

Planning Committee

Thursday, 3rd March, 2022, 6.00 pm

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

Agenda

1 Welcome and Introduction

2 Apologies for Absence

3 Declarations of Interest

Members are requested to indicate at this stage in the proceedings any items on the agenda in which they intend to declare an interest. Members are reminded that if the interest is a Disclosable Pecuniary Interest (as defined in the Members' Code of Conduct) they must leave the room for the whole of that item. If the interest is not a Disclosable Pecuniary Interest, but is such that a member of the public could reasonably regard it as being so significant that it is likely that it would prejudice their 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, 10 February 2022 of Planning Committee

(Pages 5 - 10)

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

5 Appeal Decisions

(Verbal Report)

An update will be provided at the meeting.

6 07/2020/00768 - The Windmill, Samlesbury

(Pages 11 - 80)

Report of the Director of Planning and Development attached.

7 07/2022/00006/FUL - 9 Hudson Court, Bamber Bridge

This application has been withdrawn from the agenda.

8 07/2021/00841/FUL - Land opposite Ye Olde Hob Inn, Bamber Bridge

(Pages 81 - 88)

Report of the Director of Planning and Development attached.

9 07/2021/01247/REM - Shaw Brook Road and Altcar Lane

(Pages 89 - 112)

	Report of the Director of Planning and Development attached.	
10	07/2022/00034/FUL - Land next to 249 Chapel Lane, Longton	(Pages 113 - 130)
	Report of the Director of Planning and Development attached.	
11	07/2021/01251/HOH - 5 Danes Drive, Walton-le-Dale	(Pages 131 - 134)
	Report of the Director of Planning and Development attached.	

Gary Hall
Chief Executive

Electronic agendas sent to Members of the Planning Committee Councillors Caleb Tomlinson (Chair), Mal Donoghue (Vice-Chair), Will Adams, James Flannery, Mary Green, Harry Hancock, Jon Hesketh, Clare Hunter, Chris Lomax, Caroline Moon, Phil Smith, Gareth Watson and Barrie Yates

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

Forthcoming Meetings

6.00 pm Thursday, 7 April 2022 - Shield Room, Civic Centre, West Paddock, Leyland PR25 1DH

Procedure of Debate at Planning Committee

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

- Up to five members of the public who wish to speak against an application will be allowed to speak. Each will have up to four minutes in which to state their case.
- Up to five members of the public who wish to speak in favour of an application will then be allowed to speak. Again each will have up to four minutes in which to state their case.
- Ward councillors (not on Planning Committee) will then have the opportunity to make representations about the application. Each will have up to four minutes to state their case – whether for or against.
- The applicant/agent will then be invited to speak in support of the application. Ordinarily he/she will have up to four minutes to speak.
- The application will then be discussed by Committee. At this point members of the public, the applicant and other councillors not on Committee will not be able to speak further.
- Planning Committee will then take a vote on the matter.
- Anyone wishing to speak on an application must register by email to democraticservices@southribble.gov.uk 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/>

Minutes of	Planning Committee
Meeting date	Thursday, 10 February 2022
Committee members present:	Councillors Caleb Tomlinson (Chair), Mal Donoghue (Vice-Chair), Mary Green, Harry Hancock, Jon Hesketh, Clare Hunter, Chris Lomax, Caroline Moon, Colin Sharples, Phil Smith, Kath Unsworth, Gareth Watson and Barrie Yates
Committee members attended virtually (non-voting):	None
Officers present:	Jodi Ingram (Senior Solicitor), Chris Sowerby (Development Planning Team Leader), Catherine Lewis (Development Planning Team Leader), Janice Crook (Senior Planning Officer), Debbie Roberts (Senior Planning Officer) and Charlotte Lynch (Democratic and Member Services Officer)
Other attendees:	Councillors Bill Evans, Michael Green, Margaret Smith and Karen Walton
Public:	15

93 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.

94 Apologies for Absence

Apologies for absence were received from Councillors Will Adams and James Flannery. Councillors Colin Sharples and Kath Unsworth attended as substitutes.

95 Declarations of Interest

None.

96 Minutes of meeting Thursday, 13 January 2022 of Planning Committee

Resolved: (For: 9 Abstain: 3)

For: Councillors C Tomlinson, Hancock, Hesketh, Hunter, Lomax, Moon, P Smith, Watson and Yates

Abstain: Councillors Donoghue, Mary Green, and Sharples.

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That the minutes of the meeting held on Thursday, 13 January 2022 be approved as a correct record for signing by the Chair.

97 Appeal Decisions

There were no appeals to report.

98 07/2021/00966/REM - Land west of Lancashire Business Park, Centurion Way, Farington, Leyland

Councillor Kath Unsworth joined the meeting.

Registered speaker(s): 3 objectors, Councillor Karen Walton (ward councillor), Councillor Michael Green (neighbouring ward councillor) and the Agent

Address: Land west of Lancashire Business Park
Centurion Way
Farington
Preston
PR26 6TS

Applicant: Caddick Developments Ltd.

Agent: Mr Nick Pleasant
NJL Consulting
Origin, 6th Floor
70 Spring Gardens
Manchester
M2 2BQ

Development: Application for Reserved Matters of scale, layout appearance and landscaping following outline approval 07/2020/00781/OUT for up to 51,794 sq m building (Use Class B8) with ancillary office space and associated works.

An amendment was proposed by Councillor Mary Green, seconded by Councillor Jon Hesketh, to defer to application. Upon being taken to the vote, it was subsequently

Resolved: (Unanimously)

That the application be deferred to allow further discussions to take place between the applicant and Officers, in consultation with residents, in response to issues raised by the Planning Committee in regards to the size, scale and position of the proposed building together with issues relating to potential noise, air pollution, light pollution, hours of operation and impact on resident's TV signals/digital and communication services.

99 07/2021/01162/VAR - Unit 7, The Capitol Centre, Capitol Way, Walton-le-Dale

Registered speaker(s): the Agent

Address: Unit 7

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The Capitol Centre
Capitol Way
Walton-le-Dale
Preston
Lancashire
PR5 4AW

Applicant: The Royal London UK Real Estate Fund

Agent: Mr Danny Simmonds
RPS Planning & Development
20 Farringdon Street
London
EC4 4AB

Development: Variation of condition 5 of planning approval 07/2007/0923/FUL (food retail restriction) to allow up to 30% of ground floor area to be used for the sale of food.

The officer recommendation was proposed by Councillor Clare Hunter, seconded by Councillor Caroline Moon, and subsequently

Resolved: (Unanimously)

That the application be approved subject to conditions, including an amendment to condition 1 as outlined in the addendum to the report.

100 07/2021/00812/FUL - Dunbia (Preston) Ltd, Church Road, Bamber Bridge

Registered speaker(s): 1 objector

Address: Dunbia Preston Limited
Church Road
Bamber Bridge
Preston
Lancashire
PR5 6AL

Applicant: Dunbia Preston Ltd.

Agent: Mr Oliver Clawson
Globe Consultants Limited
The Tithe Barn
Greestone Place
Lincoln
LN2 1PP

Development: Proposed erection of beef chilling unit and lairage buildings, together with extension to existing building and raising of roof on existing refrigeration building following demolition of existing storage shed and lairage buildings.

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An amendment was proposed by Councillor Barrie Yates, seconded by Councillor Caroline Moon, that the application be approved with an additional condition relating to the use of electric vehicle hook-up points.

Upon being put to the vote, it was subsequently

Resolved: (Unanimously)

That the application be approved subject to conditions outlined in the report and an additional condition to read that *“Following the completion of the beef chilling unit hereby approved the use of refrigeration systems on parked trailers shall be restricted to those being powered by electric hook-ups only”*.

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 and Policy G17 in the South Ribble Local Plan 2012-2026.

101 07/2021/01246/FUL - AB Inbev UK Ltd, Cuerdale Lane, Samlesbury

Registered speaker(s): the Agent

Address: AB Inbev UK Ltd.
Cuerdale Lane
Samlesbury
Preston
Lancashire
PR5 0XD

Agent: Mr Dominic Page
Gerald Eve LLP

Development: Erection of tented warehouse comprising 2,560 m² for the storage and distribution of drinks products (Use Class B8), canopy over loading bay (434 m²) and associated works.

The officer recommendation was proposed by Councillor Barrie Yates, seconded by Councillor Phil Smith, and subsequently

Resolved: (Unanimously)

That the application be approved subject to conditions.

102 07/2021/01163/FUL - Old Mill Industrial Estate, School Lane, Bamber Bridge

Registered speaker(s): the Applicant

Address: Old Mill Industrial Estates
School Lane
Bamber Bridge

Applicant: Stenprop Industrials 6 Ltd.

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Agent: Mr Mark Aylward
Aylward Town Planning Ltd.
Unit 16, Tamewater Court
Dobcross
Oldham
OL3 5GD

Development: Erection of 7 blocks for employment use, parking, landscaping, substations and ancillary works following demolition of existing structures.

The officer recommendation was proposed by Councillor Clare Hunter, seconded by Councillor Chris Lomax, and subsequently

Resolved: (Unanimously)

That

1. Members were minded to approve the application and
2. the decision was delegated to the Director of Planning and Development in consultation with Chair and Vice-Chair of the Planning Committee upon successful completion of a S106 legal agreement to secure a biodiversity enhancement contribution.

103 07/2021/00858/FUL - Green Lane Farm, Green Lane, Samlesbury

Registered speaker(s): None

Address: Green Lane Farm
Green Lane
Samlesbury

Applicant: Mr Robert Smith

Agent: Mrs Melanie Lawrenson
ML Planning Consultants
5 Bobbin Mill Cottages
Stubbins Lane
Claughton on Brock

Development: Installation of earth banked slurry lagoon and associated engineering works.

The officer recommendation was proposed by Councillor Jon Hesketh, seconded by Councillor Barrie Yates, and subsequently

Resolved: (Unanimously)

That the application be approved subject to conditions.

104 07/2021/01194/VAR - 14a Liverpool Road, Penwortham

Registered speaker(s): None

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Address: 14a Liverpool Road
Penwortham
Preston
Lancashire
PR1 0AD

Applicant: Miss Michelle McKiernan

Development: Variation of condition 14 of planning approval 07/2019/7949/FUL to extend the hours of opening.

The officer recommendation was proposed by Councillor Harry Hancock, seconded by Councillor Phil Smith, and subsequently

Resolved: (Unanimously)

That the application be approved subject to conditions.

Chair

Date

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Application Number 07/2020/00768/FUL
Address Windmill Hotel
Preston New Road
Mellor Brook
Blackburn
Lancashire
BB2 7NS
Applicant James Hall & Company Ltd
Agent Mrs Deborah Smith
Albert Edward House
The Pavilions
Preston
PR2 2YB

Development Demolition of existing public house and related infrastructure and erection of petrol filling station, convenience store and petrol filling station including associated canopy 6 fuel pumps underground storage tanks, EV charging points, car parking and associated landscaping.

Officer Recommendation **APPROVE**
Officer Name Catherine Lewis

Date application valid 15.09.2020
Target Determination Date 10.11. 2020
Extension of Time 04.03.2022



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1.0 SUMMARY

1.1 Members considered a report on this application at their meeting 29 July 2021 and resolved to defer the application for the following reasons:

- To request LCC Highways to reconsider their comments on the application
- To further investigate the air quality implications of the development and
- The implications of the development in relation to the Localism Act.

The previous report is attached as Appendix 1.

1.2 Further information has been received by both the applicant and consultants acting on behalf of the resident's groups. Further re-consultation has taken place with the local residents and the consultants acting for some of the residents, on the submitted information.

1.3 A site visit has also been undertaken with one of the ward councillors, an officer from LCC Highways and officers from South Ribble Planning Department. Further consultation has taken place with LCC Highways and the Council's Environmental Health Officers.

1.4 LCC Highways have carefully considered the additional information and following the submission of a Road Traffic Audit and additional plans to demonstrate the tracking of vehicles in to and out of the site remain satisfied that there are no highway grounds to refuse the application.

1.5 The Environmental Health Officer has considered the additional submitted information and remain satisfied that there are no reasons to refuse the application in terms of air quality.

1.4 On balance and subject to appropriate conditions the proposed development is acceptable in terms of residential and visual amenity.

1.0 Background

1.1 Members considered a report on this application at their meeting 29 July 2021 and resolved to defer the application for the following reasons:

- To request LCC Highways to reconsider their comments on the application
- To further investigate the air quality implications of the development and
- The implications of the development in relation to the Localism Act.

1.2 Further information has been submitted by both the applicant and Consultants representing residents' groups Samelsbury Residents Forum and Mellor Brook Matters. Following further consultation on the submitted information this application provides an update on the three aspects.

2.0 Submission of further information

2.1 The applicant submitted the following information set out in a covering letter dated 1st September 2021.

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- Air Quality Assessment by Redmore Environmental to demonstrate that the development will not have a significant impact on neighbouring residents during either the construction or operational phases of the development.
- A Highways Technical Note by PSA that sets out the advancements in the highway elements of the proposal since the appeal dismissal.
- A Noise Impact Technical Note that demonstrates the improvements in relation to the noise aspects of the proposal since the appeal dismissal.
- Revised Drawings P19 P5 and P32-P3 showing the revision in the colour of the louvres to Grey
- A revised Design & Access Statement v5 that includes a new section on fuel safety, confirmation of the agreed hours for deliveries and a revised drawing schedule.

2.2 The applicant has also provided the following additional information:

- Revisions to the Design and Access Statement with the most recent being Version 7 November 2021.
- A Road Safety Audit Report Number 2022/PSA/1527 dated 17.01.2022
- An Air Quality Report Reference: 4825r2 Date: 21 January 2022.

Drawings ref:

- P-37 P2 Site Plan HGV Tracking Enter from the East.
- P-38 P2 Tracking Exit Parked Cars 1
- P-39 P2 Tracking Exit Parked cars 2

- A further updated Air Quality Report Reference: 4825r3 Date: 16 February 2022.

3.0 Consultation

3.1 The council has undertaken a 21-day consultation with over 600 residents on the 30 September 2021 and a 14-day consultation period on the 3 February 2022.

A total of 33 responses for the September consultation and a total of 22 responses for the Feb 2022 consultation have been received – a further verbal update will be provided at the meeting.

Many of the objections are similar to those previously reported and a short summary is included below.

Summary of objections

- Concern about the HGV ability to access and egress the site safely. As a HGV driver considers the arrangements as dangerous,
- James Hall has deliberately let the site fall in to disrepair
- Having reviewed the recent amendments which have made minor tweaks to the design but these do not address the issues in respect of noise and light pollution.
- The development not in keeping with the area
- Object due to pollution, not suitable location and road safety issues.
- Object as a community to the garage the impact on other businesses and the disruption to local homes is a concern.

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- Living directly next door there is concern about the parking, electric charging points air and water machines.
- Concern about the noise and light pollution and would have fewer issues if it was just a retail outlet.
- The site should be used for affordable housing.
- Concern about contamination due to the use of the site as a petrol filling station
- The proposed use would obscure the pedestrian crossing.
- The authority has pledged to be carbon neutral how can this scheme be supported.
- The scheme is too large and would dominate the area

Summary of support

- I live directly opposite the Windmill and in respect of the amended submission and due to my concerns over the future possible alternative uses of the property/site, I now fully endorse the application and 100% hope this is now passed for development as outlined and works start as quickly as possible

Mellor Parish Council -Reiterate their objection and consider that the changes are mere tinkering with the original design.

The proposed development will have a considerable detrimental impact on the lives of those residents close by. Increase traffic, additional noise vehicle movements, exhaust pollution and light pollution. The development would lead to dangerous traffic conditions.

The site should be used for housing and there is concern the site would become contaminated making it difficult to use in the future.

Increase in air particles would have an adverse impact on the locality

Request the application be refused and concern that the proposal does not meet Policy B1 of the South Ribble Local Plan

Further correspondence has been received from the consultants acting on behalf of the resident's group and includes:

- Sheila Wright Planning Ltd letters dated 12th August 2021, 1st December 2021 and more recently their email dated 24th January 2022 and SK Transport Planning LTD letters dated 9th August 2021 and 1st December 2021.

This report provides an update to the three reasons for deferral:

4.0 LCC Highways to reconsider their comments on the application.

4.1 Following the Planning Committee meeting on 29th July 2021 the case officer Catherine Lewis, the Planning Manager Steven Brown, together with the ward councillor Cllr B. Yates met with Dave Allen the Highways officer from LCC on the 13 September 2021.

4.2 The meeting provided the opportunity for LCC Highways to understand the concerns that had been raised at the Planning Committee meeting and by the letter dated 9 August 2021 from SK Transport Planning Ltd. LCC Highways provided a formal response on 14 October 2021 to the issues raised which is attached for completeness (Appendix 2).

4.3 SK Transport Planning Ltd then requested a meeting with officers and LCC Highways to discuss the Highways response. A meeting was then arranged by SK Transport Planning Ltd on 24th November 2021 which included Dave Allen LCC Highways, Catherine Lewis and

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Steven Brown. Following that meeting a further letter was received from SK Transport Planning Ltd dated 1st December 2021 (Appendix 3).

4.4 On 9th December 2021 Dave Allen sent a response to the planning department which advised that the questions raised had been considered at length. The extract below sets out Dave Allen's response to the points raised in the letter from SK Transport 1st December 2021.

I note that there is nothing new here and these questions have been considered at length previously. I offer the following LCC Highway responses to the 8 points listed in the letter.

- 1) *Yes LCC have never denied that the vehicular access onto the A677 Preston New Road was historically closed due to highway safety concerns. As previously stated, I can confirm that the old entrance to Preston New Road was closed at the request of LCC (over 20 years ago) primarily due to poor visibility to the west from the access point. Visibility requirements would have been more onerous then and the speed limit was higher.
We have maintained an objection to reopening the access point for unrestricted use but have agreed to the current proposal for ingress only with appropriate measures to forbid egress onto Preston New Road.
Just to save further questions regarding further other access points on this road - any future LCC recommendation would be based on the planning guidance current at that time, and if the recommendation was not based on planning guidance the decision would be open to challenge at appeal.*
- 2) *LCC have not requested HGV tracking for a right turn into the entrance, as the right turn will not be for HGV's so there is no requirement for this tracking. There will not be any pumps to dispense to HGV's. Subject to detail design there might be a need to include an appropriate Traffic Regulation Order (TRO) to ban the right turn by HGV's.*
- 3) *No - there are no confirmed physical or legal measures proposed or agreed to stop these righthand service vehicle movements into the site from taking place. As previously stated, the latest site plan (P-18 Rev P5) has been amended to improve site access. Again - subject to detail design there might be a need to include an appropriate Traffic Regulation Order to ban the right turn by HGV's. Hence, we will require a prohibition of HGV right turns off A677 if identified at the s278 stage.*
- 4) *No independently prepared Stage 1 Road Safety Audit has been requested as previously stated, any issues would be identified at the s278 stage, but to minimise concerns I have requested this from the developer.*
- 5) *Yes to exit from the service yard the HGV must undertake a turning manoeuvre, requiring the entire width of the carriageway of Branch Road. And if this is obstructed by resident parking the vehicle would need to part reverse within the PFS (with staff available to marshal internal traffic). This manoeuvre in Branch Road can be accommodated in the highway and if there is obstruction further manoeuvring within the PFS is not uncommon to complete egress.. As stated this is a common situation with the redevelopment of constrained sites and town centres, and LCC do not consider this to be a significant highway safety issue. Further it is not unusual for developers and highway consultants to propose a similar situation with a 'banks man ' to oversee the operation and each situation is considered on its*

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merits. I noted that SK Transport Planning Ltd would never request such a situation, but then developers/consultants choose their battles.

- 6) *If a car is parked opposite the exit this would reduce the available carriageway by 2-2.5 metres, so the service vehicle would need to reverse back an similar distance. It is evident from the drawings that there is adequate space within the site to accommodate this manoeuvre, and I would have expected Mr Kitching with engineering judgement to acknowledge this. But for clarity I have asked the developer to provide this vehicle tracking too.*
- 7) *Planning Inspectors do not seem to be convinced that capacity is a reason to resist development and LCC have taken the view that this level of additional traffic and turning movements to and from the site would not have a 'severe' impact.*
- 8) *The reason for refusal refers to highway amenities and not related to highway safety, I therefore leave this to the district council to comment on. But in reference to point 7 above - The inspector did not judge that the development would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, and I have no reason to doubt the Inspector*

Re the foot note – *I did not put the question to the Local Residents Group at the meeting. I repeated my question to Michael Kitching of SK Transport Planning Ltd (acting as advisor on highway matters); that if he was so convinced that the proposals would have a 'severe' impact then in his professional capacity he should substantiate his claim. This was a repeat of my written request (my email of 4 November 2021) and he has chosen to avoid providing evidence of severity of impact to support his case.*

4.6 LCC Highways did request additional information from the applicant in terms of a Road Traffic Audit (RTA) and drawings to demonstrate the vehicle movements using the access points. This information has been received and a further consultation exercise with residents has been carried out.

4.7 Dave Allen has since responded 09.02.2022 to state:

I note the submission of the following documents: -

*A Road Safety Audit: Report Number 2022/PSA/1527dated 17.01.2022
P-37 P2 Site Plan HGV Tracking Enter from the East.
P-38 P2 Tracking Exit Parked Cars 1
P-39 P2 Tracking Exit Parked cars 2*

A Road Safety Audit: Report Number 2022/PSA/1527dated 17.01.2022

The road safety audit considered the scheme in terms the safety implications for road users and the terms of reference for this audit are those given in GG119, Design Manual for Roads and Bridges.

The safety audit identified an issue with the access in terms right turning HGV movements. That is – 'Swept path analysis provided appears to indicate that a right turning HGV will encroach significantly into the westbound traffic lane. Further analysis shows that the right turn lane is only 2.5 metres wide which is insufficient to accommodate a large articulated HGV (normally 2.6 metres wide). Encroachment into the adjacent live running lane could

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increase the risk of side swipe type conflicts between waiting or turning HGVs and through-traffic or increase the risk of nose to tail shunts as through-traffic is forced to wait for a turning HGV to complete its manoeuvre.'

To address the issue the audit recommends – 'The need for the right turn manoeuvre by HGVs should be investigated further. If required, the right turn lane should be suitably widened to allow to accommodate all likely types of visiting vehicles.' As previously stated any safety Audit recommendations will be incorporated in the detail construction drawings at the implementation of any s278 agreement for the highway access and highway works. In this case the developer has already submitted an amended plan for the site access with tracking (see P-37 below)

The safety audit does not rise any further highway safety issues and I have no reason to question the report findings.

Vehicle Tracking Drawings –

- **P-37 P2 Site Plan HGV Tracking, Enter from the East.**
- **P-38 P2 Tracking Exit Parked Cars 1**
- **P-39 P2 Tracking Exit Parked cars 2**

The drawing P-37 illustrates a widened right turn lane for HGV entry from the east. The submitted tracking is acceptable as the basis of any s278 highway works agreement. I should point out that there are no HGV fuel pumps provided and the only HGV movements will be for servicing.

P-39 shows that the HGV can egress with cars parked as they appear to do, half on the footway (as illustrated on Google Street view), but for completeness P-38 shows that the HGV can still egress if the cars are parked fully on the carriageway. The drawings illustrate my stated position, that the manoeuvres can be performed without creating safety issues on Branch Road.

I am satisfied with the additional information provided by the developer and my suggested conditions of 14 October 2021 are still appropriate.

4.9 On that basis subject to the conditions as set out in the LCC Highways response of 14 October 2021 there are no technical highway objections to the scheme.

5.0 Highway Amenity.

5.1 LCC Highways point out that the reason for refusal refers to highway amenities and not related to highway safety. It is acknowledged that the second ground for dismissal in the Appeal Decision Letter for the application site related to matters around the impact on residential amenity, specifically noise and disturbance. In consideration of this aspect the applicant has provided additional information in the form of the Technical Note dated 8th September 2021.

5.2 The Council's EHO officer has provided the following response on 10 February 2022:

It is noted that the proposed building within the current application has been moved from the original application. This initially provided a degree of shielding to the residential properties to the north and west of the site in terms of both visual appearance and noise. This is no longer the case with the building occupying the existing public house footprint. It is acknowledged that there is some separation between these properties and the fuel pumps, main car parking area and store.

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The submitted noise assessment, 50-151-R1-1, dated August 2020 by e3p has addressed this issue and has provided an assessment of the likely sound levels from the site affecting these properties. As part of this assessment mitigation measures have been included. Additional information has also been provided in the form of the Technical Note dated 8th September 2021.

With respect to traffic movements the submitted noise report and additional technical note addresses the potential impact from additional traffic movements. It has identified that the current traffic flow along Branch Road is 2,100 AADT. It is noted that the air quality assessment confirms a baseline figure of 5,595 vehicles along Branch Road between the junction with the A677 and site entrance in 2018 increasing to 6,306 in 2023 with a do-nothing scenario and 7,969 with the development. Therefore, an increase of 1,663 vehicles a day along this section of road.

This is significantly greater than the 95 new trips/day, suggested within the noise report, although the report does state that those visits to the petrol filling element of the application are not counted as there are by-pass trips. This is obviously not the case when considering the top section of Branch Road between the site exit and A677 Junction. Although from a noise perspective a consideration of car doors etc should be included.

However, the guidance document - Design Manual for Roads and Bridges – does suggest a <3dB increase would have a minor impact. As 3dB equates to a doubling of sound power and therefore a double of traffic volumes. It can be included that over the course of a full day the anticipated traffic increase will not result in a doubling of the traffic flow levels at this point and therefore it can be concluded in line with the relevant guidance document that no significant adverse impact be experienced by the four properties opposite the site at this location. A consideration of plant noise has been undertaken in line with BS4142:2014, the appropriate British Standard. Having reviewed this assessment, we are satisfied and agree with the findings. However, conditions are required to ensure the development continues to ensure no significant adverse impact in terms of sound emissions upon the neighbouring properties continues.

It is noted however that no assessment has been included on the air and water bay identified on the submitted plans. This therefore needs to be assessed, or removed from the proposal. A condition requiring the assessment prior to development of this element of the site would be appropriate in this circumstance.

In conclusion; Activities at the site will be heard by neighbouring residents, as with the previous use as a public house. However, given the assessments undertaken and presented in the submitted information these will not result in a significant adverse impact and are therefore in terms of the National Planning Policy Framework acceptable, subject to a number of conditions.

5.3 On that basis the Environmental Health Officer (EHO) has concluded that the activities at the site would not result in a significant adverse impact and subject to conditions the development is acceptable. It should be noted that the EHO considers that the hours of delivery to the site could be 07:00 to 23:00. However, the applicant has agreed to accept a condition to reduce this even further. On that basis it would be difficult to sustain a reason to refuse the application based upon noise.

5.4 The consultant SWA acting on behalf of the Samlesbury Residents Forum and Mellor Brook Matters has provided an Appeal Decision Letter Ref: APP/N1025/A/14/2226966 Land at M1 Junction Bostocks Lane, Sandiacre NG10 5QG which relates to a two-storey

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restaurant with associated drive thru, car parking and landscaping (McDonalds Appendix 4). The consultant advised that in dismissing the appeal, the Inspector points out that the impact of noise is not simply a matter of vehicle movements, but includes the stopping and starting of engines, slamming of car doors and the blaring of car sound systems- basically the "human noise" associated with this kind of development.

5.5 The consultant advises that this decision is of relevance here too. The McDonalds site did include a seating area and concerns were raised about a small number of youth gatherings at weekends. Although the appellant associated with the appeal suggested that they would relocate the seating area and would also accept a condition to provide an acoustic barrier to address door slams the Inspector considered that there would be no certainty that such a proposal would be acceptable in design terms. The Inspector considered that the issue is whether such noise would be sufficiently distinct and frequent that it could be considered to be detrimental to the living conditions of the occupiers of the nearby residential properties, to the extent that they would give rise to a change in behaviour and/or attitude. The Inspector found that on the balance of evidence before them that it had not been shown conclusively that the appeal scheme at the McDonalds site would not have an adverse impact with regard to noise.

5.6 Having considered the McDonalds appeal decision letter officers consider that there are material differences to the current application. The McDonalds appeal site had an extant permission for an office development whereas the current application is already a Public House. With regard to the application site there is no proposed seating area or reason for small numbers of youths to congregate as you would expect at a McDonalds. The McDonalds decision did not have a noise assessment which considered the impact of human noise whereas the Windmill site does have a noise impact assessment that references door slams etc. It is therefore considered that the McDonalds appeal decision letter is not directly comparable to the current application site.

5.7 It is acknowledged that due to the proposed development this would translate to an increase in the level of activity on the site. However, the Public House could as fallback position operate more intensively. Further, the EHO officer has confirmed that the applicant has submitted a noise assessment which considers the impact of door slams.

5.8 The consultant has also requested that a response is provided to the question "What has changed in terms of noise and disturbance since the Inspectors decision for the Windmill site.

5.9 The Inspector's Decision for the Windmill Appeal states:

However, the noise assessment appears to focus upon deliveries and plant machinery; and not the effect of increased comings in and goings of customers and the noise disturbance that this would have upon residents. Therefore, despite the assessments provided by the appellant, it is my judgement that there would be increased noise, traffic and activity from the site, both in terms of the petrol filling station and the convenience store. The effect of the proposal would be over a long period of the day, every day, without respite. This would materially alter the sound environment experienced by surrounding neighbouring residents, to their detriment (Appendix 5).

5.10 In answer of that question, the applicant has advised that supporting evidence has been gathered regarding general noise and this was included in the submitted Noise Impact Assessment. A further technical note has also been provided in September 2021. Further, the applicant agreed to reduce the stores operating hours to 7am to 10 pm Monday to

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Saturday and 8am to 10pm Sundays and Bank Holidays in the interests of residential amenity.

5.11 It is acknowledged that there would be increased noise and disturbance to the local residents and the Environmental Health Officer has carefully considered the points raised in the Appeal Decision Letter. Given the additional information, there is no technical reason to refuse the application on noise grounds, a balancing exercise needs to be undertaken as to the merits of the application which is undertaken at the end of the report.

6.0 Further investigate the air quality implications

6.1 The applicant submitted an Air Quality Report in September 2021. A letter was received on the 1 December 2021 from SWA consultants expressing concern about the information within the Air Quality Report (Appendix 6). To summarise, the concerns related to the Air Quality Assessments failure to reference the impacts of the increase in vehicle movements and the associated stopping and starting of engines. The Consultants acting on behalf of the residents argue that the AQA conclusions are simplistic and request that a rerun to take into account the significant increase in traffic as detailed by the SK Transport correspondence.

6.2 Paragraph 186 of the NPPF states that:

Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

6.3 The Council's Environmental Health Officer has assessed the information and advised that:

A review of the submitted air quality assessment, ref 4825r2, dated 21st January 2022 by Redmore environmental and the previous report 4825r1 dated 16th August 2021 have been undertaken. This has covered the construction and operational phase of the development. It is however noted that the applicant has not used the Councils preferred and recommended methodology in assessing air quality impacts, which includes a damage costs assessment based on the emissions from the development.

It is also noted from the design and submitted plans that two electric vehicle charging points have been submitted. It is this authority's standard requirement for a minimum of 10% of available bays to be given over for sole EV charging use. 25 parking bays are to be included within the development, with 10% equating to 2.5 bays i.e. 3 bays. Although given the government's current policy regarding electric vehicles to secure the long-term success of the PFS additional charging points may be considered.

A review of the construction phase assessment has identified an appropriate assessment methodology has been utilised. A monitoring location with the centre of Mellor, operated by Ribble Valley BC has been identified for use within the assessment. Given the location of this monitoring point and the development site it is highly likely that pollutant levels will be higher

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at the development site. However, no evidence to confirm this is currently available, with the monitoring location providing a background figure.

The conclusion from the construction phase suggests a medium impact from demolition and suggests a number of control measure. All of which must be implemented and maintained throughout the construction phase.

In relation to the operational phase of the development the assessment relies on a concentration assessment methodology, which unsurprisingly identifies a negligible impact. Many Local authorities are moving away from this approach as it does not adequately address the impact from development on air quality and South Ribble is no exception, detailing an emissions-based approach to air quality assessments, which identifies the damage from the development and transfers this to a cost against which appropriate mitigation measures can be identified.

The air quality assessment currently fails to adequately consider the impact of the development by way of an emissions assessment, and an emissions assessment / damage cost analysis is required followed by appropriate mitigation measures in addition to the Council's standard mitigation measures (construction emission controls and EV charging points, which have been detailed within the wider submission) and any other mitigation measures proposed to cover other elements of the development e.g. highways, ecology etc. As such until this information is submitted we cannot support the application.

6.3 Additional information has been submitted in terms of a revised Air Quality Assessment ref 4825r3 dated 16 February 2022. The EHO has advised that:

In addition to, and following on from, previous comments from the department the applicant has submitted a further revised air quality assessment report dated 16th February 2022 ref: 4825r3 produced by Redmore environmental.

This report updates the assessment of the operational phase of the development and includes the council's preferred methodology detailed within the 'Planning Advisory Note: Low Emissions and Air Quality, a Developers guide, Sep 2020'.

The methodology considers the damage cost of the development in line with set criteria.

The report considers the additional traffic to be generated by the development. This has been identified within the traffic assessment as an additional 95 AADT with the remaining visits being by-pass traffic. Lancashire County Highways authority have not disagreed with this.

As such it is now considered that an acceptable and robust approach has been undertaken by the applicant to identify the potential impact from additional transport generated from the site in line with traffic figures that have not been challenged by the Highways department.

The conclusion of the assessment confirms that the site can be classified as a type 1 site in line with the Council's methodology and this details basic mitigation measures which have been included within the design.

In addition, a consideration of the petrol filling operations has been undertaken, and in line with national guidance no further action is required.

In conclusion the department has no objections to the granting of the application on the grounds of air quality and does not consider a refusal on these grounds could be justified.

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6.4 The applicant has submitted a revised plan that includes additional electric vehicle points and has removed the air and water facilities. Given the additional information that has been submitted to address the concerns from local residents and the third-party consultants the EHO has confirmed that there are no reasons to justify reasons for refusal on air quality.

7.0 Localism Act

7.1 The Localism Act Nov 2011 sought to give effect to the Government's ambitions to decentralise power away from Whitehall and back into the hands of local councils, communities and individuals to act on local priorities. The Localism Act set out a series of measures with the potential to achieve a substantial and lasting shift in power away from central government and towards local people. They included: new freedoms and flexibilities for local government; new rights and powers for communities and individuals; reform to make the planning system more democratic and more effective, and reform to ensure that decisions about housing are taken locally. With regard to local communities the Act sought to provide:

7.2 New rights and powers for local communities

The Act:

- makes it easier for local people to take over the amenities they love and keep them part of local life
- ensures that local social enterprises, volunteers and community groups with a bright idea for improving local services get a chance to change how things are done
- enables local residents to call local authorities to account for the careful management of taxpayers' money

7.3 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan and any other material considerations. As the Localism Act is dated 2011 and the South Ribble Local Plan is dated 2015 it is considered that aspects of the Localism Act relevant to planning would be addressed through the implementation of the planning legislation.

The Localism Act does not prevent the application being determined through the planning process.

8.0 Any other Issues

8.1 Concerns were raised about fuel safety and the applicant has provided the following information:

8.2 James Hall follow the guidance for the installation of fuel sites from an industry standard known as the Blue Book but they go over and above these regs. The blue book requires that tanks only be single lined, but James Hall double line the tanks. No monitoring is required by the Blue Book yet James Hall use a third party to monitor its sites 24 hours a day and in real time. If there is an issue the operation ceases immediately. All work is signed off by the Petroleum Officer and a license granted on completion. A fire Risk Assessment is also legally required for all sites.

9.0 Conclusion and Planning Balance

9.1 The application was deferred for three issues to be considered which are set out in the main body of the report. The paragraphs within the previous report are relevant and have

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been revised and set out below for completeness: The applicant has advised that the submitted details address the concerns raised by the Inspector and that the following benefits weigh in favour of the scheme.

- Economic: job creation, strengthening the rural economy, business rates and other revenues.
- Social: provision of walkable services, improving choice
- Environmental: redevelopment of a brown field site the gateway to the village. Creation of biodiversity, installation of EV charging points.

- 9.2 The Inspector previously considered some of these aspects and acknowledged that there would be some economic benefit and there would be some social benefits. However, they found that the adverse environmental effect upon the character and appearance of the area is of significant weight and there would be social harm to the neighbouring residents from increased noise and disturbance.
- 9.3 With regard to this application and the additional submitted information it is acknowledged that there would be some weight to the economic and social benefits. In terms of the environmental aspects, a number of trees have previously been felled and therefore any biodiversity increase would have a neutral effect. The revised plans submitted in June 2021 in terms of a slightly smaller design with materials that are more in keeping with the Mellor Brook, and the opportunity to provide additional planting to Branch Road, are welcomed.
- 9.4 Although the building is of a contemporary design the use of the natural materials mainly slate and stone with some render seeks to contextualize the building within the surrounding area. These aspects on balance outweigh refusing the application on the grounds of the development being out of character of the village.
- 9.5 This application and additional information has again engendered a significant amount of local objection. The site itself was formally used as a public house and there were no restrictions in terms of its use from a planning perspective. Therefore, effectively as a fallback position under the current lawful use of the site a 24-hour eatery could open up utilising the existing building without the need for planning permission
- 9.6 For the Council to set aside the appeal decision the Council must be satisfied that the proposal has addressed the concerns previously raised. Over the past seven months, third party consultants have raised issues that have required additional information and re-consultation with Statutory consultees and residents. However, there are no objections from any statutory consultees including LCC Highways and the Council's environmental health officers- with aspects raised, controlled by appropriate conditions. With regard to the impact upon residential amenity- the submission of additional information including the noise report and air quality report demonstrate that there would be no significant impact to the amenity of adjoining residents in terms of increased noise and disturbance. The revised footprint together with the reduction in opening hours of both the petrol filling station and the convenience store, and the construction of an internal acoustic fence attract moderate weight. On balance, these aspects would address the social harm to the neighbouring residents from increased noise and disturbance and is acceptable.

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9.7 The application is recommended for approval subject to conditions controlling the development

10. RECOMMENDATION

10.1 Approve with Conditions

RECOMMENDATION:

Approval with Conditions.

RECOMMENDED CONDITIONS:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans

Site Location Plan
Drawing No. P.18 P6 Site plan
Drawing No. P.19 P5 Elevations
Drawing No. P.22 P4 Site plan First Floor Plant Area
Drawing No 2564 202A Planting Plan
Drawing No 2564 102A Landscape Layout
Drawing No P -23 Rev 4 Tracking 2

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

3. Prior to the commencement of demolition/construction a Construction Traffic Management Plan (CTMA) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The approved Plan shall be adhered to throughout the construction period. The CTMA shall include and specify the provisions to be made for the following: -
 1. The parking of vehicles of site operatives and visitors;
 2. Loading and unloading of plant and materials used in the demolition / construction of the development;
 3. Storage of such plant and materials;
 4. Wheel washing facilities;
 5. Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
 6. Routes to be used by vehicles carrying plant and materials to and from the site;
 7. Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.
 8. The location of the site compound
 9. Appropriate measures to control the emission of dust and dirt during construction

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10. Appropriate measures to control the emission of noise during construction
11. Details of all external lighting to be used during the construction
12. A scheme for recycling/disposing of waste resulting from demolition and construction works

4. Prior to the commencement of development, details of all external lighting equipment shall be submitted to and be agreed in writing by the Local Planning Authority. The scheme shall include:
 - a. full details of the luminaries to be used
 - b. the details of the light fittings;
 - c. the installation heights
 - d. the lux levels
 - e. impact on adjacent sites- overspill contour plot to the design scheme
 - f. the upward light ratio;
 - g. the horizontal glare level at the nearby sensitive receptors both ground and first floor as appropriate.

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

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

5. During the site preparation and construction of the development, no machinery, plant or powered tools shall be operated, no process carried out and no deliveries taken at or dispatched from the site outside the following times:
0800 hrs to 1800 hrs Monday to Friday
0900 hrs to 1300 hrs Saturday
No activities shall take place on Sundays, Bank or Public Holidays.
REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy

6. No deliveries of construction materials or removal of construction waste shall be undertaken outside of the hours:
09:00-17:00 Monday to Friday
No deliveries or removal of waste shall be carried out at weekends or nationally recognised Bank Holidays.
REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy.

7. The use of the Petrol Filling Station and Convenience store premises hereby approved shall be restricted to the hours of

0700-2200 Monday to Saturday,
0800-2200 Sundays and Bank Holidays

Restriction of Deliveries:

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Deliveries restricted to between 7am and 9pm Monday to Saturday and 8am to 9pm Sundays and Bank Holidays.

REASON: In the interests of the amenities of adjoining residents and to accord with Policy 17 in the Central Lancashire Core Strategy

8. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site. Each component shall be submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified:
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site indicating sources, pathways and receptors
 - o potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

9. No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan.
The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

10. The development hereby permitted shall not be commenced until such time as a scheme to;
1. Dispose of foul and surface water

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2. Install oil and petrol separators

has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons: To prevent pollution of the water environment and to ensure no contaminated water from oil spills, fuel forecourts or goods vehicles is discharged to surface water or groundwater.

11. The development hereby permitted shall not be commenced until such time as a scheme to install underground tanks has been submitted to, and approved in writing by, the local planning authority.

The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surround, associated pipe work and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent pollution of the water environment and the underlying aquifer.

12. No development including demolition and site clearance shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The final report shall be submitted to the Local Planning Authority prior to the first use of the convenience store.

The programme of archaeological works should comprise the following:

- i) The creation of a record of the building to Historic England level 3; and
- ii) A formal watching brief during the stripping out phase.

This work should be carried out by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out in Understanding Historic Buildings (Historic England 2016) and to the standards and guidance set out by the Chartered Institute for Archaeologists.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building.

13. The development (excluding demolition) hereby permitted shall not be commenced until a scheme showing the provisions to be made for CCTV coverage, access control, and any other measures to reduce the risk of crime, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented. Thereafter the approved measures shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to provide a good standard of security to future occupants and visitors to the site and to reduce the risk of crime in accordance with Policy 17 and 26 of the Central Lancashire Core Strategy and Central Lancashire Design Guide Supplementary Planning Document (Adopted October 2012).

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

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

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15. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
 - (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

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

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

16. Trees identified for retention should have protective fencing erected in accordance with BS 7837 2012. The fencing will 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

17. Any access into the root protection shall be agreed in writing with the local authority. No machinery, tools or equipment should be stored within the Root Protection Area of any trees.

Reason: To minimise damage to tree roots and prevent seepage of materials into the soil.

18. No works to trees or shrubs shall occur or demolition commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

19. If the demolition hereby approved does not commence before 30th April 2023, the building will be reassessed for bat roosting potential and the finding supplied to and agreed in writing by the LPA. In the event of the survey confirming the presence of bats or barn owls 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

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22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026

20. For the full period of demolition/construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period. Reasons; to prevent stones and mud being carried onto the public highway to the detriment of road safety.
21. No part of the development hereby approved shall commence until a scheme for the construction of the site accesses and the off-site works of highway improvement including right turn provision on Preston New Road, Pavement widening to 2m, Amendments to 7.5t weight limit / traffic calming scheme including no left turn onto Branch Road) has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.
Reasons: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.
22. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 21 has been constructed and completed in accordance with the approved scheme details, without prior agreement from the Local Planning Authority.
Reasons: In order that the traffic generated by the new development does not exacerbate unsatisfactory highway conditions in advance of the first occupancy or trading.
23. The car parking and manoeuvring areas to be marked out in accordance with the approved plan (including entry and exit signs and alligator teeth), before the use of the premises hereby permitted becomes operative and permanently maintained thereafter.
Reasons: To allow for the effective use of the parking and manoeuvring areas.
24. 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

RELEVANT POLICY

NPPF National Planning Policy Framework

Central Lancashire Core Strategy

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

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- 22 **Biodiversity and Geodiversity (Core Strategy Policy)**
- 26 **Crime and Community Safety (Core Strategy Policy)**
- 28 **Renewable and Low Carbon Energy Schemes (Core Strategy Policy)**

South Ribble Local Plan

- POLB1 Existing Built-Up Areas**
- POLG13 Trees, Woodlands and Development**
- POLG17 Design Criteria for New Development**
- POLH1 Protection of Health, Education and Other Community Services and Facilities**

Note:

1. United Utilities the applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on our website <http://www.unitedutilities.com/builders-developers.aspx>

2. Environment Agency.

In discharging the conditions recommended above, the applicant will need to provide details of groundwater levels across the site. If underground fuel storage tanks are to be used on this site, then it would need to be demonstrated that a minimum 1 metre unsaturated zone will occur beneath the base of any underground fuel storage tanks and the highest expected natural water table. We will object to storage of hazardous substances below the water table on principal or secondary aquifers.

During the construction phase of the development any contaminated water must not be allowed to discharge to surface waters or groundwater. If infiltration methods are to be used for surface water disposal, the design of the surface water disposal system will need to incorporate sufficient treatment stages prior to discharge to the environment in line with CIRIA document C753.

The Environmental Permitting Regulations 2010 make it an offence to cause or knowingly permit a groundwater activity unless authorised by an Environmental Permit which we will issue. A groundwater activity includes any discharge that will result in the input of pollutants to groundwater.

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 Development Support 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.

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Appendix 1 Committee Report 29 July 2021

Appendix 2 LCC Highways 14 October 2021

Appendix 3 SK Transport 1 December 2021.

Appendix 4 McDonalds Appeal Decision Notice

Appendix 5 The Windmill Appeal Decision Notice

Appendix 6 SWA 1 December 2021.



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Application Number 07/2020/00768/FUL

APPENDIX 1

Address
Windmill Hotel
Preston New Road
Mellor Brook
Blackburn
Lancashire
BB2 7NS

Applicant James Hall & Company Ltd

Agent
Mrs Deborah Smith

Albert Edward House
The Pavilions
Preston
PR2 2YB

Development Demolition of existing public house and related infrastructure and erection of petrol filling station, convenience store and petrol filling station including associated canopy 6 fuel pumps underground storage tanks, EV charging points, car parking and associated landscaping.

Officer Recommendation **APPROVE**
Officer Name Catherine Lewis

Date application valid 15.09.2020
Target Determination Date 10.11.2020
Extension of Time 30.07.2021



1.0 SUMMARY

- 1.1 Planning permission (07/2017/3283/FUL) was refused on the 27 October 2017 for the following reasons: poor design which did not reflect the character and appearance of the established locality, and the proposal would lead to increased disturbance and have a detrimental impact upon highway amenities in the locality due to increase activities in and around the site.
- 1.2 An appeal was lodged and dismissed dated 15 August 2018 based on two aspects:
- The proposal would have an unacceptable and adverse effect upon the character and appearance of the area as the design was described as formulaic, basic and uninteresting. The store location to the rear of the site lacked a strong sense of place and created an ill-defined frontage.
 - The second reason related to the potential for increased activity at the site which would result in noise, traffic and activity from both the new petrol filling station (PFS) and the store over a long period of the day and which would materially alter the sound environment experience by residents to their detriment. Cumulatively this impact was judged to be unacceptable as it failed to provide a high standard of amenity for existing residents.
- 1.3 The current application seeks to address both aspects through a revised Noise Impact Assessment and the redesign of the site. This would provide for a modern convenience store to be located in a similar position of the Public House and the petrol filling station to be more central. Two vehicular points from Branch Road and the existing one on Preston New Road would be redesigned to serve the site.
- 1.4 This application has again engendered a significant amount of local objection and details of these concerns are contained in the main body of the report. The site itself was formally used as a public house and there were no restrictions in terms of its use from a planning perspective. Therefore, effectively as a fallback position under the current lawful use of the site a 24-hour eatery could open up utilising the existing building without the need for planning permission.
- 1.3 There are no objections from any statutory consultees including LCC Highways and the Council's environmental health officers- with aspects raised, controlled by appropriate conditions. Initially, officers had concerns about the size and materials of the proposal and revised plans were submitted in June 2020. Having regard to the Inspector's Appeal Decision Letter and the established rural settlement, officers consider that the application has now addressed these concerns. Although the building is of a contemporary design the use of the natural materials mainly slate and stone with some render seeks to contextualize the building within the surrounding area. With regard to the impact upon residential amenity- the revised footprint together with the reduction in opening hours of both the petrol filling station and the convenience store, on balance, would address the social harm to the neighbouring residents from increased noise and disturbance and is acceptable.
- 1.4 On balance and subject to appropriate conditions the proposed development is acceptable in terms of residential and visual amenity.

2.0 APPLICATION SITE AND SURROUNDING AREA

- 2.1 The application site is the Former Windmill public house site and associated car park. The site is located at the junction of Preston New Road and Branch Road. Branch Road forms the borough boundary with the Borough of Ribble Valley. The premises ceased trading as a public house in the autumn of 2014 and the site has been vacant since.
- 2.2 The northern and western boundaries of the site adjoin residential properties with Branch Road forming the eastern boundary and the A677 to the south. Across these roads the site faces more residential properties. There is a group of trees on the western boundary of the site although the trees along the northern boundary adjacent 15 Branch Road have previously been removed. The public house itself sits at the south eastern corner of the site at the junction of Preston New Road and Branch Road and is two storeys in height. The existing building will be demolished as part of these proposals.
- 2.3 The site is within an existing B1 - Built up Area as defined on the South Ribble Local Plan Policy Map.

3.0 SITE HISTORY

- 3.1 Planning application (07/2016/0552/FUL) was submitted for a petrol filling station with a convenience store in 2016, however this was subsequently withdrawn by the applicant prior to a decision being made. The applicant has advised that this allowed further work to be carried out in relation to access arrangements.
- 3.2 Planning permission (07/2017/3283/FUL) was refused dated 27 October 2017 and was the subject of an appeal. The original reasons for refusal are set out below:
- The proposal will adversely impact on the character and visual amenities of the area, through a built form which detracts from the locality and results in a poorly designed scheme. The proposal will lead to increased disturbance and have a detrimental impact on highway amenities in the locality as a result of increased activity in and around the site. The proposal is therefore contrary to Policy 17 of the Central Lancashire Core Strategy and Policies B1 and G17 of the South Ribble Local Plan 2012 - 2026.
 - The utilitarian nature of the design when considered cumulatively with other commercial uses in the locality, will have a detrimental impact on the character, fabric and grain of this established settlement. The proposal is therefore contrary to Policy 17 of the Central Lancashire Core Strategy and Policies B1 and G17 of the South Ribble Local Plan 2012 - 2026.
- 3.3 The appeal was dismissed dated 15 August 2018 based on two aspects:

The proposal would have an unacceptable and adverse effect upon the character and appearance of the area as the design was described as formulaic, basic and uninteresting. The store location to the rear of the site lacked a strong sense of place and created an ill-defined frontage.

The second reason related to the potential for increased activity at the site which would result in noise, traffic and activity from both the new petrol filling station (PFS) and the

store over a long period of the day and which would materially alter the sound environment experience by residents to their detriment. Cumulatively this impact was judged to be unacceptable as it failed to provide a high standard of amenity for existing residents.

4.0 PROPOSAL

- 4.1 The proposals are for a new petrol filling station (PFS) incorporating a convenience store on the site of the former Windmill Public House. The proposal will involve the demolition of the existing public house situated on the corner of Preston New Road and Branch Road. The cleared site will then be redeveloped with a new petrol filling station comprising of a canopy over six fuel pumps (three pump islands) and a convenience store with a net floor space of approximately 280 square metres (654sq.m gross external floorspace).
- 4.2 The store would be located to the south east corner of the site to replicate the massing and prominence of the existing Public House. Consisting of two elements: initially the first measuring a total height of 10.6 metres to ridge and 5.9 metres to eaves and would be 13 metres in width and 32 in length. The second element would measure 4.4m to the flat roof and would be 15m width by 23 in length. Materials would include a combination of timber cladding and render to the external walls with a natural slate roof. An ATM would be provided and monitored by CCTV cameras. The PFS canopy measuring 21m x 7.3m would have a maximum height of 6.2m metres to be constructed of a natural slate roof.
- 4.3 In June 2021 revised plans and additional information were received which reduced the height and footprint of the building. The principle elevation to Preston New Road comprises the use of stone. The location of the building has also been slightly pulled away from Branch Road to provide for some additional planting opportunities.

Southern elevation (facing Preston New Road) consists of natural stone walling with a natural slate roof. Three windows to break up the elevation -aluminium frames grey in colour would be provided and a small cantilevered canopy to wrap around from main elevation is also proposed.

Western elevation (Main entrance facing to internal the car park) Single storey element approx. 4.4 metres in height to include the main entrance with white render and glazing for approximately 17 metres and a two-storey glazed element with a pitched roof measuring 13m in length. This elevation incorporates a grey cantilevered canopy with a white painted soffit.

Eastern elevation (Branch Road) Includes two storey height with a smaller pitched roof glazed element both part of this elevation are glazed, a natural stone elevation measuring 8.8m in length to a maximum height of approximately 3.8m. A 14m length of vertical timber to a height of 3.8m is proposed. This would provide for a partially enclosed delivery area.

Northern Elevation (facing partly Branch Road and the internal car park/entrance) Delivery area, the flat roof rendered element and two storey element and including the natural stone walls and timer fencing.

- 4.4 A vehicular ingress utilising the existing entrance from Preston New Road along with a pedestrian access directly from the footway is proposed. The existing car park access

on Branch Road would be widened and used as the primary exit. A secondary access on Branch Road for ingress only with a further pedestrian entrance is also proposed.

- 4.5 The proposal provides for 23 car parking spaces, including three accessible, 2 staff spaces and 2 electrical charging spaces. Both motor cycle and bicycle parking would be included within the layout.
- 4.6. Plant and bin stores have been incorporated within the fabric of the building. The northern boundary includes an acoustic wall some 3.9m high to enclose the delivery bay.
- 4.6 Initially, the proposed opening hours of the petrol filling station and convenience store were 0600 – 2300 hours daily. However, these have been altered to 07:00 22:00 pm Monday to Saturday and 08:00am to 22:00pm Sundays and Bank Holidays. Employment opportunities include 15 full time and 15 part-time once the site is operational.

5.0 REPRESENTATIONS

5.1 Initially, 300 representations were received in relation to the proposal. Whilst most have objected 34 are in support of the application raising the following points:

- The site is an eyesore, the proposed development would be a useful outlet to serve all the community with convenience shopping
- There is a need for more shops and employment opportunities
- Overpriced village shop 5 miles to the nearest supermarket. Blackburn
- Great for local community fed up driving to Waitrose in Walton – le Dale 7 miles away

5.2 Over 270 objections have been received which raise the following summarised points:

- Many of the objections have referred to existing petrol filling station provision in the area and that a further petrol filling station is not required. However, the regulation of competition is not a material planning consideration and therefore cannot be taken into account when determining this planning application.
- The impact on property values has also been raised as a concern, however again this is not a material planning consideration that can be taken into account when determining planning applications.
- In addition to the comments received in relation to over provision of petrol filling stations in the locality the following concerns which are material considerations in relation to the determination of this planning application have been raised:

Highway Matters:

- The junction of the A677/Branch Road is an accepted dangerous one and to put a petrol filling station and food store on this site is very dangerous.
- To have vehicles entering of Preston New Road is extremely dangerous.
- Vehicles turning into the site would obliterate the view of the pedestrian crossing.
- The bus stop would cause problems for vehicles turning on to the site.
- Large vehicles would have to swing out across the road to enter the site.
- Exiting on to Branch Road would cause nuisance to local residents.
- Junction with A667 and Branch Road has been narrowed to reduce traffic from turning right.

- Concern over the quality, content and accuracy of the accompanying Transport statement.
- Due to the configuration of the site, the tanker re-filling the tanks would not be able to vacate the site in an emergency.
- No mention of local deli, butchers and local shops closing due to the proposed development.
- Previous Accidents not officially logged as exchanged at the side of the road.

Character and appearance of the area:

- The original portion of the Windmill Public House is of local architectural value and as such should be included in any future development of the site rather than destroyed
- Concern about the visual impact of a modern development established neighbourhood mature housing and cottages. Note of incongruity.
- Site would be better development for affordable housing for local people.
- Previous appeal dismissed on the site for this use.

