

Application Number

07/2020/00365/FUL

Address

Land Between Lyme Road and The Cawsey
Penwortham
Lancashire

Applicant

Morris Homes

Development

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

Officer Recommendation

That members be minded to approve the application with the decision being delegated to the Director of Planning and Property and the Chairman of Planning Committee upon the successful completion of a Section 106 Agreement to secure off-site contributions to Public Open Space

Officer Name

Mrs Janice Crook

Date application valid

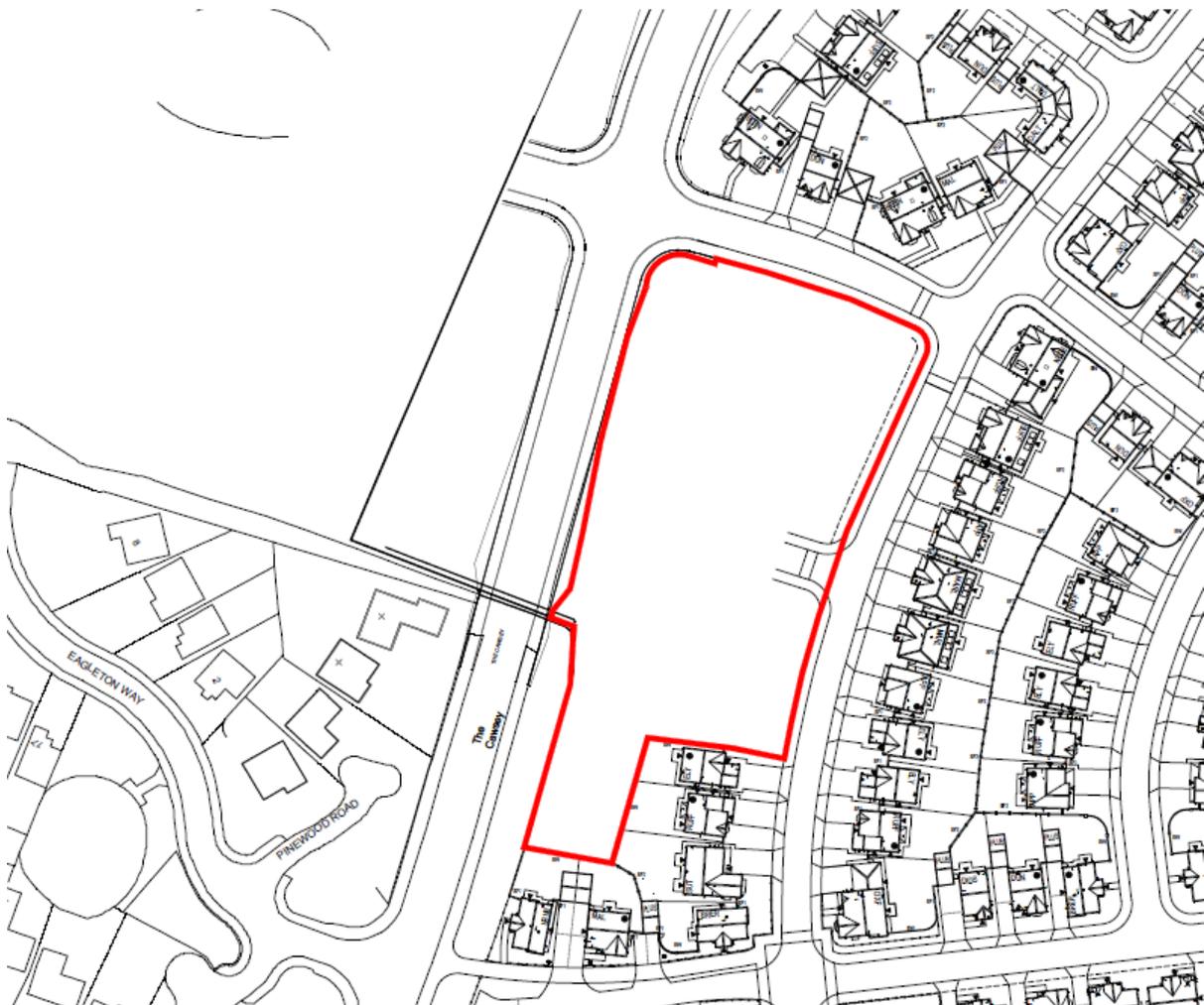
04.05.2020

Target Determination Date

03.08.2020

Extension of Time

Location Plan



Introduction

Members will recall this application came before planning committee at its 21st September 2020 meeting. Members voted to defer the application to allow further discussions to take place with the applicant regarding improvements to proposed highways and to allow officers to further assess the original plans on the approved Masterplan for the site.

In terms of the proposed road not being to an adoptable standard, County Highways have confirmed in an email that they would not normally adopt a road serving less than 5 dwellings. To make the road adoptable, a service verge would need to be provided along all sides and a radius junction would need to be provided with Lyme Road.

“A 2m wide service verge is required for locating statutory undertakes equipment, protecting the sight lines from drives and must be provided where buildings front the road and any drives serving properties. Where properties and drives do not front the carriageway the service verge width can be reduced to 0.5m providing there is no street lighting. If street lighting is required on the narrow footpath or service verge the width is to be increased to 800mm.”

The applicant was advised of these requirements and has responded and this is reported in the Access, Parking and Highway Matters section of this report. It must be recognised however that the road in question only serves four of the plots, plots 4, 5, 6 and 7 and therefore would not be adopted by County Highways.

In terms of the Masterplan for the site, this was submitted as part of the outline planning application together with a parameters plan. The committee report for the outline planning application explains:

“In addition to the Parameters Plan, the applicant has also provided an illustrative Masterplan for the site together with a Design and Access Statement (incorporating Development Proposals, Design Principles and Landscape Framework) and a planning statement. Although the details provided in these will not form part of any approval of this outline application and will be dealt with at the reserved matters stage(s), they do provide an illustration of how the site could be developed to deliver the scale and quantum of development proposed in the Parameters Plan. The Masterplan and Design and Access Statement, therefore, further enable robust consideration of the application.

The land use on site will include predominantly residential, with a small area of retail, open space, highways and public realm.....

..... With regards to the overall amount of development applied for in the planning application, the following parameters are proposed, which are shown on the parameters plan:

- *Residential (Use Class C3) up to 350 dwellings (dependent upon mix).*
- *Local Centre (Use Classes A1, A2, A3, A4, A5 and D1) – up to 1,400sqm, over an area of 0.5 hectares*
- *Open space, including a pocket park of approximately 0.3 hectares or greater, green amenity space and Local Equipped Areas of Play.”*

The Committee report then goes on to advise:

“As already explained, although the proposal is in outline with all matters reserved except access, the Parameters Plan and Masterplan submitted as part of the application will form the basis for the detail of any reserved matters applications. Therefore, it is important that the parameters are appropriate.

The main areas and zone of the development site are made up of residential dwellings with the local centre situated near the main entrance of the site adjacent to what will be the Cross Borough Link Road.

It is also considered that the local centre is appropriately located, close to the entrance of the development and highly accessible to both future occupants of the proposed development as well as existing and future occupants of neighbouring residential areas. Furthermore, The Cawsey is dominated by a residential frontage, and it is considered that locating the local centre adjacent to The Cawsey would provide an opportunity for greater variation in the street scene as well as helping future businesses to attract passing trade.

If a similar layout is brought forward at a later stage as part of a reserved matters application, it will be important to ensure that active frontages are created both towards The Cawsey, to prevent the development appearing insular and to improve the street scene on this principal route, and also facing inwards into the site to create a positive relationship to other parts of the development.”

In terms of linkages to existing communities, the committee report advises:

“As already explained, opportunities to link existing communities to the development as well as creating linkages the Preston Nature Reserve cycle/footpath amenity area are identified in the Design and Access Statement and the Masterplan. Such linkages are considered beneficial in terms of integrating the development into the surrounding area, providing easier access for existing communities to amenities such as the proposed local centre and employment, but also to encourage better accessibility to the site and to local amenities by walking and cycling by linking to the cyclepath/footpath.”

