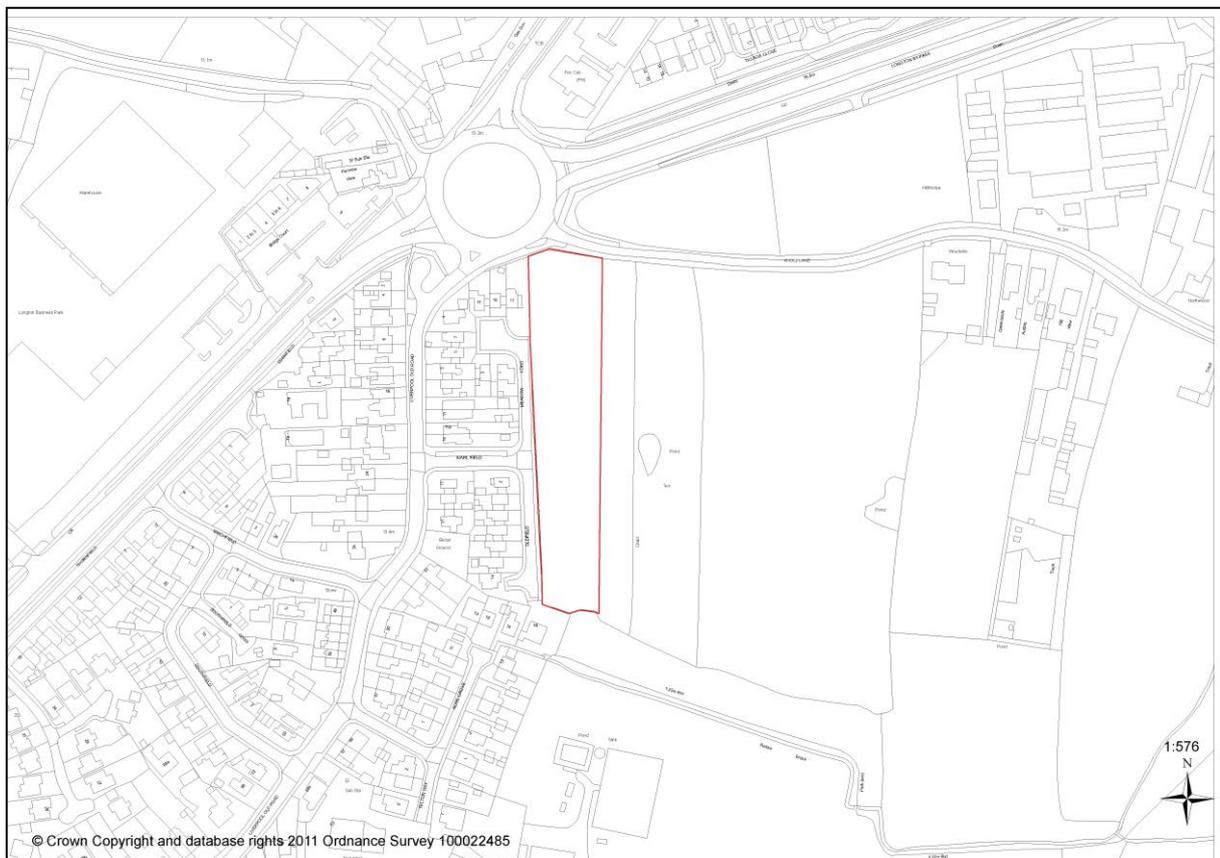


Application Number	07/2020/00682/VAR
Address	Land at Oldfield and Long Meadow Oldfield Much Hoole
Applicant	Applethwaite Ltd
Agent	Mr David Devine
Development	Variation of condition 2 (Approved plans) pursuant to planning permission 07/2020/00277/FUL for erection of 14 no: bungalow for over 55 age group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



1. Report Summary

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

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

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

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

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

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

Application Site and Surrounding Area

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

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

2. Site Context / Planning History

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

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

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

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

3. Proposal

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

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

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

4. Representations

4.1. Summary of Publicity

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

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

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

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

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

5. **Summary of Responses**

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

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

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

6. **Material Considerations**

6.1. Site Allocation Policy

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

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

8.2.1. National Planning Policy Framework (2019)

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

8.2.2. Central Lancashire Core Strategy

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

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

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

8.2.3. South Ribble Local Plan

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

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

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

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

6.1.3. Highways

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

7. Conclusion

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

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

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

RECOMMENDATION:

Approval.

RELEVANT POLICY

NPPF National Planning Policy Framework

Central Lancashire Core Strategy

MP Sustainable development

17 Design of New Buildings

22 Biodiversity & Geodiversity

South Ribble Local Plan

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

RECOMMENDATION:

Approval with Conditions.

RECOMMENDED CONDITIONS:

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

2. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans Dwg 6230.02 and 03 (TBA Landscape)
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development

3. A ground survey remediation statement, detailing the recommendations and remedial measures to be implemented within the site.
On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a verification report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.

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

REASON: To confirm before work commences on site that proposed development will not cause pollution of ground and surface waters both on and off site, in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G14 in the South Ribble Local Plan 2012-2026

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

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

5. Prior to first occupation of each dwelling hereby approved, waste storage facilities to the rear of that dwelling shall be provided in line with approved drawing 1968-P02 (Woodcroft). The approved facility shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

REASON: To safeguard the character and visual appearance of the area and to safeguard the living conditions of any nearby residents particularly with regard to

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

6. Construction traffic shall access into the site only from Knoll Lane prior to, during and post construction and not at any time from Oldfield or Long Meadow.
REASON: In the interests of highway safety and other highway users in accordance with Policy G17 in the South Ribble Local Plan 2012-2026
7. That any tree or hedgerow felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall not take place during the nesting season, (between March and August inclusive), unless the absence of nesting birds has been confirmed by further surveys or inspections and written approval has been given from the Local Planning Authority.
REASON: To protect habitats of wildlife in accordance with Policy 22 of the Central Lancashire Core Strategy.
8. The approved landscaping scheme identified on approved plans 6230.02 and 03 (TBA Landscape) shall be implemented in the first planting season following completion of the development or first occupation/use, whichever is the soonest, and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority, in compliance with BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations. This maintenance shall include the watering, weeding, mulching and adjustment and removal of stakes and support systems, and shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies by the same species. The replacement tree or shrub must be of similar size to that originally planted.
REASON: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy, Policy G13 and Policy G17 in the South Ribble Local Plan 2012-2026

RELEVANT POLICY

NPPF National Planning Policy Framework

Central Lancashire Core Strategy

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

South Ribble Local Plan

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