Residential Amenity

- Headlights would shine directly in to front room windows.
- Concern about hours of use and impact on residential amenity, car doors slamming, more frequent trips.
- The lighting which the PFS has indicated will cause light pollution.
- The noise generated from this site will cause distress to local residents
- Noise of the alligator teeth has been raised,
- Local houses would be endangered should there be any emergencies.
- Concern raised that the noise assessment has been conducted at the quietest time 11-2pm

Other Matters

- No mention of local deli, butchers and local shops closing due to the proposed development.
- High pressure Main Gas at the top of Branch Road opposite the site –and concern that the petrol filling station is not an acceptable use.
- Petrol filling stations on the decline due to the introduction of electric vehicle. The site would become a dinosaur.
- Contaminated land once the PFS has been allowed

5.5 Samlesbury Parish Council – wishes to object on the following grounds:

- As a community do not wish to see a further PFS. Mr Masters filling station/convenience store has excellent facilities, which has been recognised by Shell where he was taken to Dubai and was awarded Shell Service Station of the year. Mr Masters business has been a huge part of our community for the past 28 years. Pennies Service Station, Longsight Road, Osbaldeston, Lancashire, BB2 7HZ- has been serving the local community for more than 25years, is less than a mile away too. Pennie Service Station has a more than adequate SPAR shop, selling local produce as well as SPAR goods. Both proprietors are overly concerned and unhappy with the planning application of another petrol filling station and convenience store by James Hall.

- Rather see the site brought forward for affordable housing
- Concern is raised about the highway and traffic aspects for the residents on Branch Road.
- If allowed would preclude further development due to contamination and then once closed would lead a dangerous site.

5.6 Mellor Parish Council - wishes to object to this application, which is substantially very similar to the previous one for this site, which, following considerable local opposition, was withdrawn. The grounds for objecting are as follows:

- The site has bollards installed on A677 side due to previous numerous, major & fatal accidents in this blackspot - therefore no access on A677 should be allowed. Branch Road will have speed and weight restrictions applied March 2018, therefore exit for all vehicles, particularly large vehicles will cause further hazards.
- An additional fuel station is necessary & retail consent for a development at Branch Road roundabout adjacent to A59 has been allowed, therefore further retail is not needed.
- Affordable housing for this site would be more beneficial to this area, giving sustainability in a strong employment area.

CCllr for Ribble Valley SW division Mr. Alan Scofield (which includes Mellor parish, in very close proximity to the proposed development site).

- Successful objections to the previous same or very similar application by the same applicant - which was refused by the SRBC Planning Committee (and refusal upheld by the Planning Inspectorate on appeal by the applicant) - should, if made again, hold good as relevant for refusal.
- Existing PFS in close proximity- this is not needed. It would also create a traffic hazard on the A677 by a further instance of traffic slowing down on this busy road to turn in - especially eastbound traffic.
- The proposed entering and exiting arrangements would cause difficulties on Branch Road. There is now a traffic calming scheme on the whole of Branch Rd - partly to discourage speeding over the 30mph limit and partly to discourage through traffic. Furthermore, there is for Branch Rd a 7.5t weight prohibition, as sign-posted, for HGV through traffic.
- Many of the other exiting vehicles would turn right onto southern end of Branch Rd and create congestion / queuing hazard at the nearby junction with A677 Preston New Rd.

5.7 **Salisbury Residents Forum and Mellor Brook Matters Group:**

A letter of objection including an independent assessment of the highway issues by SK Transport Planning Consultant, has been submitted behalf of Salisbury Residents Forum and Mellor Brook Matters. The group express their strong opposition to the proposed development on the following summarised grounds:

- The revised layout does nothing to address one of the Inspector's central points which is that there would be increased noise and activity from the site, both in terms of the PFS and the convenience store, and that this activity over a long period of the day, every day would lead to disturbance of the neighbouring dwellings, and fail to provide

a high standard of amenity for existing users which would adversely and harmfully affect their living conditions.

- Concern is raised about the design and that in scale, mass and form it is totally unsuited to the heart of a small village where the predominant built form is two storey traditional domestic residential amidst gardens. The long elevation on the main Preston New Road frontage is largely blank and uninteresting with the gable roof dominating the scene. The elevation along Branch Road, whilst more broken up in terms of materials, is also composed of largely blank elements devoid of ground floor interest. These are the two key elevations, not only in terms of outlook for residential properties on the opposite site of the respective roads, but also in their impact on the character of the heart of the village. They fail in both respects and far from enhancing the village, they detract from its existing character.
- Concern is raised about the location of the service yard adjacent to the pavement of Branch Road which is a significant flaw in the design -the need for a banks man is not enforceable. Reversing beepers would have a negative impact through disturbance upon the residential amenity of the area.
- Concern is raised about the impact of the proposed development upon 15 Branch Road. in terms of impact upon noise and disturbance- hours of operation and delivery times. Other residential properties would be negatively impacted due to the frequency of car headlights as well as noise and disturbance.
- The redesign could not address the fundamental unsuitability of the site for the proposed uses.

5.8 Revised information and plans were received in June 2021 and a further consultation exercise was carried out. Due to the IT issues and problems for residents accessing the Public Access systems to provide further comments, an update on the total number and nature of the representations will be provided as part of an update sheet and again at the Planning Committee meeting.

6.0 CONSULTATION REPLIES

6.1 **LCC Highways** –The principle (convenience store and petrol filling station) of this planning application is the same as the previous application 07/2017/3283/FUL. LCC Highways did not raise an objection to this previously refused planning application and at appeal the Planning Inspector also did not raise any highway safety concerns. Therefore, it would be difficult to prove that the proposed use would have a severe impact and the principle of a petrol filling station and convenience food store at this site is acceptable from the highway perspective. LCC Highways has no objections to the application subject to a number of conditions and off-site highway works.

6.2 **Environmental Health** – Raise no objection to the scheme subject to conditions controlling construction, contamination, lighting and hours of operation.

6.3 **Ecology** – An updated bat survey has been provided which advises that no evidence of bats roosting has been found. If demolition is delayed beyond April 2021 a further survey is required which has been undertaken. The applicant has verbally advised that there is no change. Ecology Service are satisfied that this aspect can be controlled through conditions. Small amounts of habitat would be lost and a condition controlling

nesting birds is recommended. The site is primarily hard standing with negligible ecological value. The proposed soft landscaping would provide the opportunity to enhance biodiversity and could be conditioned.

- 6.4 Environment Agency (EA)**- No objection to the proposed development subject to the imposition of appropriate conditions. The Phase I Environmental Assessment (Desk Study) for James Hall & Co (Properties) Ltd prepared by Geo2 (report ref: 16/0545, dated March 2016) has been reviewed. The report indicates that the secondary A aquifer is protected by overlying thick glacial clay layers, and that the nearest surface water is Mellor Brook some 57 metres south. There is no indication of contamination given the previous uses, and the infilling of the car park area is of low priority in respect of controlled waters. The information submitted in support of this planning application provides the EA with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. The EA consider that planning permission could be granted to the proposed development as submitted provided appropriate planning conditions are included.
- 6.5 Lancashire Archaeological Advisory Service (LAAS)** - has examined the application and the recommendations remain the same as those provided to the previous applications for this site. LAAS would recommend that a record of the building be made prior to demolition and an archaeological watching brief be maintained during stripping and that such works are secured via condition.
- 6.6 United Utilities** - have no objection to the proposed development provided that appropriate conditions are attached to any approval. 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 as outlined in the NPPG.
- 6.7 Lancashire Constabulary** - Secured by Design (SBD) is a national police initiative to guide and encourage those engaged within the specification, design and constructions of new buildings to adopt crime prevention measures. The applicant has been forwarded a copy of the comments to support the final design.
- 6.8 Ribble Valley Borough Council** – Does not wish to comment upon the scheme.
- 6.9 Cadent Gas:** There are Gas Mains in the area but no objection is raised to the development.
- 6.10 SRBC Tree Officer:** Raise no objection but require conditions to control existing trees on site and root protection areas during construction.

7.0 Policy Considerations

7.1 Planning Policy National Planning Policy Framework 2019

- 7.1.1 The National Planning Policy Framework 2019 (NPPF) sets out the Government's economic, environmental and social planning policies for England. Paragraph 11 explains that a presumption in favour of sustainable development lies at the heart of the framework which for decision taking means "approving proposals that accord with the development plan without delay" and "where the development plan is absent, silent

or relevant policies are out of date granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of when assessed against the policies in the framework taken as a whole or its specific policies indicate development should be restricted.”

Section 6 advises that planning decisions should help to create conditions for businesses to adapt expand and invest (paragraph 80). The use of previously developed land and sites that are physically well-related to existing settlement should be encouraged where suitable opportunities exist (paragraph 84).

Section 12 Achieving well-designed places Paragraph 127 encourages development to be sympathetic to local character, including the surrounding built environment that will function well and add to the overall quality of the area...and establish or maintain a strong sense of place.

7.2 Central Lancashire Core Strategy (adopted July 2012)

Policy 1: Locating Growth focuses growth and investment on brownfield sites in the main urban areas, and the Strategic Sites, whilst protecting the character of suburban and rural areas.

Policy 17: of the Core Strategy and G17 of the Local Plan relate to the design of new development and the Central Lancashire Design Guide SPD is also a material consideration.

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

Policy 26: Crime and Community Safety. Lancashire Constabulary have made a number of recommendations in relation to reducing the risk of crime, however the proposal itself does not raise any specific issues in relation to crime and community safety and is therefore considered to comply with this policy

7.3 South Ribble Local Plan (adopted July 2015)

Policy B1 Built-Up Area within the South Ribble Local Plan 2012 – 2026. The policy states that proposals for the re-use of undeveloped and unused land and buildings, or for redevelopment, will be permitted provided that the development: a) Complies with the requirements for access, parking and services as set out in the plan, b) Is in keeping with the character and appearance of the area; and c) Will not adversely affect the amenities of nearby residents.

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

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

Policy G17: of the Local Plan relate to the design of new development and the Central Lancashire Design Guide SPD is also a material consideration

Policy F1: Car parking provision. The proposal makes provision for 25 on site car parking spaces including 2 disabled bays. The retail area has a public floor area of approximately 140 sqm which results in a requirement of 10 spaces to the serve development. However, factoring in staff parking and the nature of the way petrol filling stations operate the proposed parking provision is not considered unreasonable and this view is shared by the Highway Authority.

Policy H1 Protection of Health, Education and Other Community Services- Need to demonstrate that the facility no longer meets the needs of the community or is no longer financially viable.

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

8.0 Material Considerations

Principle of Development

8.1 The proposed development would be located within the existing built up area of Mellor Brook and is subject to Policy B1 as defined on the Policies Map that accompanies the Local Plan. Policy B1 states that proposals for the re-use of undeveloped and unused land and buildings, or for redevelopment, will be permitted provided that the development:

- a) Complies with the requirements for access, parking and services as set out in the plan,
- b) Is in keeping with the character and appearance of the area; and
- c) Will not adversely affect the amenities of nearby residents.

Subject to compliance with this criterion and any other material considerations development will be permitted to ensure the full utilisation of land within the built-up areas of the borough.

Access Parking and Services

8.2 The application is accompanied by a Transport Statement which addresses matters of highway safety and accessibility. LCC Highways requested clarification about certain aspects and residents have also submitted their concerns through a report produced by SK Transport. Initially, having carefully considered the submitted documentation LCC Highways advised that they were satisfied with the scheme.

8.3 The development would require the alteration of the entrance on the Preston New Road and concerns were raised about the internal layout as the tracking plan indicates that HGVs delivering to the store will need to utilise a car and motorcycle parking bay in the north east corner of the site before reversing into the loading bay. LCC Highways has advised that this practice is not uncommon at similar sites and can be managed effectively by the development and have no objections to this arrangement. The applicant has advised that larger vehicles will make use of a banks man to ensure the safe movement of vehicles and pedestrians. A separate Delivery Management Plan has been submitted to support this aspect.

- 8.4 Following the amended plans in June 2021, LCC Highways sort clarification about the proposed changes to the internal layout and implications for the tracking of the larger vehicles. Revised plans have been received to address concerns about the access for a HGV from Preston New Road which are acceptable to the Highways authority.
- 8.5 The footway running along the frontage of the site with Branch Road currently reduces down to 1 metre in the vicinity of the current building. The submitted plans indicate a footway of at least 2 metres will be provided along the full frontage, this will support pedestrian movements within the vicinity of the site and protect sight lines for vehicles exiting the site on to Branch Road.
- 8.6 The car parking arrangement are acceptable and pedestrian provision within the site and linkage to Branch Road and Preston New Road is suitable for the nature of the development.
- 8.7 To conclude, the proposed development complies with the requirements for access, parking and services and meets criteria a of the Policy B1. Subject to appropriate conditions and appropriate off-site highway works LCC Highways is satisfied with scheme.

Character and Appearance

- 8.8 The previously refused scheme provided for the convenience store to be located to the rear of the site with the petrol filling station to the front corner. The convenience store had been designed to be single storey in height with a hipped roof utilising redbrick and timber cladding. The Inspector concluded its location to the rear of the site would result in an ill-defined frontage at odds with surrounding strong frontages. Furthermore, it would occupy a considerable amount of floorspace in comparison to other built forms in the immediate context appearing incongruously elongated and bulky (paragraph 7 of the appeal Decision Letter).
- 8.9 Paragraph 8 states that the arrangement of the building types would fail to maintain the strong sense of place and the proposal would not be sympathetic to local character or add to the overall quality of the area (paragraph 8 of the appeal Decision Letter). The Inspector raised concern about the canopy of the petrol filling station stating that the canopy would be out of keeping with the character and appearance of the village alien to the setting (paragraph 7 of the appeal Decision Letter).
- 8.10 Mellor Brook is a small rural village and straddles the boundary of South Ribble and Ribble Valley. The application site is in a prominent position and careful consideration needs to be given to the context of the site, scale, massing, and use of materials of any development.
- 8.11 The current scheme seeks to address these points with a redesigned building located to the south east corner of the site to provide a strong frontage, at this prominent position. The views in to the site from the A677 travelling in either direction, provide for a contemporary design incorporating large areas of glazing. The footprint and scale would be similar to the Public House. The existing Public House has a maximum height to eaves of 6.08m and a maximum height of 8.29metres. The June 2021 revised plans have reduced this to a height of 10.2m. There has been a slight reduction to the bulk of the tall part of the buildings as the width of the building has slightly been reduced by 1.2m. The building has been pulled back from the edge of the pavement on Branch

Road and together these changes have led to a reduced footprint of the building. The petrol canopy has been located to the centre of the site and to address the design issues is less bulky with no adverts or lettering.

- 8.12 It is acknowledged that the development does go some way to address the points raised by the Inspector. The June 2021 revised plans now provide for a natural slate roof and most elevations to be constructed of natural stone and the proposal would be within a similar footprint of the existing pub building. Although the design does still include a mix of roof styles, both a flat and a pitched roof together with a mix of materials render, glazing and stone, the large elements of timber vertical cladding to the southern elevation have now been removed. As the building has been pulled away from the pavement by a metre, there are opportunities to provide more planting to the eastern elevation on Branch Road. This would soften the impact of the building and timber delivery enclosure when viewed from those residential properties directly opposite this aspect.
- 8.14 To conclude this section, the applicant has addressed the concerns made by the Inspector with regard to the location of the convenience store. On balance, although a contemporary design the use of more natural materials to the elevations of the building does reflect the context of the site within the wider street scene.

Noise

- 8.15 The Inspector had regard to the significant amount of representations from nearby neighbours on the matter of noise and disturbance (Paragraph 10 of the appeal Decision Letter). The Inspector commented that the noise assessment appeared to focus upon deliveries and plant machinery and not on the effect of the increased comings and goings of customers and the noise disturbance this would have on residents (paragraph13). The effect of the proposal would materially alter the sound environment experienced by surrounding neighbours to their detriment. The culmination of this activity would lead to disturbance and fail to provide a high standard of amenity to existing users.
- 8.16 The applicant has advised that a more comprehensive Noise Impact assessment has been prepared to support the revised scheme. The noise assessment considered all potential sources of noise- the use of the car park at night and the noise from additional vehicles movements along Branch Road. The Assessment also included reviewing design changes for example, the plant and storage bins would be wholly within the fabric of the building. Other changes include the delivery area to be enclosed by an acoustic barrier fence.
- 8.17 The Noise assessment acknowledges that one small exceedance of 2dB for slamming doors was noted for an immediate property to the north of the site. The applicant intends to mitigate this through a short section of 2m high acoustic fencing adjacent to the nearest parking space. The applicant argues that such measures would reduce the noise to an acceptable level.
- 8.18 The Council's EHO officer has considered the report and has advised: The applicant has submitted a Noise Impact Assessment which adequately addresses aspects of noise associated with deliveries, machinery operation etc and any mitigation measures would need to be put in place as advised by the report. The Noise Impact Assessment also identifies that patron noise (slamming car doors, raised voices, car stereos etc) are '.... extremely difficult to assess as noise from.... are influenced by numerous

factors and are therefore outside the applicant's control', and '...not possible to assess here.'

8.20 The EHO officer has advised that -the site is relatively free field to properties on Branch Road and Preston New Road, with number 15 Branch Road and 13 Long Meadow being adjacent properties. Due to these factors and potential for disturbance from patron noise, the only way to minimise any impact would be to control the opening hours of the PFS and store.

8.21 The applicant has indicated hours of opening 0600 – 2300 seven days a week. The EHO officer has advised that in line with World Health Organisation guidelines (WHO Guidelines for Community Noise), night-time periods are given as 2300 – 0700 which allows for the 8-hour cognitive sleep period. This fixed interval of 8 hours is a minimal choice for night protection. The Centre for Time Use Research extends this principle by acknowledging that 'On Sundays, sleeping time is consistently 1 hour longer, probably due to people recovering from sleep debt incurred during the week'. In view of the above the EHO officer advises that the proposed hours of operations for both the PFS and the convenience store should be restricted to the following:

0700 – 2300 Mon – Sat
0800 – 2300 Sundays and Bank Holidays

The applicant however, has agreed to the following for both the Convenience store and PFS.

07:00 to 22:00 pm Monday to Saturday and
08:00am to 22:00pm Sundays and Bank Holidays.

8.22. The Inspector when considering the previous application concluded that the increased noise, traffic and activity from the site over a long period of the day, every day without respite would materially alter the sound environment experienced by residents to their detriment. The cumulative impact would lead to disturbance of the neighbouring dwellings and would fail to provide a high standard of amenity for the existing users. It is considered that the reduction in operational hours would address the noise impact upon residential amenity to acceptable levels.

8.23 Further, the site has a lawful use as a drinking establishment with ancillary residential accommodation. There are no restrictions in terms of opening hours attached to this from a planning perspective as it is a long-standing use and theoretically the current use could operate 24 hours a day. Due to the recent changes to the Use Classes Order from 1 September 2020 a Drinking establishment is now in its own use class sui generis. The recent changes provide for a permitted change until at least 31 July 2021 to a drinking establishment with expanded food provision or a temporary permission to be used as a takeaway food outlet subject to notification to the planning authority. Any other use would need a formal planning application.

8.24 There is therefore a judgement call to be made about whether the impact of an uncontrolled public house use is likely to cause greater nuisance/harm to resident's amenities than a petrol filling station and convenience store operating 17 hours a day under an appropriately conditioned planning permission. Clearly, both uses have different characteristics and as a result will have differing impacts in relation to amenity considerations. The nearest property to the development is No. 15 Branch Road which sits on the northern boundary of the site. A row of car parking spaces would be located 11 metres from the side of the house with a landscaped area of a depth of 6.4m between the fence boundary and the car park spaces. The distance between the side

elevation of the house and the carpark is similar to the current situation. What is different is the frequency of the car doors arriving and leaving. Revised plans received in June 2021 now provide for a 2m high acoustic barrier fence between the car parking and the landscape adjacent to No. 15 Branch Road. Whilst tree cover has been removed from this area it is intended to replant trees and introduce additional landscaping to this area which could be controlled through conditions.

- 8.25 Concern from residents has been raised that the proposal has not substantially altered the Inspectors concerns- that the standard of amenity would not be maintained by the proposed use. On the one hand, the increase in commercial activity would most likely lead to an increase in noise, whatever the development. On the other hand the Noise Impact Assessment as submitted, plus time limitations, should however, minimise any noise impact from the site. On balance the use of the site as a Petrol filling station and convenience store subject to conditions controlling the hours of operation and the internal timber fencing adjacent to the northern boundary, would not have a detrimental impact upon amenity and is acceptable.

Lighting

- 8.26 Petrol Filling Stations by design tend to be well illuminated and highly visible to attract the attention of passing drivers. The current building which sits on the corner has a significantly lower level of illuminance than associated with a Petrol Filling Station. The existing car park is illuminated via street lighting from Preston New Road and Branch Road and two low level floodlights columns with two lights on which are focused on lighting the car park with no light soiling outside of the site.
- 8.27 Clearly, the proposed PFS and convenience store are will have greater levels of luminance than at present. However, light spillage from the site can be controlled with careful design and through appropriate conditions. Any proposals for future advertisements will also require advertisement consent under the Town & Country Planning (Control of Advertisements) Regulations 2007 and the luminance of signage can be controlled under this legislation. It is therefore considered that light pollution can be minimised through appropriate conditions.

Trees

- 8.28 A number of trees on the northern boundary of the site, which were indicated on the earlier submission in 2017 as being retained were removed in early November 2017. A landscaping plan has been submitted but this does not capture all the planting areas that have been proposed. Should planning permission be granted then a condition requiring landscaping including replacement tree planting would be attached together with conditions to protect the existing trees on the western boundary throughout any construction phase. Subject to the imposition of conditions this aspect meets the aims of Policy G13 of the South Ribble Local Plan.

Ecology

- 8.29 The application is accompanied by an Ecological Survey dated 2020 which concludes that the redevelopment at the site will provide an opportunity to secure ecological enhancement for wildlife associated with suburban areas. The Council's ecologist has confirmed that the survey is acceptable and recommends conditions to secure biodiversity through the proposed soft landscaping and a condition to protect birds too. The report recommended a further bat survey be undertaken if the building had not been demolished by April 2021. A further survey has been undertaken and the

applicant has advised via email that: "In addition, with regards to the additional bat survey, one has been undertaken and we are currently awaiting the final report which we will forward on shortly. We are advised that the survey again confirmed the absence of any roosting bats." On that basis the Ecology Services are satisfied that that this aspect can be controlled by a condition to require further surveys if demolition has not commenced before 30 April 2023. Subject to the imposition of conditions this aspect meets the aims of Policy G16 of the South Ribble Local Plan.

Loss of the Public House and the principle of retail

- 8.30 Policy H1 of the Local Plan seeks to protect services and facilities for all members of the community including Public Houses. The Windmill closed in 2014 for economic reasons and was marketed for a substantial period. The previous application set out the marketing strategy that had been employed and this aspect was not contested by the Inspector.
- 8.32 The applicant acknowledges that the site occupies a location beyond any defined town, district or local centre. Paragraph 89 of the Framework advises that a sequential test would not be required for retail that is under 2,500 m² of gross floorspace. The store is intended to offer a top up opportunity. Thus, providing local residents with more choice and accessible services.

Archaeology

- 8.33 Lancashire Archaeological Advisory Service (LAAS) has been consulted upon the application and has advised that they do not object to the scheme. The building proposed for demolition is named as 'Windmill Inn' on the on the 1848 1st Edition Ordnance Survey. Inns were primarily concerned with providing accommodation for travellers. Many contained features such as a carriage entrance, courtyard and stabling for traveller's horses, which may have been visible here prior to modern extensions. The Windmill Hotel is sited at the junction between the 1819 Blackburn and Clitheroe Trust Branch Road and the 1824 Preston to Blackburn New Road, the latter forming a key route between Preston and Blackburn. The inn's construction is likely to have been in association with the building of these toll roads. The development as proposed would result in the total loss of historic fabric. Conditions requiring a building record and a watching brief to capture the historic fabric are recommended.

Other Material Considerations

- 8.34 Concern has been expressed about petroleum and diesel fumes emanating from the site. However, whilst there may be an odour within the site the design of the site and the existing highways means that any odour emanating from the site will have dispersed before it reaches residential properties so will not be discernible in the atmosphere.
- 8.35 Concern has been raised about Gas Mains within and surrounding the site. Cadent Gas has been consulted and raised no objection to the scheme.
- 8.36 Within the representations received many of the objections including the Parish Council has referred to existing petrol filling station provision in the area and that a further petrol filling station in the locality is not required. Whilst, it is acknowledged there is other existing provision in the locality it not the function of the Local Planning Authority or the planning system to regulate market forces. The regulation of competition is not a

material planning consideration and therefore cannot be taken into account when determining this planning application.

9.0 Conclusion and Planning Balance

9.1 The applicant has advised that the submitted details address the concerns raised by the Inspector and that the following benefits weigh in favour of the scheme.

- Economic: job creation, strengthening the rural economy, business rates and other revenues.
- Social: provision of walkable services, improving choice
- Environmental: redevelopment of a brown field site the gateway to the village. Creation of biodiversity, installation of EV charging points.

The Inspector previously considered some of these aspects and acknowledged that there would be some economic benefit and there would be some social benefits. However, the adverse environmental effect upon the character and appearance of the area is of significant weight and there would be social harm to the neighbouring residents from increased noise and disturbance.

9.2 With regard to this application it is acknowledged that there would be some weight to the economic and social benefits. In terms of the environmental aspects, a number of trees have previously been felled and therefore any biodiversity increase would have a neutral effect. The original plans for this application relocated the building to the location of the Public House. The revised plans submitted in June 2021 in terms of a slightly smaller design with materials that are more in keeping with the Mellor Brook, and the opportunity to provide additional planting to Branch Road, on balance outweigh refusing the application on the grounds of the development being out of character of the village. With regard to the impact upon residential amenity the revised footprint together with the reduction in opening hours of both the petrol filling station and the convenience store, and the construction of an internal fence, on balance, would address the social harm to the neighbouring residents from increased noise and disturbance and is acceptable.

9.3 The application is recommended for approval subject to conditions controlling the development

10. RECOMMENDATION

10.1 Approve with Conditions

RECOMMENDATION:

Approval with Conditions.

RECOMMENDED CONDITIONS:

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

2. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans

Drawing No. P.18 P5 Site plan
Drawing No. P.19 P4 Elevations
Drawing No. P.22 P4 Site plan First Floor Plant Area
Drawing No. P.23 P4 Site plan Tracking 2
Site Location Plan

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

3. Prior to the commencement of demolition/construction a Construction Traffic Management Plan (CTMA) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The approved Plan shall be adhered to throughout the construction period. The CTMA shall include and specify the provisions to be made for the following: -

1. The parking of vehicles of site operatives and visitors;
2. Loading and unloading of plant and materials used in the demolition / construction of the development;
3. Storage of such plant and materials;
4. Wheel washing facilities;
5. Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
6. Routes to be used by vehicles carrying plant and materials to and from the site;
7. Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.
8. The location of the site compound
9. Appropriate measures to control the emission of dust and dirt during construction
10. Appropriate measures to control the emission of noise during construction
11. Details of all external lighting to be used during the construction
12. A scheme for recycling/disposing of waste resulting from demolition and construction works

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

- a. full details of the luminaries to be used
- b. the details of the light fittings;
- c. the installation heights
- d. the lux levels
- e. impact on adjacent sites- overspill contour plot to the design scheme
- f. the upward light ratio;
- g. the horizontal glare level at the nearby sensitive receptors both ground and first floor as appropriate.

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

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

5. During the site preparation and construction of the development, no machinery, plant or powered tools shall be operated, no process carried out and no deliveries taken at or dispatched from the site outside the following times:
 0800 hrs to 1800 hrs Monday to Friday
 0900 hrs to 1300 hrs Saturday
 No activities shall take place on Sundays, Bank or Public Holidays.
 REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy
6. No deliveries of construction materials or removal of construction waste shall be undertaken outside of the hours:
 09:00-17:00 Monday to Friday
 No deliveries or removal of waste shall be carried out at weekends or nationally recognised Bank Holidays.
 REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy.
7. The use of the Petrol Filling Station and Convenience store premises hereby approved shall be restricted to the hours of
 0700-2200 Monday to Saturday,
 0800-2200 Sundays and Bank Holidays
 REASON: In the interests of the amenities of adjoining residents and to accord with Policy 17 in the Central Lancashire Core Strategy
8. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site. Each component shall be submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified:
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site indicating sources, pathways and receptors
 - o potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

9. No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan.
The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

10. The development hereby permitted shall not be commenced until such time as a scheme to;
1. Dispose of foul and surface water
2. Install oil and petrol separators
has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons: To prevent pollution of the water environment and to ensure no contaminated water from oil spills, fuel forecourts or goods vehicles is discharged to surface water or groundwater.

11. The development hereby permitted shall not be commenced until such time as a scheme to install underground tanks has been submitted to, and approved in writing by, the local planning authority.
The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surround, associated pipe work and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent pollution of the water environment and the underlying aquifer.

12. No development including demolition and site clearance shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The final report shall be submitted to the Local Planning Authority prior to the first use of the convenience store.

The programme of archaeological works should comprise the following:

- i) The creation of a record of the building to Historic England level 3; and
- ii) A formal watching brief during the stripping out phase.

This work should be carried out by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out in Understanding Historic Buildings (Historic England 2016) and to the standards and guidance set out by the Chartered Institute for Archaeologists.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building.

13. The development (excluding demolition) hereby permitted shall not be commenced until a scheme showing the provisions to be made for CCTV coverage, access control, and any other measures to reduce the risk of crime, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented. Thereafter the approved measures shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to provide a good standard of security to future occupants and visitors to the site and to reduce the risk of crime in accordance with Policy 17 and 26 of the Central Lancashire Core Strategy and Central Lancashire Design Guide Supplementary Planning Document (Adopted October 2012).

14. Foul and surface water shall be drained on separate systems.
Reason: To secure proper drainage and to manage the risk of flooding and pollution.
15. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
 - (iii) A timetable for its implementation.
- The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

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

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

16. Trees identified for retention should have protective fencing erected in accordance with BS 7837 2012 The fencing will 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

17. Any access into the root protection shall be agreed in writing with the local authority. No machinery, tools or equipment should be stored within the Root Protection Area of any trees.

Reason: To minimise damage to tree roots and prevent seepage of materials into the soil.

18. No works to trees or shrubs shall occur or demolition commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.
19. If the demolition hereby approved does not commence before 30th April 2023, the building will be reassessed for bat roosting potential and the finding supplied to and agreed in writing by the LPA. In the event of the survey confirming the presence of bats or barn owls details of measures, including timing, for the protection or relocation of the species shall be submitted to and agreed in writing by the Local Planning Authority and the agreed measures implemented.
REASON: To ensure the protection of schedule species protected by the Wildlife and Countryside Act 1981 and so as to ensure work is carried out in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026
20. For the full period of demolition/construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period. Reasons; to prevent stones and mud being carried onto the public highway to the detriment of road safety.
21. No part of the development hereby approved shall commence until a scheme for the construction of the site accesses and the off-site works of highway improvement (including right turn provision on Preston New Road, Pavement widening to 2m, Amendments to 7.5t weight limit / traffic calming scheme including no left turn onto Branch road) has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.
Reasons: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.
22. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 21 has been constructed and completed in accordance with the approved scheme details, without prior agreement from the Local Planning Authority.
Reasons: In order that the traffic generated by the new development does not exacerbate unsatisfactory highway conditions in advance of the first occupancy or trading.
23. The car parking and manoeuvring areas to be marked out in accordance with the approved plan (including entry and exit signs and alligator teeth), before the use of the premises hereby permitted becomes operative and permanently maintained thereafter.
Reasons: To allow for the effective use of the parking and manoeuvring areas.
24. 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

RELEVANT POLICY

NPPF National Planning Policy Framework

- 1 Locating Growth (Core Strategy Policy)**
- 10 Employment Premises and Sites (Core Strategy Policy)**
- 17 Design of New Buildings (Core Strategy Policy)**
- 22 Biodiversity and Geodiversity (Core Strategy Policy)**
- 26 Crime and Community Safety (Core Strategy Policy)**
- 28 Renewable and Low Carbon Energy Schemes (Core Strategy Policy)**

POLB1 Existing Built-Up Areas

POLG13 Trees, Woodlands and Development

POLG17 Design Criteria for New Development

POLH1 Protection of Health, Education and Other Community Services and Facilities

Note:

1. United Utilities the applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on our website <http://www.unitedutilities.com/builders-developers.aspx>

2. Environment Agency.

In discharging the conditions recommended above, the applicant will need to provide details of groundwater levels across the site. If underground fuel storage tanks are to be used on this site, then it would need to be demonstrated that a minimum 1 metre unsaturated zone will occur beneath the base of any underground fuel storage tanks and the highest expected natural water table. We will object to storage of hazardous substances below the water table on principal or secondary aquifers.

During the construction phase of the development any contaminated water must not be allowed to discharge to surface waters or groundwater. If infiltration methods are to be used for surface water disposal, the design of the surface water disposal system will need to incorporate sufficient treatment stages prior to discharge to the environment in line with CIRIA document C753.

The Environmental Permitting Regulations 2010 make it an offence to cause or knowingly permit a groundwater activity unless authorised by an Environmental Permit which we will issue. A groundwater activity includes any discharge that will result in the input of pollutants to groundwater.

Appendix 2

South Ribble Borough Council	Phone:	01772 533855
Civic Centre	Email:	David.allen@lancashire.gov.uk
West Paddock	Ref No:	07/2020/00768/FUL
Leyland	Date:	14 October 2021
Lancashire		
PR25 1DH		

FAO Catherine Lewis

APPLICATION NO: 07/2020/00768/FUL

LOCATION: Windmill Hotel, Preston New Road, Mellor Brook, Blackburn, Lancashire, BB2 7NS,

DESCRIPTION: Demolition of existing public house and related infrastructure and erection of convenience store and petrol filling station including associated canopy, 6 fuel pumps, underground storage tanks, EV charging points, car parking and associated landscaping

APPLICANT: James Hall & Co. Ltd

Dear Catherine

I write further to your re-consultation of 30 September 2021 and have the following highway comments to make on the amended plans submitted.

It would appear that the applicant has submitted the following revised information:

- Air Quality Assessment by Redmore Environmental to demonstrate that the development will not have a significant impact on neighbouring residents during either the construction or operational phases of the development.
- A Highways Technical Note by PSA (Technical Note 1 - 6 September 2021), the summary sets out the responses received from LCC and how the proposals have subsequently been amended to address any highways concerns raised. .
- A Noise Impact Technical Note that demonstrates the improvements in relation to the noise aspects of the proposal since the appeal dismissal.
- Revised Drawing P18 Revision 5. Entry from Preston New Road improved and motorcycle space moved.
- P19 P5 and P32-P3 showing the revision in the colour of the louvres to Grey
- A revised Design & Access Statement v6 October 2021, that includes a new section on fuel safety, confirmation of the agreed hours for deliveries and a revised drawing schedule.

With regard to the amended site plan – **Site Plan (Drawing No. P-18 Rev P5)** July 2021. The entry off A677 has been altered slightly to improve access and tracking. The motorcycle space has also been moved to improve access to the retail store service area. The amended, Site Plan – **Tracking 2 (Drawing No. P-23 Rev P4)**, has been amended to take account of the changes on drawing P-18 Rev P5). These drawings are acceptable to LCC.

The DAS v6, at section 7- Access explains the site access and internal operation. It explains the proposed access strategy and controls on A677 as indicated on the above Site Plan and Tracking drawings, the access strategy is satisfactory for planning stage and subject to safety audits at design/ delivery stage may need minor amendment and additional signing.

With regard to the **Highways Technical Note by PSA - Technical Note 1** (6 September 2021), this is factual document logging LCC consultation responses and I have no comment to make on the document.

I have reconsidered the scheme and reviewed objections and I have the following recommendations to further mitigate the impacts of the development

I have been made aware of resident concerns regarding vehicles speeds and driver behaviour on A677, and it is possible the inclusion of traffic islands (note - not pedestrian refuges) would have two beneficial effects; it would prevent overtaking and control traffic flow which would help reduce vehicle speeds. However, the islands would need careful consideration not to adversely affect access to residents driveways. The applicant might wish to give this consideration and include it in amended plans.

There have been concerns about standing traffic on Branch Road and air quality. As a solution to prevent casual customer parking on Branch Road (and reduce vehicle emissions etc), parking restrictions (yellow lines) could be introduced on the Branch Road site frontage. This would need a Traffic Regulation Order (TRO). If the applicant is agreeable to funding such a TRO these measures could be secured by a condition and delivered as part of any s278 agreement with LCC for the highway access works.

I am satisfied that as submitted, safe and suitable access to the site can be achieved for all users; and it would be difficult to demonstrate that the residual cumulative impacts of the proposal on the road network would be severe.

Therefore, LCC have no highway objections to the revised plans (Drawing No. P-23 Rev P4 and Drawing No. P-18 Rev P5) subject to the following conditions (as per LCC letter of 15 July 2021) being attached to the decision notice. I have modified condition 3 slightly to clarify highway works.

Suggested Conditions:

- 1) For the full period of demolition/construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required

during the full construction period. Reason: to prevent stones and mud being carried onto the public highway to the detriment of road safety.

- 2) Prior to the commencement of demolition/construction a Construction Traffic Management Plan (CTMA) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The CTMA shall include and specify the provisions to be made for the following:-
- The parking of vehicles of site operatives and visitors;
 - Loading and unloading of plant and materials used in the demolition / construction of the development;
 - Storage of such plant and materials;
 - Wheel washing facilities;
 - Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
 - Routes to be used by vehicles carrying plant and materials to and from the site;
 - Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

Reasons: to protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network.

- 3) No part of the development hereby approved shall commence until a scheme for the construction of the site accesses and the off-site works of highway improvement including: right turn lane provision on Preston New Road, pavement widening to 2m on Branch Road, Amendments to 7.5t weight limit / traffic calming scheme including no left turn onto Branch Road, measures to ban egress onto Preston New Road including applicable highway signs (and possible TRO if identified in the detail construction drawings) has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980. Reasons: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.
- 4) No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 3 has been constructed and completed in accordance with the approved scheme details, without prior agreement from the Local Planning Authority. Reasons: In order that the traffic generated by the new development does not exacerbate unsatisfactory highway conditions in advance of the first occupancy or trading.
- 5) The car parking and manoeuvring areas to be marked out in accordance with the approved plan (including entry and exit signs and alligator teeth), before the use of the premises hereby permitted becomes operative and permanently maintained thereafter. Reasons: To allow for the effective use of the parking and manoeuvring areas.

Informative Note:

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 Development Support 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.

I hope the above is of assistance and please feel free to contact me with any queries.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'David Allen', with a horizontal line underneath it.

David Allen
Highways Development Control
Highways and Transport

Catherine Lewis
Development Planning Team
Leader
South Ribble Borough Council
Civic Centre
West Paddock
Leyland
PR25 1DH

info@sktransport.co.uk
www.sktransport.co.uk

1 December 2021

Dear Catherine,

RE: PLANNING APPLICATION 07/2020/0768/FUL – WINDMILL PUBLIC HOUSE

Following on from the meeting with representatives from the Local Planning Authority and Local Highway Authority on the 24th November 2021 we take the opportunity to reiterate the technical points that were set out in our letter of the 9th August 2021. We have had sight of Lancashire County Council's response to this letter, received two months later on the 14th October 2021, and it was useful to discuss the content of this with you, David Allen and Steven Brown at the meeting.

In summary we remain wholly of the opinion that the planning application, and the technical traffic and transport matters associated with the scheme have not been appropriately considered or evaluated by the Highway Authority. To evidence this in our meeting on the 24th November it was confirmed to all parties that:

- 1) the vehicular access onto the A677 Preston New Road was historically closed due to highway safety concerns
- 2) the Highway Authority has not requested from the applicant any swept path analysis for service vehicles/HGVs approaching the site from the east and turning right into the reopened access
- 3) there are no confirmed physical or legal measures proposed or agreed to stop these right-hand service vehicle movements into the site from taking place
- 4) no independently prepared Stage 1 Road Safety Audit has been requested, submitted or analysed by the applicant or the Highway Authority
- 5) the HGV swept path analysis onto Branch Road confirms that if any residential parking took place on the eastern (residential) side this would restrict the safe passage of service vehicles/HGVs egressing onto the public highway
- 6) if this parking did take place then HGVs would have to shunt in and out of the single exit point to travel south to the Branch Road/A677 Preston New Road junction, although no swept path analysis has been provided to demonstrate even this is possible
- 7) the Highway Authority has confirmed that the six-fold increase in daily traffic movements (303 existing vehicle daily movements to 1,966 proposed vehicle daily movements) has not been assessed in any shape or form – the additional traffic movements to/from the site access points on Branch Road or the A677 Preston New Road have not been considered, modelled or evaluated – it is entirely possible that this level of additional traffic and turning movements to and from the site could have a 'severe' impact, the test taken from the NPPF
- 8) a six-fold increase in traffic movements is clearly a material increase, and as such will be expected to lead to increased levels of noise and disturbance, which was the identified reason why the Planning Inspectorate dismissed the appeal

As a footnote the question was put to the Local Residents Group at the meeting that they would need to demonstrate to the Highway Authority that the development proposals would have a 'severe' impact for them (the Highway Authority) to change their position.


We reiterate that it is not for a local group to have to lead the detailed assessment of a scheme to demonstrate a severity of impact. It is for the Local Planning Authority and its consultee's (which includes the Local Highway Authority) to carefully and thoroughly assess the information presented, ask for additional information as required and then form a clear and robust position that will withstand scrutiny from third parties and if required be defensible at a Planning Appeal.

As demonstrated above the position is clear that in many areas the application is still deficient in numerous technical areas, meaning it is not possible for either the Planning or Highway Authorities to arrive at a positive recommendation for the development proposals.

My planning colleague, Sheila Wright will be submitting a separate, short letter this evening covering the relationship between the significant increase in traffic movements to/from the site and the air quality assessment, as well as planning matters.

If you do have any questions or queries relating to the content of this letter please do not hesitate to come back to me to discuss further.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'm. kitching', with a stylized flourish at the end.

MICHAEL KITCHING

Director

Appeal Decision

Hearing held on 26 February 2015

Site visit made on 17 February 2015

by R Schofield BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 March 2015

Appeal Ref: APP/N1025/A/14/2226966

Land at M1 Junction, Bostocks Lane, Sandiacre NG10 5QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by McDonald's Restaurant [sic] Ltd against the decision of Erewash Borough Council.
 - The application Ref ERE/0214/0009, dated 6 February 2014, was refused by notice dated 15 April 2014.
 - The development proposed is freestanding two storey restaurant with associated drive-thru, car parking and landscaping, installation of 2 No customer order display and canopy.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by McDonald's Restaurants Ltd against Erewash Borough Council. This application is the subject of a separate Decision.

Main Issues

3. In advance of the hearing the Council confirmed that it would not pursue its first reason for refusal, relating to the potential disturbance of a 24 hour operation of the appeal scheme, as this could be addressed by a condition restricting hours of opening. Nonetheless, this, along with other matters relating to living conditions, remains an area of significant concern to local residents. Consequently, I consider the main issues to be the effect of the proposed development on:
 - the safety of highway users and pedestrians and on the efficient operation of the highway network in the vicinity of the appeal site; and
 - the living conditions of the occupiers of nearby dwellings on Bostocks Lane, with particular regard to noise and disturbance, smell, light and privacy.
4. Although discussed separately at the Hearing, to assist with clarity and to avoid repetition I have drawn the highways issues together.

Reasons

Highway Safety and Efficiency of Operation

5. Bostocks Lane is primarily a residential road on the edge of the village of Risley, with an unobtrusive office development at the Interchange 25 site and a

- well-hidden Holiday Inn set behind houses towards the junction with Derby Road and Rushy Lane.
6. The appeal site is situated prominently beside Bostocks Lane, from which it would be accessed directly, which itself connects with the roundabout junction providing access to the A52 and M1. It was apparent from my site visit that Bostocks Lane is a busy road with a considerable amount of commercial vehicle and HGV traffic. It was not disputed that one in four vehicles is an HGV. The A52 is a busy dual carriageway, connecting Derby and Nottingham and the M1 is in very close proximity. Photographic and video evidence submitted by local residents shows that it is not unusual for traffic to be nose-to-tail along Bostocks Lane and on the roundabout at certain times of the day. Accident data from Derbyshire Police, provided by the appellant, shows that from 1 March 2011 to 9 August 2013 there were five accidents at the Bostocks Lane junction with the roundabout, comprising of rear shunts between cars waiting to enter the roundabout or collisions while joining or circulating.
 7. The appellant's transport evidence is based upon an empirical assessment of usage, and thus trip generation, of what is regarded as a comparative McDonald's restaurant at Stone Cross Park, Warrington. This store was chosen primarily as McDonald's regard it as having a comparable turnover to that predicted for the proposed store and as being in a comparable location.
 8. With regard to the first factor, it was suggested that McDonald's uses a range of data to predict likely turnover and that, on the basis of work done to inform viability of the appeal scheme it and the Stone Cross Park restaurant were to be regarded as comparable. I do not doubt that McDonald's undertakes such modelling. However, no evidence was presented that demonstrated the comparability of likely and actual turnover of the respective restaurants and it was made clear that such information would not be forthcoming. Consequently, in the absence of any detailed information in support of this assertion, I can give it little weight.
 9. My attention was drawn to an appeal decision¹ where an Inspector accepted McDonald's approach to comparative analysis. However, I do not have any details of the information that was before that Inspector to suggest that it is comparable to that before me. Thus, I afford it little weight and, in any case, each proposal must be assessed on its own merits.
 10. Turning to the second factor, the Stone Cross Park restaurant is situated next to a pub and hotel on, and accessed from, a large business park some distance from the nearest motorway junction, rather than directly from a busy road. The business park entrance is off the A580, which runs to the south of the combined settlements of Golborne and Lowton. The nearest residential properties are some distance away. In my judgment, this is far from being comparable to the situation and wider context, in social, geographic and transport terms, of the appeal site.
 11. In addition, the Stone Cross Park restaurant is single storey and considerably smaller than the 160 seat, two-storey appeal proposal. It was suggested that the only reason for the size of the appeal restaurant was a response to the Council's request for a two-storey building on the site and that between 100 and 120 seats would be utilised. However, the email from the planning officer

¹ 2150362

presented in support of this argument only makes reference to a wish for a *'bespoke building to take full advantage of its [the site's] location'*. There was no suggestion that the appeal building was *'bespoke'*, but even if it was I do not find it convincing that the operator of a restaurant that is designed to, and could, support considerably greater numbers of customers than that at Stone Cross Park, with a commensurately greater impact upon trip generation, would not seek to maximise its potential.

12. There is an extant permission for an office development on the appeal site, which would itself generate additional traffic. This appears, from their consultation response, to be the substantive basis for the County Council's lack of objection. However, no transport information relating to the original office permission appears to exist. The appellant has undertaken a TRICS-based assessment, which shows that an office use would generate fewer peak hour trips than the appeal scheme, albeit that the appellant's view is that the differences are not considered to be material. As such, this extant permission does not weigh in favour of the appeal scheme.
13. A 'sensitivity' test against TRICS data shows a lower predicted trip generation rate from a restaurant and drive-thru than that recorded at the Stone Cross Park store. However, by the appellant's own admission the TRICS database contains data for only three other McDonald's drive-thru restaurants and was not regarded as providing a realistic dataset. Consequently, data from other non-McDonald's fast food restaurants had to be used and no information was provided to demonstrate that these, or the three McDonald's restaurants, were in any way contextually comparable to the appeal site or appeal scheme.
14. Paragraph 32 of the National Planning Policy Framework (the Framework) seeks, among other things, to ensure that decisions take account of whether safe and suitable access to the site can be achieved for all people and that development is prevented or refused on transport grounds where the residual cumulative impacts are severe. Taking the above factors into consideration, I am not satisfied that the evidence before me is sufficiently robust or conclusive to demonstrate that there would not be a severe adverse impact upon the efficient operation of the highway network or an adverse impact upon highway safety arising from the development.
15. There was dispute at the Hearing about the location and size of the proposed upgraded pedestrian crossing point on Bostocks Lane, notably with regard to which standards a pedestrian refuge should be measured against. It was also noted that some school children safely cross the M1/A52 roundabout to reach school, albeit that traffic light controls will restrict traffic flow to some degree. To my mind, however, this is largely moot. The appellant confirmed that the assessment of pedestrian access to the store was not based upon its specific context. Consideration had not been given to the likely increase in pedestrian flows to the appeal site arising from the appeal proposal, down and across Bostocks Lane, notably from the direction of Friesland Secondary School, but only to a limited number of pedestrians walking to the restaurant from Interchange 25. In this context, I do not find the appellant's argument that a feature that is safe for one is safe for all to be persuasive.
16. Similarly, there was dispute about the likelihood of overspill parking from the development, notably in relation to coaches and HGVs, which could park, legally but obstructively, on Bostocks Lane so that their drivers and passengers

- could use the proposed store. As noted above, Bostocks Lane has a high number of HGVs upon it. On my site visit, I noted HGVs parked on Bostocks Lane, albeit further up it than the appeal site. I also observed an HGV park outside the convenience shop on Derby Road, so that its driver could make a purchase from it, necessitating traffic having to manoeuvre around the vehicle. Based upon these observations, I have no reason to doubt the oral and photographic evidence of local residents that this is not uncommon and that similar parking occurs outside the fish and chip takeaway on Derby Road.
17. The proposed restaurant would not actively cater for HGVs and coaches, for which parking spaces would not be provided. The appellant noted that HGV drivers and coach parties would make use of facilities on the M1 instead. However, as the appellant also considers that the proposed restaurant would not draw significant numbers of vehicles from the M1, it is difficult to see how such use would occur before these vehicles passed the appeal site. It is also reasonable to consider that most professional HGV and coach drivers would not park where they were actively obstructing the carriageway. Nonetheless, this is clearly not always the case. Based upon my own observations and evidence presented, I do not consider that it has been adequately demonstrated that potentially obstructive parking would not be problem.
18. Turning to potential overspill of cars and vans from the car park, it was agreed between all parties that the parking provision was in line with Council's policy on this matter. I also note that some customers might choose to use the drive-thru in the event that the car park was full. Nonetheless, given my concerns about the derivation of the trip generation data and the lack of any information about how McDonald's actually calculate parking space need, beyond a study of Stone Cross Park, there cannot, in my judgment, be any certainty that overspill parking would not result. As the parties also agreed that customers could legitimately use 'old' Bostocks Lane to park on if the car park was full, this cannot but give rise to concerns about highway obstruction, which would negate efforts to alleviate such through the imposition of the existing Traffic Regulation Order (TRO) for this road. On my site visit, I noted a large panel van and a car, both parked in contravention of the TRO (with letters alerting them to this fact, tucked under their windscreen wipers), parked up on 'old' Bostocks Lane, one obstructing the pavement and one the turning head. It is reasonable to consider that inadequate parking provision at the appeal site would exacerbate this situation.
19. Although I do not consider the issues of the pedestrian crossing and HGV/coach/overspill parking to be necessarily determinative individually, together they add further weight to my conclusion above.

Living Conditions

a) Noise and Disturbance

20. As a consequence of its location, background traffic noise is audible at the appeal site. The appellant's evidence has demonstrated that noise from the proposed restaurant, in relation to the operation of the drive-thru, including the use of the Customer Order Displays and the extraction and ventilation equipment, would not exceed the quietest measured background noise level. A condition would secure the installation, operation and maintenance of the latter and the former would be situated to the front of the building, away from residential properties. I have no reason to doubt, based upon guidance in

- BS:4142 and reasonable assumptions about the quietest time during the week, that the data in relation to background noise levels is correct or that the survey period was sufficient and, thus, that there would not be a significant disturbance to occupiers of nearby dwellings in relation to these factors.
21. Notwithstanding this, the appellant acknowledged that BS:4142 is not suitable for measuring the impacts of car park noise or that of human activity and that only predictable noise sources can be accurately and objectively assessed. In this context, the Risley Residents Group (RRG) suggested that noise from the use of the car park and outdoor seating area would adversely impact upon nearby residents. Specific concerns were raised about vehicle doors slamming and the audibility of people and music.
 22. The appellant and Council agreed that a timing condition would help alleviate the matter of noise arising from deliveries and refuse collection and that a restriction on opening hours would alleviate some additional concerns about noise during the night and early morning. The appellant's Noise Impact Assessment (NIA) also addresses the matter of the impact of car door slams, and notes the comparability of data with that provided by the RRG from a different McDonald's site.
 23. However, the NIA acknowledges that, *'there may be a small number of youth gatherings at weekends'*. It does consider that these are most likely to be at a time when traffic will be at a consistent level and, therefore, dominate the noise environment but there is no guarantee that this would be the case. It also acknowledges that there would be noise from customers in the car park and/or using the proposed outside eating area. It is suggested that these would be a matter for the local restaurant management plan, but much would depend on its content and the effectiveness of its implementation.
 24. The appellant's response to the RRG's noise submission refers to the removal of the outside seating area to the front of the building, although this is on the western elevation rather than away from nearby dwellings, and to the extra mitigation effects of an acoustic barrier, in relation to door slams, which is not proposed by the appeal scheme. The latter could be conditioned, but there is no certainty that such a proposal would be acceptable in design terms.
 25. Thus, it is evident that there is an acknowledgement that the appeal scheme would generate noises that would be distinct from the more constant level of background traffic noise and which cannot be objectively assessed. I have no reason to doubt that customer noise is dealt with diligently by McDonald's and that anti-social behaviour, which may give rise to noise and disturbance, is proactively discouraged. The issue is whether such noise would be sufficiently distinct and frequent that it could be considered to be detrimental to the living conditions of the occupiers of nearby residential properties, to the extent that they would give rise to a change in behaviour or attitude. On this basis, I find that the evidence before me is not conclusive.
 26. The RRG and Council also raised concerns in relation to the potential for noise and disturbance arising from vehicles that would be parked on 'old' Bostocks Lane overnight, with their occupants seeking to use the appeal development for food and washing facilities in the morning. Although this may be a possibility, there is not, however, any compelling evidence to suggest it is likely.

27. The appellant drew my attention to another appeal decision², in which the Inspector concluded that the operation of a drive-thru function would not give rise to unacceptable levels of noise. As noted above, notwithstanding my wider concerns, I agree that this is likely to be the case here. The RRG drew my attention to a decision³ in which an appeal for a McDonald's drive-thru was dismissed on noise grounds. However, it appears from this decision that the proposed drive-thru lane was in much closer proximity to residential dwellings, notably their rear gardens, than is the case here. As such, I do not regard it as being directly comparable to the proposal before me.

b) Smell

28. As noted above, the proposed restaurant would incorporate extraction equipment, the agreement, operation and maintenance of which could be secured by condition. No substantive evidence has been presented to suggest that it would not be effective in containing odours from the site and I see no reason why, if properly installed and maintained, it would not be.

c) Light

29. Approval of external lighting on the site could be secured by condition. While there would clearly be an increase in light in the area, generated by the appeal proposal, there is no reason to consider that an appropriate scheme, which would contain light such that it would not affect the occupiers of nearby houses, could not be implemented.

30. Concern was also expressed over the effects of vehicle headlights shining into bedroom windows from the car park. The appellant provided evidence of the limited height to which the beams from car headlights would rise when facing a barrier and I do not consider that van lights would be significantly different. Vehicles facing the houses on Bostocks Lane would be parked behind a boundary hedge. While it was evident from my site visit that this was sparse given the time of year, further complementary boundary treatment could be secured by condition. I consider that these factors would make it unlikely that any significant adverse impacts would arise from illumination of bedrooms by vehicle headlights.

d) Privacy

31. RRG suggested that the use of CCTV on the appeal site would compromise the privacy of nearby residents. This is a valid concern but, again, any CCTV scheme could be agreed by condition and there is no reason why such a scheme would need to, or should, cover residential dwellings beyond the confines of the appeal site.