It is clear from the officer’s report to committee that the Masterplan provided an illustration of how the site could be developed and would have been key part in the decision making process when determining the outline planning application.

In response to this aspect of the deferment, the applicant has advised that the masterplan for the former Gasworks site was part of outline planning application 07/2013/0008 and was not approved separately in advance of the planning application, unlike the masterplan for the Test Track and that which is required for Pickering’s Farm. These are both Major Sites for Development where Policies C1 and C2 require masterplans to be formally adopted for development management purposes prior to the determination of subsequent planning applications. However, the former Gasworks site is subject to Policy D1 which allocates housing land. It does not contain a requirement for a masterplan to be adopted prior to the development and there is no stipulated requirement in Policy D1 for the Gasworks Site K to deliver a local centre

As outline planning permission 07/2013/0008 has expired, the masterplan which formed part of the application expired with the outline permission. This is reported more fully in the ‘Background’ section of this report.

The remainder of this report is as per previously reported with only the relevant sections inserted or updated as appropriate.

1. Report Summary

1.1 The application proposes 12 dwellings on a parcel fronting onto The Cawsey within the large housing allocation Site K. Development of Site K was approved in 2015 and the development is well under way with a number of dwellings now occupied. The development of Site K also provided the section of the Cross Borough Link Road linking The Cawsey and Carrwood Road.

1.2 This current application site is a parcel of land within the site K allocation which was reserved for a Local Centre to provide retail and leisure facilities. No details were submitted at Reserved Matter stage for the Local Centre and the timeframe for submission has now passed, hence this is a full planning application.

1.3 Additionally, there is nothing in Policy D1 to require a Local Centre within Site K. However, it must be recognised that consideration of both the Outline and Reserved Matters applications was with the knowledge that a Local Centre was to be provided.

1.4 Objections have been received from neighbouring residents who have purchased plots on the Site K development who consider they have been misled by the developer and they understood the site was for 'community' use consisting of leisure and retail.

1.5 There are no objections from consultees although County Highways advise the internal road serving plots 4, 5, 6 and 7 is not to an adoptable standard, they also advise they would not normally adopt a road serving less than 5 dwellings. Although Policy G17 at criteria c) requires that any new roads and/or pavements provided as part of the development should be to an adoptable standard, it would be difficult to refuse the application on highway grounds given County Highways advice.

1.6 There is no requirement in Policy D1 for the provision of a Local Centre on the former Gasworks Site K although it is recognised that both outline and reserved matters applications for Site K were determined on the basis that a Local Centre was proposed.

1.7 A Retail Report submitted to support the application has been considered by consultants acting for the Council. Their view is that although the provision of commercial floorspace would be sustainable they do not consider that this alone would provide the Council with sufficient grounds to refuse the additional residential development at the site, and that residents at the former Lostock Hall Gasholder site and surrounding area would still have sufficient choice with the existing defined centres in the area.

1.8 On the basis that there are no real grounds to warrant a refusal of the proposed development of 12 dwelling, the application is recommended for approval subject to a Section 106 Agreement to secure off-site public open space provision to meet relevant policy requirements.

2. Site and Surrounding Area

2.1 The application relates to the former Gas Works site at Lostock Hall. The wider site is currently under construction with a number of dwellings now occupied. The site subject of this application was included within the outline permission for the wider development and shown to be the local centre on both the outline and reserved matters applications.

2.2 To the west is an area of public open space provided as part of the wider development, together with properties on Pinewood Road; to the south and east are newly constructed properties on Lyme Road, also part of the wider development site and to the north are properties on Firs Drive, including the site's Sales Office.

2.3 The wider development site is bounded to the north by the Old Tram Road, a former railway line now a walking and cycle route into Preston which includes the Preston Junction Nature Reserve, a biological heritage site and forms part of Central Parks; the new stretch of the Cawsey runs to the west; existing residential development lies to the south-west and the former Gasholders side is to the east.

3. Planning History

- 07/2004/0416 Remediation of land (14.5 ha) Approved 02/06/2004

- 07/2006/1288/OUT Outline Application for redevelopment of site (12.1 HA) for mixed use development including employment (B1, B8) Local Centre (A1, A2, A3, A4, A5) and residential development (C3) and associated access road was withdrawn
- 07/2013/0007/FUL Application for a fixed Road Bridge to provide a link between Carrwood Road and the Cawsey/Leyland Road at Land adjacent to the former Gas Works site at Lostock Hall - Environmental Statement submitted with application Approved 31/05/2013
- 07/2013/0008/ORM Outline application (with all Matters Reserved except for the main point of access) for redevelopment of the site (12.1HA) for Residential Uses (Class C3) and a local centre (A1, A2, A3, A4 A5 and D1 together with delivery of the associated access road and other associated works - Environmental Statement submitted with application Approved 01/04/2014
- 07/2015/0315/REM Reserved matters application for the erection of 281 dwellings with associated infrastructure and landscaping (amended plans) Approved 13/08/2015
- 07/2018/5502/VAR Variation of condition 2 Planning Layout of planning approval 07/2015/0315/REM - substitution of house types to plots 1-20 - new plot numbers 17-20 & 300-315 Approved 14/11/2018
- 07/2018/5502/VAR Variation of condition 2 Planning Layout of planning approval 07/2015/0315/REM - substitution of house types to plots 1-20 - new plot numbers 17-20 & 300-315 Approved 14/11/2018

4. Proposal

4.1 The application has been amended since its first submission and was originally for 13 dwellings. However, due to concerns regarding the spatial separation to existing plots, the application now proposes the erection of 12 dwellings with associated infrastructure and landscaping. The dwellings are all either two-storey or two and a half storey detached dwellings and consist of the following housetypes:

Ely – 3 bed detached with integral garage
 Rufford – 3-bed detached with intergral garage
 2 X Appleton – 4-bed detached with integral garage
 Suffolk – 4-bed detached with integral garage
 Moreton 2 – 4-bed detached with detached single garage
 Warwick – 4-bed detached with detached single garage
 2 X Oxford – 4-bed side aspect detached with detached double garage
 1 x Oxford as above with attached double garage
 Blenheim – 5-bed side aspect detached with detached double garage
 Warwick – 4-bed detached with detached single garage

4.2 Parking is in the form of single and double garages and driveways.

4.3 The site is accessed off Lyme Drive with 4 of the properties fronting onto The Cawsey, 1 side on to the Cawsey and 7 fronting onto Lyme Road

4.4 Landscaping is proposed along the site frontages in the form of tree planting to the front garden areas.

5. Supporting Documents

- Location Plan
- Site Layout Plan
- House type Plans and elevations
- Design and Access Statement
- Preliminary Ecological Appraisal

- Energy Performance Statement
- Landscape Plan
- Materials Plan
- Garage Plans
- Retail Report

6. Summary of Publicity

6.1 Neighbouring residents were notified, a press notice published and site notices posted. Five letters of representation were received, objecting to the proposal on the following grounds:

- Proposal will have bedroom window approx. 10m from kitchen and dining window and will directly overlook garden
- Size and design of proposed dwelling
- Loss of privacy to rear of dwelling and garden
- Noise and disturbance
- Land would be better as a communal area, grassland or park
- Additional housing will further increase traffic generated in the area
- Would result in more crowded appearance along road
- Morris Homes informed us that the land behind house would not have any houses built on it
- Bought house as it would not be overlooked from the back
- Mislaid into the sale of the property
- Light restrictions, proposal will block natural sun light to property and garden
- Land was earmarked for community facilities.

6.2 Following submission of an amended layout, neighbouring residents were re-notified with no further letters of representation being received.

7. Summary of Consultations

7.1 **County Highways** have no objections to the proposed development and are of the opinion that the proposals should have a negligible impact on highway safety and capacity within the immediate vicinity of the site.

7.1.2 The proposed layout and access arrangements as shown in the amended drawing N284/P/PL02 Rev D are acceptable. The internal road serving plots 4, 5, 6, and 7 is however not to an adoptable standard and would therefore remain private.

7.1.3 County Highways provided clarification on this following the committee meeting of 21st September 2020, advising that they would not normally adopt a road serving less than 5 dwellings. To make the road adoptable, a service verge would need to be provided along all sides and a radius junction would need to be provided with Lyme Road.

