

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

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

**Applicant** Mr Iain Fowler

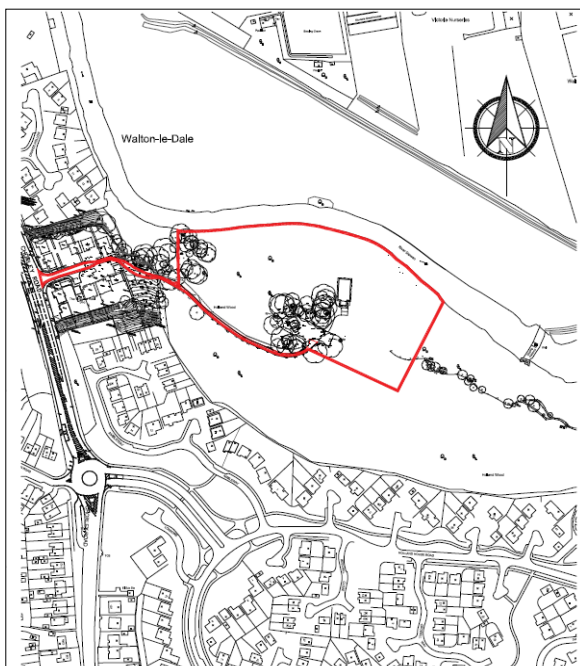
**Development** Erection of a bungalow and detached double garage

**Officer Recommendation** That Members are minded to approve the application, subject to the imposition of conditions and that the decision be delegated to the Director of Planning and Property in consultation with the Chair and Vice Chair of the Planning Committee upon the successful completion of a Unilateral Undertaking to rescind the extant planning permission Ref: 4/3/3915 and the Lawful Development Certificate Ref: 07/2012/0672/CLU and the Environment Agency's holding objection addressed.

**Officer Name**

**Mrs Linda Ashcroft**

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



## 1 **Introduction**

- 1.1 This application is being brought before the Planning Committee at the request of a Ward Councillor.

## 2. **Report Summary**

- 2.1 The application is in full and relates to the erection of a bungalow and a detached double garage to be accessed via an existing road leading from The Vineyard at Walton-le Dale. The dwelling would be located within Holland Wood, an Ancient Woodland, which is located in an area of Green Belt.
- 2.3 There is an extant permission on the site for a dwelling approved in 1971 by the Preston Rural District Council which has been confirmed by a Lawful Development Certificate granted under reference 07/2012/0672/CLU; this Certificate confirmed the commencement of development under planning permission 4/3/3915 for the erection of a dwelling. The proposed application seeks to surrender the extant permission and provide for a revised location and a different design of dwelling. In assessing this application, a 'Fallback Position' (a lawful ability to undertake the approved development) has been assessed and on balance the proposed application is acceptable.
- 2.4 A total of nine letters of objection from interested parties have been received and two letters raising no objection/ support of the application. No objections have been received from statutory consultees.
- 2.5 The proposal has been assessed against current planning policies, including the National Planning Policy Framework and the development plan policies and is on balance acceptable. The proposal has therefore been recommended for Approval subject to the signing of a unilateral undertaking (UU) to rescind the previously approved application under planning permission 4/3/3915 and the lawful development certificate reference 07/2012/0672/CLU. Conditions controlling commencement, drainage, ecology, materials, contamination are recommended.

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

- 3.1 The application relates to land within Holland Wood, which is a wooded area to the edge of Walton le Dale.
- 3.2 In terms of its location, the River Darwen extends across the northern edge of Holland Wood and the built-up area of Walton le Dale is to the west and south. Holland Wood continues to extend eastwards beyond the application site and towards the M6 motorway.
- 3.3 The site is situated within an area of Green Belt, Biological Heritage Site, Green Infrastructure and Wildlife Corridors which are defined in the Local Plan. Holland Wood is one of a small number of woodlands within the Borough categorised as an ancient/semi-ancient woodland and is subject to Tre Preservation Order -TPO 1990/11.

## 4. **Site History**

- 4.1 Outline planning permission was granted by Preston Rural District Council in November 1990 (Ref 4/3/3915) for a bungalow and garage. A subsequent Reserved Matters application was approved in March 1971 (Ref 4/3/3915/1.9142).

- 4.2 An application for a Lawful Development Certificate was granted under reference 07/2012/0672/CLU confirming commencement of development under planning permission 4/3/3915 for the erection of a dwelling.
- 4.3 07/2015/1676/NMA – An application was approved for a non-material amendment to alter the external finish in that the walls would be white render and larch or cedar cladding with a grey, standing seam, metal roof.

## 5. **Proposal**

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

## 6. **Representations**

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

### 6.2 **Letters of Representation**

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

- 6.3 Reasons for objection are:

#### 6.3.1 **Highway Safety Issues**

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

#### 6.3.2 **Nature/Conservation**

- Storms and flooding in early 2020 have caused land slippage and uprooted trees; no required action has been undertaken;
- Holland Wood is an ancient woodland and notified as a Local Wildlife Site;
- Holland Wood is a natural habitat including deer, foxes, badgers, bats, birds, hedgehogs;
- Development would destroy the natural habitat for the wildlife;

- If utilities required, this would present further massive disruption and devastation in the Wood;
- Impact on walks, green space, the floodplain;
- Noticed many trees in the area have been felled;
- Development will affect species in the woodland in the long term due to noise, lighting in and around the house;
- Holland Wood forms an important riparian woodland corridor with Mosney Wood and Foundry Wood on the river Darwen;
- Aware there is an historic planning permission; there is now the opportunity to make up for past mistakes and protect and enhance this important site;

### 6.3.3 Other Issues

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

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

## 6.4 Letters in Support

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

## 7. Summary of Responses

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

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

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

7.4 **United Utilities** recommend that the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The submission of this will be secured by condition.

7.5 **Environment Agency** -Initially, objected to the proposal advising that the Flood Risk Assessment (FRA) should demonstrate that the development will be safe for its lifetime without increasing risk elsewhere and where possible reduces flood risk overall. A revised FRA has been received but the EA is still maintaining its holding objection.

- 7.6 **Environmental Health** have raised no objection but have requested a number of conditions to be imposed relating to burning of waste/vegetation on site; hours of construction; wheel wash facilities; piling; contaminated land; electric vehicle recharge point and installation of solid fuel appliances.
- 7.7 The **Arboriculturist** has raised no objection to the proposal but has requested conditions to protect the trees and appropriate replanting for any tree removal.
- 7.8 **The Wildlife Trust (Central & Western Lancashire)** object to the proposal due to its direct impact on a Local Wildlife Site, Holland Wood Biological Heritage Site. But do recommend a number of conditions.

## 8. **Material Considerations**

### 8.1 **Policy Considerations**

- 8.2 The **National Planning Policy Framework (NPPF)** promotes a presumption in favour of sustainable development and supports sustainable economic development to deliver, amongst other things, homes.
- 8.2.1 Regarding development in the Green Belt, paragraphs 143-145 states *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*
- 8.2.2 *When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*
- 8.2.3 *A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*
- *buildings for agriculture and forestry;*
  - *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
  - *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
  - *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
  - *limited infilling in villages;*
  - *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
  - *limited infilling or the partial or complete redevelopment of previously developed*
  - *Land, whether redundant or in continuing use (excluding temporary buildings), which would:*
    - *not have a greater impact on the openness of the Green Belt than the existing development; or*
    - *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”*

**8.2.4 Paragraph 175 of the NPPF Habitats and biodiversity** states that when determining planning applications, local planning authorities should apply principles listed in sub-paragraphs a) to d); sub-paragraph c) states “*development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.*”

### **8.3 Core Strategy Policy Considerations**

8.3.1 Policy 1 (Locating Growth) of the Core Strategy encourages the focussing of growth and investment in the Key Service Centres of Chorley and Leyland and the other main urban areas in South Ribble.

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

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

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

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

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

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

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

### **8.4 South Ribble Local Plan**

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

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

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

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

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

8.4.5 Policy G16 (Biodiversity and Nature Conservation). When considering applications for planning permission regard will be had to protecting, conserving and enhancing

the borough's ecological network and providing links to the network from and/or through a proposed development site.

- 8.4.6 Policy G17 (Design Criteria for New Development) permits development which does not have a detrimental impact on the existing building, neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity, or use of materials. Furthermore, the development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect.

## 9. **Other Material Considerations**

### 9.1 **Principle of Development**

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

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

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

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

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

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

9.1.5 The dwelling approved under reference Ref 4/3/3915/1.9142 was set some 21m east of that now proposed and had a total floor area of 484 sq m. The dwelling now proposed is significantly less in terms of floor area at some 179.5 sq m but with a detached garage of some 79.8 sq m (totalling 259.3 sq m). The detached garage will be sited some 25m south west of the proposed bungalow and as such will be closer to an existing tarmac road and hardstanding. The proposed dwelling would be set some 37m from the River Darwen, rather than the previously approved some 11m away.

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

## 9.2 **Impact on the Openness of the Green Belt**

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

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

## 9.3 **Very Special Circumstances**

9.3.1 When considering any planning application, substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

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

## 9.4 **Highway Issues**

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

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



9.4.3 Concerns have been raised in respect of highway safety and future maintenance within The Vineyard, which is a private road and therefore an unadopted highway. Any maintenance would be a matter for the owner of the site. LCC Highways have raised no objection to the proposal and therefore it is considered that the proposal meets with the aims of Policy F1 in the South Ribble Local Plan.

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

9.5.1 The bungalow is of single storey construction with a mono-pitched roof measuring a minimum eaves height of 2.9m and a maximum of 4.3m.

9.5.2 The external walls will be finished in a mix of white coloured render and larch/cedar timber cladding with a grey standing seam metal roof. Windows will be black pvc and doors consisting of black wood/pvc. The dwelling would be raised from the existing ground level by 1.4m to address potential flooding and ground conditions and a condition to control the details of the raised ground levels is required.

9.5.3 Given the landscape designations, and as the site is in the Green Belt concern was raised about the size of the domestic curtilage which would enable amongst other things, outbuildings to be constructed under permitted developed. A revised plan has been received which addresses this aspect by reducing the size of the residential curtilage and thereby providing greater environmental protection to the surrounding area.

9.5.4 It is considered that due to the scale, siting and appearance of the proposal, this will not unduly detract from the character and appearance of the woodland setting and is acceptable.

#### 9.6 **Relationship to Neighbours**

9.6.1 A number of concerns have been raised by residents of The Vineyard in respect of use and maintenance of the privately-owned highway. However, these concerns are a private matter and therefore not material to the consideration of this application.

9.6.2 The proposed dwelling will be set at a substantially lower level some 98m from the nearest dwelling set within The Vineyard and will therefore not have a detrimental impact upon the residential amenity of occupiers of these properties.

#### 9.7. **Ecology.**

9.7.1 The site is subject to a number of environmental designations as set out in paragraph 3.3 of the report. Natural England have raised no objection commenting that they consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. An Ecological Survey and Assessment has been submitted and reviewed by the Council's Ecology Consultants who have commented as follows:

9.7.1 **Protected Sites and Habitats – Ancient Woodland and Biological Heritage Site (BHS).** The habitat within the red line boundary of the proposed development site does not have the characteristics of ancient or semi natural woodland habitat, and the predominant habitat is species poor neutral grassland, which is regularly mown/stripped with scattered semi-mature and mature trees. An existing access track to the site and an area of hardstanding are present within the site in the location of the proposed garage. The Arboricultural Impact Assessment has identified that the proposed tree removal is largely in response to the presence of ash die back or the presence of other defects with the trees, rather than to facilitate the development.

The River Corridor consists of a woodland belt between the river and the proposed development site, which is more characteristic of semi-natural woodland habitat.

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

trees if there is excavation within the root protection areas of retained trees on site and service routes should therefore avoid these areas.

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

## 9.9 **Water Management**

- 9.9.1 The site is located within Flood Zone 3 and as such has a high probability of flooding. The application is for a bungalow and detached garage which are classed as a 'more vulnerable' development. The Environment Agency initially objected to the proposal as the Flood Risk Assessment (FRA) failed to provide suitable mitigation measures in light of the associated risk nor did it consider the effects of climate change. In order to overcome their objection, the FRA must satisfactorily demonstrate that the development will be safe for its lifetime without increasing risk elsewhere and where possible reduce flood risk overall.
- 9.9.2 The Environment Agency acknowledge that there is an extant permission for a bungalow on the site, however there have been significant changes to the way flood risk is managed, through better knowledge about flood mechanisms and climate change. The applicant has worked with the EA and although a further FRA has been submitted the EA has advised that "is very encouraging to see that the new design is the preferred option and that there is a means of providing compensatory storage on the site for the flood extents displaced by the building. As indicated though, we would want to see an outline of how the scheme would work in terms of the levels of compensation provided and how it would fill and empty during and after a flood. I am sure that given time, the flood risk consultant at Betts will be able to provide that detail." Whilst progress has been made towards a workable solution until the above can be addressed the EA is maintaining its holding objection. As the EA has indicated that the matter can be resolved, delegated authority is requested for this aspect whilst the technical details are agreed.

## 9.10 **Drainage**

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

## 9.11 **Other Matters**

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

appropriate fencing for a wood land setting, which defines the residential curtilage of the proposed site.

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

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

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

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

## 11. **CONCLUSION**

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

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

## **RECOMMENDATION:**

That Members are minded to approve the application subject to the imposition of conditions and that the decision be delegated to the Director of Development and Planning in consultation with the Chair and Vice Chair of the Planning Committee upon the successful completion of a Unilateral Undertaking to rescind the extant planning permission Ref: 4/3/3915 and the Lawful Development Certificate Ref: 07/2012/0672/CLU and the Environment Agency's holding objection is addressed.

## **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 No. 0001 Rev J (Site/Location Plan), 0001 Ref A, 0002 Rev C, G-01 Rev A and the Drawing entitled "Boundary of Residential Curtilage".  
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development  
  
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
3. Prior to commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Policy Framework with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.  
The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewer system either directly or indirectly.  
The development shall be completed, maintained and managed in accordance with the approved details.  
REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policy 29 in the Central Lancashire Core Strategy
4. Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul water shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that buildings, in accordance with the approved details.  
REASON: For the avoidance of doubt and to protect the living conditions of future occupants of the site in accordance with Policy 29 in the Central Lancashire Core Strategy
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no development of the type described in Class (A to E) Part (1) of Schedule 2 of that Order shall be undertaken without the express permission of the Local Planning Authority  
REASON: To enable the Local Planning Authority to retain control over future development in the interest of residential amenity and the character and appearance of the area in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026
6. Prior to the commencement of any works on site, details of all piling activities shall be submitted to the local planning authority together with all mitigation measures to be taken. Piling activities shall be limited to 09:30-17:00 Monday to Friday with no activity Saturday, Sunday or nationally recognised Bank Holidays.  
Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy and the NPPF.  
Note to Applicant: Mitigation measures may include and are not limited to:  
I. The use of low impact piling, auger piling

II. Boundary vibration and noise monitoring

III. Informing neighbouring properties on the times and duration of piling activities.

7. Prior to the commencement of any works on site, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:
- (a) A full desk study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on and off-site contamination and ground gases, in line with BS10175:2011 +A1:2013.
  - (b) If the desk study identifies potential contamination and/or ground gases, a detailed site investigation shall be carried out to address the nature, degree and distribution of contamination and/or ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part 2A, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied buildings, on services and landscaping schemes, and on wider environmental receptors including ecological systems and property. The sampling and analytical strategy shall be submitted to and be approved in writing by the LPA prior to the start of the site investigation survey.
  - (c) A remediation statement, detailing the recommendations and remedial measures to be implemented within the site.
  - (d) On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a verification report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.
- Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings.
- REASON: To ensure that:
- the site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site, and
  - the site cannot be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990, in accordance with:
    - Policy 17 of the Central Lancashire Development Plan,
    - the National Planning Policy Framework.
8. Prior to the importation of any subsoil and/or topsoil material into the proposed development site, information supporting the suitability of the material shall be submitted to the Local Planning Authority for approval in writing. The information submitted shall include details of the material source, sampling methodologies and analysis results, which demonstrates the material does not pose a risk to human health as defined under Part 2A of the Environmental Protection Act 1990.
- REASON: To ensure that the site is suitable for its intended end use and development work will not cause pollution of ground and surface waters both on and off site, in accordance with:
- Policy 17 of the Central Lancashire Development Plan,
  - the National Planning Policy Framework.
9. An electric vehicle recharge points shall be provided to the property, prior to occupation. This shall consist of as a minimum a 7Kwh electrical socket located externally (or in the garage if available) in such a position that a 3-metre cable will reach the designated car parking spaces. A switch shall be provided internally to allow the power to be turned off by the residents.
- Reason: To enable and encourage the use of alternative fuel use for transport purposes in accordance with Policy 3 of the Central Lancashire Core Strategy.
- Note to applicant: The electrical charging point shall be fitted with a weather proof cover.

10. No solid fuel appliances shall be installed within the permitted development without first obtaining written permission from the local planning authority in consultation with the Environmental Health Department.  
Reason: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and the NPPF.
11. Prior to commencement of the development details of a wheel wash shall be submitted to and approved by the local planning authority. Once approved the wheel wash shall be installed prior to first use of the site. Thereafter the wheel wash shall be retained and maintained in accordance with the agreed details.  
Reason: In the interests of highway safety and other highway users in accordance with Policy 2 in the Central Lancashire Core Strategy and in the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and the NPPF.  
NOTE TO APPLICANT: The details to be provided to discharge this condition shall as a minimum include:

  - o Location,
  - o Type of wheel wash
  - o Water source
  - o Prevention and treatment of water run off
  - o Management of the use of the wheel wash
  - o If road sweepers are to be used - the company providing the road sweeper, response times, criteria to be followed for calling the road sweeper.
12. No deliveries of construction materials or removal of construction waste shall be undertaken outside the hours of 09:00 - 17:00 Monday to Friday. No deliveries or removal of waste shall be carried out at weekends or nationally recognised Bank Holidays.  
Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy and NPPF.
13. During the site preparation and construction of the development no machinery, plant or powered tools shall be operated outside the hours of 08:00 to 18:00 Monday to Friday 09:00 - 13:00 on Saturdays. No construction shall take place at any time on Sundays or nationally recognised Bank Holidays.  
Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy and the NPPF.
14. There shall be no burning of waste material or vegetation on site.  
Reason: In the interests of the amenity and to safe guard the living conditions of the nearby residents in accordance with Policy 17 in the Central Lancashire Core Strategy and the NPPF.
15. Once works commence on the site, should site operatives discover any adverse ground conditions and suspect it to be contaminated, they should report this to the Site Manager and the Contaminated Land Officer at South Ribble Borough Council. Works in that location should cease and the problem area roped off. A Competent Person shall be employed to undertake sampling and analysis of the suspected contaminated materials. A report which contains details of sampling methodologies and analysis results, together with remedial methodologies shall be submitted to the Local Planning Authority for approval in writing. The approved remediation scheme shall be implemented prior to further development works taking place and prior to occupation of the development.  
Should no adverse ground conditions be encountered during site works and/or development, a verification statement shall be forwarded in writing to the Local

Planning Authority prior to occupation of the building/s, which confirms that no adverse ground conditions were found.

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

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

NOTE TO APPLICANT: If no adverse conditions are encountered to discharge this condition photographic evidence of all ground workings shall be submitted together with a description of the ground encountered

16. The new dwelling is required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the new dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.

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

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

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

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

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

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

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



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

A time table for the implementation of the CEMP.

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

19. No development shall commence until details of the landscaping of the site including, wherever possible, the retention of existing trees and hedges have been submitted to, and approved in writing by, the Local Planning Authority.  
The scheme shall identify trees which require the removal of deadwood in accordance with BS39998 2010.  
The tree planting plan shall include details to create a coppice of native trees in line with the recommendations in line with 5.2.6 of the Ecology Report.  
The approved scheme shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest.  
The approved scheme shall be maintained by the applicant or their successors in title thereafter for a period of 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies, by the same species or different species, and shall be agreed in writing by the Local Planning Authority. The replacement tree or shrub must be of similar size to that originally planted.  
Details submitted shall be compliant with 'BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations' and shall include details of trees and hedges to be retained or removed, root protection zones, barrier fencing, and a method statement for all works in proximity to those trees or hedges to be retained during the development and construction period. Details shall also indicate the types and numbers of trees and shrubs, their distribution on site, those areas seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of all fencing and screening.  
Reason: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G8 in the South Ribble Local Plan 2012-2026
20. No development shall commence until details of the machinery and storage area of construction materials has been designated on a site plan at a scale of 1:500  
If these areas are within the root protection of any trees details of a temporary load bearing surface shall be provided and remain on site until the completion of the development.  
Reason: To prevent damage to trees during construction works in accordance with Policy G13 in the South Ribble Local Plan.
21. No development shall commence until details of the internal access to the dwelling have been submitted to and approved by the local planning authority.  
The details shall include a cross sectional diagram to demonstrate the permanent load bearing access road.  
Reason: To prevent damage to trees during construction works in accordance with Policy G13 in the South Ribble Local Plan.
22. Prior to the commencement of the development hereby approved, a scheme for the provision of four bird boxes and five bat boxes as identified in Section 5.4 of the Ecology Report, including a programme of implementation, location details and

timescales, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details within the agreed timeframes.

Reason: To ensure the development makes provision for protected species and to accord with Policy G16 in the South Ribble Local Plan 2012-2026

23. Prior to the commencement of development details of the materials and timescales to be used to construct the mound, retaining walls and landscaping as identified on Drawing No. 0002 Rev C shall be submitted to and approved in writing to the Local Planning Authority. The details shall be implemented in full.

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

### **RELEVANT POLICY**

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

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

#### **POLF1 Car Parking**

- POLG1 Green Belt**
- POLG7 Green Infrastructure Existing Provision**
- POLG12 Green Corridors/Green Wedges**
- POLG13 Trees, Woodlands and Development**
- POLG16 Biodiversity and Nature Conservation**
- POLG17 Design Criteria for New Development**

#### **Note:**

1. Your attention is drawn to comments from United Utilities in their letter dated 30 November 2020.
2. The applicant should be aware of the potential for protected species to be present within the site. Should you find or suspect any such species on the site during the

development, work should cease and the Local Planning Authority should be contacted for further advice.

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