32. Turning to the potential for overlooking, the restaurant building itself would be a reasonable distance, in terms of sight, from the houses on Bostocks Lane and would not directly overlook any of them. Notwithstanding this, any substantive concerns about loss of privacy, perceived or otherwise, resulting from sightlines of customers at first floor level could be addressed by a condition requiring the appropriate use of obscure glazing in the restaurant. Suitable soft landscaping and boundary treatment could address any overlooking at ground floor level.

² 2150362

³ 2193716

33. I conclude, therefore, that given the inability to fully quantify human noise that it is acknowledged would arise from outside the restaurant, a precautionary approach is appropriate given the proximity of the appeal site to residential properties. Thus, I am not satisfied that it has been shown conclusively that the appeal scheme would not have an adverse impact upon the living conditions of the occupiers of nearby dwellings on Bostocks Lane, with particular regard to noise. In these terms it would conflict with paragraph 17 of the Framework, which seeks, among other things, to ensure that planning always seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. I further conclude that the scheme would not have an adverse impact upon the living conditions of the occupiers of nearby dwellings on Bostocks Lane, with particular regard to light, smell and privacy. In these terms, it would not conflict with the requirements of the Framework.

Other Matters

34. The appeal scheme would create jobs, with opportunity for local employment and access to McDonald's training scheme. However, as there is extant permission for a sizeable office development on the site, which it is reasonable to consider would also result in job creation, I give this factor little weight.

35. McDonald's franchisees are also encouraged to build strong links with the local community and support local initiatives. Notwithstanding the very significant levels of local community opposition to the scheme, there is no evidence of how this would be manifested locally and, although there could be some targeted benefited, this does not outweigh my findings above.

36. The Council has not raised an objection in relation to the impact of the appeal proposal on the character and appearance of the area. However, such an objection has been made by a considerable number of local residents. Although Bostocks Lane may function as an arterial route it is essentially residential in character with a limited amount of discreetly placed office accommodation and a similarly unobtrusive hotel. There are no retail or restaurant outlets and advertising is absent. Any future advertisements proposed for the appeal site could be controlled by the Council through the Advertisement Regulations, but the introduction of a restaurant and drive-thru in such a prominent position on an overwhelmingly residential street would appear incongruous in relation to its established character. There is an extant permission for an office building on the site, but the character and appearance of such a development would be markedly different to that of a drive-thru restaurant facility. It would, at least, reflect that of the established development at Interchange 25. Thus, although I am dismissing the appeal scheme for other reasons, it would appear to give rise to a harmful impact upon the character and appearance of the area, which adds weight to my overall findings.

Conclusion

37. I have found that the appeal proposal would not have an adverse effect upon the living conditions of the occupiers of nearby dwellings on Bostocks Lane with regard to smell, light and privacy. However, I have also found that on the balance of the evidence before me it has not been shown conclusively that the appeal scheme would not have an adverse impact with regard to noise. Nor am I satisfied that the evidence before me is sufficiently robust or conclusive to demonstrate that there would not be a severe adverse impact upon the

efficient operation of the highway network or an adverse impact upon highway safety arising from the development. I do not consider that the lack of adverse effects with regard to smell, light and privacy is sufficient to outweigh these matters. Thus, for the reasons given above, and taking all other matters into consideration, including the lack of objection to the appeal proposal by the County Council, Highways Agency and Environmental Health Officer, I conclude that the appeal should be dismissed.

R Schofield

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Matthew Carpenter	Planware Ltd
Mr James Pereira QC	
Mr Peter Ashford	Acoustic Associates South West
Mr Allan Mendelsohn	ADL Traffic
Mr Rob Green	ADL Traffic

FOR THE LOCAL PLANNING AUTHORITY:

Mr Charles Robinson	Parkwood Consultancy Services
Mr Phillip Taylor	Savoy Consulting

INTERESTED PERSONS⁴:

Mr Trevor Pedley	Risley Residents Group
Mr Kenneth Richardson	Risley Residents Group
Cllr Wayne Major	County Council Ward Member for Sandiacre
Mr Peter Monk	Headteacher, Friesland School

DOCUMENTS SUBMITTED AT THE HEARING

1. Letter from Mr Martin Loven to Mr Matthew Carpenter, dated 17 February 2015, regarding the Risley Residents Group's noise assessment, submitted by the appellant.
2. DVD of video evidence of traffic on Bostocks Lane and of Stone Cross Park, submitted by Risley Residents Group.
3. Costs Application by McDonald's Restaurants Ltd, dated 26 February 2015.

⁴ Given the number of people who did not give their name when asking questions or making points, but who made contributions to the proceedings on an *ad hoc* basis, this list is not comprehensive and the omission of any names does not undermine the valuable contribution that other participants made.

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Appeal Decision

Site visit made on 3 July 2018

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2018

Appeal Ref: APP/F2360/W/18/3199821

Windmill Hotel, Preston New Road, Mellor Brook BB2 7NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Bangs (James Hall & Company Limited) against the decision of South Ribble Borough Council.
 - The application Ref 07/2017/3283/FUL, dated 27 October 2017, was refused by notice dated 7 February 2018.
 - The development proposed is the demolition of public house and erection of petrol filling station, including fuel tanks, convenience foodstore and associated access, car park and landscaping.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The National Planning Policy Framework (the Framework) was revised during the assessment of the appeal. Views from both main parties were sought on this matter, but no replies were received. Given that the policies in the Framework are material considerations which should be taken into account in dealing with applications (and appeals) from the day of its publication, I have had regard to it in my Decision.

Main Issues

3. The main issues are the effect of the proposal upon:
 - i) the character and appearance of the area; and
 - ii) the living conditions of nearby residents, with particular reference to noise and disturbance.

Reasons

Character and appearance

4. Located on the corner of Preston New Road and Branch Road, the site is currently occupied by The Windmill, a two storey former public house and car park. It has a prominent back of footway location and is situated within the rural village of Mellor Brook, on the main road between Blackburn and Preston. The village is characterised by important and identifiable older buildings located at road junctions, surrounded by largely 2 storey semi-detached residential dwellings. The proposal is to demolish the existing public house and replace it

- with a petrol filling station and associated canopy, a convenience food store and car parking. The convenience store would be single storey in height, with a hipped roof, red brick walls and timber cladding details.
5. The original building is 2 storeys in height, with some later single storey additions to the rear and side. It is constructed from rendered walls, quoined with stone blocks and has a dual pitched slated roof with chimneys to each end. Whilst its historic value is limited due to the later additions, and its appearance is falling into disrepair, it still forms a strong, imposing and identifiable focal point in the area. Additionally, developments opposite the site on both Branch Road and Preston New Road have strong consistent frontages.
 6. The canopy for the petrol filling area would be located to the front corner of the site. Whilst the design is the prescribed standard, and similar to many other petrol filling stations; in this prominent corner position within a rural residential village, its height, design and materials would appear incongruous, dominant and utilitarian. Even having regard to the other canopies on Preston New Road, the canopy would be out of keeping with the character and appearance of the village, alien to the particular setting and would fail to provide an identifiable and high quality replacement for The Windmill.
 7. Additionally, despite the convenience store design incorporating red brick and a hipped roof, its location to the rear of the site would result in an ill-defined frontage, at odds with surrounding strong frontages. Furthermore, notwithstanding the 'L' shape design; it would also occupy a considerable amount of floor space in comparison to other built forms in the immediate context, appearing incongruously elongated and bulky.
 8. Overall, the design is formulaic, basic and uninteresting. The arrangement of the building types would fail to maintain the strong sense of place and the proposal would not be sympathetic to local character or add to the overall quality of the area.
 9. Consequently, the proposal would have an unacceptable and adverse effect upon the character and appearance of the area. The proposal would be contrary to Policy 17 of the Central Lancashire Adopted Core Strategy Local Development Framework (July 2012) (CS) and Policies G17 and B1 of the South Ribble Local Plan 2012-2026 (July 2015) (LP), which seek to ensure new development is of high quality, provides an interesting visual environment and is in keeping with and respects the character of the area.

Living conditions

10. The appellant details that the pub has been closed since 2014 and marketed for sale since that time without interest. I agree with the appellant that this indicates the existing business is not viable and alternative uses should be considered. This being the case, the fall-back position with regard to the effects of the re-occupation of the public house upon neighbouring living conditions is of very limited weight. Additionally, I have had regard to the significant amount of representations from nearby neighbours on the matter of noise and disturbance.
11. The proposal would introduce a considerable amount of vehicle movements in and out of the development site, with associated activity from customers and noise from car doors slamming, car stereo music and starting of vehicles. This

would be throughout the day and into the night, with early morning and late night opening hours. Furthermore, given the size of the convenience store and associated parking spaces, it is likely there would be additional trips associated with this use.

12. At the time of my visit (1645), both roads were busy with constant flows of vehicles, often queuing at Branch Road to exit. Whilst I recognise this was a peak time, trips to petrol filling stations are generally made on trips elsewhere and therefore, it is likely there would be increased activity at the site during peak hours. This could lead to increased queuing on Branch Road given egress from the site is only available onto this road. In the event this did happen, there would be additional traffic noise and disturbance to nearby residential properties.
13. I acknowledge that the appellant's noise¹ assessment concludes that there would be no adverse effect from noise levels, and the Council's Environmental Health Service raises no objections, subject to conditions. I also acknowledge that there would be little effect upon highway safety or light spillage from the site. However, the noise assessment appears to focus upon deliveries and plant machinery; and not the effect of increased comings in and goings of customers and the noise disturbance that this would have upon residents.
14. Therefore, despite the assessments provided by the appellant, it is my judgement that there would be increased noise, traffic and activity from the site, both in terms of the petrol filling station and the convenience store. The effect of the proposal would be over a long period of the day, every day, without respite. This would materially alter the sound environment experienced by surrounding neighbouring residents, to their detriment.
15. Accordingly, the culmination of this activity would lead to disturbance of the neighbouring dwellings, and fail to provide a high standard of amenity for existing users. This would adversely and harmfully affect their living conditions, contrary to Policy 17 of the CS and Policies G17 and B1 of the LP, which seek to ensure new developments do not have a detrimental or adverse impact upon neighbouring properties.

Other Matters

16. The appellant details that the site is subject to anti-social behaviour and security issues on a weekly basis, yet little evidence has been presented to substantiate this matter. Although I recognise that crime and anti-social behaviour is undesirable, this is usually associated with vacant sites. I am aware of numerous methods of security which can reduce the risk of crime and anti-social behaviour at vacant sites; and this matter would not outweigh the harmful effects of the proposal.
17. The appellant sets out than an earlier submission for a similar proposal was withdrawn prior to determination by the Council. This proposal is different to that before me and I have had limited regard to it in my Decision.

Conclusion and planning balance

18. The proposal would bring additional employment to the area, of which there would be some economic benefit. There would also be some social benefits

¹ Report No 101423 dated 18 October 2017. Prepared by Miller Goodall Acoustics and Air Quality

from the convenience store and petrol filling station, although I have been presented with little evidence that the area is short of these facilities. On the other hand, the adverse environmental effect upon the character and appearance is of significant weight, and there would be social harm to the neighbouring residents from increased noise and disturbance.

19. On balance, the harm I have found would considerably outweigh the benefits and the proposal would not represent sustainable development. Accordingly, for the reasons above, I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR



01 December 2021

Ms Catherine Lewis
South Ribble BC
Civic Centre
West Paddock
Leyland
Lancashire
PR25 1DH

By email

Dear Catherine

Re: Planning Application 07/2020/0768/Ful - Windmill Public House Redevelopment, Mellor Brook

You will by now have received a letter of today's date from Michael Kitching of SK Transport Ltd following the highways meeting on 24th November.

I am writing to set out some further planning points that flow, in part, from his letter but also relate to matters still outstanding from the Planning Committee held on 29 July, at which a decision on the application was deferred.

Air quality

The AQA submitted by the applicants concludes that *"Due to the relatively low number of anticipated vehicle trips associated with the proposals, road traffic impacts were not predicted to be significant"*.

This simply relies on the applicant's position that the development will generate 95 new trips on the local highway network, but completely glosses over the technical points set out in the SKTP letter of 09 August and reiterated in their letter sent today.

What we know from the AQA assessment is:

- 1) The applicant has only provided the AQ consultant with the estimated daily change in traffic movements generated from the convenience store (+95 vehicle movements).
- 2) They do not appear to have included in that figure any allowance for the fuel or convenience store deliveries.
- 3) There is the assumption that every car-borne trip to the PFS is an existing vehicle movement on the highway – i.e., this element of the development proposals is simply accommodating existing vehicle movements on the network.
- 4) The AQA makes no assessment of the overall increase in traffic movements onto/off the site and onto Branch Road when compared to the baseline position.

The key headline figures that the applicant has presented in the application are:

The Studio, 61 Rosemont Road, Liverpool, L17 6BY.

T. (+44) 07385298242 E. sheila@sawplanning.co.uk
www.sawplanning.co.uk



- the TS confirms that the existing public house is predicted to generate 303 daily vehicle movements to/from Branch Road;
- the convenience store is predicted to generate 946 daily vehicle movements from the local highway network, all discharging onto Branch Road;
- the PFS is predicted to 1,020 daily vehicle movements from the local highway network, all discharging onto Branch Road.

When combined the daily convenience store and PFS trips to/from the site are 1,966 vehicle movements, compared to the applicant's own data that the public house would have generated 303 vehicle movements. That is a net increase of 1,663 vehicle movements, all discharging onto Branch Road, a route with direct residential frontage.

The AQA does not make any reference to the impacts of the increase in vehicle movements onto/off the site (an increase from 303 vehicle movements to 1,966 vehicle movements) and the associated stopping/starting of engines etc. It is clear that this increase of 1,663 vehicles onto and off the site, with the associated stopping/starting of engines and all traffic discharging onto Branch Road has not been factored into the AQA.

Overall the AQA conclusions are simplistic and are simply based on the transport consultant's estimate of the increase in the convenience store vehicle trips. This approach fails to acknowledge the overall change in vehicles arriving/departing from the site, and the circa six-fold increase in traffic being attracted to/from the site and discharging onto Branch Road.

The AQA output can only reflect its input and therefore, as presently submitted, it presents a misleading and unrealistic evaluation of the true impacts of the application proposal.

It is therefore imperative that the AQA be re-run to take into account the significant increase in traffic clearly detailed in the SKT correspondence.

Other Planning Considerations

No robust reasons have yet been advanced by the applicant as to why the current proposals are so significantly different from the scheme that was refused on appeal that the Inspector's decision (and her reasoning) can be set aside.

The attached appeal decision for a McDonald's drive-through has clear parallels with the Windmill site. In particular, the Inspector refers to "*human noise*" which relates to activity in the car park which would disturb local residents even though it is not directly measurable. Importantly, he says he has not been presented with evidence that there would be no adverse impact on residents.

The same applies to highways impact. At para 37 he states that:

"Nor am I satisfied that the evidence before me is sufficiently robust or conclusive to demonstrate that there would not be a severe adverse impact upon the efficient operation of the highway network or an adverse impact upon highway safety arising from the development." [Our emphasis].

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Crucially he reached this conclusion despite the fact that [the relevant] County Highways and EHO did not object to the application. This resonates with the Inspector's findings in relation to the Windmill application site. She says that:

I acknowledge that the appellant's noise assessment concludes that there would be no adverse effect from noise levels, and the Council's Environmental Health Service raises no objections, subject to conditions. I also acknowledge that there would be little effect upon highway safety or light spillage from the site. However, the noise assessment appears to focus upon deliveries and plant machinery; and not the effect of increased comings in and goings of customers and the noise disturbance that this would have upon residents. Therefore, despite the assessments provided by the appellant, it is my judgement that there would be increased noise, traffic and activity from the site, both in terms of the petrol filling station and the convenience store. The effect of the proposal would be over a long period of the day, every day, without respite. This would materially alter the sound environment experienced by surrounding neighbouring residents, to their detriment. Accordingly, the culmination of this activity would lead to disturbance of the neighbouring dwellings and fail to provide a high standard of amenity for existing users. This would adversely and harmfully affect their living conditions, contrary to Policy 17 of the CS and Policies G17 and B1 of the LP, which seek to ensure new developments do not have a detrimental or adverse impact upon neighbouring properties

Both of these appeal decisions demonstrate that robust and justifiable grounds for refusal can and do exist, even in cases where the relevant statutory consultees have not objected.

I look forward to discussing these matters further with you in due course.

Yours sincerely

Sheila

Sheila Wright

Director

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Agenda Item 8

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

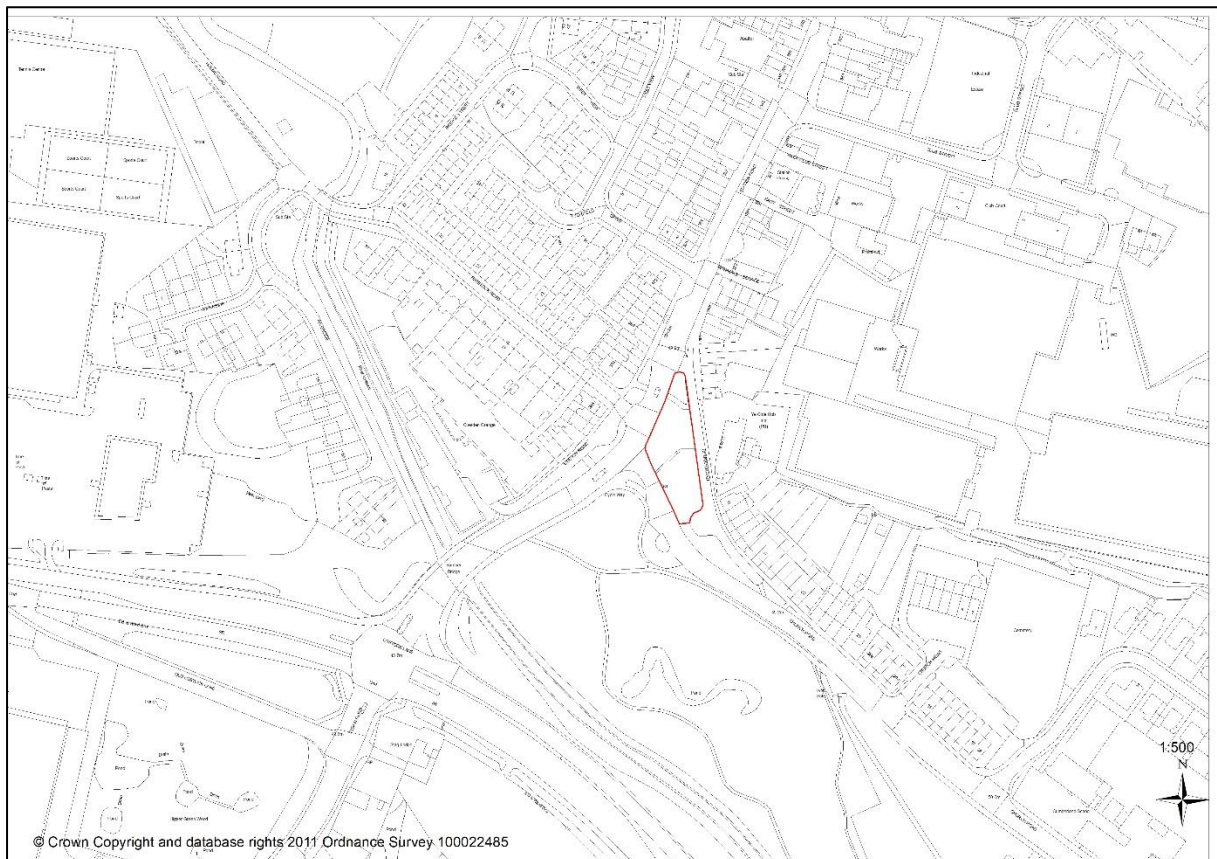
Development Regeneration of green space to commemorate the 'Battle of Bamber Bridge'

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 07.03.2021

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1. Introduction

1.1. This application comes before Committee as one made by the Council's Projects Team. It was deferred by Committee (Nov 2021) to allow further consultation with regards to design.

2. Report Summary

2.1. The applicant 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. One letter of support was received during first consultation but with concerns about tree protection. Proposals however provide for tree retention which would be secured by tree protection condition. Separate objection was also received with regards to the proposed design options. Statutory consultee comments recommend conditions 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 at 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 to commemorate the 'Battle of Bamber Bridge'.

5.2. *Public Consultation* – The application was deferred by Committee to allow alternative schemes to be considered, and a preferred design selected by the community. The Council's Neighbourhood Team undertook public consultation via Citizen Space (a digital consultation platform) with three options put forward for as follows. The proposal was also shared on the South Ribble Council website, Bamber Bridge, Lostock Hall and Walton le Dale Facebook Pages (Council Run) and via the 'Proud to be a Brigger' Facebook group.

Option A) *Lectern Information Board* - a traditional information board/lectern displaying an account of The Battle of Bamber Bridge with information and images provided by University of Central Lancashire and Preston Black History Group. The lectern would be surrounded by flower beds and shrubbery to complement new benches and pathways to '*ensure that flowers and shrubbery engage the senses, to become a Dementia friendly garden area*'.

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Option B) Rockery – a central rockery surrounding a paved area and stone design engraved with the words 'Church Road Gardens' and 'The Battle of Bamber Bridge'. Landscaping would be as per Option A

Option C) Tall Plinths - Four wooden plinths with black information panels erected in a semi-circular pattern around a paved area with embedded emblem Plinths appear to be approximately 2m high and would be illuminated . Landscaping as per Option A.

In total 19 responses were provided with the preferred option being the lectern design. Evidence of these responses has been provided.

5.3. *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 supporting black troops, resisted segregation, and welcomed African American men who mingled freely with local 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 when soldiers from the 1511th regiment drank with English troops and civilians in Ye Olde Hob Inn, passing MPs attempted to arrest one soldier for being improperly dressed and without a valid pass. An argument ensued and a beer was thrown at the MP's jeep. MPs picked up reinforcements and intercepted 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 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 led to stray bullets which entered houses, seven wounded and the death of Private William Crossland in the crossfire. A court martial convicted 32 African American soldiers of mutiny and related crimes.

5.4. *The proposal* – New pathways (tarmac or bonded resin - to be agreed) would connect existing dissecting paths into a crescent shape. To the centre of the crescent would be an information lectern with uplighter illumination, 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. The previously proposed sculpture has been removed, resulting in a more dignified, sympathetic scheme which appears to be supported by most of the local community.

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 41 neighbours individually consulted. One letter of support to the original scheme was provided by a resident who stated that the scheme '*will improve the entrance to Bamber Bridge*, but who had concerns that trees would be removed and that the site may be used as extra parking for users of the Hob Inn

In response to the revised proposal one letter was received and is summarised as:

- Request for information about revisions – these are freely available on the Council's website
- Objection that a request to be personally informed of any follow up meeting has not happened

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- Query whether the proposal was one provided by Mr Tom Cookson which respondent has supported throughout the process
- Majority of support is for Mr Cookson's scheme
- Request for a people's vote to select the most popular design

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 which sits between sections of highways is at a higher land level and banked steeply on the Church Road side. This and the proposals general layout should deter unauthorised parking.

Public consultation both prior to, and as part of the application process is described above. Whilst one resident may favour a particular design over any other, this scheme is proposed by the applicant and a judgement is to be made on the same. Should a third party wish to apply for an alternative design then they are free to do so with the relevant landowner permissions, but the remit of this application is to assess the design put forward by, not alternatives which are not proposed by the applicant.

8. Summary of Responses

8.1. **Lancashire County Council Highways** - no objections to the revised proposal.

8.2. **South Ribble Arborist** - no additional comments provided that root protection levels are not altered and a tree protection condition imposed. There are no trees identified for removal, although an oak on the site edge requires work to its canopy.

8.3. **South Ribble Environmental Health** had no objection to the original scheme and have not commented on the final which differs little other than in removing the sculpture

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 its conservation, and to protecting and enhancing both the asset and its setting from inappropriate development.

9.2. Other relevant policy

National Planning Policy Framework (2021)

9.2.1. Chapter 2 (Achieving Sustainable Development) presumes towards sustainable development across different objectives; one of 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 - applications which accord with Local Plan policies must be approved without delay unless material considerations indicate otherwise.

9.2.3. Policy 17(Design of New Buildings) - new development should take account of the local areas character and appearance.

South Ribble Local Plan

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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, protection of the character, appearance and amenity of the local area, and of highways and pedestrian safety

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

9.3.1. Proposed regeneration will undoubtedly change its physical appearance, but not in such a distinct way that it would impact negatively on the character or appearance of the conservation area or immediate locality. Existing seating will remain but not 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

- Information Lectern set up (REG-6002-01)
- Battle of Bamber Bridge information sheet
- Tree Survey (Ken Linford 15.7.21)
- Location plan REG-5529-01 (South Ribble)
- Spike lights specification REG-5529-05 (South Ribble)
- Citizen space survey results/accompanying data Jan 2022

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 flooring, hard landscaping and lectern 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

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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
 - i) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - j) anticipated delivery timesREASON: 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

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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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Agenda Item 9

Application Number

07/2021/01247/REM

Address

Land To The South Of Shaw Brook Road And North Of Altcar Lane
Leyland

Applicant

Redrow Homes Limited

Development

Reserved Matters application (appearance, landscaping, layout and scale) for the erection of 154 dwellings, with associated vehicular access and parking, private amenity space and landscaping, pursuant to outline planning permission 07/2016/0591/OUT

**Officer Recommendation
Officer Name**

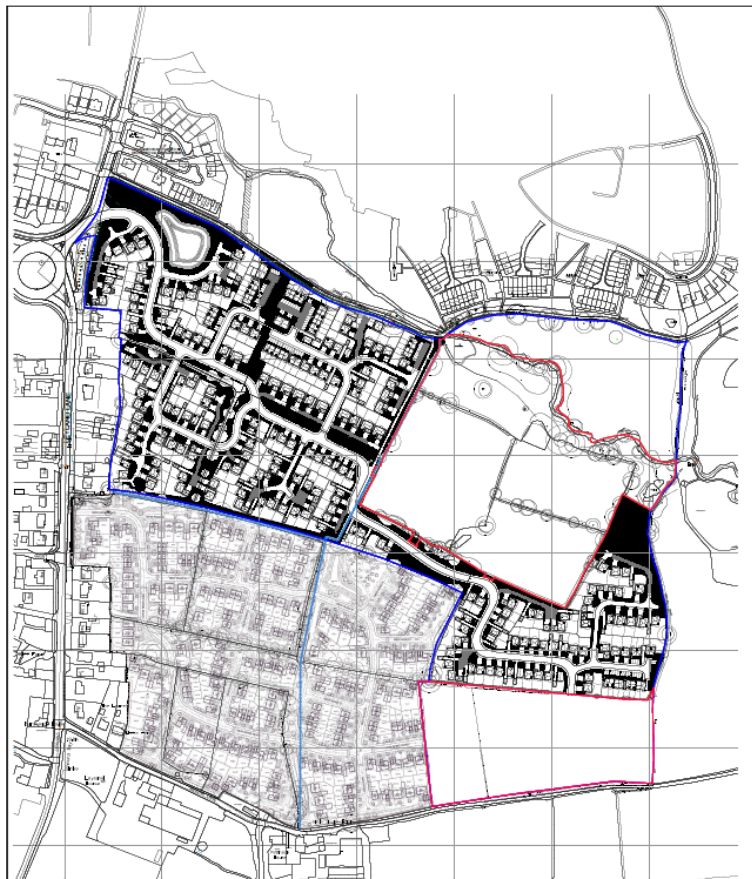
**Approval with Conditions
Mrs Catherine Lewis**

Date application valid

10.12. 2021

Target Determination Date

11.03.2022



Agenda Item 9

Report Summary

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

1.2 A Reserved Matters application which provides for 236 dwellings has been approved and this application relates to the last two remaining parcels of land which will deliver 154 dwellings. Matters of layout, scale, appearance and landscaping are being applied for. The details provide for a housing mix of 123 open market three, four and five bedrooms together with a total of 31 affordable including: 23, two bedroomed and 8, three bedrooms to be delivered as part of the discounted open market units and the development meets the aims of Policy 7 Affordable Home of the Central Lancashire Core Strategy.

1.3 The outline permission included conditions relating to sustainability, neighbour amenity, contaminated land, ecology, surface water, flood risk, and construction some of which will need to be re-imposed to this permission. The most significant issue is that of the delivery of the extension to Worden Park. A section 106 has been signed which as part of a construction programme of phasing would be delivered through the implementation of this development.

1.4 The Preston, South Ribble and Lancashire City Deal was the first of 20 second wave City Deals to be agreed and was signed in September 2013. New investment of £434 million will expand transport infrastructure in Preston and South Ribble at an unprecedented rate, driving the creation of some 20,000 new jobs and generating the development of more than 17,000 new homes over the next ten years.

1.5 Key to the success of the Preston, South Ribble and Lancashire City Deal is for development sites to come forward to deliver houses which in turn provides funding towards the costs of the infrastructure. The wider Site P at Altcar Lane is one such site. The final phases of this development would enable a significant number of residential dwellings to be constructed which will help South Ribble deliver part of its requirement towards the City Deal housing target.

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

2.0 Site and Surrounding Area

2.1 The application site includes two parcels of land within the residential site known as Land at Altcar Lane currently being constructed by Redrow Homes and located approximately 2km south of Leyland town centre. The first parcel of land known as Couthurst North Area is bounded to the north by Shaw Brook Road. The eastern boundary of this parcel includes Worden Park and previously approved residential properties. To the south is the internal estate road with previously approved residential properties beyond.

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2.2 The second parcel of land known as Couthurst South Area is bounded to the north by residential properties currently being constructed by Redrow Homes, to the west homes approved by Lovell, to the south Altcar Lane and to the east open farmland.

2.3 Public Footpath number 20 runs north from Shaw Brook Road through part of the parcel known as Couthurst North Area

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

3.0 Planning History

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

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

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

3.3 A number of reserved matters applications have been submitted and approved for the Redrow site which is now under construction with some properties occupied.

3.4 Outline planning permission was granted for the Homes England (HE) formally the Homes and Community Agency (HCA) application for up to 200 dwellings to be served from the south eastern access point (Ref: 2016/0310/OUT). This too is the subject of a Section 106 agreement which includes the requirement of the two residential sites to be linked via an internal access road. The developer for this site Lovell is currently constructing these properties and again several properties are occupied.

3.5 Other applications relevant to the site:

07/2017/2486/FUL Formation of new vehicular access onto Leyland Lane Approved November 2017. Approved

07/2017/3919/DIS Application to discharge condition 11 (Construction details) of planning permission 07/2016/0591/OUT Approved

07/2018/0362/DIS Application to discharge condition 31 (Archaeological Desk based assessment) of planning permission 07/2016/0591/OUT Part discharged.

07/2018/1678/DIS Application to discharge conditions 3 (Highway works) and 4 (Drainage) of planning permission 07/2017/2486/FUL Discharged

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07/2018/2848/DIS Application to discharge condition No 6 (Drainage), 7 (Construction Management Plan) to planning permission 07/2017/2486/FUL Approved

07/2018/3600/DIS Application to discharge conditions Nos 20 (Ecology), 23 (Resurvey Work) and 27 (Desk Top Study) of planning approval 07/2016/0591/OUT. Approved.

07/2018/3673/DIS Application to discharge conditions Nos 6 (Drainage) and 29 (Sustainable Drainage and Management Plan) of planning approval 07/2016/0591/OUT Approved.

07/2018/4052/DIS Application for the discharge of conditions 16 (Pedestrian and cycle use) 26 (Standard Assessment Procedure) and 30 (Full Travel Plan) of planning permission 07/2016/0591/OUT Approved.

07/2020/00926/DIS Application to discharge condition No 3 (Replace previously approved phasing plan under 2018/4509 from 5 phases to 3 phases) to planning permission 07/2016/0591/OUT Approved

4.0 Proposal

4.1 The proposal is a Reserved Matters application for the erection of 154 dwellings comprising associated vehicular access, and parking, private amenity space and enhanced landscaping for the last two parcels of land to be constructed by Redrow.

4.2 The table below provides the accommodation schedule:

House Type	Beds	Number of Units	
Shrewsbury	4	20	
Stratford	4	10	
Windsor	4	17	
Marlow	4	10	
Oxford Lifestyle	3	11	
Oxford	4	12	
Cambridge	4	09	
Shaftsbury	4	10	
Canterbury	4	10	
Chester	4	20	
Henley	4	09	
Hampstead	5	05	
TOTAL		123	
Affordable			
Buxton Ledbury	2	23	
Bakewell	3	08	
TOTAL		31	
GRAND TOTAL		154	

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5. Summary of Supporting Documents

5.1 The applicant has submitted the following supporting documents:

- Design and Compliance Statement
- Air Quality Report
- Employment and Skills Plan
- Employment and Skills Table
- Ecology Report
- Travel Plan
- Invasive Species Report
- Topographical Survey
- Utility Report

- Arboriculturist Impact Assessment
- Tree Protection Drawings
- Landscape Plans
- Landscape Management Plan.
- Surface Water Drainage Plans
- Ground Investigation Report
- Housing elevations
- Site Sections
- Street Scenes
- Waste Management Plan
- CIL forms
- Phasing Plan

6. Summary of Publicity

6.1 Site Notices have been posted at the site and within the adjacent Lovells Development. A total of 149 properties have been notified with letters to three properties hand delivered and two left with the sales office at the Lovells development.

Two letters of representation have been received which make the following summarised points:

- Increased amount of traffic will add to the problems of the existing road conditions which are not fit for purpose.
- Concern that their letter arrived late to make a meaningful response.
- Strongly object to the six additional dwellings which would be constructed along the border of their property and would block light and take away privacy.

7.0 Summary of Consultations

7.1 County Highways Drainage: No comments received

7.2 County Highways: The S38 adoption plans show the proposed internal road layout which is a combination of 5.6m and 6m wide roads, alongside footways. These are acceptable to LCC for adoption. Please note the shared private drives will remain private and will not be adopted.

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Requested cycle storage to fit in line with requirements for sustainable transport, which is at the core of the NPPF to those units with no garage.

7.3 Local Lead Flooding Authority: Has submitted a second response dated 15.02.2022 which raises no objections subject to updated conditions.

7.4 Environmental Agency: No objection to the proposed layout as it adheres to the requirements specified in their response to the outline application dated 18 August 2016. It is noted that the landscape buffer between the development and Shaw Brook has been retained and the attenuation pond and all built development remains in Flood Zone 1. It is also noted that there appear to be two proposed outfalls to Shaw Brook which is a designated Main River. We therefore take this opportunity to remind the applicant of the need for an environmental permit for all works within 8 metres of a Main River. An Informative will be included to this effect.

7.5 Ecology Services: Sufficient ecological survey information has been supplied to allow consideration of the proposal without the need for further work. Several changes to the layout to facilitate a reduction in biodiversity losses are recommended together with clarification in relation to Important Hedgerows. Further information may be required regarding the access arrangements and integration with Worden Park to reduce potential impacts to biodiversity. A number of conditions are recommended to address these points.

7.6 Natural England: No comments to make.

7.7 Preston Ramblers: No comments received.

7.8 Chorley Council: Previously raised no objection to the proposal

7.9 Architectural Police: Acknowledge that a Crime Impact Statement has been submitted and the details are supported.

7.10 SRBC Tree Officer No objection to the proposed removal given mitigation planting on site. Whilst 14 trees would be lost but 185 proposed for planting. Subject to conditions to ensure that the trees and their roots are protected during construction as set out in the submitted planning documents. Any trees that fail within 5 years should be replaced.

7.11 Archaeology: The applicant be required to submit details (a further Written Scheme of Investigation) outlining how the evaluation (by trial trenching) of the site is to be undertaken. The trenching should include the former site of Green Hill Farm and the associated Well Spa, unless it is the intention for these areas to no longer be subject to any development. Such work will provide information as to the nature and extent of the survival of remains in these areas and aid in the formulation of a more detailed excavation strategy if necessary; alternatively, it might show the sites to no longer survive in a form that merits further archaeological investigation and recording. A condition to control this aspect is required.

7.12 Cadent Pipelines Although Cadent have not responded Cadent have previously identified operational gas apparatus within the vicinity of the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance. An Informative Note should be added to any Decision Notice. The same Informative would be provided.

7.13 Fire and Rescue: No objections to the scheme

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7.14 National Grid: No comments received

7.15 Environmental Health: Request conditions controlling electric vehicle recharge points, cycle storage, travel plan and piling.

7.16 LCC Public Rights of Way: No comments received.

7.17 Economic Development: Initially advised that the numbers of careers information, advice and guidance (IAG) sessions appears low given the duration of the project and the number of local schools available. It would be good to see a commitment to support a higher number of IAG sessions within South Ribble. Following receipt of revised information to address these points no objection is raised.

8.0 Policy Background

8.1 i) NPPF

The NPPF Sustainable Growth Policy - The NPPF at Para 10: provides a presumption in favour of sustainable, and supports sustainable economic growth to deliver, amongst other things, homes. Similarly, Chapter 5 (Delivering a sufficient supply of homes) of the same document notes that To support the Governments objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed (Para 60). Design Policy - NPPF Chapter 12 (Achieving well -designed places) is also relevant.

8.2 ii) Core Strategy Policy Considerations

- **Policy 1: Locating Growth** supports development.
- **Policy 4: Housing Delivery** seeks to provide a minimum of 417 dwellings per annum within South Ribble during the period 2012 to 2026.
- **Policy 5: Housing Density** advises that the density of development should make efficient use of land whilst also maintaining with the character of local areas.
- **Policy 6: Housing Quality** supports the provision of accessible housing, neighbourhoods and the use of higher standards of construction.
- **Policy 7: Affordable and Special Needs Housing** requires the provision of 30% affordable housing within urban areas and 35% in rural areas for sites providing 15 or more dwellings, subject the financial viability considerations and contributions to community services.
- **Policy 17: Design of New Buildings** provides guidance for the design of new buildings. Designs should consider a number of criteria including the character and uses of the local area, minimise opportunity for crime, be inclusive, adaptable to climate change and the achievement of 'silver' or 'gold' Building for Life ratings.
- **Policy 22: Biodiversity and Geodiversity** promotes the conservation and enhancement of biodiversity and the safeguarding of ecological networks and geological assets.
- **Policy 26: Crime and Community Safety** encourages the use of Secure by Design principles in new development.
- **Policy 27: Sustainable Resources and New Development** requires the incorporation of sustainable resources into new dwellings. The design of new homes should minimise energy use, maximise energy efficient and be flexible enough to withstand climate change. Further, appropriate facilities should be provided for the storage of recyclable waste and composting.
- **Policy 29: Water Management** aims to improve water quality, water management and reduce the risk of flooding through a number of measures.

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

8.3 iii) South Ribble Local Plan

- **Policy B1: Existing Built-up Area** permits development proposals for the re-use of undeveloped and unused land and buildings, or for redevelopment providing that the development complies with the requirements for access, parking and servicing; is in keeping with the character of the local area and would not adversely impact the amenity of nearby residents.
- **Policy D1: Allocation of Housing Land** provides a schedule of housing allocation sites. The application site forms part of the wider site identified as Site P: Land between Altcar Lane/Shaw Brook Road, Leyland. It identifies that the whole site extends to 30.4ha and that the development would be expected to provide land and the delivery of the extension to Worden Park.
- **Policy D2: Phasing and Monitoring of Housing Land Supply** has regard to the phasing of housing development, advising that delivery will be monitored on an annual basis.
- **Policy F1: Parking Standards** advises that parking and servicing space should accord with the adopted parking standards. Any variation from the standards should be supported by a transport statement based on local evidence.
- **Policy G9: Worden Park** The extension of Worden Park is directly linked to the development of the allocated housing site at Leyland Lane and Altcar Lane.
- **Policy G10: Green Infrastructure Provision in Residential Development** requires residential development with a net gain of 5 or more dwellings to provide sufficient Green Infrastructure, which should be provided on-site, though off-site provision can be made via developer contributions. Residential developments are normally required to meet the needs for equipped children's play area which are generated by the development, either as part of the integral design or by developer contributions.
- **Policy G11: Playing Pitch Provision** requires residential development with a net gain of 5 or more dwellings to provide playing pitches at a standard provision of 1.14 ha per 1,000 population. The stated standards are to be flexible and appropriate for each individual development.
- **Policy G13: Trees, Woodlands and Development** prevents development that will adversely impact on protected trees, ancient woodlands, trees in conservation areas or recognised conservation sites. The policy supports the retention and enhancement of existing trees and hedgerows and the provision of replacements for any trees on a 2 for 1 basis.
- **Policy G14: Unstable or Contaminated Land** supports the redevelopment of previously developed land and advises that applications should be supported by satisfactory site investigations and mitigation measures where required.
- **Policy G15: Derelict Land Reclamation** supports the reclamation of derelict land for employment and residential development. Provision should also be made for maintaining and improve the environment and landscape.

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- **Policy G16: Biodiversity and Nature Conservation** seeks the protection and enhancement of biodiversity assets, with the use of appropriate mitigation measure where required.
- **Policy G17: Design Criteria for New Development** permits new development provided that, the proposal does not have a detrimental impact on neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity, use of materials. Furthermore, the development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect; the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and will provide an interesting visual environment which respects the character of the site and local area; the development would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Policy F1, unless there are other material considerations which justify the reduction such as proximity to a public car park. Furthermore, any new roads and/or pavements provided as part of the development should be to an adoptable standard; and the proposal would not have a detrimental impact on landscape features such as mature trees, hedgerows, ponds and watercourses. In some circumstances where, on balance, it is considered acceptable to remove one or more of these features, then mitigation measures to replace the feature/s will be required either on or off-site.

8.4 Supplementary Planning Documents

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

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

9.0 Material Considerations

9.1 Local Plan Allocation

9.1.2 The principle of the development has been established through the Masterplan process and the granting of outline planning permission for up to 400 dwellings Ref: 07/2016/0591/OUT. Other applications for the detailed design of 232 dwellings have been approved and are being constructed.

9.1.3 This current Reserved Matters application seeks permission for the detailed design for the remaining 154 dwellings with matters of layout, scale, appearance and landscaping being applied for. These matters are considered in further detail below with reference to the relevant planning policies. The site area equates to 7.3ha and is split into two parcels of land. These parcels form the north eastern and the south eastern portion of the allocated site.

9.2 Access

9.2.1 The main access to the Redrow development is served from Leyland Lane and required off site highways works to form a new entrance which has been approved and is now fully operational.

9.3 Internal Layout and Car Parking

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9.3.1 The outline application was accompanied by a Parameters plan which illustrated the internal vehicular connection between the Redrow site and the wider Homes England (HE) land. The construction of the south east parcel will include and provide for this spine road connection.

9.3.2 The applicant has provided internal estate road plans which demonstrate that the road pattern has been designed to incorporate connection points to the rest of the development. LCC Highways has considered the internal layout and raised no objection to the scheme. All dwellings have been allocated their own off-road car parking spaces. This is a mix of integral garages, standalone garages and designated car park spaces.

9.3.3 The layout provides for appropriate car park spaces and garages and meets the aims of Policy F1 of the Local Plan. The applicant has also confirmed that those properties without garages will be provided with a shed to provide outside storage for cycles as encouraged by LCC Highways to support sustainable travel. Subject to a condition to control this aspect the proposed development is acceptable.

9.4 CIL

9.4.1 Based on the Community Infrastructure Levy charging schedule, the proposed development would be required to pay a CIL payment (after deductions for the Social Housing element) of approximately £ 1,490,226.99 which will contribute to infrastructure requirements through the City Deal.

9.5 Housing

9.5.1 Policy 7 of the Core Strategy -Affordable Housing states that a target of 30% affordable housing provision is to be sought on new housing schemes on urban sites. Further advice in the Central Lancashire Affordable Housing SPD at paragraph 9 states that “The definition of affordable Housing Affordable is set out in annex 2 of the National Planning Policy Framework. It includes Social Rented, Affordable Rented and Intermediate housing provided to eligible households whose needs are not met by the market.

9.5.2 The application is accompanied by an Affordable Housing Statement which advises that the outline planning permission for the erection of up to 400 units and associated infrastructure (ref: 07/2016/0591/OUT) was granted on 21st September 2017. The related Section 106 agreement set out a requirement for the on-site delivery of 20% of the total number of dwellings within each phase of the development to be provided as affordable housing, with that affordable housing to be delivered as either Discounted Market Units or with the agreement of the Council, Starter Homes. An Off-site Affordable Housing Contribution is also payable in lieu of a further 10% on-site affordable housing provision. This sum is to be paid to the Council for the purpose of providing housing to those households in need.

9.5.3 A reserved matters planning application was approved on the first phase of the development in July 2018 (ref: 07/2018/1674/REM), with a number of amendments subsequently made to the scheme. This initial phase of development would deliver 236 dwellings, of which 20% were originally to be made available as Discounted Market Units. However, due to changes made by mortgage companies regarding their lending requirements for discounted market housing and the continued absence of any regulations from Government regarding how the alternative Starter Home initiative is intended to operate, a variation to the S106 Agreement has been agreed between the parties. As proposed to be amended, the S106 will provide a commuted sum in lieu of the 20% on-site affordable provision on the first phase of the development.

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9.5.4 The applicant has advised that regarding this application, it is proposed that the affordable housing provisions as set out in the 2017 Agreement will continue to apply. This is because it is anticipated that the current lending requirements for discounted market products may be eased in the future. It is acknowledged that this would need to be kept under review as these last parcels are constructed.

9.5.5 In terms of tenure mix, the Section 106 agreement outlines that 75% of the affordable housing units shall comprise 2 bed dwellings and 25% of the Affordable Housing Units shall comprise 3 bed dwellings. The proposed development includes 154 dwellings, of which 31 (20%) are to be provided as affordable housing. Of the 31 affordable homes proposed within this application: 23 are 2-storey two bed houses with the remaining 8 being 2-storey three bed houses.

9.5.6 The discounted market units are spread within both the northern and southern parcels. The units are delivered within blocks of 4, 5 or 6 mews properties. Like the market units, the affordable house types are part of Redrow's Heritage Collection and therefore will be tenure blind and indistinguishable from the market units. This will offer an attractive mix of dwellings across the site to suit a range of people and their needs.

9.5.7 The parking arrangements for these properties provide for car park spaces adjacent to the property. There would be some landscaping to the front of these properties which will help to provide some visual relief. Electric charging points will be provided too to each property

9.5.8 Paragraph 47 of the NPPF advises that there is a need to deliver a wide choice of high-quality homes to boost significantly the supply of housing. Although the affordables are clustered in groups they are mostly adjacent to existing landscape features and dispersed within the site. On balance it is considered that the development is acceptable in terms of Policy 7 of the Central Lancashire Core Strategy.

9.6 Character, Design and Appearance

9.6.1 Policy 17 of the Core Strategy expects new buildings to *"take account of the character and appearance of the local area"* with Policy G17 of the South Ribble Local Plan 2012-2026 requiring development not have a detrimental impact on *"the existing building, neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity, use of materials"*. In consideration of the above, the local distinctiveness and character of the local area have been assessed. The application site is located on the edge of the built form of Leyland with access served from Leyland Lane. These two parcels of land are within the residential development.

9.6.2 The northern parcel would be some **ZZ** metres away from the existing residential properties on Wade Hall. In between these properties there is a parcel of open fields which will form part of the extension of open space for Worden Park.

9.6.3 The southern parcel is adjacent to Altcar Lane and the existing hedge which forms the west, south and eastern boundaries would remain. As the site is identified in the Local Plan for residential it is considered that the layout and design is acceptable.

9.6.4 Within each parcel there would be a water feature as part of water management and area of landscaping which would provide a distinct but soft approach and supports the aims of national and local policy to encourage strong place making. The Landscape Core incorporates retained landscaping and field boundaries and the internal access roads would loop through the development to allow ease of access for service and general traffic.

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9.6.5 The gross site area is 7.3 hectares and would provide a gross density of 21 units per hectares and provide for two small areas for the ponds associated with the drainage system. Densities between 25-50 dwellings per hectare (DPH) are considered to provide a medium density of development. Given that the application site provides for 21 units per hectare this figure is at the lower level and would provide for a mix of house types and sizes.

9.6.6 As set out in the Accommodation Schedule there is a range of house types with a total of 5 with five bedrooms, 107 four bedroomed dwellings and 11 three bedroomed as part of the 123 dwellings for open market provision. A total of 31 affordable including: 8, two bedroomed and 23 three bedrooms.

9.6.7 Considering the variety of house types present within the locality, the proposed mixture of house types and designs on the site is not considered to be out of character with the surrounding area. The applicant has amended the layout to ensure all plots meet the separation distances in the Residential Extension SPD and sufficient garden spaces are proposed for the dwellings. A simple palette of materials utilising brick and render to the walls and grey and brown roof tiles is proposed but using different elevational treatments an interesting design would again secure a strong sense of place. Different coloured front doors would provide variety within the street scene and although there are no three storey properties to provide a focal point on corners within the site, dual aspects of elevational treatment are utilised. For the above reasons the proposed development is considered to comply with Core Strategy Policy 17 and Policy G17 of the South Ribble Local Plan 2012-2026.

9.7 Relationship to Neighbours

9.7.1 The applicant has advised that there are no properties occupied adjacent to the northern parcel of the site. The nearest residential properties outside of the Redrow development are located on Wade Hall some ZZ metres away with the proposed extension to Worden Park acting as a buffer.

9.7.2 The western boundary of the southern parcel abuts the Lovell development, which is currently under construction, with some plots sold and some occupied. A letter of objection has been received to the layout from a neighbouring property currently sold but unoccupied. They raise concern about loss of privacy and overlooking. The applicant has confirmed that 13m is achieved from the back of plots 284-289 to the application boundary beyond which there is another couple of meters to the Lovell plots. It is considered that these distances meet the separation distances within the Residential Extension SPD and are acceptable.

9.7.3 To ensure that the construction phases do not impact unduly on adjacent and future occupiers of the site the applicant has confirmed that a separate Construction Management Plan which will be controlled through the imposition of a condition. The applicant has also confirmed that there would no construction traffic via Altcar Lane.

9.7.4 The design and layout of the scheme has been carefully assessed and the proposed development meets the separation distances as set out with in the Residential Extensions (Supplementary Planning Document).

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

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9.8 Section 106 and Worden Park.

9.8.1 Policy D1 and Policy G9 of the SRBC requires this development to provide land and the delivery of the extension to Worden Park. The Section 106 agreement signed as part of the outline permission requires the following:

- A financial contribution of £123,000 to be used by the Council towards the laying out and future maintenance and management of the Worden Park Extension and or the Park. This has been received by the Council.
- To transfer the Worden Park Extension Land to the Council on or before the occupation of the first dwelling that forms part of this application. – Once this has occurred the Worden Park extension will become a reality thereby meeting the requirements of Policy D1 Site P and Policy G9 Worden Park.

9.9. Drainage and Ground Levels

9.9.1. The associated outline planning consent included planning conditions requiring the agreement of foul and surface water drainage details. These conditions allowed the Local Planning Authority (LLFA) to retain control over the final drainage details and have since been approved. As part of this application the LLFA has raised no objection to the inclusion of two drainage ponds and requested that conditions to control the rate of runoff for the site so that this does not exceed the previously approved rates are imposed.

9.9.2 The applicant has advised that in terms of the drainage on the site, surface water flows will be restricted to greenfield rates, and attenuated within on-site balancing ponds. The surface water outfall will discharge into Shaw Brook, to the north of the site. The foul water will discharge into the public sewers in Leyland Lane. Due to the topography of the site, which falls towards the west, the foul will drain to the sewers in Leyland Lane by gravity and no pumping will be required.

9.9.3 The majority of the land is flat/undulating and the applicant has provided site sections together with existing and proposed site levels provided, which are considered acceptable.

9.10 Tree Issues

9.10.1 The applicant has submitted an Arboricultural Impact Assessment and Method Statement together with drawings relating to Tree Survey and Root Protection Areas and Tree Protection Plans. As stated on previous applications one of the most important aspects of this site is the contribution that the existing field/hedge boundaries and trees make to the site. This contribution includes not just the ecological and biodiversity aspects but the opportunity to incorporate natural features within the proposed settlement pattern. The updated ecological report acknowledges that the hedgerows and mature trees are of value at the local scale, as they provide structural diversity habitat connectivity and are suitable for nesting birds and foraging bats. However, retention of the trees and hedgerow is achieved by the detailed Site Layout as much as possible. Where removal is unavoidable the Landscape Ecological Management Plan compensates for the loss of 15 trees, 4 tree groups and 4 hedgerow sections.

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9.10.2 The Council's tree officer is satisfied with the proposed works and has recommended stringent conditions to protect the trees and their roots during construction. It is considered that the development strongly supports Policy G17 criterion (e) and Policy G13 criterion (b).

9.11 Landscape and Ecology

9.11.1 Detailed landscape plans for the two parcels of land have been submitted which provides for a mix of trees and shrubs across the site. Again, many of the garden areas include tree hedge and shrub planting.

9.11.2. Ecology Services have considered the submitted information and confirm that the updated Ecological report is acceptable. The survey concludes that the site supports a number of features of biodiversity value including Shaw Brook stream corridor and the adjacent Biological Heritage Sites abutting the application site. The report does advise that there are biodiversity matters which need to be addressed and result in adjustments to the layout out and additional conditions.

9.11.3The applicant has considered the comments and has made the following revisions: changed the house type of plot 349 to provide for a greater standoff to Shaw Brook, acknowledged that there was part of the hedgerow missing on the tree information this has been addressed and it has been confirmed the hedges are retainable within the development layout therefore there is no further loss to report.

9.11.4 The footprint of the Sustainable Drainage Scheme requires the removal of 57T an oak tree. The applicant has advised that the provision of the Suds feature in the planning balance was noted to be of principal importance. It is also acknowledged that 185 new trees would be replanted. The applicant has also provided additional plans including a bat and bird box plan. The design of the boundary fence has been revised to show the provision and specification of small mammals /amphibian gaps at the foot of the 1.8m close board fencing. The access to Worden Park has already been considered as part of the Masterplan process and the outline application. The Public Footpath has been upgraded to provide a link through the housing development to the Shaw brook Road adjacent to the extension to Worden Park.

9.11.5 On balance it is considered that that the landscaping is acceptable and supports the aims of Policy G17 criterion (b). The application will also enable the delivery of the extension to Worden Park and the development meets the aims of Policy G16 in terms of biodiversity.

9.12 Employment and Skills

9.12.1 The application is accompanied by an Employment and Skills Plan which states that the company consistently uses local supply chains and contractors to deliver the new build housing. The Plan identifies how the company aims to enhance the opportunities provided for current employees and the wider community. Approximately 15% of their workforce is made up of apprentices, trainees and graduates, with up to 130 apprentices are part of the scheme at any one time in a wide variety of roles.

9.12.2 The Council's Economic Officer has assessed the information and initially requested clarification about the amount of work being undertaken within schools with a focus on the Leyland and South Ribble area. This has now been provided and the information amended to address this aspect. On that basis the amended Statement and Plan meets the aims of the Central Lancashire Employment and Skills Supplementary Document (SPD).

9.13 Preston, South Ribble and Lancashire City Deal.

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9.13.1 The Preston, South Ribble and Lancashire City Deal was the first of 20 second wave City Deals to be agreed and was signed in September 2013. New investment of £434 million will expand transport infrastructure in Preston and South Ribble at an unprecedented rate, driving the creation of some 20,000 new jobs and generating the development of more than 17,000 new homes over the next ten years.

9.13.2 Key to the success of City Deal is for development sites to come forward to deliver houses which in turn provides funding towards the costs of the infrastructure. The wider Site P at Altcar Lane is one such site. These last two parcels of land would enable the site to provide a significant number of residential dwellings, which will help South Ribble deliver part of its requirement towards the City Deal housing target.

9.13.3 It is therefore considered that these last two parcels would provide much needed new homes and strongly support the commitment of South Ribble to the delivery of the City Deal.

9.14 Other matters

9.14.1 Environmental Health have requested a number of conditions on the outline and the current application including a Construction Management Plan, provision of Electric Vehicle Recharging Points and the control and management of any contamination.

10 CONCLUSION

10.1 The delivery of this site for residential development supports the aims and objectives of the Lancashire, Preston and South Ribble City Deal. The application site forms part of a wider housing site known as Site P under D1 of the adopted South Ribble Local Plan 2015. The application site is a parcel of land that the Council wishes to see come forward for residential development and a Masterplan was endorsed by the Planning Committee in March 2016 which identified two access points for Site P. Planning permission has been granted for outline consent with “access only” applied for and would provide for 400 dwellings. A Reserved Matters application which provides for 236 dwellings has been approved and this application relates to the last two remaining parcels of land which will deliver 154 dwellings.

10.2 The proposed development would not have an undue impact upon the amenities of neighbouring properties. The proposed development is not considered to result in the overdevelopment of the site and is not considered to be out of character with the street scene. There are no significant highway safety or amenity implications. Conditions controlling, time scale, plans, materials, landscaping, delivery of parking before occupation and retention of garages for storage of cars are recommended.

10.3 The outline permission included conditions relating to sustainability, neighbour amenity, contaminated land, ecology, surface water, flood risk, and construction some of which will need to be re-imposed to this permission. The most significant issue is that of the delivery of the extension to Worden Park, A section 106 has been signed which as part of a construction programme of phasing would be delivered through the implementation of this development.

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

RECOMMENDATION:

Approval with Conditions.

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RECOMMENDATION:

Approval with Conditions.

RECOMMENDED CONDITIONS:

1. The development hereby approved shall be begun either before the expiration of 3 years from the date of the outline permission, or before the expiration of 2 years from the date of the permission herein.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990

2. The development, hereby permitted, shall be carried out in accordance with the approved plans

Drawing No. 4171-LP -001 Rev B Location Plan.
Drawing No. 4171-DSL-001 Rev F Detail Site Layout
Drawing No. 4171-AFH-001 Rev E Affordable Homes Layout
Drawing No. 4171-IDL-001 Affordable Housing Interface Distance Layout

Drawing No. 4171-BTL-001 Rev E Boundary Treatment
Drawing No. 4171-PKG-001 Rev C Parking Layout
Drawing No. 4171-LDL-001 Rev E Land Disposal Layout

Drawing No. 4171-EVCP-001 Rev B Electric Vehicle Charging Layout
Drawing No. 4171-MAT-001 Rev E Materials Layout
Drawing No. 4171-PKG-001 Rev C Parking Layout
Drawing No. 4171-PHP-001 Rev B Phasing Plan
Drawing No. 4171-PRoW-001 Rev B Public Right of Way Layout
Drawing No. 4171-WML-001 Rev E Waste Management Layout

Drawing No. 411 Rev C South Area External Works Sheet 1
Drawing No. 412 Rev C South Area External Works Sheet 2

Drawing No. 421 Rev C North Area External works Sheet 1
Drawing No. 422 Rev C North Area External works Sheet 2
Drawing No. 423 Rev C North Area External works Sheet 3
Drawing No. 424 Rev C North Area External works Sheet 4

Drawing No 202 Rev C South Area Section 38 Plan
Drawing No 203 Rev D North Area Section 38 Plan
Drawing No 205 Rev C South Area Surfacing Plan
Drawing No 206 Rev D South Area Surfacing Plan

Drawing No. F-SD0804 High Wall with railings
Drawing No. F-SD0806 Free standing brick walls
Drawing No. F-SD0902 Knee rail fencing, Chestnut pales and wire fencing
Drawing No. F-SD0906 Screen fencing
Drawing No. F-SD0910 Gate within screen fence

Tree Survey 1 of 2 4829.20 Rev A
Tree Survey 2 of 2 4829.21 Rev A
Tree Survey Report 4829.TSR Rev A

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Tree Protection Plan 1 of 2	4829.22 Rev D
Tree Protection Plan 2 of 2	4829.23 Rev D
AIA & AMS	4829.AIA&AMS Rev D

Landscaping Plan 1	4829.14 Rev D
Landscaping Plan 2	4829.15 Rev D
Landscaping Plan 3	4829.16 Rev D
Landscaping Plan 4	4829.17 Rev D
Landscaping Plan 5	4829.18 Rev D
Landscaping Plan 6	4829.19 Rev D

Bat and Bird Box Plan	V1 Feb 2022
Hedgehog Highway Plan	V1 Feb 2022

House Types

Amberley house type	EF_AMBY_DM.9
Canterbury floor plan	EF_CANT_DM.7 Rev C
Canterbury elevations	EF_CANT_DM.7 Rev B
Chester brick	EF_CHTR_DM.1
Chester render	EF_CHTR_DM.1
Cambridge brick	EF_CAMB_DM.9 Rev B
Cambridge brick 2	EF_CAMB_DM.9
Cambridge render	EF_CAMB_DM.9 Rev B
Hampstead floor plan	EF_HAMP_DM.1
Hampstead brick	EF_HAMP_DM.1
Hampstead render	EF_HAMP_DM.1
Henley floor plan	EF_HENL_DM.6 Rev A
Henley elevation	EF_HENL_DM.6 Rev A
Henley elevation 2	EF_HENL_DM.6 Rev A
Marlow house type	EF_MARO_DM.3
Oxford brick	EF_OXFO_DM.5 Rev A
Oxford render	EF_OXFO_DM.5 Rev A
Oxford Lifestyle brick	EF_OXFOQ_DM.5
Oxford Lifestyle render	EF_OXFOQ_DM.5
Shaftesbury house type	EF_SHAF_DM.8
Stratford brick	EF_STRA_DM.8 Rev C
Stratford render	EF_STRA_DM.8 Rev C

Bakewell 6 block floor plan	EF_BA6_M.1
Bakewell 6 block elevation	EF_BA6_M.1
Bakewell Buxton 4 block floor plan	EF_BB4_M.1
Bakewell Buxton 4 block elevation	EF_BB4_M.1
Buxton 4 block floor plan	EF_BU4_M.1
Buxton 4 block elevation	EF_BU4_M.1
Buxton 5 block floor plan	EF_BU5_M.1
Buxton 5 block elevation	EF_BU5_M.1
Windsor brick	EF_WINS_DM.5
Windsor render	EF_WINS_DM.5
Single Garage	EF_GAR_SGS2

Reason: In the interest of a satisfactory development.

3. Construction Management Plan

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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:

- I. the proposed times construction works will take place
- II. the parking of vehicles of site operatives and visitors
- III. loading and unloading of plant and materials
- IV. storage of plant and materials used in constructing the development
- V. the location of the site compound
- VI. suitable wheel washing/road sweeping measures
- VII. appropriate measures to control the emission of dust and dirt during construction
- VIII. appropriate measures to control the emission of noise during construction
- IX. details of all external lighting to be used during the construction
- X. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

4. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work specifically for the items of potential archaeological interest in the report Archaeological Desk Based Assessment October 2016. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.

5. Prior to the commencement of any works within any phase, the following information applicable to that phase 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 and 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 2A, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied buildings, on services and landscaping schemes, and on wider environmental receptors including ecological systems and property.

The sampling and analytical strategy shall be submitted to and be approved in writing by the LPA prior to the start of the site investigation survey.
 - (c) A remediation statement, detailing the recommendations and remedial measures to be implemented within the site.
 - (d) On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a verification report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.

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.

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REASON: To ensure that the site investigation and remediation strategy will not cause pollution

of ground and surface waters both on and off site, and the site cannot be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990 in accordance with G14 in the South Ribble Local Plan.

6. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the local planning authority.

The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep.
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason

To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

- 7.

No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the local planning authority.

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The details of the plan to be submitted for approval shall include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.

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 plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reasons

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 during any construction phase in accordance with Paragraph 167 of the NPPF.

Reason

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 during any construction phase in accordance with Paragraph 167 of the NPPF.

8. Operation and Maintenance Manual

The commencement of use of the development shall not be permitted until a site-specific Operation and Maintenance Manual 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 in writing by the Local Planning Authority. The details of the manual to be submitted for approval shall include, as a minimum:

a) A timetable for its implementation;

b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;

c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;

d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;

e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;

f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and

g) Means of access for maintenance and easements.

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 sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

9. The commencement of use of the development shall not be permitted until a site-specific verification report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

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The verification report must, as a minimum, demonstrate that the sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

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 is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

10. Notwithstanding the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent Orders or statutory provisions re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority in consultation with the Highway Authority.

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

11. No property shall be occupied or be brought in to use until their respective car parking spaces have been surfaced or paved in accordance with the details shown on: Drawing number 4171-PKG-001 Rev A entitled Parking Layout

This area shall be retained at all times thereafter and shall not be used for any purpose other than the parking of vehicles.

12. The approved landscaping scheme, as detailed on Drawings no's:
Drawing No 4829.14 rev D entitled Landscaping Plan 1
Drawing No 4829.15 rev D entitled Landscaping Plan 2
Drawing No 4829.16 rev D entitled Landscaping Plan 3
Drawing No 4829.17 rev D entitled Landscaping Plan 4
Drawing No 4829.18 rev D entitled Landscaping Plan 5
Drawing No 4829.19 rev D entitled Landscaping Plan 6

Shall be implemented in the first planting season of each completed phase as set out in Drawing No 4171-PHP-001 Rev B entitled "Phasing Plan" following completion of the development of each phase or first occupation/use, whichever is the soonest, and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority, in compliance with BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations. This maintenance shall include the watering, weeding, mulching and adjustment and removal of stakes and support systems, and shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies by the same species. The replacement tree or shrub must be of similar size to that originally planted.

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

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13. The Employment and Skills Plan Rev A Jan 2022 and Employment Skills Table Rev A Jan 2022 shall be implemented in full for the duration of the construction of this permission.

REASON: To ensure the development is in accordance with Policy 15 of the Core Strategy.

14. Prior to the occupation of any dwelling details of the provision of secure cycle storage for all domestic properties (without garages) shall be submitted to the Local Planning Authority for approval. The development shall be carried out in accordance with the approved details.

Reason: To ensure the provision and retention of adequate on-site cycle provision in accordance with Policy 30 of the Core Strategy.

15. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.

REASON: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However, as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate

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

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

17. The details including the time table and implementation for the control and treatment of Invasive species as set out in the report entitled Invasive Weed Management Plan for Redrow Land to the south of Shaw Brook Road and North of Altcar Lane Leyland shall be implemented in full.

Reason: In the interest of Policy G16 of the South Ribble Local Plan

18. Before the development hereby commences a Construction Environmental Management Plan shall be submitted to and approved in writing by the local planning authority. The CEMP shall be based upon the aspects identified in Section 5.3 of the Updated Ecology Survey and Assessment Report Re- 2021-297 dated November 2021 and shall include:

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- Protection of retained features
- Clearance of vegetation outside the bird breeding season.
- Reasonable Avoidance measures for amphibians' small mammals for UK Priority Species
- Felling technical for potential of bat roosts as identified in table 9.10
- Protection of Shaw Brook water quality measures, establishment of working areas and storage locations for the creation of outfall headwalls on to the stream.
- Construction lighting.

The Plan shall be implemented in full during and until the end of the construction of the development.

Reason: To protect the habitats of wildlife in accordance with Policy 22 of the Core Strategy.

19. An electric vehicle recharge point shall be provided to every property, prior to occupation. This shall consist of as a minimum a 13-amp electrical socket located externally (or in the garage if available) in such a position that a 3-metre cable will reach the designated electric vehicle car parking space. A switch shall be provided internally to allow the power to be turned off by the residents.

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

20. Prior to the occupation of the first dwelling a scheme and programme for the laying out, maintenance and retention of any formal or informal public open space within that phase, shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed scheme.

REASON: In the interests of visual amenity of the area in accordance with Policy G17 of the South Ribble Local Plan 2012-2026.

RELEVANT POLICY

NPPF National Planning Policy Framework

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

POLA1 Policy A1 Developer Contributions

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- POLD1 Allocations of housing land**
- POLD2 Phasing, Delivery and Monitoring**
- POLF1 Car Parking**
- POLG9 Worden Park**
- POLG10 Green Infrastructure Provision in Residential Developments**
- POLG13 Trees, Woodlands and Development**
- POLG16 Biodiversity and Nature Conservation**
- POLG17 Design Criteria for New Development**
- RES Residential Extensions Supplementary Planning Document**
- SPDEMP Employment Skills**

Note:

Cadent Pipelines:

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

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Application Number 07/2022/00034/FUL

Address Next To 249 Chapel Lane
Longton
Preston
Lancashire
PR4 4AD

Applicant Mrs Kathleen Anne Hesketh

Development Erection of detached dwelling with ground source heat pump, solar panel array and rainwater harvesting together with carbon offset planting of 18,500 trees and siting of temporary static caravan.

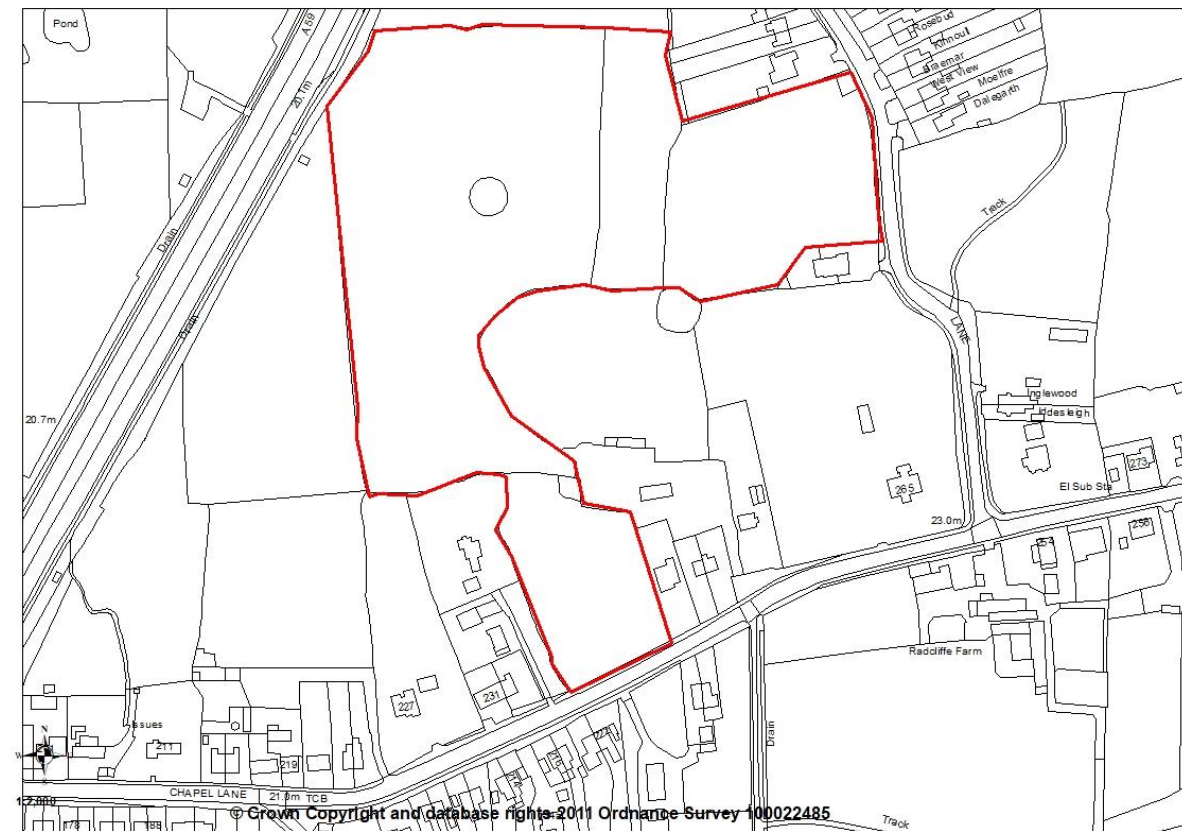
Officer Recommendation **Approval with Conditions**

Date application valid 19.01.2022

Target Determination Date 20.04.2022

Extension of Time

Location Plan



1. Report Summary

1.1 The application proposes a unique carbon off-set project involving the erection of a detached dwelling with associated ground source heat pump ground mounted solar panels, rainwater harvesting together with the planting of 18,500 trees on land off Chapel Lane in Longton.

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1.2 Permission in principle has been granted for the dwelling on part of the site between 233 and 249 Chapel Lane. However, in order to achieve a carbon neutral development. the applicant has extended the site which now stretches from Chapel Lane to the A59 Longton Bypass and is known as 'The Coppice'

1.3 The application proposes a unique carbon off-set project involving the erection of a detached dwelling with associated ground source heat pump ground mounted solar panels, rainwater harvesting together with the planting of 18,500 trees on land off Chapel Lane in Longton.

1.4 The site is within the Green Belt where there is general presumption against inappropriate development. However, it is considered that the applicant has demonstrated very special circumstances which allow for this development in the green belt. Permission in principle was granted for the dwelling on part of the site between 233 and 249 Chapel Lane which remains extant. The proposal is for a carbon neutral development and the applicant has extended the site beyond what was submitted for the PIP application. The site now stretches from Chapel Lane to the A59 Longton Bypass and is known as 'The Coppice', hence this is a full planning application.

1.5 There are no objections to the proposal from neighbouring residents of statutory consultees. The proposal is considered to be policy compliant and is recommended for approval subject to the imposition of conditions.

2. Site and Surrounding Area

2.1 The proposal refers to an area of Green Belt land located on the northern side of Chapel Lane close to the Longton by pass. There is ribbon development along this stretch of Chapel Lane. To the east is the inset village boundary of New Longton. To the west is the Longton bypass with the Longton village boundary beyond. Land to the north is open rural Green Belt land.

3. Planning History

- 07/1999/0158 Formation of Access to Field Adjacent 233 Chapel Lane was approved.
- 07/2018/4893/FUL for a change of use of agricultural grazing land to equestrian use and the erection of a timber stable block, hardstanding, sand paddock, access track and creation of a new field access on Chapel Lane was submitted but never validated.
- 07/2021/00679/PIP for the Erection of 1 dwelling was refused on one ground:
- *"The proposal constitutes inappropriate land use in the Green Belt. It is not considered that the applicant has demonstrated very special circumstances to justify the proposal which would harm the character and openness of the Green Belt contrary to Green Belt policy. The benefits of the scheme insufficiently outweigh the harm to that landscape. As such, the proposed development is contrary to the National Planning Policy Framework and Policy G1 of the South Ribble Local Plan"*
- 07/2021/00839/PIP was an amended scheme to the previously refused application 07/2021/00679/PIP and sought Permission in Principle for the erection of 1 detached dwelling in a revised location was granted

4. Proposal

4.1 This application proposes the erection of a detached dwelling with ground source heat pump, solar panel array and rainwater harvesting together with carbon offset planting of 18,500 trees and siting of temporary static caravan.

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4.2 The proposed dwelling is to be a dormer bungalow and will measure 14.6m by 10m at ground floor and 14.6m by 7m at first floor with dormer windows to both the front and rear elevation. It will be sited fronting onto Chapel Lane with a detached garage to the its western side measuring 6m and 2.4m to eaves and 4.5m to ridge.

4.3 To the rear of the proposed dwelling would be a rainwater harvesting system Raintech Pro measuring 17.5m long by 2.7m with a 90,000 litre capacity. This will be an underground tank but requires planning permission as it constitute an engineering operation.

4.4 To the north-west, approximately 80m off the dwelling, a ground source heat pump will be installed. This would be underground but requires planning permission as it constitutes an engineering operation.

4.5 To the rear of this will be ground mounted solar panel system consisting of 3 blocks of 10kW panels covering an area of 226 square metres (22.6m x 10m x 0.8m). This would be a low profile mounted to a height of 800mm.

4.6 Not requiring planning permission but in association with the proposed dwelling, 18,520 trees will be planted. These will consist of 8,500 Oak woodland trees; 3000 woodland edge trees in a 300m by 10m wide strip; 300 evergreen trees to the strip boundary with the Longton bypass; 2300 mixed silviculture trees; 1500 willow silviculture trees; an orchard area consisting of 700 trees and 6 linear metres of hedgerow

5. Summary of Publicity

5.1 Neighbouring properties were notified, and a site notice posted with one letter of representation being received, supporting the proposal, commenting:

- It's a fabulous idea, and exactly what I would do if I had the money.
- Would the applicant consider expanding the ground source heat piping to accommodate other homes in the local vicinity? Almost like a very small community scheme.
- There is the possibility of a T off the pipes to supply 237 and 235.
- It's something I would like to do but don't have the ground area.
- I understand a financial settlement for extra costs incurred would need to be made and I am happy to do that should the applicant be willing
- I also understand my neighbour at 233 chapel lane has volunteered me for some of the tree planting, under her supervision, and I am happy to bring a spade and some energy.

6. Summary of Consultations

6.1 **County Highways** initially raised concerns with the existing access. The design and access statement claims: "4.4. *The site already has direct gated access to the public highway with good visibility splays measuring 2 metres by 43 metres in both directions and will be maintained as such in the interest of highway safety. This access would serve the dwelling/driveway direct off Chapel Lane.*" This gate is only a field gate onto the land. There is no vehicular dropped crossing onto the site.

6.2 Therefore, plans were requested of the proposed access and County Highways were re-consulted and advised they have no highway objections. The erection of a detached dwelling with ground source heat pump, solar panel array and rainwater harvesting together with carbon offset planting of 18,500 trees and siting of temporary static caravan, will have a negligible impact on highway safety or capacity.

6.3 Additionally, they have no objections to the proposed planting of 18,500 trees, so long as this is not on a commercial basis and should be conditioned this as such.

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6.4 The required visibility splays for the proposed site are achievable. The parking falls in line with South Ribble Borough Council's parking policy. Therefore, County Highways have no objections providing conditions and highway note are included on the decision notice in respect of the visibility splays; surfacing of the access; surfacing of the car parking area; formation of the drop kerbs; wheel washing / mechanical road sweeping facilities; inclusion of electrical vehicle recharging point and an informative to advise the application that, under the Highways Act 1980 Section 184 (Vehicle crossings over footways and verges) Lancashire County Council as Highway Authority must specify the works to be carried out.

6.5 **Environmental Health** require a number of conditions in respect of the hours of construction; the hours of deliveries of construction materials or removal of construction waste; details of any piling activities; Contaminated Land; Contamination Found During Works; Importation of Material; Wheel Washing; Electric Vehicle Recharge Point

6.6 **Environment Agency** have no objection to the development as proposed, however they note that the applicant is proposing the use of a Ground Source Heat Pump and therefore provide the following advice:

"The Environment Agency regulates open-loop ground source heating and cooling schemes. The proposed development will need:

a groundwater investigation consent (section 32/3 of the Water Resources Act 1991) to drill and test pump

a full abstraction licence (Water Resources Act 1991), if the volume of groundwater abstracted is greater than 20 cubic metres per day, and

an exemption, if you meet the criteria for a low-risk activity, or environmental permit (under the Environmental Permitting (England & Wales) Regulations 2010) to discharge.

The applicant is advised to contact the Environment Agency for pre-permit application discussions."

6.7 The EA also comment that there is no information in the application to indicate how foul drainage for the new property will be directed. In this case there is a foul sewer within 40 metres of the site boundary and therefore a connection with the mains would be the expected mode of disposal.

6.8 The EA also provide further details on Government guidance; Environmental Permitted Regulations; domestic effluent discharge from a treatment plant/septic tank; soakaways and non-mains drainage systems. This information can be included as an informative note on the decision notice.

6.9 **Local Lead Flood Authority (LLFA)** initially objected to the proposal as no Flood Risk Assessment had been submitted. They advised the objection could be overcome by undertaking a FRA which demonstrates that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

6.10 Following submission of a FRA, the LLFA were re-consulted and they confirm they withdraw their objection subject to the inclusion of a planning condition in respect of the submission of a Final Sustainable Drainage Strategy, based on the indicative sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical

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Standards for Sustainable Drainage Systems. They also confirmed that no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

6.11 The details of the drainage strategy to be submitted shall include, as a minimum;

- a) Demonstrate that the rainwater harvesting tank can accommodate the designed storm criteria (1 in 1 year, 1 in 30 year and 1 in 100 year + 40% climate change rainfall events) for the developed/impermeable area;
- b) Demonstrate the overflow measures for the rainwater harvesting system, including rates, volumes, overflow destinations and flow paths;
- c) Final sustainable drainage plans appropriately labelled to include, as a minimum:
- d) Plan identifying areas contributing to the rainwater harvesting tank;
- e) Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
- f) How surface water will be managed during the construction phase to ensure no adverse impacts to water quantity or water quality, including areas outside the curtilage as necessary;
- g) Provide a maintenance plan outlining details of ownership, maintenance, operational and access requirements for the rainwater harvesting tank and any associated components.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

6.12 The LLFA also require informative notes to be included on the decision notice in respect of Ordinary Watercourse (Land Drainage) Consent; and Sustainable Drainage Systems;

6.13 **Arboriculturist** has no objections to the development. The proposal significantly increases net biodiversity and provides for long term retention and creation of deciduous woodland.

6.14 **Ecology** advise that no significant ecological constraints were identified by the developer's ecological consultant. Issues relating to great crested newts, nesting birds, invasive species and landscaping can be resolved via condition.

7. Policy Background

7.1 **Policy G1: Green Belt** has a general presumption against inappropriate development and planning permission will not be given for the construction of new buildings unless there are very special circumstances. However, exceptions to this are buildings for agriculture and forestry; provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it; the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

7.2 **Core Strategy Policy 28:** Renewable and Low Carbon Energy Schemes supports proposals for renewable and low carbon energy schemes and planning permission granted where the following criteria are met:

- (a) The proposal would not have an unacceptable impact on landscape character and visual appearance of the local area, including the urban environment;
- (b) The reason for the designation of a site with statutory protection would not be compromised by the development;

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- (c) Any noise, odour, traffic or other impact of development is mitigated so as not to cause unacceptable detriment to local amenity;
- (d) Any significant adverse effects of the proposal are considered against the wider environmental, social and economic benefits, including scope for appropriate mitigation, adaptation and/or compensatory provisions.

7.3 **Core Strategy Policy 29:** Water Management - Improve water quality, water management and reduce the risk of flooding through a number of measures, including

- (e) Minimising the use of potable mains water in new developments;
- 8. (g) Encouraging the adoption of Sustainable Drainage Systems;
- 9. (h) Seeking to maximise the potential of Green Infrastructure to contribute to flood relief.

10. **Material Considerations**

10.1 **Green Belt**

10.1.1 In line with the NPPF, Local Plan Policy G1 has a general presumption against inappropriate development and planning permission will not be given for the construction of new buildings unless there are very special circumstances. There are a number of exceptions to this: buildings for agriculture and forestry; provision of appropriate facilities for outdoor sport, recreation or cemeteries; the extension or alteration of a building; the replacement of a building; limited infilling in villages and limited affordable housing for local community needs; or redevelopment of previously developed sites. The only criteria listed above that could be a consideration is the limited infilling in villages.

10.1.2 A Permission in Principle application was granted in 2021 for a single dwelling on part of the site fronting onto Chapel Lane. PIP applications can only consider the location, development size and land use. In terms of land use, the delegated report advised: *“The proposal would introduce a detached dwelling and associated garage into a field that is currently open, **outside of the village** and in the Green Belt. However, the plot is of a significant size and this amended scheme retains the spatial openness of the Green Belt. Therefore, this amended scheme is now considered acceptable in terms of openness.”*

10.1.3 It is clear that the PIP established that the site is not within a village settlement and therefore cannot be considered as ‘limited infilling in villages.’ However, it did establish the principle of development on part of the application site for a new dwelling. The proposal now does not alter the position of the dwelling. Nevertheless, as it is considered that the proposed development does not fit into any of the criteria set out in Green Belt policy, very special circumstances would need to be demonstrated to allow for a new dwelling in this Green Belt location.

10.1.4 The very special circumstances include a number of low carbon measures such as a solar array, ground source heat pump, rainwater harvesting and the planting of 18,520 trees. Core Strategy Policy 28 supports proposals for renewable and low carbon energy schemes subject to a number of criteria being met and an assessment of each is carried out below:

10.2 **Impact on landscape character and visual appearance of the local area**

10.2.1 The application site's Landscape Character is classified as Coastal Plain and, although not nationally significant, the landscape characters of Central Lancashire are recognised as locally distinct and highly valued. Landscape is important in the way it contributes to an area's distinctiveness.

10.2.2 The site includes dense bramble scrub and tall ruderal herb/grasses to a ditch and wider more 'open' sections near to a pond within the site. The Extended Phase 1 Habitat Survey describes the site as follows:

The site of the proposed development is largely composed of ley grasslands that are subdivided into four separate fields by tall overgrown hedgerows.

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The grasslands are derived from sowing and are generally dominated by grass cultivars, however impeded drainage locally has allowed common native grasses to become established.

Nevertheless, the grasslands display very low species diversity.

Given the age of the leys, the grasslands are classified as 'improved' in the Phase 1.

The hedgerows on the site are native but defunct, i.e. not stock proof, and the outer boundaries have supplementary fencing to contain livestock. The hedgerows are tall with the internal hedges poorly structured and containing most gaps.

There is a large circular pond located in the larger of the four fields on site, and another pond off-site that directly abuts the southern site boundary. The ponds appear to be relict marl pits and are typical of the area.

The surrounding land is either residential/developed or is used as horse pasture.

10.2.3 In terms of impact on landscape, the proposal includes the formation of a solar array which will be visible from Chapel lane. However, the proposed tree planting will screen to some extent, although it is recognised that solar panels cannot be fully screened as they require direct exposure to sunlight. It is considered that the visual appearance of the local area will not be compromised with the inclusion of this aspect of the development, particularly as the solar array is low lying, ground mounted system and the rainwater harvesting and ground source heat pump are below ground and will not have any impact. Tree planting will alter the landscape, but this aspect does not require planning permission and is considered to have a positive impact on the character and visual appearance of the area.

10.3 Designation of the site with statutory protection would not be compromised

10.3.1 The site is within the Green Belt but has no other statutory protection. The submitted Ecological Appraisal advises:

- The site has no statutory wildlife or ecological designations.
- There are no statutory sites, (SSSI, SPA, SAC, NNR, LNR) within 1.8km of the site.
- The site has no Biological Heritage Sites (BHS) designations and the nearest BHS is Chapel Park Road approximately 480m from the site.
- There are no Section 41 (S41) Species of Principal Importance in England recorded on the site.
- The hedgerows and pond on the site are Section 41 Habitats of Principle Importance in England.
- Japanese knotweed and Indian balsam are present on the site.
- Collectively the habitats on site are of 'local' value.
- There are no buildings on the site and the on-site trees have 'negligible' bat roost potential.
- The hedge-lines and pond have at least 'moderate' foraging potential for bats locally.
- The water vole survey found no evidence of occupation in the ponds or ditches.
- There is a single pond and two ditches on site that have 'poor-below average' potential for GCN.
- A single off-site pond has 'poor' potential for GCN.
- Breeding bird interest is restricted to the hedgerows and pond and is evaluated as being of 'local' value.
- No evidence of current/historical badger occupation/use was found during the survey.
- None of the records supplied by LeRN relate to the site or within a 250m radius.
- Records (LeRN) of common pipistrelle and bluebell are the only protected species records within 500m of the site.

10.3.2 Therefore, the only consideration in respect of statutory protection is whether the proposed development would have a detrimental impact on the Green Belt and its openness. This is fully considered in the Green Belt section of this report, above.

10.4 Noise, odour, traffic or other impact of development

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10.4.1 The proposal will not have any undue impacts in terms of noise, odour, traffic generation or other potential impacts. The proposed dwelling is a modest sized 3-bed dormer bungalow and only domestic vehicle trips are anticipated. County Highways raise no objections, commenting that the proposed development will have a negligible impact on highways safety or capacity. However, County Highways do advise that they have no objections to the proposed tree planting, but this must not be on a commercial basis. As this application is for a residential dwelling, they require a condition to ensure it remains so.

10.5 Social and economic benefits

10.5.1 There are no particular wider social and/or economic benefits, only those to the applicant in terms of low cost energy and water bills. However, the planting of 18,520 trees will have a positive impact on the environment and is in line with the Council's aim to plant 110,000 trees in the Borough.

10.5.2 The Rainwater Harvesting system will re-use surface water from the site by storing it in a 90,000 litre capacity tank. This will decrease the amount of water purchased from utility company and therefore reducing bills for the applicant. However, another benefit is that RWH systems help with storm water retention and attenuation, in that it can be captured and held on site which will reduce the volume of water discharged to the main drainage system, thus reducing flood risk. Additionally, RWH systems are energy efficient and environmentally friendly, requiring no chemicals for water treatment. Treatment is done by filtration.

10.5.3 The solar array will provide energy to the property, resulting in reduced electricity bills. Solar panels produce renewable energy and are therefore environmentally friendly, cutting the carbon footprint of the dwelling.

10.6 Trees

10.6.1 Not requiring planning permission but in association with the proposed dwelling, 18,520 trees will be planted. These will consist of 8,500 Oak woodland trees; 3000 woodland edge trees in a 300m by 10m wide strip; 300 evergreen trees to the strip boundary with the Longton bypass; 2300 mixed silviculture trees; 1500 willow silviculture trees; an orchard area consisting of 700 trees and 6 linear metres of hedgerow.

10.6.2 The Council's Arboriculturist has no objections to the proposal and considers the proposal significantly increases net biodiversity and provides for long terms retention and creation of deciduous woodland.

10.7 Ecology

10.7.1 A Preliminary Ecological Appraisal dated August 2021 was submitted with the application which has been duly considered by the Council's Ecological Advisors, Greater Manchester Ecology Unit. GMEU advise that no significant ecological constraints were identified by the developer's ecological consultant. Issues relating to, great crested newts, nesting birds, invasive species and landscaping can be resolved via condition. In more detail, GMEU comment as follows:

Great Crested Newts

The site was assessed as low risk for great crested newts, with no change since the previous survey. The new development is however further from the ponds than the previous application, with an offence very unlikely even if great crested newts were present. Reasonable avoidance measures have however been recommended and GMEU have no objection to them being applied as they will benefit any other amphibians and small mammals potentially present on the site. Therefore, they recommend a condition is applied to any permission to ensure the development is carried out in accordance with the reasonable avoidance measures for great crested newts contained in the Preliminary Ecological Appraisal, Pennine Ecological revised August 2021 Section 3.24.

Nesting Birds

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A section of hedgerow will be lost which is potential bird nesting habitat. All British birds' nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. Therefore, a condition is required to ensure no works to trees, shrubs or hedgerows shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.

Invasive Species

A small area of Japanese knotweed and stands of Himalayan balsam were located on the site. There was some evidence that the Japanese knotweed had been treated since the previous survey but was still present. Species such as these are included within this schedule 9 part 2 of the Wildlife & Countryside Act 1981, as amended. It is an offence to introduce or cause to grow wild any plant listed under this schedule. GMEU recommend a condition is applied to any permission requiring the submission of a method statement detailing eradication and/or control and/or avoidance measures for Himalayan balsam and Japanese knotweed.

Contributing to and Enhancing the Natural Environment

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in the loss of a small area of improved grassland and a section of hedgerow to facilitate access. Large areas of tree planting are proposed that will significantly enhance the long-term biodiversity value of the site even if some is managed for carbon as opposed to wildlife.

10.7.2 GMEU do however note that the native woodland planting, woodland edge and hedge includes some species not native to Lancashire such as Hornbeam, Beech and Field Maple, though accept all are widely planted in particular beech. GMEU are also unsure if large leaf lime is native to Lancashire being more of a lime loving species. Small-leaved lime whilst also probably not locally native would be a better choice as certainly found in parts of Lancashire. However, these are not objections and just issues if the aim is to create a woodland and a landscape typical of this part of Lancashire.

10.7.3 GMEU have no objections to the detail of the landscaping being conditioned as whilst for areas this large they are now usually requesting Defra metric v3, given it is not yet mandatory and the development will clearly achieve a net gain it would be unreasonable unless the applicant was trying to demonstrate exceptional gains to request a metric. As such a condition is proposed to ensure the development and particularly the tree planting, is carried out in accordance with the proposal and secure replacement planting should any trees die within 5 years.

10.7.4 It must also be noted that the Council's Arboriculturist has no objections to the proposal and considers the proposal significantly increases net biodiversity and provides for long terms retention and creation of deciduous woodland.

10.8 Drainage

10.8.1 The Environment Agency have considered the proposals and have no objection to the development. However, they note that the applicant is proposing the use of a Ground Source Heat Pump and therefore provide the following advice:

10.8.2 The Environment Agency regulates open-loop ground source heating and cooling schemes. The proposed development will need:

- a groundwater investigation consent (section 32/3 of the Water Resources Act 1991) to drill and test pump
- a full abstraction licence (Water Resources Act 1991), if the volume of groundwater abstracted is greater than 20 cubic metres per day, and
- an exemption, if you meet the criteria for a low-risk activity, or environmental permit (under the Environmental Permitting (England & Wales) Regulations 2010) to discharge.

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10.8.3 The applicant is advised to contact the Environment Agency on 03708 506 506 for pre-permit application discussions. Further guidance can be found at: <https://www.gov.uk/government/publications/new-ground-source-heating-and-cooling-scheme-form-and-guidance-notes>.

10.8.4 The Environment Agency Good Practice Guide relating to the installation and operation of open and closed loop ground source heating and cooling systems can be found on the Ground Source Heat Pump Association website at: http://www.gshp.org.uk/pdf/EA_GSHC_Good_Practice_Guide.pdf.

10.8.5 In respect of Non-Mains Drainage. The EA advise that there is no information in the application to indicate how foul drainage for the new property will be directed. In this case there is a foul sewer within 40 metres of the site boundary and therefore a connection with the mains would be the expected mode of disposal.

10.8.6 Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

- Connection to the public sewer
- Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
- Septic Tank

10.8.7 Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

10.8.8 The Environment Agency advise the applicant that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form they would carry out an assessment and it can take up to 4 months before they are in a position to decide whether to grant a permit or not.

10.8.9 The Environment Agency also advise:

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone. A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

Further advice is available at: Septic tanks and treatment plants: permits and general binding rules

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10.8.10 This information can be included as an informative on the decision notice. However, it must be noted that the application forms at Question 11 do advise the foul sewage will be disposed of to the main sewer.

10.8.11 The Lead Local Flood Authority initially advised that, as no Flood Risk Assessment had been submitted, they would object to the proposal. Under the Flood and Water Management Act 2010 the LLFA is the responsible 'risk management authority' for managing 'local' flood risk which refers to flood risk from surface water, groundwater or from ordinary watercourses. The LLFA is a statutory consultee for major developments with surface water drainage, under the Town and Country Planning (Development Management Procedure) (England) Order 2015. It is in this capacity the response was compiled.

10.8.12 Footnote 55 of Paragraph 167 of the NPPF requires applicants to submit a site-specific FRA when development more than 1 hectare (ha) in flood zone 1 is proposed, which considers all sources of flooding to and from the development. The submitted flood map only considers fluvial flooding, not surface water flood risk (or any other sources of flooding).

10.8.13 The LLFA advised the applicant could overcome their objection by undertaking a FRA which demonstrates that:

- 1) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- 2) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- 3) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- 4) any residual risk can be safely managed; and
- 5) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

10.8.14 Initially, no FRA was requested when the application was first submitted as approximately two thirds of the site is not part of the development requiring planning permission and has only been included in the red edge site plan as the applicant advises it is necessary to tie the land to the proposed dwelling. Following the LLFA's comments, a FRA was requested and received and the LLFA were re-consulted.

10.8.15 The FRA confirms the site is in a 'Very Low' flood risk area. It also explains that an underground rainwater harvesting system which holds up to 90,000 litres would be used to collect all surface water run off created by the proposed dwelling. This would then be used within the dwelling such a toilet flushing, gardening. It would also be used to support a small amount of livestock and for watering the trees. The rainwater harvesting system would include a controlled outflow in the event of overflowing and this would be in the form of slow or calculated release to either a field drain or the combined sewer.

10.8.16 The LLFA confirm that they withdraw their objection subject to a condition being imposed in respect of the submission of a Final Sustainable Drainage Strategy, based on the indicative sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. They also confirmed that no surface water shall be allowed to discharge to the public foul sewer, either directly or indirectly. The LLFA also require informative notes to be included on the decision notice in respect of Ordinary Watercourse (Land Drainage) Consent; and Sustainable Drainage Systems.

11. **Conclusion**

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11.1 The proposal for a residential dwellinghouse with detached garage on this Green Belt site has been fully assessed in terms of relevant planning policies. Although the dwelling would represent inappropriate development in the Green Belt, it is considered that the Very Special Circumstances demonstrated by the applicant, namely the carbon off-set in the form of the solar array, the ground source heat pump, the rainwater harvesting and particularly the planting of 18,520 trees demonstrate those Very Special Circumstances. It must also be recognised that a Permission in Principle for part of the site is currently in place. As such the application is recommended for approval subject to the imposition of conditions.

12. RECOMMENDATION:

12.1 Approval with Conditions.

RECOMMENDED CONDITIONS:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans Dwg 801506 Ground Floor Plan; 801500 First Floor Plan; 801569 Elevations; 801564 Roof Plan; 801021 Garage; Coppice Project Carbon Offset Site Plan (no reference); 801416 Vehicular Access Point.
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
3. That before the new access hereby permitted becomes operative visibility splays measuring 2 metres by 43 metres are to be provided in both directions, measured along the centre line of the new access point from the continuation of the nearer edge of the existing carriageway, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.
REASON: To ensure adequate visibility at the site access in the interest of highway safety.
4. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other hard material to be approved by the Local Planning Authority.
REASON: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to road users.
5. No use hereby permitted shall be occupied or the use commenced until the car parking area has 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. The car parking area 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.
6. No building or use hereby permitted shall be occupied or use commenced until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway (and/or verge) fronting the site in accordance with the approved plans and the Lancashire County Council Specification for Construction of

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Estate Roads, to be retained in that form thereafter for the lifetime of the development.

REASON: In the interests of pedestrian safety and accessibility.

7. For the full period of construction facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.
REASON: To prevent stones, mud and debris being carried onto the public highway to the detriment of road safety.
8. An electric vehicle recharge point shall be provided to the property, prior to occupation. This shall consist of as a minimum a 7kWh charging rate and an electrical socket located externally (or in the garage if available) in such a position that a 3 metre cable will reach the designated car parking spaces. A switch shall be provided internally to allow the power to be turned off by the residents.
Reason: To enable and encourage the use of alternative fuel use for transport purposes in accordance with Policy 3 of the Central Lancashire Core Strategy.
9. During the site preparation and construction of the development no machinery, plant or powered tools shall be operated outside the hours of 08:00 to 18:00 Monday to Friday 09:00 - 13:00 on Saturdays. No construction shall take place at any time on Sundays or nationally recognised Bank Holidays.
Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy
10. No deliveries of construction materials or removal of construction waste shall be undertaken outside the hours of 09:00 - 17:00 Monday to Friday. No deliveries or removal of waste shall be carried out at weekends or nationally recognised Bank Holidays.
Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy.
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.
12. Prior to the commencement of any works on site, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:
 - (a) A full desk study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on and off-site contamination and ground gases, in line with BS10175:2011 +A1:2013.
 - (b) If the desk study identifies potential contamination and/or ground gases, a detailed site investigation shall be carried out to address the nature, degree and distribution of contamination and/or ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part 2A, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied buildings, on services and landscaping schemes, and on wider environmental receptors including ecological systems and property. The sampling and analytical strategy shall be submitted to and be approved in writing by the LPA prior to the start of the site investigation survey.

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

(d) On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a verification report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.

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

Reason: To ensure that the site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site, and the site cannot be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990, in accordance with Policy 17 of the Central Lancashire Core Strategy

13. Once works commence on the site, should site operatives discover any adverse ground conditions and suspect it to be contaminated, they should report this to the Site Manager and the Contaminated Land Officer at South Ribble Borough Council. Works in that location should cease and the problem area roped off. A Competent Person shall be employed to undertake sampling and analysis of the suspected contaminated materials. A report which contains details of sampling methodologies and analysis results, together with remedial methodologies shall be submitted to the Local Planning Authority for approval in writing. The approved remediation scheme shall be implemented prior to further development works taking place and prior to occupation of the development.

Should no adverse ground conditions be encountered during site works and/or development, a verification statement shall be forwarded in writing to the Local Planning Authority prior to occupation of the building/s, which confirms that no adverse ground conditions were found.

REASON: To ensure that the site is suitable for its intended end use and development work will not cause pollution of ground and surface waters both on and off site, in accordance with Policy 17 of the Central Lancashire Core Strategy

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

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

REASON: To ensure that the site is suitable for its intended end use and development work will not cause pollution of ground and surface waters both on and off site, in accordance with Policy 17 of the Central Lancashire Core Strategy

15. The development shall be carried out in accordance with the reasonable avoidance measures for great crested newts contained in the Preliminary Ecological Appraisal, Pennine Ecological revised August 2021 Section 3.24 as already submitted with the planning application and agreed in principle with the LPA prior to determination.

16. No works to trees, shrubs or hedgerows shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

17. Prior to any earthworks a method statement detailing eradication and/or control and/or avoidance measures for Himalayan balsam and Japanese knotweed should

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be supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

18. The approved landscaping scheme shall be implemented in the first planting season following the granting of planning permission. The approved scheme shall be maintained by the applicant or their successors in title thereafter for a period of 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies, by the same species or different species, and shall be agreed in writing by the Local Planning Authority. The replacement tree or shrub must be of similar size to that originally planted.
REASON: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G8 in the South Ribble Local Plan
19. The development hereby approved shall be used only for purposes incidental to the use of the dwelling house and shall not be used for any commercial, industrial or business purpose.
REASON: In the interests of residential amenity in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan
20. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the local planning authority.
The detailed sustainable drainage strategy shall be based upon the indicative sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.
The details of the drainage strategy to be submitted for approval shall include, as a minimum;
a) Demonstrate that the rainwater harvesting tank can accommodate the designed storm criteria (1 in 1 year, 1 in 30 year and 1 in 100 year + 40% climate change rainfall events) for the developed/impermeable area;
b) Demonstrate the overflow measures for the rainwater harvesting system, including rates, volumes, overflow destinations and flow paths;
c) Final sustainable drainage plans appropriately labelled to include, as a minimum:
i. Plan identifying areas contributing to the rainwater harvesting tank;
ii. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
d) How surface water will be managed during the construction phase to ensure no adverse impacts to water quantity or water quality, including areas outside the curtilage as necessary;
e) Provide a maintenance plan outlining details of ownership, maintenance, operational and access requirements for the rainwater harvesting tank and any associated components.
The sustainable drainage strategy shall be implemented in accordance with the approved details.
Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.
21. Foul and surface water shall be drained on separate systems.
REASON: To secure proper drainage and to manage the risk of flooding and pollution.

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RELEVANT POLICY

Local Plan Policy G1: Green Belt

Core Strategy Policy 28: Renewable and Low Carbon Energy Schemes

Core Strategy Policy 29: Water Management

Informative Notes

1. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 (Vehicle crossings over footways and verges) Lancashire County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must complete the online quotation form found on Lancashire County Council's website using the A-Z search facility for vehicular crossings at <http://www.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx>

2. Ground Source Heat Pump - Advice to applicant

The Environment Agency regulates open-loop ground source heating and cooling schemes. The proposed development will need:

- o a groundwater investigation consent (section 32/3 of the Water Resources Act 1991) to drill and test pump
- o a full abstraction licence (Water Resources Act 1991), if the volume of groundwater abstracted is greater than 20 cubic metres per day, and
- o an exemption, if you meet the criteria for a low-risk activity, or environmental permit (under the Environmental Permitting (England & Wales) Regulations 2010) to discharge.

The applicant is advised to contact the Environment Agency on 03708 506 506 for pre-permit application discussions. Further guidance can be found at: <https://www.gov.uk/government/publications/new-ground-source-heating-and-cooling-scheme-form-and-guidance-notes>.

The Environment Agency Good Practice Guide relating to the installation and operation of open and closed loop ground source heating and cooling systems can be found on the Ground Source Heat Pump Association website at: http://www.gshp.org.uk/pdf/EA_GSHC_Good_Practice_Guide.pdf.

3. Non-Mains Drainage - Advice to applicant

There is no information in the application to indicate how foul drainage for the new property will be directed. In this case there is a foul sewer within 40metres of the site boundary and therefore a connection with the mains would be the expected mode of disposal.

Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality - considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
4. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, in addition to planning permission.

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This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

Further advice is available at: Septic tanks and treatment plants: permits and general binding rules

5. Ordinary Watercourse (Land Drainage) Consent

Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), you need consent from the Lead Local Flood Authority if you want to build a culvert or structure (such as a weir or outfall) or carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not.

As a minimum, the applicant will be expected to:

- o Carry out studies of the existing culvert/watercourse condition and capacity;
- o Undertake an examination of the downstream condition and implications of the development proposal, and;
- o Restrict discharge rates so that the peak runoff rate from the development to the ordinary watercourse for the 1 in 1-year rainfall event and the 1 in 100-year rainfall event should never exceed the peak greenfield runoff rate for the same event.

As per Lancashire County Councils Consenting and Enforcement Policy, it should be noted that the Lead Local Flood Authority will generally refuse consent to applications that seek to culvert an existing ordinary watercourse. This is in line with Environment Agency guidance on protecting watercourses.

You should contact the Flood Risk Management Team at Lancashire County Council to obtain Land Drainage Consent. Information on the application process and relevant forms can be found here:

<https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/>

For the avoidance of doubt, once planning permission has been obtained it does not mean that land drainage consent will be given. The applicant must obtain land drainage consent from Lancashire County Council before starting any works on site.

6. Sustainable Drainage Systems: Advice & Further Information

Further information and advice on SuDS can be found in:

- o CIRIA C687 - Planning for SuDS - Making it Happen
- o CIRIA C753 - The SuDS manual
- o CIRIA C635 - Designing for exceedance in urban drainage: good practice
- o CIRIA C698 - Site handbook for the construction of SUDS
- o HR Wallingford SR 666 - Use of SuDS in high density developments
- o National Planning Policy Framework and Planning Practice Guidance

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This response does not cover highway drainage, matters pertaining to highway adoption (s38 Highways Act 1980) and/or off-site highway works (s278 Highways Act 1980). Should the applicant intend to install any sustainable drainage systems under or within close proximity to a public road network (existing or proposed), then they would need to separately discuss the use and suitability of those systems with the relevant highway authority.

The applicant is encouraged to discuss the suitability of any overland flow routes and/or flood water exceedance with the relevant highway authority should they have the potential to impact the public highway network and/or public highway drainage infrastructure (either existing or proposed).

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Application Number 07/2021/01251/HOH

Address 5 Danes Drive
Walton-Le-Dale
Preston
Lancashire
PR5 4UG

Applicant Mr Andrew Daniels

Development First floor side extension and single storey rear extension following the demolition of existing conservatory

Officer Recommendation **Approval with Conditions**

Date application valid 13.12.2021
Target Determination Date 07.02.2022
Extension of Time 04.03.2022



1 Introduction

1.1 This application is presented to Committee because the applicant is a serving Council Officer.

2 Report Summary

2.1 The applicant seeks permission to erect a first-floor side extension and single storey rear extension following the demolition of existing conservatory

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2.2 The scheme has been well designed, relates well to both the main dwelling and wider environment, yet the property retains acceptable levels of amenity and parking spaces. The proposal complies with the relevant policies of the South Ribble Local Plan and Residential Extensions Supplementary Planning Document and is recommended for approval subject to conditions.

3. Application Site and Surrounding Area

3.1 The application relates to a two-storey detached dwellinghouse located on Danes Drive, Walton-Le-Dale and is within a predominantly residential area. The site is situated within an existing built-up area as defined by Policy B1 in the South Ribble Local Plan

4 Site History

4.1 There is no planning history for this site

5. Proposal

5.1 Description of works

5.2 The application proposes the erection of a first-floor side extension and single storey rear extension following the demolition of existing conservatory. The side extension will be erected above the existing garage and will project 2.7m for a length of 6.7m with a gable-end roof measuring 5m to eaves and 6.6m in total height. The first-floor element will be set back from the principle elevation by 1m. The remaining roof to the garage will be changed from flat to sloping and will measure 3.2m in height.

5.3 The rear extension will project 3.3m for a width of 4m with a sloping roof measuring 2.2m to eaves and 3.7m in height.

5.4 The construction will be of materials to match the existing property namely; red brick

6 Representations

6.1 Summary of Publicity

6.2 Five neighbouring properties consulted but representation has not been made.

7 Summary of Responses

7.1 On this occasion consultation was not necessary/required

8 Material Considerations

8.1 Policy Background

8.2 The site is situated within an Existing Built-Up Areas where Policy B1 in the South Ribble Local Plan is relevant. Development will be permitted within existing built up areas provided the proposal is in keeping with the character and appearance of the area and will not adversely affect the amenities of nearby residents. The proposed development does not result in a loss of off-street parking

5.3 In addition, the South Ribble Residential Design Guidance SPD notes that all extensions shall remain visually subservient to the parent building, should enjoy adequate setbacks to ensure visual subservience, shall not result in an unacceptable loss of light or privacy to neighbouring properties, or have an overbearing or over dominant impact on neighbouring residents.

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5.4 The proposal complies with Policy B1 and G17 of the Adopted Local Plan, the South Ribble Residential Extensions SPD and Policy 17 of the Central Lancashire Core Strategy and therefore recommended for approval.

9. Relationship to Neighbours

9.1 To the north is no.6 and 8 Danes Drive which are the directly facing properties. The proposed first-floor extension will sit some 21.7m off the closest habitable room windows which meets with the required 21m separation distance as stated within the South Ribble Design SPD. The proposal is separated by the estate road known as Danes Drive.

To the south is no.41 Danesway which is a bungalow set at a right angle to the proposal address. The proposed first-floor extension would sit some 11m off the common boundary and 12.4m off the property itself. There is one window proposed within the rear elevation facing this property; however, this window will serve a bathroom and will therefore, be obscurely glazed. The single storey rear extension will be set some 8.5m off the common boundary and 9.3m off the main dwelling at no.41 and is separated by an existing high hedge. Therefore, any impact the proposal would have upon the residents of no.41 Danesway would be considered negligible.

To the east is no.3 Danes Drive. The proposed first-floor elevation will not be visible to the residents of no.3 Danes Drive. The rear extension would sit some 0.3m off the common boundary with no part of the proposal overhanging onto neighbouring land. There is an existing 1.6m high boundary fence along the common boundary separating the two properties. Therefore, any impact the proposal would have upon the residents of no.3 Danes Drive would be considered negligible.

To the west is no.7 Danes Drive which has had a similar first-floor extension to that proposed. The property itself sits along the common boundary with no.5 Danes Way and 1.3m off the proposed first-floor side extension. The rear extension would sit some 6.1m off the common boundary and is separated by an existing 1.8m high boundary fence. Therefore, any impact upon the residents of no.7 Danes Drive is considered negligible.

10. Design

10.1 This development proposal relates well to neighbouring buildings and the extended locality, including a high-quality design with appropriate materials to match the existing dwelling. A similar development has taken place at the neighbouring property of no.7 Danes Drive.

11 Parking Arrangements

11.1 The front of the property has more than adequate parking areas for a property of this size. The proposed development does not result in a loss of off-street parking and existing parking is to remain unchanged.

12 CONCLUSION

12.1 The scheme has been well designed, relates well to both the main dwelling and wider environment, and the property retains acceptable levels of amenity and parking spaces. The proposal complies with the relevant policies of the South Ribble Local Plan and Residential Extensions Supplementary Planning Document and is recommended for **approval subject to conditions.**

RECOMMENDATION:

Approval with Conditions.

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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. All external facing materials shall match in colour, form and texture to those on the existing building.
REASON: In the interests of the visual amenity of the area and so that the Local Planning Authority shall be satisfied as to the details in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026
3. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans Dwg Daniels-1
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development

RELEVANT POLICY

National Planning Policy Framework

Central Lancashire Core Strategy

17 Design of New Buildings

South Ribble Local Plan

B1 Existing Built Up Area

F1 Car Parking

G17 Design Criteria for New Development

South Ribble Residential Extensions Supplementary Planning Document