

Application Number 07/2022/00182/OUT
Address Land Adjcent To The Fields
Long Moss Lane
Whitestake
Lancashire

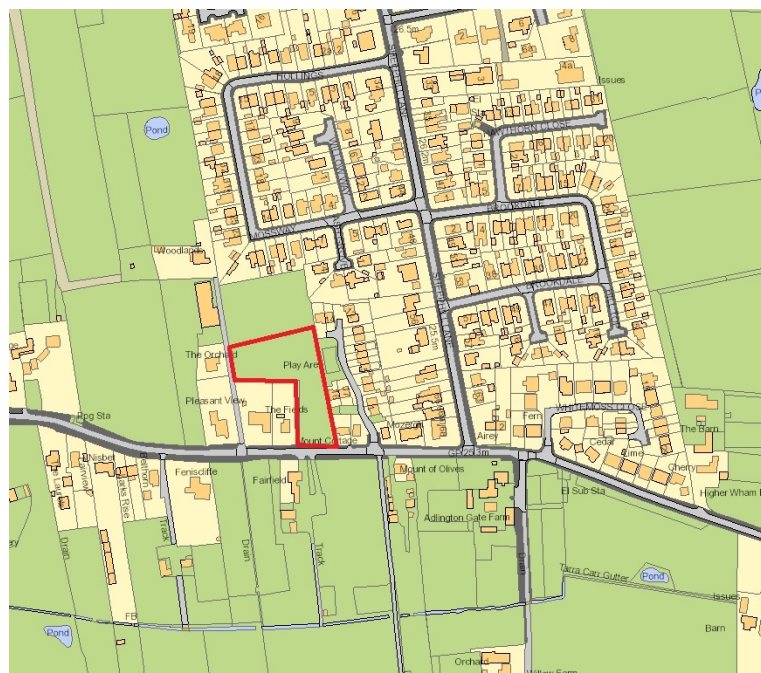
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undefined

Development Outline permission with all matters reserved for the erection of 10 no retirement bungalows, in addition to open space amenity land

Officer Recommendation Refusal
Officer Name Daniel Power

Date application valid 24.06.2022
Target Determination Date 05.05.2023
Extension of Time 05.05.2023



1. Introduction

- 1.1. This application is brought before Committee as the application is a major.

2. Report Summary

- 2.1 The proposed development of the site for residential retirement properties would constitute inappropriate development. While the application is in outline form, it is evident that the scale and nature of the development on currently open, undeveloped site would have a significant impact on openness and a negative impact on the character and appearance of the local area. The application is therefore contrary to policy G4 of the Local Plan.
- 2.2 The application seeks outline consent for the principle of 10 no. retirement bungalows, with all other matters reserved. An indicative plan has been submitted with the application; however the layout of the proposal is in acceptable as it would harm neighbouring amenity, future occupiers and the wider character of the area. However, it is considered that given the size of the site and number of dwellings proposed, an acceptable layout could be designed to address these concerns.

3. Application Site and Surrounding Area

- 3.1 The application site is located to the south of New Longton, on the northern side of Long Moss Lane. The site is current an open, un-developed field, which narrows fronting Long Moss Lane.
- 3.2 The immediate surrounding area is largely residential and characterised as semi-rural with the street since comprising of well-spaced detached residential properties with larger domestic curtilage, Many of the nearby properties which front Long Moss Lane have associated rural enterprises to the rear.
- 3.3 The site is designated as 'Protected Open Land' under Policy G4 of the Local Plan with areas of Existing Built-Up area, Policy B1 to the north and east, with Green Belt, Policy G1 to the west.

4. Planning History

- 4.1. In October 2010 planning application was submitted (07/2010/0403/FUL) for the erection of 25 No. Dwellings (20 market led housing and 5 affordable) refused and dismissed at appeal. The application was refused for the following reason:
- 4.2 The application site is within an area of land designated as D9: Local Needs in Villages which requires developments to fulfil the criteria set out in that policy. This development fails to satisfy Criteria A) of the policy by virtue of the scheme not being entirely for affordable housing meeting a local need. The proposal is therefore contrary to Policy D9 of the South Ribble Local Plan.
- 4.3 In April 211 an outlie planning application for 40 affordable dwellings (07/2010/00844/OUT) was refused by Planning Committee for the following reasons:

1. The application site is within an area of land designed as D9: Local Needs Villages which requires developments to fulfil the criteria set out in that policy. This development fails to satisfy Criteria A) of the policy by virtue of the scheme exceeding the local affordable housing need identified for the area and not being mix of property types required to meet the current local need. The proposal is therefore contrary to Policy D of the South Ribble Local Plan.

2. *The proposal is considered to be out of keeping with the scale and character of New Longton and therefore is considered to be contrary to Policy D9 (criterion C) of the South Ribble Local Plan.*

- 4.4 The appeal against the refusal of planning application 07/2010/00403/FUL was heard at a public inquiry in April 2011. This appeal was dismissed by the Planning Inspectorate with the Inspector concluding:

'While I find favour of the proposal in terms of housing land supply and other matters, these consideration would not be sufficient to outweigh the harm the proposal would cause to the living conditions of the occupiers of no's 13 and 17'

- 4.5 The decision by the Planning Inspectorate was subject to an application for permission to apply for Judicial Review as the Local Planning Authority felt that the correct consideration was not given to land allocation Policy D9 of the South Ribble Local Plan.

- 4.6 In June 2011 a planning application (07/2011/0435/FUL) was submitted which proposed the erection of 25 dwellings (20 market housing units and 5 affordable housing units). In October 2011 the application for permission to apply for Judicial Review was refused, however the Courts decision confirmed that the previous Planning Inspectors decision could not be used as a precedent.

- 4.7 In November 2011 Planning Committee considered both the 07/2011/00619/FUL planning application and the case that would be argued at appeal in respect of the 07/2011/00435/FUL planning application. Planning Committee resolved to refuse the 07/2011/00619/FUL on the following grounds, with the same reasons for refusal to be agreed at appeal in respect of the 07/2011/00435/FUL.

1. *The application site is within an area of land designated as D9: Local Needs in Villages which requires developments to fulfil criteria set out in that policy. The proposed development fails to satisfy Criteria A of the policy by virtue of the scheme not being entirely for affordable housing meeting a local need The proposal is therefore contrary to Policy D9 of the South Ribble Local Plan.*

2. *The application site is allocated as Protected Open Plan in Policy G4 of the Preferred Options Site Allocations DPD. The proposed development of the land for housing would be contrary to this designation which aims to protect such areas to maintain the character, appearance and openness of the land on the edge of settlements such as New Longton.*

- 4.8 The none determination appeal in relation to planning application 07/2011/00435/FUL, which proposed 25 dwellings, was heard at Public Inquiry in January 2012. This appeal was dismissed by the Planning Inspectorate with the Inspector concluding:

"Since the previous appeal decision the additional weight attributable to the progress made with the Localism Act, the Councils Core Strategy and the DPD, albeit individually limited, cumulatively is sufficient to restore the balance in favour of determining the appeal in accordance with Local Plan Policy D9. On the evidence put before me, I also consider that policy D9, reflecting as it does the Councils spatial vision set out in draft Core Strategy Policy 1, does not conflict with the RSS and its increased housing land requirements.

On that basis, despite the acknowledged lack of a five year supply of housing land in the area, and the consequent general support from paragraph 71, paragraph 69 of PPS3 is not satisfied as the proposal conflicts with the spatial vision for the area. I conclude that the provision of open-market housing on this site would be inappropriate and that, as a result, the appeal should not succeed.”

- 4.9 In August 2012 an outline planning application was made (07/2012/00348/OUT) for the erection of 27 dwellings (18 market housing units and 9 affordable housing units) was refused by Planning Committee for the following reasons:

1. *The application site is within an area of land designated as D9 Local Needs Villages which requires development to fulfil criteria set out in that policy. The proposed development fails to satisfy Criteria a) of the policy by virtue of the scheme not being entirely for affordable housing meeting a local need. The proposal is therefore contrary to Policy D9 of the South Ribble Local Plan.*

2. *The proposal for 27 dwellings located on the edge of the village of New Longton, abutting the Green Belt, is not considered to form appropriate infilling, it is not small scale and does not wholly meet the local needs of the village. The cumulative impact of the proposal and the recently allowed development on the other D9 site off Long Moss Lane at the southern end of New Longton is considered to have a detrimental impact on the character and appearance of the area. In the absence of exceptional reasons to justify the proposal in this location, it is considered that the proposal would undermine the Councils spatial visions as set down in Policy 1(f) of the Central Lancashire Core Strategy.*

3. *The application site is proposed to be allocated as Protected Open Land in Policy G4 of the Site Allocations DPD (publication version). The proposed development of the land for housing would be contrary to this designation which aims to protect such areas to maintain the character, appearance and openness of the land on the edge of settlements such as New Longton.*

- 4.10 The appeal against the refusal of planning application 07/2012/00348/OUT was heard at Public Inquiry in January 2013. This appeal was dismissed by the Planning Inspectorate with the Inspector concluding:

“ I find that the proposal conflicts with LP Policy D9 and CS Policy 1. I have taken into account all other material considerations raised but they are insufficient to persuade me that the appeal should be determined other than in accordance with the development plan”

- 4.11 In July 2015 planning permission (07/2015/01233/FUL) was granted for the erection of 1 no. detached dwelling on the site to the west of The Fields, which is subject to the same land designated in the South Ribble Local Plan as site subject to this current application. The application in 2015 was considered not have a greater impact on the openness of the area as the proposal included the demolition of then existing substantial outbuilding to the rear of The Fields which were comparable to the size and scale of the dwelling proposed. This permission has since been implemented, with the outbuilding removed and the development has been completed.

- 4.12 In June 2016 outline planning application was refused (07/2016/1341/OUT) for the erection of 1no two storey detached dwelling and double garage (access and scale applied for). The reason for refusal of the application stated:

1. The application site is allocated as Protected Open Land in Policy G4 of the South Ribble Local Plan. The proposal constitutes inappropriate development and would have an adverse impact on the character, appearance and openness of the locality. The proposal therefore contrary to the requirements of Policy G4.

4.13 The application was dismissed at appeal with the inspector's decision states that:

'... for these reasons, the proposed development would not be a suitable location for housing having regard to local planning policy, and would conflict with Policy G4 of the Local Plan insofar as it seeks to restrict development on Protected Open Land that would undermine its key role in the character, appearance and openness of the Borough's settlements.'

5. Proposal

5.1. This application seeks outline planning consent with all matters reserved for 10 no. retirement one and two bedroom bungalows. An indicative plan has been submitted with the application which shows the layout of the proposed dwellings, access via a new off Long Moss Lane. The submitted plan show the northern part of the site open, and labelled as 'open space amenity land', with the private road between this and the proposed dwellings. Each dwelling has off street parking spaces, private amenity space.

6. Summary of Supporting Documents

6.1. The application is accompanied by the following:

- Outline application form
- Planning Statement
- Ecological Survey and assessment
- Location Plan
- Sketch Layout plan

7. Representations

7.1. Summary of Publicity

7.2 Forty-one neighbouring properties have been consulted with thirteen letters of objection have been received and can be summarised as follows:

- The proposal would result in a harmful impact to neighbouring amenity by overlooking and overbearing.
- The local service infrastructure does not have capacity for the number of dwellings proposed.
- what if any are the safeguards to ensure that the amenity land referred to remains as such.
- Bio Diversity and Net Gain (BNG) laws require an improvement in BNG of at least 10% above the original undeveloped plot.
- There are errors within the submission.

7.3 **Longton Parish Council** - wish to object to the above application as it is contrary to SRBC Local Plan Policy G4.

8. Summary of Consultee Responses

8.1. **South Ribble Environmental Health** has no objection and requested conditions relating to contaminated land, piling, hours of construction, construction nuisance prevention plan and EV charging.

8.2. **Lancashire County Council Highways** - It is noted that the internal road has been altered with annotation 'Private Access Road'. On this basis the application would be acceptable subject to suitable conditions. The developer should note that even if the internal road is not adopted the site access and new footway will require a s278 agreement with LCC as highway authority.

Please be aware that the demand to enter into section 278 agreements with Lancashire County Council as the highway authority is extremely high. Enquiries are being dealt with on a first come first served basis. As such all developers are advised to seek to enter into Section 278 agreements at a very early stage.

No objections subject to conditions relating to detail of the construction of site access, estate road built in accordance with LCC specification for construction of estate, details of management of street within the development, surface water drainage scheme, survey of the condition of the adopted highway, wheel washing, EV charging points and cycle storage provision.

8.3 **Tree officer** - There is one high quality Oak tree on the western boundary of the site. There is a considerable amount of established hedgerow, lapsed hedgerow and semi mature trees within hedgerows around the edge of the site, while these are not especially important arboriculturally they do provide a degree of visual amenity and have considerable value as a screen from adjacent properties. I recommend an arboricultural impact assessment is produced before any layout is agreed so the potential impact on trees and hedgerows can be assessed. Should development proceed, a tree protection plan and arboricultural method statement should be agreed and adhered to.

8.4 **United Utilities** – No objections subject to conditions relating to drainage details and the management of drainage systems.

8.5 **Ecology** – (Summary)-The developer's ecological consultant identified no significant ecological issues but have recommended further great crested newt surveys. Issues relating to nesting birds, other wildlife and biodiversity enhancement measures can be resolved via condition.

Great Crested Newts

Three ponds were located within 250m of the development one within the footprint of the development. However, the nearest is over 100m from the actual physical development, located within the proposed landscaping area. The applicant has however proposed restoration and enhancement of this pond, therefore whilst in the long term the development could be beneficial, there would still be a risk of an offence during restoration works. I therefore agree that further surveys of ponds 1 & 3 should occur. Pond 2 is however well over 250m from the proposed glamping area and sufficiently distant from the landscape area that reasonable avoidance measures would suffice and therefore in my opinion no further surveys of this pond is required. The surveys of ponds 1 & 3 should occur prior to determination. As we are currently in to the eDNA survey season for gcn this should not cause any delay unless the

applicant fails to commission the survey as the survey season will end beginning of June.

Other Protected Species

All other potential protected species have been reasonably discounted owing to either a lack of any evidence of presence or a lack of suitable habitat. I have no reason to doubt the findings of the report. Updates may however be required as part of reserved matters for species such as otter and water vole if more than 18 months elapse and more intrusive works proposed along the Longton Brook. At this stage however no further information or measures are required

Nesting Birds

It is unclear whether any nesting habitat will be lost, with gaps already present in the hedge along Back Lane, which is cut low. I am satisfied that no further information or measures are required at this stage. If at reserved matters it becomes apparent there will be significant loss of bird nesting habitat a standard condition could be applied.

Other Wildlife

Hedgehog and brown hare both UK Biodiversity Priority Species were recorded on the site, neither are however likely to be significantly impacted by the development. Amphibians may also be present. I am satisfied at this stage that no further information or measures are required.

Himalayan Balsam

This species listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended) was recorded along the Longton Brook. It is therefore avoidable given the location of the glamping units. Biosecurity measures may however be required if landscaping is proposed along the Brook. No further information or measures are required at this stage.

Contributing to and Enhancing the Natural Environment

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. Given the footprint of the development and low ecological value of the habitat and area of land set aside for landscaping, providing adequate net gain should not be an issue. I would recommend the following principles be applied to the detailed proposals.

- The consultant notes that hedge and reedbeds should be retained, which given the location of these habitats should not be an issue. The retention and enhancement of these habitats should be conditioned.
- The developer also notes their intention to enhance the pond. Full details should be provided as part of reserved matters.
- The consultant recommends that habitat creation/enhancement should seek to restore the field floodplain and grazing marsh. In principle support this but given this would require periodic inundation, I am unclear whether the infrastructure ie drains, embankments and sluices to maintain such a system are in place and presumably would in any even require new infrastructure to protect the glamping pod and adjacent land which would likely prefer not to be flooded. As part of reserved matters I would recommend provision of biodiversity enhancement plan that at least discusses this and if not feasible/financially reasonable and alternative grassland proposal such as lowland hay meadow or marshy grassland to benefit wetland birds;

- I would recommend the hedge lines are enhanced as whilst the consultant regards these as priority habitats, aerial imagery indicates they are gappy and in poor condition;
- Measures to benefit species such as hedgehog such as bramble scrub along hedge boundaries and;
- Given the lack of large trees inclusion of hedge line trees and dependent on discussions with the relevant drainage authority the feasibility of planting along the Longton Brook of species such as white and crack willow and black poplar

9. Material Considerations

9.1. Principle of development - Site Allocation Policy

9.2 The application site is allocated by Policy G4 of the Local Plan as Protected Open Land which states the following: There is a presumption against inappropriate development on Protected Open Land. Planning permission will only be permitted where:

- a) It is required for the purposes of agriculture; or
- b) Uses are appropriate to a rural area; or
- c) It involves the re-use of existing buildings.

9.3 The application site has a long planning history of both planning applications and appeals, under the previous Core Strategy with the emerging Local Plan at the time and the current Local Plan when adopted. Inspectors supported the provisions to within the policy to Protect open land from inappropriate development.

9.4 Policy G4 outlined the criteria for when planning permission would be permitted on the Protected Open Plan. The submitted Design and Access statement or Affordable Housing Statements makes no reference to the above policy or how the proposal address the requirements of the policy. The majority of the supporting documents consist of sections copied from the council's local plan policies and supporting documents, rather than outlining the case for the application. However, considering each element in turn: The application seeks planning permission for 10 no. retirement dwellings, which are clearly not for the purpose of agriculture. The submitted statement with the application states the benefits of providing retirement dwellings and stating the dwellings would be energy efficient homes obtaining passive houses standards. Given the proposed occupiers of the development it is not consideration a rural area is an appropriate location. In addition, the proposal does not relate to the re-use of the existing building in any form, the site is devoid of any built form.

9.5 For the reasons outlined above the proposed development of the site for residential retirement properties would constitute inappropriate development. While the application is in outline form, it is evident that the scale and nature of the development on currently open, undeveloped site would have a significant impact on openness and a negative impact on the character and appearance of the local area. The application is therefore contrary to policy G4 of the Local Plan.

9.6 Design and Character

9.7 Policy G17: Design Criteria for New Development permits new development, including extensions and free-standing structures, provided that, the proposal does not have a detrimental impact on the existing building, neighbouring buildings or on

the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity, use of materials.

- 9.8 The applications seeks outline consent with all matters reserved, however an indicative layout plan has been provided, to demonstrate 10. No dwellings can be located on the site. The plan shows a new access with an 'L' shaped private road with an 'open space amenity land' to the north.
- 9.9 While the submitted plan shows 10 no. dwellings on the site, they appear cramped to the southern side of the site, with small garden areas, a footpath only to the front of the development and not serviced to all of the dwellings. Some of the garden areas are significantly below the guidance of 10 metres and provide little private amenity space. Furthermore, small plot sizes, combined with very small garden areas, the current layout would be out of keeping with the prevailing character and therefore harmful to it. It is therefore likely that should a reserved matters application be submitted, the 'open space' area would likely be significant reduced and therefore reducing any weight this should carry.
- 9.10 Notwithstanding the in-principle objection to the development. While the current layout is unacceptable, given the number of dwellings proposed and the size of the site, it is considered a scheme could be designed to accommodate the development within it, in a way that would retain the prevailing character.
- 9.11 **Highways**
- 9.12 Policy F1 states that all development proposals will be required to provide car parking and servicing space in accordance with the parking standards adopted by the Council. In general, parking requirements will be kept to the standards as set out unless there are significant road safety or traffic management implications related to the development of the site.
- 9.13 The application is in outline form and following a number of amended plans, the highway authority has no objections subject to conditions or further information provided at reserved matters application. Given the size of the site and the number of dwellings proposed, it is considered a scheme could be designed to provide sufficient parking for each unit and an acceptable means of access to the site. Subject to the recommended condition from the highways authority the proposal is considered acceptable in this regard.
- 9.14 **Environmental Protection**
- 9.15 Policy G16 of the Local Plan states that the borough's Biodiversity and Ecological Network resources will be protected, conserved and enhanced. Protecting and safeguarding all designated sites of international, national, regional, county and local level importance including all Ramsar, Special Protection Areas, Special Areas of Conservation, national nature reserves, Sites of Special Scientific Interest and Biological Heritage Sites, Geological Heritage Sites, Local Nature Reserves, wildlife corridors together with any ecological network approved by the Council.
- 9.16 A Tree report was submitted with the application and considered by the councils tree officer in which they recommend an arboricultural impact assessment is produced before any layout is agreed so the potential impact on trees and hedgerows can be assessed. Should development proceed, a tree protection plan and arboricultural method statement should be agreed and adhered to. This matter could be considered at reserved matters stages and/or conditions and at this stage is considered acceptable.

- 9.17 The application was submitted with an ecology report, which was considered by the ecology advisor, who subject to conditions and further surveys to be considered at reserved matters are considered acceptable.
- 9.18 **Neighbouring impact and future occupiers**
- 9.19 Policy G17: Design Criteria for New Development states that the development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect.
- 9.20 As outlined elsewhere within this report, the indicative layout plan shows proposed dwellings with small gardens, within small plots which represents a cramped form of development, which could have a harmful impact to neighbouring dwellings. Furthermore, the small gardens are considered not provide sufficient amenity space for future occupiers.
- 9.21 Notwithstanding the in-principle objection to the development. While the current layout is unacceptable as it would have a harmful impact to neighbouring amenity and future occupiers. Given the number of dwellings proposed and the size of the site, it is considered a scheme could be designed to accommodate the number of dwelling within the site that would not harm amenity.
- 9.22 **Other matters**
- 9.23 The application proposes 10 no. retirement dwellings which could make a contribution towards the districts housing needs. However, it is considered that this small contribution does not outweigh the conflict with Local Plan Policy G4. In additional the application makes provision for 'open space' which the applicant sates would provide a direct benefit to the residents and wider local community. Given the location of the open space to the rear of the new development and the limited access to the wider public, it is not considered this would outweigh the in principle objection to the application.

RECOMMENDATION:

Refusal.

REASONS FOR REFUSAL:

1. The application site is allocated as Protected Open Land in Policy G4 of the South Ribble Local Plan. The proposal constitutes inappropriate development and would have an adverse impact on the character, appearance and openness of the locality. The proposal is therefore contrary to the requirements of Policy G4.

RELEVANT POLICY

NPPF	National Planning Policy Framework
1	Locating Growth (Core Strategy Policy)
3	Travel (Core Strategy Policy)
5	Housing Density (Core Strategy Policy)
6	Housing Quality (Core Strategy Policy)

- POLG4** **Protected Open Land**
- POLF1** **Car Parking**
- POLG16** **Biodiversity and Nature Conservation**
- POLG17** **Design Criteria for New Development**

Note:
