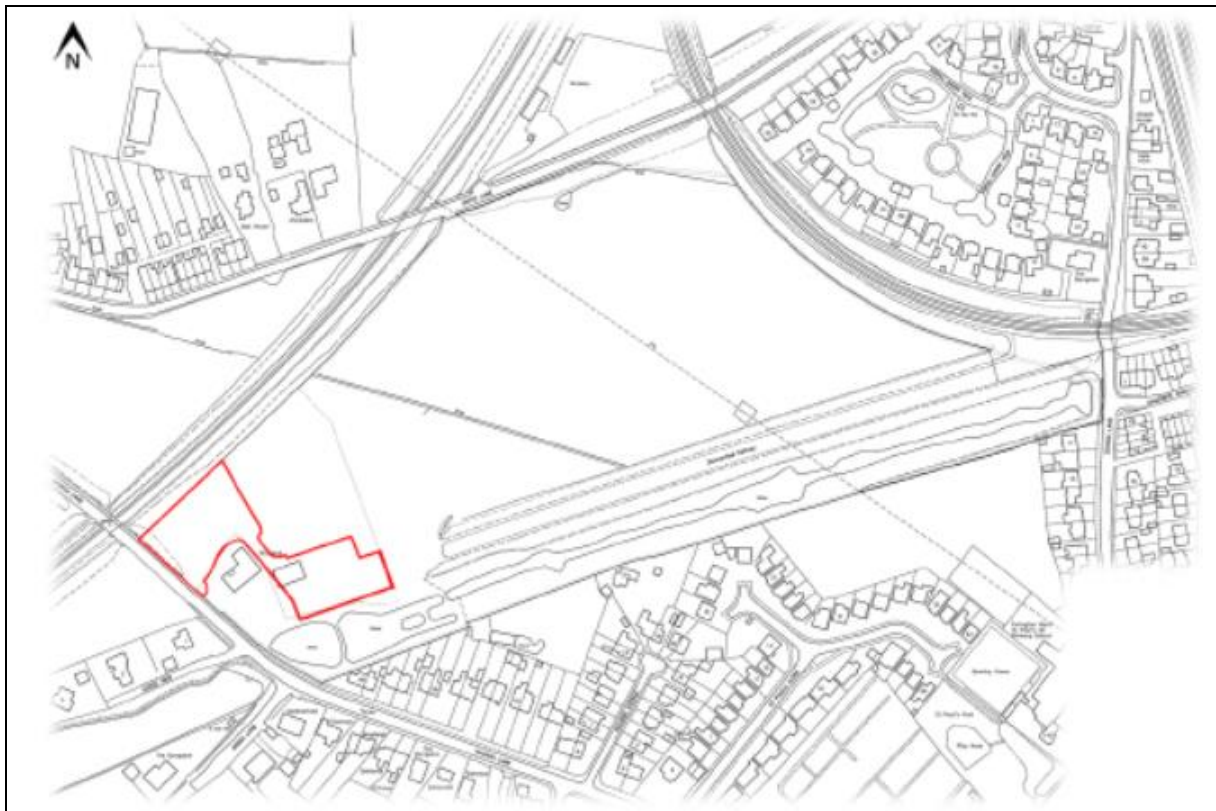


Application Number	07/2022/00638/OUT
Address	Bridgend Church Lane Whitestake
Applicant	Lanley Developments Ltd Lynton House Ackhurst Park Foxhole Road Chorley
Agent	Mr Joshua Hellowell PWA Planning Lockside Road Preston
Development	Outline Application for the erection of 7no. dwellings (access only).
Officer Recommendation	Refusal
Date application valid	25.07.22
Target Determination Date	19.09.22
Extension of Time	16.01.23



1. Introduction

1.1. This proposal has been brought to committee at the request of a ward member

2. Report Summary

2.1. The proposal refers to a 0.48ha, 'L' shaped tract of land located adjacent to Bridgend, Church Lane, Farington; a residential property described at Section 3 below

2.2. This application seeks outline permission for 7 no: dwellings with all matters other than access reserved. Indicative drawings have been provided but the matters of layout, design and scale are subject to change at a later date

2.3. In response to publicity three letters of representation have been received. Comments raised by statutory consultees have been dealt with either by amendments to the scheme or by condition should this proposal be approved

Having regard to the following commentary, the proposal is not considered policy compliant and it is recommended that the application should be refused for the following reasons:

a) The proposal by virtue of its nature, scale and degree of permanence would be contrary to Policy G3 of the South Ribble Local Plan 2012-2026 as the development would harm the ability of the Council to manage the comprehensive development of the area. Therefore, the scheme would not amount to a sustainable form of development

b) The proposal by virtue of its nature, scale and degree of permanence would be contrary to Policy G3 of the South Ribble Local Plan 2012-2026 as the Council can demonstrate a five-year housing supply

3. Application Site and Surrounding Area

3.1. The proposal refers to a 0.48ha, 'L' shaped tract of land located to the north-east and north-west of Bridgend, Church Lane, Farington. Bridgend is a large dwelling with large stable/outbuilding, manège and tennis courts also within the development site; the dwelling would be retained but outbuildings removed.

3.2. Farington Lodges span the entire southern boundary with residential beyond. In the north is the railway line and west is Church Lane which rises over an elevated railway bridge to the north-west of the site entrance. An area of open land lies to the east, and mature trees denote the western and northern boundaries

3.3. The area is within Flood Zone 1 (least likely to flood) but is identified on LCC's Mapzone system as susceptible to surface and ground water flooding and within a fluvial flood watch area.

3.4. The site lies to the centre of a much larger tract of land identified as S3 (South of Coote Lane, Chain House Lane, Farington) of Policy G3 (Safeguarded Land for Future Development) of the South Ribble Local Plan.

4. Site Context / Planning History

There are 14 applications on the history of this site. The most relevant of these are:

② 07/2009/0329/FUL – replacement dwelling approved July 2009.

② 07/2020/00269/PIP – Permission in principle for up to 9 no. self-build dwellings on land adjacent to Bridgend. Refused April 2020 for the following reasons:

c) *The proposal by virtue of its nature, scale and degree of permanence would be contrary to Policy G3 of the South Ribble Local Plan 2012-2026 as the development would harm the ability of the Council to manage the comprehensive development of the area. Therefore, the scheme would not amount to a sustainable form of development*

d) *The proposal by virtue of its nature, scale and degree of permanence would be contrary to Policy G3 of the South Ribble Local Plan 2012-2026 as the Council can demonstrate a five-year housing supply*

Application 07/2018/9316/OUT for erection of 100 dwellings on land north west of the site is also relevant in that it referred to a separate parcel but on the same S3 safeguarded site. This was refused in June 2019 and dismissed at appeal in December 2019. Challenges made since that dismissal have failed and there is no permission in place.

5. Proposal

5.1. Permission was refused as contrary to policy in 2020 for erection of up to 9 self-build dwellings via the permission in principle route. The site in question included the proposed 'L' shape in addition to an area to the north which infilled this area to complete the 0.98ha rectangular development area.

5.2. This application relates to a site roughly half the size and proposes outline permission for 7 no: dwellings with all matters other than access reserved.

5.3. Indicative drawings show access from Church Lane. Three detached dwellings are shown on the north-western side of an estate road which runs in a south-easterly direction to provide for 4 additional dwellings. At the point of the turning, a separate 'spur' is also shown which implies future development outside of the 'red edge', but as plans are indicative and subject to chance this matter would be considered later if this permission is approved

6. Representations

6.1. Summary of Publicity

6.1.1. A site notice has been posted, and twenty-seven neighbouring properties consulted. Ward Councillors have also been notified

6.2. Letters of Objection or Support

6.2.1. Three letters of objection received and summarised as:

- ☐ Lack of local services to cope with increased demand
- ☐ Impact on air quality, and increased noise and light pollution
- ☐ Constrained road network and access close to railway bridge is dangerous
- ☐ Existing traffic issues on Church Lane

6.2.2. Comments made which are not material planning considerations relating to this scheme are:

- ☐ Existing problems from Whitfires wood shaving factory (established business 0.1 miles east)

7. Summary of Responses

7.1. South Ribble **Arborist** - no objections subject to retention of tree T30 given its A2 rating. The tree survey suggests this tree can be retained and is not required to be removed to facilitate development. In total 10 trees are identified for removal to facilitate development which should be replaced in accordance with the local plan via submission of a landscaping plan. This should be submitted to, and approved by, the LPA and include species and size of trees.

7.2. **Lancashire County Council Highways** initially had concerns regarding available sightlines from the proposed access for the seven dwellings. Whilst there is an existing access, the submitted documentation did not demonstrate that a safe and suitable access could be achieved for such a development. LCC requested accurate details of acceptable sightlines ensuring the entire sight line requirement is fully over land within the applicant's control and/or over the adopted highway and to fully show all works which would be required to provide the sight lines (i.e. widening of footways, removal of fences, trees, hedges, shrubs, ground growth, etc.).