“A 2m wide service verge is required for locating statutory undertakes equipment, protecting the sight lines from drives and must be provided where buildings front the road and any drives serving properties. Where properties and drives do not front the carriageway the service verge width can be reduced to 0.5m providing there is no street lighting. If street lighting is required on the narrow footpath or service verge the width is to be increased to 800mm.”

7.1.4 The applicant has submitted a 'Supplementary Retail Report' outlining the justification to develop housing on this site rather than the previously agreed neighbourhood retail centre. From a highways perspective the report is not unreasonable. The difference in traffic generation/movements would be negligible if you

take into consideration vehicle movements to the retail from outside the area compared with the vehicle movements out of the adjacent residential if the retail was not there. There are also a number of retail outlets existing and proposed within walking/cycling distance of the site.

7.1.5 County Highways request that a condition is imposed relating to the submission of a Construction Traffic Management Plan (CTMA) prior to commencement of any development. The CTMA should 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 construction of the development;
- Vehicle wheel washing facilities;
- Storage of such plant and materials;
- 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)
- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties and obstruct the public highway.

7.1.6 This would 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.

7.2 Environmental Health comment that this application is subject to an outline application and as such many of the conditions they would recommend be attached to a planning permission have already been accounted for at the outline stage, namely contaminated land conditions. As such these conditions must be adhered to ensure the development does not result in unacceptable risk or adversely affect the amenity of future residents or existing properties.

7.2.1 In addition, a number of other conditions are advised. These are in relation to burning of waste material or vegetation on site; that a Dust Management Plan be submitted, that a wheel wash facility be installed and used at the entrance of the site by all vehicles leaving the site, that the location of the site compound and storage yard be agreed prior to commencement of any works, that the hours of construction works be restricted to 08:00 to 18:00 Monday to Friday and 09:00 to 13:00 on Saturdays with no working on Sundays or nationally recognised Bank Holidays, that details of all piling activities be submitted; that no external flooding lighting or security lights be installed, and that all properties are fitted with Electric Vehicle Recharge Points.

7.3 United Utilities advised that, 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. Therefore, they request drainage conditions are attached to any approval in respect of surface water drainage scheme, foul water drainage scheme and a management and maintenance scheme.

7.4 Greater Manchester Ecology Unit (GMEU) comment that the site has only very low ecological value and did not comprise part of the ecological mitigation for the wider site. However, Ecological mitigation can be dealt with via condition.

7.4.1 More specifically, GMEU comment on Great Crested Newts and on Contributing to and Enhancing the Natural Environment and require conditions be imposed in respect of these.

7.5 Strategic Housing comment that no affordable housing is proposed on-site, however the applicant is clear in their Planning Statement that they intend to provide policy compliant affordable housing provision and is considering providing this off-site on the wider development of 281no. homes. Discussions to secure the affordable housing provision are welcomed and further comments can be provided once the affordable housing position is clear.

7.6 LCC Area Education Team seeks to draw attention to impacts associated with the development and propose mitigation for these impacts through a developer contribution. However, they confirm that an education contribution is not required at this stage.

7.7 Lancashire Fire and Rescue advise that it should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service

7.8 Nexus Planning provided advice on the submitted Retail Report. They concluded that:

- Within the vicinity of the site, there appears to be a good range of retail and leisure facilities;
- The provision of commercial floorspace at the application site would be sustainable and ensure that local residents had amenities within an easy walking distance and reduce the need to travel to Kingsfold or Tardy Gate;
- The site's location is within an acceptable walking distance to a district centre and a number of services;
- We are of the view that, whilst the argument outlined by tfc is incorrect and does not reflect the reality of how many local centres operate, it is fair to question whether there is the market demand in this location for an additional local centre as the area is already well served and day-to-day needs can be met through existing provision accessible in the vicinity of the site.

Overall, Nexus do not consider that this alone would provide the Council with sufficient grounds to restrict additional residential development at the site, and that residents at the former Lostock Hall Gasholder site and surrounding area would still have sufficient choice with the existing defined centres in the area.

8. Policy Background

8.1 National Planning Policy Framework

Chapter 2. Achieving sustainable development

7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11).

Chapter 8. Promoting healthy and safe communities

Paragraph 91 advises that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

At paragraph 92, the chapter advised that in order to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

Chapter 12. Achieving well-designed places

At paragraph 124, the NPPF advised that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

At paragraph 127 it requires that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Chapter 15. Conserving and enhancing the natural environment

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

8.2 Central Lancashire Core Strategy

Policy 1: Locating Growth focuses growth and investment on well located brownfield sites and the Strategic Location of Central Preston, the Key Service Centres of Chorley and Leyland and the other main urban areas in South Ribble, whilst protecting the character of suburban and rural areas. Some Greenfield development will be required on the fringes of the main urban areas. To promote vibrant local communities and support services, an appropriate scale of growth and investment will be encouraged in identified Local Service Centres, providing it is in keeping with their local character and setting, and at certain other key locations outside the main urban areas.

Growth and investment will be concentrated in:

- (a) The Preston/South Ribble Urban Area comprising:
 - i. The Central Preston Strategic Location and adjacent inner city suburbs, focussing on regeneration opportunities in Inner East Preston, the Tithebarn Regeneration Area and the New Central Business District Area in particular.
 - ii. The northern suburbs of Preston, focussing on Local Centres, with greenfield development within the Cottam Strategic Site and the North West Preston Strategic Location.
 - iii. The settlements south of the River Ribble, comprising:
 - Penwortham, focussing on the regeneration of the District Centre*, but with some greenfield development at the South of Penwortham and North of Farington Strategic Location.
 - Lostock Hall, focussing on the regeneration of brownfield sites.

Chapter 9 Economic Prosperity

Paragraph 9.17 advises that the Lostock Hall Gasworks is a site of approximately 12 hectares. The site is centrally located within the urban core of South Ribble and provides a suitable location for mixed-use (residential, commercial and industrial) development, which will bring new employment that is accessible from existing residential areas as well as expanding the local housing options.

Policy 9: Economic Growth and Employment

Economic growth and employment will be provided for in the following ways:

- (a) The identification of 454 hectares of land for employment development between 2010 and 2026.
- (b) Regional and sub-regional office developments will be located in Preston City Centre including the Central Business District area and the Tithebarn Regeneration Area, with more local office schemes in Chorley and Leyland town centres.
- (c) Other major developments for employment will be located in the Preston/South Ribble urban area, Leyland and Farington, and Chorley Town with regionally significant schemes at:
 - i. Samlesbury
 - ii. Cuerden (Lancashire Central)
 - iii. Buckshaw Village
 - iv. Central Preston
- (d) and sub-regionally significant developments for employment at:
 - i. Botany/Great Knowley
 - ii. Preston East/Millennium City Park
 - iii. Riversway
- (e) Mixed use developments will be encouraged in central and accessible locations including those of sub-regional significance at:
 - i. Moss Side Test Track
 - ii. Lostock Hall Gasworks
 and others identified in the Employment Land Review subject to the mix of uses taking due account of the impact on neighbouring occupiers and the need to maintain and create balanced communities.
- (f) Live/work units will be encouraged.

Policy 17: Design of New Buildings

The design of new buildings will be expected to take account of the character and appearance of the local area, including the following:

- (a) siting, layout, massing, scale, design, materials, building to plot ratio and landscaping.
- (b) safeguarding and enhancing the built and historic environment.
- (c) being sympathetic to surrounding land uses and occupiers and avoiding demonstrable harm to the amenities of the local area.
- (d) ensuring that the amenities of occupiers of the new development will not be adversely affected by neighbouring uses and vice versa.
- (e) linking in with surrounding movement patterns and not prejudicing the development of neighbouring land, including the creation of landlocked sites.
- (f) minimising opportunity for crime and maximising natural surveillance.
- (g) providing landscaping as an integral part of the development, protecting existing landscape features and natural assets, habitat creation, providing open space, and enhancing the public realm.
- (h) including public art in appropriate circumstances.
- (i) demonstrating, through the Design and Access Statement, the appropriateness of the proposal.
- (j) making provision for the needs of special groups in the community such as the elderly and those with disabilities.
- (k) promoting designs that will be adaptable to climate change, and adopting principles of sustainable construction including Sustainable Drainage Systems (SuDS); and
- (l) achieving Building for Life rating of 'Silver' or 'Gold' for new residential developments.
- (m) ensuring that contaminated land, land stability and other risks associated with coal mining are considered and, where necessary, addressed through appropriate remediation and mitigation measures.

8.3 South Ribble Local Plan

Policy D1: Allocation of Housing Land allocates sites for residential development. The application site is part of the wider **Site K: Lostock Hall Gasworks, Lostock Hall**: This 12ha site, a former gasworks, is owned by National Grid. It has been cleared of buildings and the on-site contamination has been removed or treated. Contamination issues have now been addressed, so the site is now appropriate for redevelopment. The site is the

subject of a current outline planning application for a mixed use scheme to include employment (B1, B8 uses), residential (C3) and local centre uses (A1, A2, A3, A4, A5). An updated planning application is expected to be submitted in 2012. The site will require infrastructure to bring it forward for development with the provision of a new access. As in the South Ribble Local Plan, access is to be taken from a new road from The Cawsey connecting to Carrwood Road. This new road, the Cross Borough Link Road is the subject of Policy A1. The development will be expected to provide for the construction of this road. The current outline planning application on the site has a resolution to approve subject to a Section 106 agreement which will deliver this road, together with affordable housing and public open space provision.

Policy E5: Local Centres seeks to protect and enhance A1 uses in order to achieve a minimum of 60%. This is to maintain the vitality and viability of the centre. Applications for other local centre uses including A2 Financial and Professional Services, A3 Cafés and Restaurants, A4 Drinking Establishments, and B1 Offices may be appropriate where it does not undermine the sustainability of the shopping area.

Policy F1: Parking Standards requires all development proposals to provide car parking and servicing space in accordance with the parking standards adopted by the Council. In general, parking requirements will be kept to the standards as set out unless there are significant road safety or traffic management implications related to the development of the site. The parking standards should be seen as a guide for developers and any variation from these standards should be supported by local evidence in the form of a transport statement. Where appropriate, some flexibility will be factored into the standards in relation to the specific local circumstances.

Policy G10 Green Infrastructure Provision in Residential Developments requires all new residential development resulting in a net gain of five dwellings or more will be required to provide sufficient Green Infrastructure to meet the recreational needs of the development,

Policy G11 Playing Pitch Provision requires all new residential development resulting in a net gain of five dwellings or more will be required to provide playing pitches in South Ribble, at a standard provision of 1.14 ha per 1000 population. Contributions will also be sought to fund or improve associated facilities (eg changing rooms).

Policy G14: Unstable or Contaminated Land has a presumption in favour of the redevelopment of previously developed land. Previously developed land can be unstable and subject to contamination. However, development will be encouraged on unstable or contaminated brownfield land subject to the following:

Applicants will be required to provide evidence of a satisfactory site investigation and show that any proposed remedial works are adequate to deal with any identified hazards;
Development should not have an adverse impact on the stability of surrounding areas;
Applicants should address the physical capability of the land, the adverse effects of instability on the development, or of adjoining development on unstable land, and the effects on (amongst other things) local amenities and conservation interests of the development and any remedial measures.

Policy G15: Derelict Land Reclamation encourages development on derelict land where the reclamation of land is required and appropriate. Schemes on derelict sites should:

- Provide employment and residential land in the urban areas thereby reducing pressure on greenfield sites;
- Maintain and improve the environment and include landscape enhancement measures.

Policy G16: Biodiversity and Nature Conservation seeks to protect, conserve and enhance the Boroughs Biological and Ecological Network resources. This policy requires

that, where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, planning applications must be accompanied by a survey undertaken by an appropriate qualified professional. Where the benefits for development in social or economic terms is considered to outweigh the impact on the natural environment, appropriate and proportionate mitigation measures and/or compensatory habitat creation of an equal or greater area will be required through planning conditions and/or planning obligations.

Policy G17: Design Criteria for New Development permits new development, including extensions and free standing structures, provided that, the proposal does not have a detrimental impact on the existing building, neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity, use of materials. Furthermore, the development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect; the 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; the proposal would sustain, conserve and where appropriate enhance the significance, appearance, character and setting of a heritage asset itself and the surrounding historic environment. Where a proposed development would lead to substantial harm or loss of significance of a designated heritage asset, planning permission will only be granted where it can be demonstrated that the substantial public benefits of the proposal outweigh the harm or loss to the asset; 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.

9. Material Considerations

9.1 Background

9.1.1 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), this planning application is to be determined in accordance with the development plan which consists of the Central Lancashire Core Strategy, the South Ribble Local Plan 2012-2026 and adopted Supplementary Planning Guidance, unless material considerations indicate otherwise. Consideration of the proposal will also have regard to guidance contained within the National Planning Policy Framework (NPPF) and the Development Plan.

9.1.2 Central Lancashire Core Strategy Policy 1 focuses growth and investment on well located brownfield sites. It advises that growth and investment will be concentrated in, among others, Lostock Hall, focussing on the regeneration of brownfield sites. The former Gas Works site was a large brownfield site, previous employment site. Indeed, in the Local Plan 2000, the wider former Gas Works site of which this current site is a parcel of, was allocated as Employment Land.

9.1.3 Chapter 9 of the Core Strategy considers economic prosperity and at paragraph 9.17 advises that the Lostock Hall Gasworks is a site of approximately 12 hectares. The site is centrally located within the urban core of South Ribble and provides a suitable location for mixed-use (residential, commercial and industrial) development, which will bring new employment that is accessible from existing residential areas as well as expanding the local housing options.

9.1.4 Core Strategy Policy 9 sets out the aims for economic growth and employment in the region and at criteria (e) encourages mixed use developments in central and accessible locations and identifies at (ii) Lostock Hall Gasworks and other sites identified in the Employment Land Review subject to the mix of uses taking due account of the impact on neighbouring occupiers and the need to maintain and create balanced communities.

9.1.5 In the current Local Plan, the wider site is allocated under Policy D1: Allocation of Housing Land site for residential development and related infrastructure as Site K. The supporting text advises: *“This 12 ha site, a former gasworks, is owned by National Grid. It has been cleared of buildings and the on-site contamination has been removed or treated. Contamination issues have now been addressed, so the site is now appropriate for redevelopment. The site is the subject of a current outline planning application for a mixed use scheme to include employment (B1, B8 uses), residential (C3) and local centre uses (A1, A2, A3, A4, A5). An updated planning application is expected to be submitted in 2012. The site will require infrastructure to bring it forward for development with the provision of a new access. As in the South Ribble Local Plan (2000), access is to be taken from a new road from The Cawsey connecting to Carrwood Road. This new road, the Cross Borough Link Road is the subject of Policy A1. The development will be expected to provide for the construction of this road. The current outline planning application on the site has a resolution to approve subject to a Section 106 agreement which will deliver this road, together with affordable housing and public open space provision.”*

9.1.6 It must be noted that the reference within this Local Plan text was to planning application 07/2006/1288/OUT for redevelopment of the site for mixed use development including employment (B1, B8) Local Centre (A1, A2, A3, A4, A5) and residential development (C3) and associated access road, which was subsequently withdrawn.

9.1.7 A further outline planning application 07/2013/0008ORM was then submitted in January 2013 and was described as an *‘Outline application (with all Matters Reserved except for the main point of access) for redevelopment of the site (12.1HA) for Residential Uses (Class C3) and a local centre (A1, A2, A3, A4 A5 and D1 together with delivery of the associated access road and other associated works.’*

9.1.8 As part of the Outline submission, a Masterplan SP(90)11B and Parameters plan SP(90)14 were also submitted. This current application site was shown on the Masterplan as an area for the Local Centre with dedicated parking areas and a landscaping area to The Cawsey frontage. It was also shown on the Parameters Plan as Area C with the plan key specifying:

C Local Centre

Gross Area = 0.36 to 0.5 hectare (Subject to detail design)

Minimum Floor Level – 25.0 AOD

Maximum Ridge Height – 40.0 AOD

Maximum Floor Space – 1,400 sqm

9.1.9 On consideration of the outline application, the case officer’s committee report advises *“the applicant has submitted a Parameters Plan which fixes areas of the land for different uses. The Parameters Plan identifies 4 zones of development which are outlined below and includes: ... “Zone C: Local Centre, Gross Area 0.35-0.5 hectares, which is subject to detail design.”*

9.1.10 The report further went on to explain: *“The main areas and zones of the development site are made up of residential dwellings with the local centre situated near the main entrance of the site adjacent to what will be the Cross Borough Link Road.....
.....It is also considered that the local centre is appropriately located, close to the entrance of the development and highly accessible to both future occupants of the proposed development as well as existing and future occupants of neighbouring residential areas.*

Furthermore, the Cawsey is dominated by a residential frontage, and it is considered that locating the local centre adjacent to The Cawsey would provide an opportunity for greater variation in the street scene as well as helping future business to attract passing trade. If a similar layout is brought forward at a later stage as part of a reserved matters application, it will be important to ensure that active frontages are created both towards The Cawsey, to prevent the development appearing insular and to improve the street scene on this principle route....”

9.1.11 The outline application was therefore duly considered and approved in light of what was applied for, including the provision of a local centre. Although a Section 106 Agreement was entered into which secured a number of Developer Contributions for providing off-site playing pitches; the provision of allotments; the monitoring of any Travel Plan associated with the Development; the installation of bus-friendly speed cushions from Leyland Road to the A6; and facilitating improvements to the Carwood Road/A6 roundabout junction, it did not secure the provision of the Local Centre. However, it did reference the Local Centre, restricting its development until the Link Road had been completed, stating at paragraph 4.1.1: *‘No development of a local centre on the Site shall be Commenced until the Link Road has been completed and is open to traffic.’* It is worth noting that although the Link Road was completed some time ago but has only just opened to traffic due to the requirement for additional safety measures such as a Toucan crossing, part of a scheme to improve safety for pedestrians and cyclists.

9.1.12 The outline application was approved with a number of conditions being imposed. Condition 11 required a phasing schedule for the development to be submitted for approval. The schedule was to include details of the order in which each phase of the site was to be developed. The Phasing Schedule N1030/P/PHASE PHASING LAYOUT was submitted as part of discharge of conditions application 07/2016/1301/DIS and shows the site as the area for the retail/leisure use in Phase 6 of the development, the last phase.

9.1.13 The outline approval was following by Reserved Matters application 07/2015/0315/REM for the erection of 281 dwellings with associated infrastructure and landscaping which was approved on 13th August 2015. The approved plans annotated the site as *“Area allocated for future recreation and retails units.”* The plan also showed the potential access point for retail area. However, no details were provided for the Local Centre. These facts all demonstrate that there was always the intention was to provide a Local Centre on the application site.

9.1.14 In the submitted Planning Statement with this current application, the applicant advises that *‘Policy D1 is a housing allocation policy, and there is no requirement in the policy to secure the delivery of a local centre. The only reference to a local centre is in the outline planning permission. The period in which reserved matters must be submitted has expired and the unimplemented part of the outline permission can no longer be implemented. There is no policy requirement to deliver a local centre on the application site therefore and no extant planning permission that would enable its delivery to be considered as a material consideration relevant to the determination of this application (ie the local centre cannot be considered as a commitment). This application must therefore only be considered on its merits and against the provisions of Policy D1 of the Local Plan.’*

9.1.15 What the time limit condition states is that *‘An application for approval of reserved matters must be made no longer than the expiration of three years beginning with the date of this permission and the development must be commenced not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.’*

9.1.16 A reserved matters application was made in 2015 which has commenced and included the site within the red edge and it was annotated as *‘Area allocated for future recreation and retail units’*. The reserved matters submission was made within the specified

timeframe of 3 years for the residential development only and it is that element of the development which has been approved and commenced. No application was ever made for reserved matters approval for the local centre element with the result being that this element of the outline permission can no longer be implemented as per Town and Country Planning Act 1990 Section 93 (4) which states: *'In the case of planning permission (whether outline or other) which has conditions attached to it by or under section 91 or 92 — development carried out after the date by which the conditions require it to be carried out shall be treated as not authorised by the permission; and an application for approval of a reserved matter, if it is made after the date by which the conditions require it to be made, shall be treated as not made in accordance with the terms of the permission.'*

9.1.17 The developer's argument is that, given the above, there is no extant permission for a local centre with the consequence that the outline permission for such a centre is no longer material because it has lapsed.

9.1.18 Although there is scope for an argument whether a lapsed permission necessarily ceases to be material just because it has lapsed but there nevertheless is a clear distinction between a live permission and a lapsed permission and the latter, if material, cannot carry the weight of the former.

9.1.19 Regardless of the fact that the outline permission can no longer be implemented in respect of the Local Centre, it must be recognised that both the outline and reserved matters applications were duly considered in terms of the inclusion of a Local Centre. Whilst the provision of a Local Centre is not a policy requirement within Policy D1, the supporting text does make reference to a Local Centre – *'and local centre uses (A1, A2, A3, A4, A5).'* Therefore, there was the expectation that the Local Centre was required and would be delivered. This is seen as a necessary provision in terms of strong place making and building communities.

9.1.20 S38 (6) of the Planning and Compulsory Purchase Act (2004), requires this planning application is to be determined in accordance with the development plan, unless **material considerations** indicate otherwise.

9.1.21 Due consideration is therefore given to what, if any, material considerations there are which would give weight to the argument in favour of retaining the land for use as a Local Centre. In this respect Paragraph 124 of the NPPF provides guidance on design matters and makes clear that great weight should be given to *'The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'*.

9.1.22 Additionally, Paragraph 127 d) of the NPPF recognises the need to *'establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and material to create attractive, welcoming and distinctive places to live, work and visit;* and goes on to advise at 127 f) *'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standards of amenity for existing and future users...'*

9.1.23 There is a considerable recent residential development in the immediate area, accessed off The Cawsey with Saxon Place, Handshaw Drive, Claytongate Drive just to mention 3 of the 11 recent new residential streets off the southern part of The Cawsey. This amounts to approximately 300 plus residential dwellings. There is also considerable residential development off the Carr Wood Road side of The Cawsey, with approximately 10 residential streets accessed off Carr Wood Road. There are also a large number of residential properties along Leyland Road and the streets off it. All of these residential areas would have the benefit of the use of the Local Centre and have the opportunity to easily access it. The provision of the Local Centre would create an amenity for all those existing

residents together with the future residents of the wider site K. Additionally, new residents and purchasers of the dwellings on the wider Site K will have purchased properties in the knowledge that a local centre was proposed to serve the wider area.

9.1.24 The Tardy Gate District Centre is approximately 1.4kilometres (an 18 minute walk) from the site and the Capitol Centre is approximately 2.0 kilometres once The Cawsey is open. Whilst residents of the Site K development and other recent development have the opportunity to use the facilities the District Centre offers, they are likely to access this centre by car rather than foot. This in turn will have a knock on effect on the traffic congestion at the Brownedge Road/Leyland Road junction.

9.1.25 Of particular importance, is the impact on the highway network in the area. Highway movements would have been curtailed away from the Tardy Gate District Centre by the inclusion of a Local Centre and the proposal now to construct 12 dwellings instead of the intended Local Centre will result in the wider site K not being as sustainable without its inclusion.

9.1.26 Paragraph 8 of the NPPF advises that: *‘Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

an economic objective – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

a social objective – *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*

an environmental objective – *to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.’*

9.1.27 Whilst it is acknowledged that the allocated Housing site known as Site H Venon Carus and Land, Factory Lane, Penwortham, also known as the Penwortham Mills site proposes a convenience store on the opposite side of The Cawsey, just to the north-west of the application site, this is just a proposal at present, indicated on the Site Masterplan submitted as part of the site Scoping Opinion Request 07/2020/00380/SCO. It is not subject to any formal planning application or permission and therefore cannot carry weight as a material consideration as it may never be brought forward.

9.1.28 The applicant submitted a Retail report on 11th August 2020 in an attempt to demonstrate that there is no requirement for a Local Centre. The report concludes that the proposals for a Lidl represents a major hurdle for retail development on the application site *“as other food/convenience retailers will not be comfortable trading directly opposite a discount food retailer. The subsequent knock on effect is likely to impact the site significantly as without an anchor to the site it is unlikely that other occupiers will be willing to commit to the development thus rendering it unfeasible.”*

9.1.29 The report goes on to advise on other occupiers who may consider trading opposite a discount retailer, such as B&M Bargains but consider these will not fit the criteria of neighbourhood centre as they will require standalone units.

9.1.30 The report considers that, *“even if the Lidl proposed does not take place, the sites proximity to the established retail and leisure centres of Lostock Hall/ Tardy Gate and The*

Capitol Centre severely impact it's viability as a successful neighbourhood centre which will attract occupiers. The new link road will compromise this further with readily available access to the wider conurbation."

9.1.31 As the report recognises, there is no certainty that a Lidl will be provided on the Penwortham Mills site and whilst it is true that there is retail and service provision with the Tardy Gate centre and the Capitol Centre, trips to these centres would undoubtedly be by car due to the distance. Although the report has highlighted the oversupply of food and fast food retail in the locality, which could act as an anchor for any potential scheme, it does not consider the wide range of other service provision such as hairdressers, beauty salon, dentists, pharmacy, vets, sandwich shop/café, village store, etc all of which could well serve the local community.

9.1.32 The retail report was considered by consultants on behalf of the council. They provided a report which included a review of the existing retail provision in the area; accessibility to defined centres; a consideration of the submission and a summary and conclusions

9.1.33 The summary and conclusions found:

- *"Within the vicinity of the site, there does appear to be a relatively good range of retail and leisure facilities. These are considered to be commensurate to serve the day-to-day needs of the wider community. In particular, there are a number of convenience operators which meet the 'top-up' shopping functions of residents, both existing and proposed;*
- *The provision of commercial floorspace at the application site would be sustainable and ensure that local residents had amenities within an easy walking distance and reduce the need to travel to Kingsfold or Tardy Gate to meet their day-to-day needs. However, given the analysis above, we do not consider that this would be sufficient grounds to restrict additional residential development at the site, and that residents at the former Lostock Hall Gasholder site and surrounding area would still have sufficient choice with the existing defined centres in the area;*
- *The site's location within an acceptable walking distance to a district centre and a number of services must also be considered. These are located within an acceptable maximum walking distance from the site, and offer a considerable range of services and facilities that could meet the day-to-day needs of the local community; and*
- *We are of the view that, whilst the argument outlined by tfc is incorrect and does not reflect the reality of how many local centres operate, it is fair to question whether there is the market demand in this location for an additional local centre as the area is already well served and day-to-day needs can be met through existing provision accessible in the vicinity of the site.*

5.4 As such, whilst the provision of commercial floorspace would be sustainable and ensure that local residents had amenities within an easy walking distance and reduce the need to travel to Kingsfold or Tardy Gate to meet their day-to-day needs.

5.5 Overall, we do not consider that this alone would provide the Council with sufficient grounds to restrict additional residential development at the site, and that residents at the former Lostock Hall Gasholder site and surrounding area would still have sufficient choice with the existing defined centres in the area."

9.1.34 One other point to note is that the wider site K provided just 10% affordable housing due to issues of viability. A viability assessment submitted at outline stage, took into consideration the priority to deliver the Cross Borough Link Road, mitigation measures that were required to the Local Nature Reserve and other section 106 requirements and demonstrated that the scheme could deliver just 10% affordable housing on site. This viability assessment would have been based on this current application site being for a local

centre, not residential and therefore the outcome of the overall viability of the site would have been different had this site been for residential.

9.1.35 The provision of a Local Centre could have contributed positively to place making which would have represented good planning. However, given the view of Nexus on consideration of the submitted Retail Report, that although the provision of commercial floorspace would be sustainable they do not consider that this alone would provide the Council with sufficient grounds to refuse this application as residents of the former Lostock Hall Gasholder site and surrounding area would still have sufficient choice with the existing defined centres in the area.

9.1.36 Following the committee meeting on 21st September where concerns were raised regarding the proposed development and the Masterplan for the wider site. In order to clarify, the applicants have submitted the following details:

The masterplan for the former Gasworks site is part of outline planning application 07/2013/0008. It was not approved separately in advance like the masterplan for the Test Track and that required for Pickering's Farm, as these are Major Sites for Development where Policies C1 and C2 require masterplans to be formally adopted for development management purposes prior to the determination of subsequent planning applications.

Policy D1 is different to Policies C1 and C2. Policy D1 allocates housing land. It does not contain a requirement for masterplans to be adopted prior to the development of the housing land allocations and, as explained in our Planning Statement, there is no stipulated requirement in Policy D1 for the gasworks (Site K) to deliver a local centre or any non-housing uses. The only stipulation is that the cross borough link road connection must be delivered as part of the development, together with affordable housing and open space. The only reference to a local centre is in connection with outline planning application 07/2013/0008.

As outline planning permission 07/2013/0008 has expired, the masterplan which formed part of the application has no residual weight as a binding development management tool or even a significant material consideration in the determination of the current planning application. It is not in force as a masterplan adopted for development management purposes (unlike the Test Track masterplan and the Pickering's Farm masterplan will be) and it expired with the outline permission. Members have not understood this point and it has not been clearly explained to them. Conflict with the expired masterplan cannot therefore be used as a reason for refusal in this case and, because of this, there is no need to justify conflict with / departure from the masterplan by submitting evidence of unsuccessful marketing. There is no policy requirement to market the site for commercial / local centre uses and no marketing has been undertaken.

The application must be treated on its own merits. The only consideration that can be taken into account as a consequence of the application being from housing development rather than local centre development, is whether the absence of a local centre from the new community at the former gasworks could be a reason for refusal if there was evidence of consequent harm. This is not the case however as the Council's own evidence commissioned from Nexus Planning on its behalf, confirms that there is adequate retail provision within the local area which is within the maximum distances to be considered accessible on foot. On this basis Nexus clearly and properly advises that the lack of a local centre alone is not sufficient grounds to warrant and justify refusal of planning permission for the proposed housing development."

9.2 Access, Parking and Highway Matters

9.2.1 The site is accessed off Lyme Road which runs parallel to The Cawsey. Plots 11 and 12 are accessed directly from Firs Drive which runs off The Cawsey to Lyme Road. Plots 1,

2, 3, 8, 9 and 10 have direct access off Lyme Road and Plots 4, 5, 6 and 7 have access off Lyme Road via a shared private drive.

9.2.2 County Highways raised no objections to the proposal and consider that the proposal should have a negligible impact on highway safety and capacity within the immediate vicinity of the site. They confirm that the proposed layout and access arrangements as shown in the amended drawing N284/P/PL02 Rev D are acceptable. However, they advise that the internal road serving plots 4, 5, 6 and 7 is not to an adoptable standard and would therefore need to remain private.

9.2.3 County Highways provided clarification on this following the committee meeting of 21st September 2020, advising that they would not normally adopt a road serving less than 5 dwellings, albeit this application is for 12 dwellings. To make the road adoptable, a service verge would need to be provided along all sides and a radius junction would need to be provided with Lyme Road, stating:

“A 2m wide service verge is required for locating statutory undertakes equipment, protecting the sight lines from drives and must be provided where buildings front the road and any drives serving properties. Where properties and drives do not front the carriageway the service verge width can be reduced to 0.5m providing there is no street lighting. If street lighting is required on the narrow footpath or service verge the width is to be increased to 800mm.”

9.2.4 The applicant was advised of the issues raised by planning committee and also County Highways comments and responded as follows:

“The proposed development for is served from the existing development built under application 07/2015/0315/REM. Plots 11 and 12 have direct access from Firs Drive; Plots 1 - 3 and 8 - 10 have direct access off Lyme Road and Plots 4 - 7 have access off Lyme Road via a shared private drive. Both Firs Drive and Lyme Road have been constructed to adoptable standards and will be adopted in the future. They will continue to be maintained by Morris Homes in the meantime.

The access which will serve Plots 4 - 7 has been designed as a shared private drive which will be constructed in accordance with Building Regulation and the LABC Building warranty standards. It will accommodate infrequent commercial vehicles and householder access for Plots 4 - 7 and will be put into an estate management company for future maintenance. This type of driveway is commonly used to access groups of less than five dwellings and there are examples elsewhere in the Borough.”

9.2.5 Policy G17 in the South Ribble Local Plan at criteria c) that any new roads and/or pavements provided as part of the development should be to an adoptable standard. However, given that the use of private shared driveways is commonplace in new developments and the fact that County Highways have no objections, it would be difficult to warrant a refusal of planning permission based on this.

9.3 Residential Amenity

9.3.1 Properties on the opposite side of The Cawsey on Pinewood Road are partially obscured by mature landscaping. The access road to the proposed properties together with The Cawsey separate the development from these existing properties. The closest is approximately 32m from the proposal and therefore will not be unduly affected by the proposal in terms of residential amenity.

9.3.2 A number of dwellings have been completed on the wider site and are now occupied. Properties on the opposite side of Lyme Road are located between 21m and 24m from the proposed dwelling and therefore the normally required spatial separation is achieved.

9.3.3 The site layout has been amended since originally submitted. The original scheme was for 13 dwellings and it was considered that the relationship between Plot 5 of the proposed development and occupied plots 146 and 147 of the wider development was unacceptable in terms of spatial separation distances and outlook.

9.3.4 The amended scheme now has one detached dwelling with attached double garage to the rear of 146 and 147 at a distance of 15m to the side elevation of the dwelling and 10m to the single storey garage. This now meets the normally required spatial separation distances between the rear facing windows of the existing occupied plots and the side elevation of the proposed dwelling. This is to be an Oxford housetype with no first floor windows in the side elevation facing.

9.3.5 The neighbouring residents have objected to the proposal, commenting that they bought their plots in the knowledge that no property would back onto it as they had been informed by Morris Homes that there would be no dwellings built in that land and therefore consider they have been miss-sold the properties. However, this is not a planning issue but something the residents would need to take up with Morris Homes. What was initially a concern with the originally submitted layout was that, due to the below standard separation distance between the rear facing windows of existing and occupied properties and the side elevation of Plot 5, the scheme would result in a poor outlook for the occupants of plot 146 and particularly 147. However, the amended scheme with the removal of a pair of semi-detached properties replaced by a detached dwelling with attached single storey garage, the scheme is now considered acceptable in terms of residential amenity.

9.4 Character and Appearance

9.4.1 The proposed dwellings are housetypes that have been used on the wider site. The proposed dwellings are red brick with stone cills and brick headers with tiled roofs and fit in with the dwellings opposite and adjacent.

9.4.2 Other existing properties on Pinewood Road on the opposite side of The Cawsey are of a modern style and design build in red brick with tiled roof. Other properties in the wider area are all relatively recent and also of modern style and design. Therefore, it is considered the proposal will have no undue impact on the character and appearance of the area.

9.5 Affordable Housing

9.5.1 Paragraph 6.8 of the submitted Planning Statement recognises that Policy 7 of the Core Strategy sets out that the Central Lancashire authorities aim to achieve a target from market housing schemes of 30% in the main urban areas and confirms that the applicant intends to provide a policy compliant scheme for affordable housing.

9.5.2 However, at criteria b), Policy 7 also advised that: *“Aside from rural exception sites the minimum site size threshold will be 15 dwellings (0.5 hectares or part thereof) but a lower threshold of 5 dwellings (0.15 hectares or part thereof) is required in rural areas.”*

9.5.3 As this site 0.50 ha is size and is within the urban area and proposes 12 dwellings, there is no policy requirement to provide affordable dwellings.

9.5.4 The Strategic Housing Officer confirmed that the applicant is clear in their Planning Statement that they intend to provide policy compliant affordable housing provision and is considering providing this off-site on the wider development of Site K. The Strategic Housing Officer advised that discussions to secure the affordable housing provision would be welcomed and further comments could be provided once the affordable housing position is clear.

9.5.5 The Planning Statement has caused some confusion by stating that the intention is to provide affordable housing on the wider site. The applicant has now confirmed no affordable housing will be provided. Whilst this is contrary to the submitted Planning Statement, it must

be recognised that there is no policy requirement to provide affordable housing for a development of 12 dwellings.

9.6 Landscaping and Public Open Space

9.6.1 A Landscaping plan has been submitted with the application which demonstrates structural planting in the form of trees, small ornamental trees and hedging together with ornamental planting in the form of general shrub beds, specimen plant, climbing plants, lawns and gravel areas.

9.6.2 The submitted Design and Access Statement also advises, as paragraph 5.7 that: *"The hard and soft landscaping is an important element of the proposals – particularly in helping to create a sense of place and emphasise the character areas.....Particular emphasis is placed on the use of native plants and trees so as to help create ecological enhancements and eventually a development that sits comfortably into its surroundings. An extensive tree survey has been produced and the findings have been incorporated into the Development Layout, with good quality trees being accommodated within the scheme and retained where possible. Trees that will have to be removed to accommodate the development will be replaced and a detailed Landscape Plan indicates the proposed replacement tree types and positions"*

9.6.3 Local Plan Policy G10 requires that all new residential development resulting in a net gain of five dwellings or more will be required to provide sufficient Green Infrastructure to meet the recreational needs of the development. Off-site provision will be at the Council's discretion delivered by developer contributions.

9.6.4 No public open space is proposed within this site and the policy requirement is 0.038ha of amenity green space with a commuted sum of £15,360 required for its maintenance unless a private maintenance agreement is in place.

9.6.5 As the development is within 1000m of Central Park, a contribution of £507 per dwelling is required, amounting to £6,084.

9.6.6 Additionally, Policy G11 requires a contribution of £1,507 per dwelling towards playing pitches. This would amount to a sum of £18,084. This would be subject to the identification of a specific project and Parks will therefore be requested to provide details of any projects in the vicinity of the site.

9.6.7 In order to secure the Open Space commuted sums, a Section 106 Agreement would need to be entered into should planning permission be granted.

9.7 Ecology

9.7.1 The application is supported by A Preliminary Ecological Appraisal (PEA) including a desk study and site walkover survey were undertaken on 17th January 2020, including searches using the Multi Agency Geographic Information Centre (MAGIC).

9.7.2 The PEA provides an assessment of potential ecological impacts associated with the development of the land parcel. The development proposals include the construction of 12 residential dwellings which will form part of the larger residential development that surrounds the site and is already under construction (planning reference 07/2015/0315/REM).

9.7.3 The purpose of the survey was to identify, record and map dominant habitats types within the development area and highlight any further species surveys that may be required based on the quality of those habitats and the focus was concentrated on Amphibians; Reptiles; Badger; Bats; Hazel dormouse; Hedgerows; Plant communities; Invasive species; Otter; and Water Vole.

9.7.4 The Appraisal concluded that the proposed development will not result in a detrimental impact upon any designated sites of protected species. No priority habitats are present on site and no habitats of conservation value will be impacted by the development.

9.7.5 A Landscape Structure Plan has also been submitted which indicates a planting scheme to the boundaries of the site in the form of trees fronting onto The Cawsey and trees to the front garden areas of properties fronting Lyme Road.

9.7.6 GMEU advise that the site has only very low ecological value and did not comprise part of the ecological mitigation for the wider site. GMEU also comments on Great Crested Newts and Contributing to and Enhancing the Natural Environment, as follows:

9.7.7 Great Crested Newts - The only protected species issue previously was great crested newts owing to historic records on the site. No individual great crested newts were however found on the site at outline or reserved matters stage. These surveys are now out of date, but a re-assessment of the pond to the west in 2020 concluded no change in circumstances and no likelihood of great crested newts being present. The site is also considered hostile to great crested newts. GMEU accept that a re-assessment is adequate given the long history of surveys and negative results for this pond and the hostile nature of the site. Therefore, no further information or measures are required.

9.7.8 Contributing to and Enhancing the Natural Environment - Section 170 of the NPPF 2019 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The area proposed for development consists of amenity grassland and recently planted trees. The site was not included within the ecological mitigation for the wider site. Therefore, GMEU would expect replacement trees within the garden landscape and require a condition be imposed to secure the details.

9.8 Energy Efficiency

9.8.1 An Energy Statement has been submitted with this application which sets out the measures planned by the developer to achieve CO₂ reductions, in line with policy requirements. The Energy Statement sets out how design measures will be incorporated as part of the Development, aligning with the principles of the energy hierarchy i) Fabric first to reduce energy demand and ii) the use of Low-carbon and renewable energy technologies

9.8.2 The document concludes that by incorporating a combination of demand-reduction measures and energy-efficiency measures, the developer will reduce CO₂ emissions by 1.61% over the Baseline. The proposed strategy is in line with the approved strategy for the earlier development at Lostock Hall Gasworks. The total savings of CO₂ is 412 kg per annum representing a 1.61% reduction.

9.9 Education

9.9.1 LCC Area Education Office draw the Council's attention to impacts associated with the development and the requirement for any propose mitigation of these impacts through a developer contribution which would be used in order to provide education places within a reasonable distance of the development for the children expected to live on the development.

9.9.2 They advise that, if an education contribution assessment identified the need for a contribution to be provided, they would, in effect, object to the application, advising that a developer contribution, including indexation would, in most cases, overcome the objection.

9.9.3 However, LCC Area Education Office confirm that an education contribution is not required at this stage, based on the latest information available at the time of their response.

9.10 Community Infrastructure Levy

9.10.1 As the development proposes 12 new dwelling, it will be subject to a CIL charge amount to £162,788.74 to be used for infrastructure projects.

10. Conclusion

10.1 The application site was indicated for the provision of a Local Centre on the Masterplan for Site K and also on the approved plans for both the outline and reserved matters applications. Both applications were duly considered in the knowledge that the proposals included the provision of a local centre. However, there is no policy requirement for the provision of a Local Centre and it has been established that the Masterplan was not a stand-alone document but was part of the outline application submission. Additionally, the outline permission has now expired and therefore this application for 12 dwellings must be treated on its own merits.

10.2 The proposal for 12 dwellings on the site has been supported by a Retail Report which has been duly considered by consultants on behalf of the Council. They consider that the provision of commercial floorspace on this site would be sustainable and ensure that local residents had amenities within an easy walking distance and reduce the need to travel to Kingsfold or Tardy Gate to meet their day-to-day needs. However, overall, they do not consider that this alone would provide the Council with sufficient grounds to restrict additional residential development at the site, and that residents at the former Lostock Hall Gasholder site and surrounding area would still have sufficient choice with the existing defined centres in the area.

10.3 In terms of highway matters, although the road serving plots 4, 5, 6 and 7 is not to an adoptable standing and therefore contrary to Policy G17 criteria c), it must be recognised that County Highways have no objections and advise that they would not normally adopt a road serving 5 or less dwellings.

10.3 Therefore, on balance, it is considered that the proposal for 12 dwellings should be approved and a Section 106 Agreement entered into to ensure off-site public open space is provided.

RECOMMENDATION:

That members be minded to approve the application with the decision being delegated to the Director of Planning and Property and the Chairman of Planning Committee upon the successful completion of a Section 106 Agreement to secure off-site contributions to Public Open Space

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 N284/P/PL02 Rev D Planning Layout; N284/P/HTELY/01 Ely Elevations; N284/P/HTELY/02 Ely Floor Plans; N284/P/HTRUF/01 Rufford Elevations; N284/P/HTRUF/02 Rufford Floor Plans; N284/P/HTAPP/01 Appleton Elevations; N284/P/HTAPP/02 Appleton Floor Plans; N284/P/HTBRO/01 Broxton Elevations; N284/P/HTBRO/02 Broxton Floor Plans; N284/P/HTMOR/01 Moreton Elevations; N284/P/HTMOR/02 Moreton Floor Plans; N284/P/HTWAR/01 Warwick Elevations; N284/P/HTWAR/02 Warwick Floor Plans; N284/P/HTSUFF/01 Suffolk Elevations; N284/P/HTSUFF/02 Suffolk Floor Plans; N284/P/HTOXF/01 Oxford Elevations; N284/P/HTOXF/02 Oxford Floor Plans; N284/P/HTBLEN/01 Blenheim Elevations; N284/P/HTBLEN/02 Blenheim Floor Plans;

13/006 Rev A Single Detached Garage; N284/P/MP02 Rev ?? Materials Plan; M2489.24 Landscape Structure Plan

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

3. Prior to the commencement of development 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:-
- a) The parking of vehicles of site operatives and visitors;
 - b) Loading and unloading of plant and materials used in the construction of the development;
 - c) Vehicle wheel washing facilities;
 - d) Storage of such plant and materials;
 - e) 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)
 - f) Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties and obstruct the public highway.

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.

4. A wheel wash shall be installed and used at the entrance of the site by all vehicles leaving the site to prevent the transfer of debris onto the public highway, during site preparation and construction phases of the development. Prior to the commencement of any works on site details of the wheel wash and its location shall be submitted to the local planning authority for written approval.

REASON: In the interests of highway safety and other highway users in accordance with Policy 3 in the Central Lancashire Core Strategy and in the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy.

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

- Location,
- Type of wheel wash
- Water source
- Prevention and treatment of water run off
- Management of the use of the wheel wash
- If road sweepers are to be used - the company providing the road sweeper, response times, criteria to be followed for calling the road sweeper.

5. Prior to commencement of any works on site the location of the site compound and storage yard shall be agreed in writing with the local planning authority.

REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy

6. 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 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

7. 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

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

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

8. Prior to the commencement of any works on site a Dust Management Plan shall be submitted, for written approval, to the local planning authority. The Dust Management Plan shall identify all areas of the site and site operations where dust may be generated and further identify control measures to ensure dust and soil does not travel beyond the site boundary. The Dust Management Plan shall consist of a suitable risk assessment in line with national guidance.
Once agreed the identified control measures shall be implemented and maintained throughout the duration of the site preparation and construction phase of the development.
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy
9. No external flooding lighting or security lights shall be installed at the permitted development without first obtaining written permission from the local planning authority.
REASON: In the interests of the amenity and to safe guard the living conditions of the nearby residents in accordance with Policy 17 in the Central Lancashire Core Strategy
10. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
(iii) A timetable for its implementation.
The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.
The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.
REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policy 29 in the Central Lancashire Core Strategy.
11. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
a. Arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a resident's management company; and
b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

REASON: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, in accordance with Policy 29 in the Central Lancashire Core Strategy

12. Foul and surface water shall be drained on separate systems.
REASON: To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy 29 in the Central Lancashire Core Strategy.
13. Electric vehicle recharge points shall be provided to every property, prior to first occupation. This shall consist of as a minimum a 7Kwh electrical socket located externally (or in the garage if available) in such a position that a 3 metre cable will reach the designated car parking spaces. A switch shall be provided internally to allow the power to be turned off by the residents.
REASON: To enable and encourage the use of alternative fuel use for transport purposes in accordance with Policy 3 of the Central Lancashire Core Strategy.
14. The Approved Landscape Structure Plan M2489.24 shall be implemented in the first planting season following completion of the development or first occupation/use, whichever is the soonest, and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority, in compliance with BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations. This maintenance shall include the watering, weeding, mulching and adjustment and removal of stakes and support systems, and shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies by the same species. The replacement tree or shrub must be of similar size to that originally planted.
REASON: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy, Policy G13 and Policy G17 in the South Ribble Local Plan 2012-2026

RELEVANT POLICY

National Planning Policy Framework

Central Lancashire Core Strategy

Policy 1 Locating Growth

Policy 9 Economic Growth and Employment

Policy 17 Design of New Buildings

South Ribble Local Plan

D1 Allocations of housing land

E5 Local Centres

F1 Car Parking

G14 Unstable or Contaminated Land

G15 Derelict Land Reclamation

G16 Biodiversity and Nature Conservation

G17 Design Criteria for New Development

Informative Note:

1. It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.