoustics dated July 2021) may show that the restaurant is operating under 80db, however this test was done on the first weekend after COVID lockdown, when some customers are no doubt still observing the COVID protocols. This may explain why the noise levels at the weekend of testing were lower than previous results and may not fully reflect the worse case scenario.
- They are only reflecting the average of one weekend.
- the following weekends have become louder than the testing weekend of 23-25th July 2021 and the average measured will surely not be maintained over the year.
- There has been many missed opportunities where noise could have been drastically reduced had the inclination been there.
- There seems to be a desire not to offend residents who live near the Lime Bar, but the residents who reside above commercial premises are forgotten and ignored.
- The pizza extraction system does not comply with the approved Ventilation and Extraction Statement dated 11/10/2018 condition no 4
- Beer kegs are rolled up the concrete ramp, empty kegs are placed against this external wall which creates further impact noise.

5.3 Neighbouring residents were sent a further letter advising that the red edge location plan was amended to reflect that of the parent planning application as it was noted the wrong premises had been red edged. This was to ensure that any decision on the application cannot be subject to a legal challenge.

6.0 Summary of Consultations

6.1 **County Highways** has no objections to the variation of condition 2

6.2 **Environmental Health** initially commented that the proposed variation to the layout of this pub is retrospective and they are receiving complaints regarding the operation of this site. The previously imposed condition regarding insulation provision had not been complied with.

6.3 The new layout significantly reduces the level of seating available from the original plan, with a much larger bar area. Highlighting that the site is predominantly used as a bar and not a restaurant, and thus higher sound levels are being generated. Levels of up to 97 dB(A) were recorded from patrons shouting loudly within the premises, something that cannot be easily controlled. These recorded levels suggest that even if the proposed level of attenuation had been fitted, it would be insufficient for the proposed layout. EH could not support the application.

6.4 Following the submission of a Noise Report, Environmental Health were reconsulted and confirmed that following the monitoring undertaken, the suggested insulation level is now considered acceptable. Environmental Health have also undertaken and concluded their own investigation which found no statutory nuisance from the site.

6.5 Environmental Health were again reconsulted following receipt of a late letter of objection which raised a number of issues relating to this premises and also the neighbouring premises. A consultant EHO reviewed the Noise report for this development and advised that it appears to be a reasonable judgement of the ambient noise capability of the site. The condition is acceptable with this report as evidence the residential element should have the

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minimum of disturbance. Therefore, Environmental Health now have no objection to this variation of the scheme.

7.0 Policy Background

7.1 **Central Lancashire Core Strategy**

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

(c) being sympathetic to surrounding land uses and occupiers and avoiding demonstrable harm to the amenities of the local area.

(d) ensuring that the amenities of occupiers of the new development will not be adversely affected by neighbouring uses and vice versa.

(f) minimising opportunity for crime, and maximising natural surveillance.

(j) making provision for the needs of special groups in the community such as the elderly and those with disabilities.

7.2 **South Ribble Local Plan**

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

7.2.2 **Policy F1: Parking Standards** requires all development proposals to provide car parking and servicing space in accordance with the parking standards adopted by the Council. In general, parking requirements will be kept to the standards as set out unless there are significant road safety or traffic management implications related to the development of the site.

The parking standards should be seen as a guide for developers and any variation from these standards should be supported by local evidence in the form of a transport statement. Where appropriate, some flexibility will be factored into the standards in relation to the specific local circumstances.

7.2.3 **Policy G17: Design Criteria for New Development** permits new development, including extensions and free-standing structures, provided that, the proposal does not have a detrimental impact on the existing building, neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity, use of materials. Furthermore, the development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect; the development would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Policy F1, unless there are other material considerations which justify the reduction such as proximity to a public car park; the proposal would sustain, conserve and where appropriate enhance the significance, appearance, character and setting of a heritage asset itself and the surrounding historic environment.

7.3 **Penwortham Town Council Neighbourhood Development Plan** sets out the Visions and Objectives for the future of Penwortham; Sustainable development for the town and provide a local policy framework for developments within the town. In respect of the District Centre it recognises that it is important to the vitality and viability of the District Centre that the retail strength and appearance of these frontages is retained. In terms of parking The Town Council is working with South Ribble Borough Council and Lancashire County Council to consider the committal of resources to both develop and implement an Improvement Plan for the three Penwortham centres to enhance the physical environment, parking and the retail experience

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8.0 Material Considerations

8.1 The layout of the restaurant does not have any particular impacts on the premises, its use, the character and appearance of the area or the Penwortham District Centre. In these respects, the amended layout scheme is considered acceptable. However, in consideration of the parent planning application, the potential of noise and disturbance was one of the main issues, given that there are first floor residential apartments above. Therefore, consideration is given to the impacts the amended layout has on the residential amenity of the apartments.

8.2 Among the requirements of Core Strategy Policy 17 is need for new development to be sympathetic to surrounding land uses and occupiers, and to ensure that the amenities of occupiers of the new development will not be adversely affected by neighbouring uses and vice versa.

8.3 Since the A3 restaurant commenced operation, a large number of complaints have been received from the occupants of the first floor apartments in terms of noise and disturbance. Following investigation one of the causes appeared to be due to the altered internal layout of the restaurant. This is also due to the internal arrangements of the first-floor apartment which, it is understood, is open plan.

8.4 As part of the parent planning approval 07/2018/8006/FUL a noise assessment was carried out by Red Acoustics with a Noise Impact Assessment report F1606-REP01-JR dated 18 December 2018 being submitted which included the following assessments:

- Measure the existing environmental noise levels around the site
- Establish target plant noise limits
- Assess noise transfer between the proposed A3 spaces and the adjacent residential spaces in accordance with target criteria

8.5 Additionally, the Noise Impact Assessment report also provided a noise mitigation strategy. The details included measures such as wall linings, twin framed walls, acoustic ceilings and secondary glazing. Environmental Health considered the document and confirmed it was acceptable providing that the soundproofing works were undertaken as per the report and this was secured by condition.

8.6 It must be recognised that the residents of the apartment had objected to the proposal on noise grounds, commenting that the ceiling had inadequate soundproofing to prevent noise filtering into the apartment particularly are the commercial kitchen, bar and WC would sit below the lounge and two bedrooms. However, it was considered that, with the appropriate noise mitigation measures in place, there would be no additional undue impact on those residents in terms of noise and disturbance.

8.7 Those noise mitigation measures were based on the approved layout and it must be recognised that some of the noise experienced within the apartment which has resulted in complaints, may be due to the amended layout. The occupants of the first floor apartment have objected to the amended layout on the grounds of noise and disturbance, commenting that the submitted noise strategy did not cater for a large bar and cellar or the extraction systems which are located below the roofline. This has resulted in unacceptable levels of impact and airborne noise can be heard and prevents the occupants from enjoying their home and has affected their wellbeing from the very first day of trading, ie from 11th December 2019.

8.8 An additional acoustic test was carried out on 11th December 2019 which showed some additional attenuation was required. Environmental Health also carried out a number of monitoring visits to the premises and first floor apartment due to complaint about noise.

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8.9 Environmental Health's initial consultation response advised that: *"The proposed variation to the layout of this pub is retrospective, i.e. the original layout plans submitted and approved have never been implemented. We are still receiving complaints regarding the operation of this site. The previous condition regarding insulation provision has not been complied with.*

The new layout significantly reduces the level of seating available from the original plan, with a much larger bar area. Highlighting that the site is predominantly used as a bar and not a restaurant, and thus higher sound levels are being generated. Levels of up to 97 dB(A) were recorded from patrons shouting loudly within the premises, something that can not be easily control.

These recorded levels suggest that even if the proposed level of attenuation had been fitted it is insufficient for the proposed layout.

At this time the department cannot support the application."

8.10 Therefore, it was considered necessary that a new noise impact assessment, based on the actual layout of the premises, be carried out and submitted. Due to Covid and the premises being either closed or operating at reduced capacity during Covid, the noise assessment has only recently been carried out now the restaurant is operating fully. It would have been of little use to assess noise impact during Covid and would not have given a true picture of the noise impacts.

8.11 The report is in the form of a technical note which details the measurement of internal noise levels at the premises. The purpose of the measurement is to determine typical and worst case operating noise levels within the restaurant area for comparison with the initial assumptions about internal operating noise levels (measured in a similar busy restaurant).

8.12 The report advises that, based on the measured operational noise levels within the restaurant spaces and the measured sound insulation performance of the separating construction it is concluded that the operational noise levels are in line with the recommended target noise levels for the restaurant space and no unreasonable disturbance is expected to the adjacent residential spaces.

8.13 Environmental Health have considered the noise assessment and confirm that, following the monitoring undertaken, the suggested insulation level is acceptable. Environmental Health have also undertaken and concluded an investigation which found no statutory nuisance from the site.

8.14 Environmental Health were further consulted following receipt of a late letter of objection and a consultant EHO reviewed the Noise report and confirmed that it appears to be a reasonable judgement of the ambient noise capability of the site. The condition is acceptable with this report as evidence the residential element should have the minimum of disturbance. Environmental Health therefore have no objection to this variation of the scheme.

8.15 In order to address the points raised in the late letter of objection, recognising that some of the issues do not relate to this premises alone, Environmental Health re-reviewed all the relevant acoustic documents provided as part of this and the parent application and advised:

"During the initial application the department had concerns over the sound levels that had been assumed for the new venture and subsequently the nature of the use of the premises, in our view, akin more to a bar than a restaurant. I now understand that since reopening after the national lockdown the nature of the premises has changed to seated service only and usage is more akin to a standard restaurant as per the original planning permission.

The original acoustic report used assumed levels for the operation of the site to assess the impact on the first floor property. From this a specification was determined for the insulation works to the structure of the property. A subsequent test following these works identified

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overall compliance with the agreed insulation level, but did highlight a slight exceedance at 125Hz, although this was minimal.

Following the lifting of the national lockdown the site was re-opened and monitoring undertaken across the site. This corresponded to the first weekend opening after lockdown and was generally a very busy weekend for most venues. I understand Craft and Crust was fully booked.

The above monitoring provided actual sound levels for the venue and these have been used to assess the impact against the insulation level. It again highlights a general compliance with the specified scheme with a slight 0.9dB exceedance at 125Hz, this is not detectible by the human ear.

The letter of objection received comments that an impact sound test has not been undertaken in line with ISO 140-7, this test involves testing the dividing structure for impact sound from above to below. It is irrelevant for consideration of any noise from the ground floor to the first floor, unless people are banging on the ceiling.

As an aside this department has fully investigated an alleged statutory noise nuisance from the venue to the first floor flat and concluded that no nuisance exists.

We have no objection to the application on the grounds of significantly adverse impact in line with the NPPF / NPSE.”

8.16 In terms of the operation of the premises and the suggestions that it was more akin to a drinking establishment, it has been established that during Covid restrictions where such premises could only operate a takeaway services and since they were lifted, the premises has operated as a restaurant where tables have to be booked and officer's are satisfied that the premises is a restaurant not a drinking establishment.

8.17 Additionally, in terms of the comment that the noise testing was carried out the first weekend after the lock down was lifted and the premises was not fully occupied, it has been confirmed that the premises was operating at full capacity and the applicant has provided the booking details.

8.18 Whilst it is acknowledged that the neighbouring residents have raised a number of concerns, it is considered that both Environmental Health and Planning Enforcement have fully investigated those relating to noise and disturbance and no statutory nuisance has been found. In terms of residential amenity, it must be recognised that the premises was previously in commercial use as a supermarket and, although vacant for some time, could have resumed operation without any control over the hours of use etc or without any additional noise insulation measures.

8.19 Other matters raised are subject to separate investigation by the Enforcement team and will be dealt with accordingly and are no relevant to the variation of condition application which seeks to regularise the internal layout only.

8.20 The proposal does not have any impact on or alter the parking arrangements for the site and County Highways have no objections to the amended layout.

9.0 Conclusion

9.1 For the reasons outlined above, it is considered the proposed layout it acceptable and the application is recommended for approval subject to the imposition of conditions as originally imposed with just condition 2 being amended to reflect the updated plan reference number and revision.

10.0 Recommendation

10.1 Approval with Conditions.

11.0 Recommended Conditions

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1. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans Dwg GF36/19 Rev C Proposed Ground Floor Unit 3
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
2. The development hereby approved shall fully adhere the updated Noise Assessment Technical Details R1606/T01A by Red Acoustics dated 18 August 2021
REASON: To safeguard the living conditions of adjacent residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy
3. The odour management plan contained in the approved Ventilation and Extraction Statement dated 11/10/2018 shall retained throughout the permitted use of the site.
REASON: In the interests of the amenity and to safe guard the living conditions of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy.
4. Prior to the installation of any external light, details shall be submitted for approval in writing to the local planning authority. The approved scheme shall then be installed, maintained and retained at all times thereafter.
REASON: In the interests of amenity and to safeguard the living conditions of the nearby residents in accordance with Policy 17 in the Central Lancashire Core Strategy
5. No deliveries shall be received and no waste, including empty bottles, shall be removed from the premises between the hours of 22:00 and 08:00 Monday to Sunday.
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy.
6. The Bi-fold doors to the front of the restaurant shall not be open between the hours of 20:00 and 08:00 on any day.
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy

12.0 Relevant Policy

Central Lancashire Core Strategy

Policy 17: Design of New Buildings

South Ribble Local Plan

E4 District Centres

F1 Car Parking

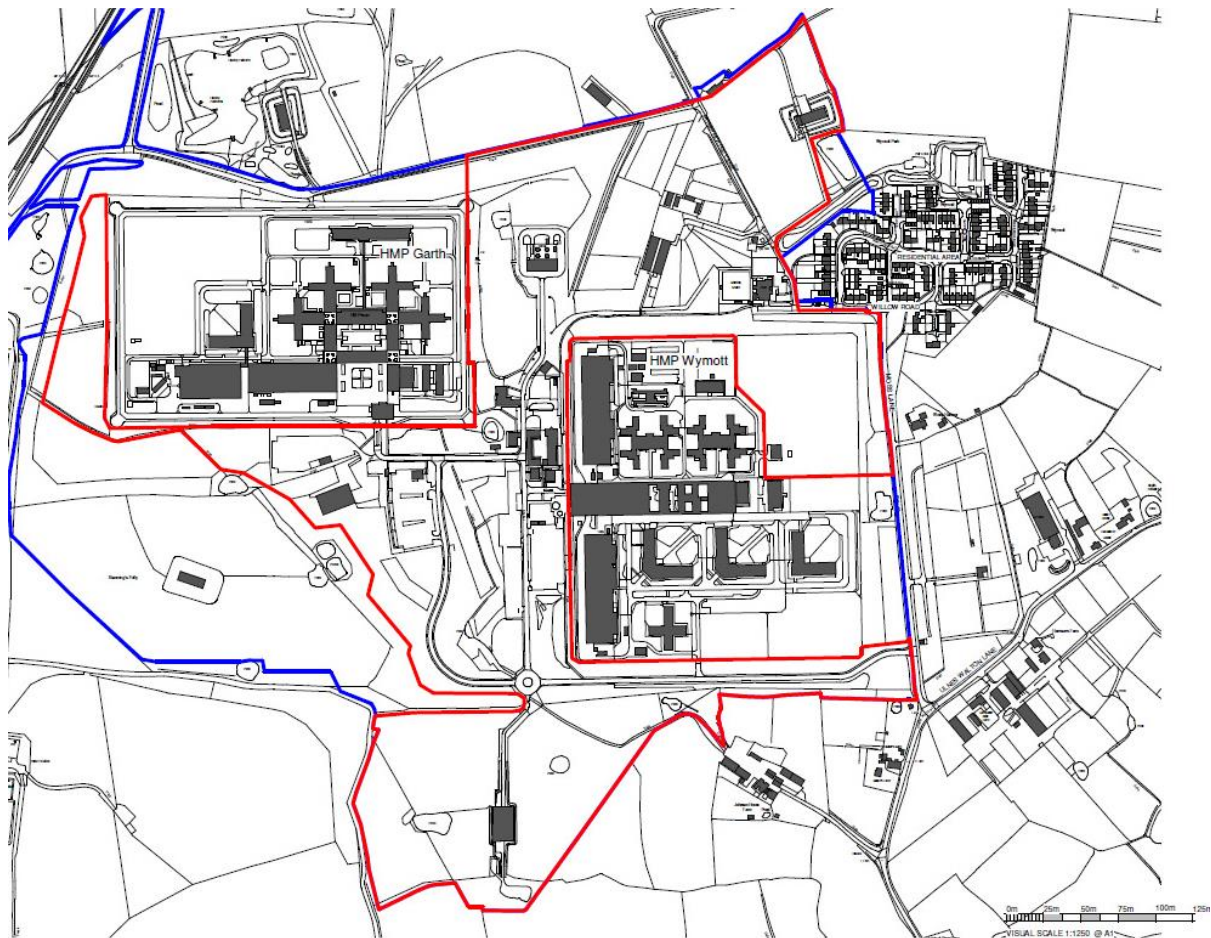
G17 Design Criteria for New Development

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Agenda Item 10

Application Number	21/01028/OUTMAJ (Chorley Borough Council)
Address	Land Adjacent to HMP Garth and HMP Wymott, Leyland
Applicant	Ministry of Justice
Agent	Miss Claire Pegg 1 Marsden Street Manchester
Development	Hybrid Application for the erection of a new Prison within Chorley Councils area – full description set out below
Officer Recommendation	The views set out in full in the recommendation section below be submitted to Chorley Borough Council as determining Authority

Location Plan



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1.0 Recommendation

1.1 That Chorley Borough Council be advised that South Ribble Borough Council would request that the following points are taken fully into account as part of the processing and determination of this application.

1. Highways/ Access -we seek assurance that the impact of the proposal in terms of the adjacent highway network and junctions within South Ribble are fully considered having regard to existing and committed development. That more sustainable pedestrian and cycle routes to the prisons are explored and in association with we would seek financial contributions for the creation/enhancement of these routes as part of the Boroughs green link network.
2. Economic considerations – while welcoming economic investment in the area as a whole we would wish to see full adherence to principles of social and community value, employing local people at the prison and the creation of apprenticeships along with use of local businesses in the supply chain of goods and services.
3. Green Belt -that the ‘very special circumstances’ that need to be demonstrated to allow such development in the Green Belt are fully explored and found to be robust given the pressure on the Central Lancashire Green Belt
4. We would welcome further discussion and engagement as the detail is worked up and would be happy to meet HM Justice representatives to discuss our concerns and suggestions above.

2.0 Introduction

2.1 Chorley Borough Council are currently processing a planning application for a new Category C prison which will be sited adjacent to the existing Wymott and Garth prisons off Moss Lane at Ulnes Walton. The views of South Ribble Borough Council as neighbouring authority are being sought.

2.2 The application has the following description.

Hybrid planning application seeking: Outline planning permission (with all matters reserved except for means of access, parking and landscaping) for a new prison (up to 74,531.71 sqm GEA) (Class C2A) within a secure perimeter fence following demolition of existing buildings and structures and together with associated engineering works; Outline planning permission for a replacement boiler house (with all matters reserved except for access); and Full planning permission for a replacement bowling green and club house (Class F2(c)) on land adjacent to HMP Garth and HMP Wymott, Leyland

3.0 Planning Application

3.1 The application was submitted following a public consultation exercise by the Ministry of Justice in June this year followed by a request for a Screening Opinion to seek a view whether the development was required to submit an Environmental Impact assessment. It was determined that this was not a development that required an Environmental Impact Assessment.

3.2 The proposal comprises the following elements:

The proposal is for a Category C resettlement prison into a 43.5-hectare site. It will have 7 separate blocks, with each block holding around 240 prisoners. Each block will have 4 floors

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with 60 prisoners per floor. The overall capacity of the prison is 1,715. It will be located on land to the north of Wymott and East of Garth.

3.3 Support buildings are also proposed including a reception area, kitchens, workshops, a visitor's hall and offices. These buildings will range from 1 storey to 4 storeys.

3.4 The plans also include dog kennels, only to be used in the daytime for when prison dogs are on site, for the dogs to leave with handlers at night. Areas of polytunnels for gardening, an outdoor family area that can be used by visitors and prisoners during visiting times. 500 parking spaces are proposed for visitors and staff. The whole prison site will be surrounded by secure fencing and a road for security patrols.

3.5 The existing boiler house will be re-located as will the Wymott Bowling Club to facilitate the development.

3.6 The site is in the Green Belt.

3.7 It is advised that the new prison will be designed and built to be highly sustainable and to exceed local and national policy in terms of sustainability.

3.8 The application is accompanied by the usual wide array of supporting documents covering a wide range of topic areas.

3.9 To put the scale of development in context HMP Garth comprises an 850 capacity category B men's prison and HMP Wymott comprises a category C men's training prison with a capacity of 1,200. It is advised that there is a demand for a prison in the North-West and out of the options available the others have been discounted and this is the favoured site.

4.0 Access and Highways

4.1 Local access to the prisons is off Ulnes Walton Lane which runs to the east of the prison from Leyland in the north to a junction with the A581 (Southport Road) at Ulnes Walton in the south.

4.2 The development will support 858 staff. The new prison is proposed to take vehicular and pedestrian access via a new priority junction off Moss Lane, North of the existing HMP Garth and Wymott prisons internal access road

4.3 The Transport Assessment confirms most trips are forecasted to be generated by the development are by car, both by staff and visitors. It is forecast that the proposed development would generate up to 223 and 253 two-way vehicle trips during am and pm peak hours.

4.4 Junction modelling has demonstrated that all accessed junctions will operate within acceptable capacity thresholds, except for Ulnes Walton Lane/A581 where a potential issue has been identified.

4.5 It is advised that the Ministry of Justice are working collaboratively with Lancashire County Council (LCC) to find a solution at this location and to agree input to the County Council's Strategy for the wider A581 corridor, as well as the mitigation in other key locations. They conclude that the applicants; their highway consultants and LCC agree issues are not insurmountable and highway solutions will be secured by Section 106 and Section 78 highway agreements.

5.0 Landscaping

5.1 Landscaping is one of the matters being applied for at this stage. It is advised that the strategy has been developed in response to the site's existing character and seeks to protect

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and reinforce habitats and vegetation where possible, maximising biodiversity net gain and providing appropriate mitigation for any ecology, landscape and visual impacts.

5.2 Furthermore, opportunities for new and enhanced screening along the north and north-east of the new prison has been a key factor in preparing the illustrative layout. This has allowed for a continuous tree screen of varying depth to be proposed entire northern boundary with a larger area of new woodland planting in the north-east area.

6.0 Material Considerations

6.1 This application falls to be determined by Chorley Brough Council in accordance with the Policies in the Chorley Local Plan and the Central Lancashire Core Strategy.

6.2 The siting of the prison is such that it isn't likely to be seen to any great extent from any vantage point from South Ribble, the development being sited in excess of 1 km from any given point in South Ribble Borough. However, in the wider context the area in which the prison is located can only be accessed from two directions which is from either end of Ulnes Walton/School Lane. School Lane in South Ribble feeds into Ulnes Walton Lane adjacent to the Borough Boundary. In South Ribble Borough this would mean additional traffic would be accessing from either Slater Lane or Dunkirk Lane to then link into School Lane/Ulnes Walton Lane.

6.3 In terms of traffic generation, we would therefore seek assurances that the impact of the additional traffic and the impact on highway capacity/junction safety is fully considered in relation to these areas. This is particularly the case given that the Test Track is now under construction which will use in part Dunkirk Lane to facilitate access. We would therefore expect a robust assessment of not only the impact of the prison; but also committed developments and those under construction to be considered in assessing the impact of the development on relevant junctions and highway network within South Ribble. It is evident that given the shift patterns within the prison the traffic tends to result in much busier peaks in the local highway network compared to the conditions found throughout the rest of the day

6.4 It is also the case that there is no pedestrian footway for significant lengths of Ulnes Lane and School Lane only has a footway to one side and therefore this provides an opportunity for improving sustainable walking and cycling access to the site. The housing areas of Moss Side has always proved popular with prison employees and there is considerable scope to improve walking and cycling links from Leyland to the prison site(s). There is already an informal route from Nixon Lane in Leyland down to the prison on an old farm track. This would make for an excellent corridor for walking and cycling from Leyland to the prison but would need improvement to make it attractive for users. We would really like to see consideration of such improvements as part of the wider plan. In this regard given the prisons very close proximity to the wider Leyland urban area, which encompasses a far larger population than adjacent areas in Chorley Borough it is considered reasonable and appropriate to seek financial contribution from this development towards Green link provision.

7.0 Economic Considerations

7.1 There will clearly be economic benefits for South Ribble through job creation which is in close proximity to major settlements. South Ribble is very ambitious on community and social value and we would like to see a firm commitment from HM Justice on meeting these aspirations in any new development. In particular we would like a focus on ensuring local people can access the new jobs including the provision of training and apprenticeships. We share a Supplementary Planning Document with colleagues in Chorley which requires the submission of and adoption of employment and skills plans. We would also like to see particular support so that local businesses can be part of the development not only during construction but also once open with a focus on local supply chain.

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8.0 Green Belt

8.1 The site is within the Green Belt, which is shared across Central Lancashire with Chorley, Preston and South Ribble. Clearly, the proposal is contrary to Green Belt policy unless very special circumstances can be demonstrated. We would of course expect such justification to be robust in any planning submission arising as we are facing considerable pressure on our joint Green Belt.

9.0 Conclusion

9.1 This is a significant proposal within Chorley Borough that is within the Green Belt and South Ribble's views are being sought in respect of the application as part of the determination process. This report sets out the areas where this authority seeks clarification and further assurances. Following discussion at the Planning Committee these points and any additional matters raised by Members will be forwarded to Chorley Borough Council for due consideration.

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