Following submission of revised site plan (ref 2021-295-002 B) and details of proposed S278 works, plans show the existing footway along the entirety of the red edge of the development to be increased to 2m wide, including additional tactile paving at the crossing at the front of the development. The plan also shows the entire vegetation along the frontage within the red edge will be to be reduced to 0.9m and maintained at this height. Conditions relating to highway works are recommended

7.3. Ecology Consultant has assessed the accompanying ecology survey and subject to precautionary conditions is satisfied with the approach. Their comments are summarised as:

The Report appears to have used reasonable effort to survey the habitats on site and make an assessment of their suitability to support protected/species of principal importance. Surveys were conducted in May/June (optimal timing). Some surveys within 250m were not surveyed as access was denied, however ponds 1 – 4 were assessed and eDNA samples collected for ponds 1 – 3, which were negative. There are no constraints on the assessment, which would invalidate its findings. The Report concludes that the site supports a building of low (stable block) and negligible (summer house) value to bat roosting and surrounding site habitats which are of only local biodiversity value. There is currently no known reason to contradict the report's findings and the application can be forwarded to determination in without the need for any further biodiversity work.

Outline permission for access only is sought however GMEU note the concerns of the Highways Department and if partial loss of Hedgerow 1 (on the road boundary) is proposed, this will need to be compensated for in any future submission should permission be granted. The Ecological Appraisal at Section 5.2 provides the applicant with features that should be designed into any later full submission. The applicant's attention should be drawn to this and if necessary be secured via condition on any outline permission. Hedgerow/tree protection, construction management, breeding bird, reasonable avoidance measures, mammal gaps in fencing (hedgehog highways), biodiversity enhancement and lighting conditions are recommended

7.4. **Environmental Health** - The proposal introduces new build properties very close to the road and rail network and possible problems with noise exposure in gardens and the property itself. As such conditions relating to pre commencement acoustic survey, contaminated land, vehicle charging points and construction management are recommended

7.5. **United Utilities** – no objections subject to drainage conditions

8. Material Considerations

8.1. Site Allocation Policy

8.1.1. The site lies to the centre of a much larger tract of land identified as S3 (South of Coote Lane, Chain House Lane, Farington) of South Ribble Local Plan Policy G3 Safeguarded Land for Future Development. The National Planning Policy Framework requires that applications for planning permission are determined in accordance with the development plan unless material considerations dictate otherwise

8.1.2. Policy G3 identifies land to be safeguarded for development after the plan period (2026). This land is not required for development within the current plan period as sufficient land is identified elsewhere to meet the boroughs development requirements. Existing use will for the most part remain undisturbed during the current plan period and planning permission will not be granted for development which would prejudice the long terms comprehensive development of the land. Para 10.36 of policy G3 states *'identified safeguarded land will remain in its existing use for the foreseeable future and beyond the life of this plan. It is intended to be kept free from new physical development and to be kept open during the plan period or until its review'*. This safeguard helps to direct development towards other allocated areas, although *'some minor residential development adjacent to other properties would be considered'*

8.1.3. This site sits to the centre of S3, and whilst future development could be made to work around the proposed development this scheme would undoubtedly inhibit any long term, comprehensive masterplan type development of the wider site. It is close to other properties but seven dwellings with associated infrastructure cannot in reality be considered to be 'minor development' in the spirit of Policy G3. It would also change the use of the land from its current function which must remain undisturbed.

8.1.4. In defence of the application the applicant has provided this statement

'Regarding the wider proposal, the proposal's impact on the safeguarded allocation needs to be understood in the context of the existing planning unit. I appreciate that the wider allocation can be prejudiced by piece meal development that could compromise the wider area, however the application site sits as a separate planning unit to the rest of the allocation. When it comes to the development of the adjacent land as there would be no obligation from the applicant to be a part of such a scheme, it is readily conceivable, if not likely, that the planning unit associated with Bridgend will remain as it, and not developed as part of a wider scheme given it is already an established residential unit which is separate to the adjoining agricultural land.

Consequently, I think it is completely rational to conclude the development of the application site does not need to be viewed in the context of the wider safeguarded land allocation. The policy wording covering Safeguarded land (G3), states as follows:

"Existing uses will for the most part remain undisturbed during the Plan period or until the Plan is reviewed."

Hence the wider development aspirations of the safeguarding allocation are not, at this time, relevant to the application especially as the proposal at hand would not "prejudice potential longer term, comprehensive development of the land", which is another provision of the policy. The existing lawful use of the application site is as a C3 dwellinghouse, hence this application would not 'disturb' the existing use, rather continue it and permit for the site to make a more valuable contribution to existing housing stock. On this basis I would ask for some further consideration as to the proposals perceived conflict with the safeguarded land allocation. Obviously there would not be a point where the Council or a developer could force the property to become part of a wider master planned development and this needs to be

factored into any determination, especially as the application does not extend beyond the existing boundaries of the property’.

8.1.4. Any decision made on this site must also have regard to application 07/2018/9316/OUT – outline permission for 100 dwellings with access and associated works, which was dismissed at appeal in 2019 (APP/F2360/W/19/3234070). The Inspector confirmed at Para 49 that the Council can demonstrate a five-year supply of deliverable housing land, and that proposed development of S3 would be contrary to Policy G3 in terms of its requirement to ensure existing uses remain undisturbed during the plan period, and the prejudice to potential long-term comprehensive development of safeguarded land (Para 74). Leave to appeal this decision was refused and as such no permission on the separate section of Site S3 has been granted, and no precedent set for piecemeal development.

8.1.5. On balance it is considered that from a land use perspective the proposal is premature in its approach, and that despite the applicant’s argument the proposal is not policy compliant and should be refused.

8.2. Additional Policy Background

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

National Planning Policy Framework 2021

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

Chapter 5: Delivering a sufficient supply of homes - housing applications should be considered in the context of the presumption in favour of sustainable development.

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

Chapter 11: Making effective use of land – planning should promote the effective use of land in meeting the need for homes whilst safeguarding and improving the environment and living conditions. Decisions should avoid homes being built at low density to make the most of available land, but development should also reflect its surroundings.

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

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

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

Central Lancashire Core Strategy

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

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

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

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

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

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

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

South Ribble Local Plan

In addition to site allocation policies D1 and G7 (above), the following are also pertinent:

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

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

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

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

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.

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

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

8.3. Design, Character and Appearance and Impact Upon Residential Property

8.3.1. As the applicant seeks outline planning permission with all matters other than access reserved, issues relating to appearance, layout, landscaping and scale would all be considered at any reserved matters application stage, as would amenity issues relating to neighbouring occupants. The submitted site layout plan however does demonstrate that seven dwellings can be accommodated on a site safeguarded for future housing development without over intensification of the urban fabric. That being said, the current street scene is one of sporadically placed dwellings with open spaces between, and until such large-scale development comes forward a cluster of dwellings in this location has real potential to look out of place

8.3.2 Access would be from Church Lane – a well maintained, adopted road within easy reach of a range of public transport and community services. Immediately north-west of the site is an elevated railway bridge where the road narrows slightly. Overall however from a locational perspective the site is found to be sustainable.

8.4 Planning Obligations

8.4.1 Community Infrastructure Levy is payable on any approved property. A calculation of floor area would be made available at reserved matters stage. Public Open Space and Affordable Housing contributions are not required on such a small development.

9. Conclusion

Proposed design in its identified form would not respect the existing layout of the street and wider area, but this would be considered at a later date if outline permission is granted. This proposal however is contrary to Local plan Policy G3 as described at Section 8.1 above, and is recommended for refusal for the following reasons:

a) The proposal by virtue of its nature, scale and degree of permanence would be contrary to Policy G3 of the South Ribble Local Plan 2012-2026 as the development would harm the ability of the Council to manage the comprehensive development of the area. Therefore, the scheme would not amount to a sustainable form of development

b) The proposal by virtue of its nature, scale and degree of permanence would be contrary to Policy G3 of the South Ribble Local Plan 2012-2026 as the Council can demonstrate a five-year housing supply

RECOMMENDATION:

Refusal

REASONS FOR REFUSAL:

1. The proposal by virtue of its nature, scale and degree of permanence would be contrary to Policy G3 of the South Ribble Local Plan 2012-2026 as the Council can demonstrate a five-year housing supply
2. The proposal by virtue of its nature, scale and degree of permanence would be contrary to Policy G3 of the South Ribble Local Plan 2012-2026 as the development would harm the ability of the Council to manage the comprehensive development of the area. Therefore, the scheme would not amount to a sustainable form of development

RELEVANT POLICY

NPPF National Planning Policy Framework

Central Lancashire Core Strategy

17 Design of New Buildings

South Ribble Local Plan

G3 Safeguarded Land for Future Development

G17 Design Criteria for New Development

Note:
