

Committee Report

Date: 02.12.2020

Item Number

Application Number 20/00381/FUL

Proposal Creation of an area of open space with associated operational development including pond and boundary fencing, in lieu of on-site provision in association with development approved by outline permission 19/00348/OUTMAJ for up to 30 dwellings

Location Land South Of B5269 Preston Road Inskip

Applicant Concert Living

Correspondence Address c/o De Pol Associates Ltd
Farington House Stanifield Business Park Stanifield Lane Leyland
Preston PR25 4UA

Recommendation Permit

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Miss Lucy Embery

1.0 INTRODUCTION

Site Notice Date: 20/05/2020

Press Notice Date: Not applicable

1.1 The application is before the Planning Committee for consideration as the proposed delivery of the housing site allocation and supporting Green Infrastructure (GI) is different to the typical approach usually taken, as this Green Infrastructure provision would be largely provided outside the allocation on land designated as countryside.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is a rectangular piece of land which is to the south of land recently granted outline permission (ref: 19/00348/OUTMAJ) for 30 dwellings and which forms part of the wider Inskip Extension Allocation Site SA1/11. The subject site currently forms part of an existing agricultural field and is within the designated countryside, to the south of the settlement boundary. There is no existing field boundary between this site and land to the north, nor between this site and the wider field to the south.

3.0 THE PROPOSAL

3.1 The application seeks full planning permission for the creation of an area of Green Infrastructure with associated operational development including an

attenuation pond and boundary fencing, in lieu of on-site provision in association with development approved by outline permission 19/00348/OUTMAJ.

3.2 The site subject to this application is 0.3 hectares in size. The layout proposes a SuDS pond within the south eastern corner, with the rest of site comprising landscaped open space. The site would have an open boundary with the site to the north so that it would be read as an integral feature of that development.

3.3 The applicant has submitted a reserved matters application on the site to the north for 30 dwellings following on from the outline permission, which is to be considered concurrently with this application.

4.0 RELEVANT PLANNING HISTORY

Adjacent land to north:

4.1 19/00348/OUTMAJ - Outline application for the erection of up to 30 dwellings (all matters reserved). Application permitted.

4.2 20/00383/REMAJ - Reserved matters application for access off Preston Road together with matters of appearance, scale, layout and landscaping for the erection of 30 dwellings following outline approval 19/00348/OUTMAJ. Pending consideration.

Wider allocation:

4.3 16/00481/OUTMAJ - Outline application for a residential development comprising up to 55 dwellings and a village shop, with associated infrastructure (all matters reserved). Application permitted.

4.4 17/00631/REMAJ - Reserved matters application for the erection of 55 dwellings with matters of access, layout, scale, appearance and landscaping to be determined (following outline approval 16/00481/OUTMAJ). Application permitted.

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN

5.1.1 The Wyre Local Plan 2011-2031 (WLP31) was adopted on 28 February 2019 and forms the development plan for Wyre. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

5.1.2 The following policies contained within the WLP 2031 are of most relevance:

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP4 - Countryside Areas
- SP8 - Health and Well-Being
- CDMP2 - Flood Risk and Surface Water Treatment
- CDMP3 - Design

- CDMP4 - Environmental Assets
- HP9 - Green Infrastructure in New Residential Developments
- SA1/11 - Inskip Extension, Inskip

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2019

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on the 19th February 2019. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2019 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.2.2 The following sections / policies set out within the NPPF are of most relevance:

- Section 2: Achieving sustainable development
- Section 4: Decision-making, paragraphs 47-50, and 54-55
- Section 8: Promote healthy and safe communities
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment

5.3 OTHER MATERIAL CONSIDERATIONS

5.3.1 WYRE SUPPLEMENTARY PLANNING GUIDANCE

- Supplementary Planning Guidance Note 2: Trees and Development
- Guidance for Applicants - Green Infrastructure in New Residential Developments (Policy HP9) (October 2020)

6.0 CONSULTATION RESPONSES

6.1 INSKIP WITH SOWERBY PARISH COUNCIL:

6.1.1 Objects to the application as the site area for development is clearly defined in the Wyre Local Plan and in allowing this application it would be a clear departure that could set an unwanted precedent. It constitutes a clear encroachment into agricultural land. The Parish Council contends that the whole of this development, including any green infrastructure, should be contained within the defined development area and therefore this application should be refused.

6.2 GREATER MANCHESTER ECOLOGY UNIT (GMEU):

6.2.1 Ecological issues were resolved at the outline stage of the housing application. There are no protected species issues with this development. No further information or measures are required. In terms of nesting birds it is unclear whether any vegetation removal will be required as part of this application, and it seems hedgerow removal will be restricted to the housing element to the north. A nesting bird informative is recommended to advise the applicant that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the

nest of a wild bird, while the nest is in use or being built, and this legislation is separate to the planning process.

6.2.2 This application will lead to net gain for this part of the site, though it is contributing to the wider site. There is no objection to the layout but the proposed nest boxes are on trees that will not be large enough to provide secure nesting spots. The nest boxes should be provided within the wider housing site.

6.2.3 It is recommended that all tree planting within the open space is native and that the emergent planting in the SUDs pond be a native species such as yellow flag-iris, marsh marigold or purple loosestrife.

6.3 WBC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (PARKS DEVELOPMENT OFFICER):

6.3.1 The site is within walking distance of an existing play area that caters for a wide age range. It is not considered the open space indicated on this site would be suitable for a LAP, however it is currently proposed to be a wildflower meadow. Consideration should be made for more formal green amenity space/natural play.

6.4 WBC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (TREE OFFICER):

6.4.1 Can confirm the appropriateness of details in relation to existing trees and hedgerow to be retained, and, new trees and hedgerows (including associated schedule and specifications). Queries whether any details have been submitted about what will happen about replacement of any failed stock.

6.5 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE):

6.5.1 No objection in principle, however confirmation is required that United Utilities are prepared to adopt SuDS infrastructure, including attenuation pond, as part of S104 agreement. The developer would be required to undertake maintenance until this infrastructure is adopted.

7.0 REPRESENTATIONS

7.1 The application has been advertised by site notices and neighbour notification letters. Seven letters of objection have been received and the matters raised can be summarised as follows:

- The green space / pond proposed is positioned at the rear of the development. This green space should be at the front of the site to the benefit of the entire community and not just a select few residing close to the proposed site.
- The site is susceptible to heavy standing water which is why there is a complex drainage system down to Inskip Brook.
- The proposed pond will be a health and safety issue to children even though fenced off, and a health issue as standing water on which mosquitoes will breed.
- The grassed open space will be attractive to campers and travellers.
- It is unclear on the ownership of open space and whether the developer will own it after the houses are erected.
- The site notice was erected when the school was closed and should be reported on the community noticeboard.

- With more houses in Inskip the school needs to and is struggling accommodate extra families. Builders need to contribute to St. Peter's School for upgrade and extension.
- Concerns about dangerous and inconsiderate parking during construction. No hardstanding for vehicles waiting to unload or for contractors vehicles which is essential given proximity to the school, and visibility is limited west of the school entrance even when no vehicles are parked.
- Contractor traffic should be directed by a permanent linkage of roads from the site to the east at St. Peter's Drive, to ease traffic joining Preston Road.

7.2 A letter of objection has been received to this application which raises concerns considered more relevant to the concurrent reserved matters application. However it has been submitted to this application and the issues raised additional to those above are as follows:

- There is no need for further housing as the Create Homes development (opposite) remains unsold.
- The local plan details expansion of Inskip during the life of the plan 2011-2031, not increased supply in 2020.
- The cumulative effect of the three major development (85 dwellings on the allocation) without supporting infrastructure is a detriment to the village and against the intention of the local plan.
- The existing road network is inadequate to serve the community and this additional housing stock will add to road safety issues.
- The speed of traffic on Preston Road is a concern. There is no traffic calming.
- Volume of traffic at peak times creates road safety issues for children/parents and carers attending the school.
- The development will add further parking problems with pick up/drop off of pick at the school.
- Where the new access is proposed there will be friction between new residents and parents/carers of children for the school parking outside houses.
- Close proximity of the entrance/exit of the site to the entrance to the primary school is a concern and will be an obstacle for children.
- Increased noise, dust, dirt and pollution will affect the school pupils.
- It seems there has been no communication with the school or Local Education Authority about health and safety implications from the development

7.3 A letter has been received from the Inskip C of E School Board of Governors objecting to the application. The concerns raised in the letter relevant to this particular application can be summarised as follows:

- The proposed site lies outside of the boundary for which Outline Planning has been approved.
- The proposed site lies outside the parcel of land allocated for development under Wyre's Local Plan.
- The proposed off site 'open space' is in fact an existing 'open space' because it constitutes a parcel of prime agricultural land to the south of the boundary of the development and has not been allocated for development in Wyre's Local Plan.
- The location of the land means that it would fail to provide a meaningful or useable open space.

- Aside from the fact that this land is prime agricultural land, it is a clear departure from containing the development within boundaries allocated within the Local Plan, thereby setting an undesirable precedent.
- The developers failed to integrate the 'open space' at the design stage whilst at the same time maximising housing floor space within the existing allocated boundary and that this has been to the significant detriment of the design, layout, density and aesthetics of the whole development.

The School Board of Governors have also raised Health and Safety concerns which relate to the access, siting of properties, amenity impact of dwellings on the school, and highway safety from the housing development. These matters are relevant to the reserved matters application 20/00383/REMMAJ and are reported in paragraph 7.2 of that Committee report which is being put before members concurrently with this application.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Various. Including discussions relating to condition securing the open space and drainage to serve the housing development, contact about the amount of open space provision and policy requirements.

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of development and Green Infrastructure Provision
- Visual Impact and Landscaping
- Ecology
- Drainage

Principle of development and green infrastructure provision

9.2 Paragraph 170 of the NPPF states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. This is a matter that was considered during the drafting of the Local Plan, prior to allocating the site. The application site is Grade 3 agricultural land which is classed as moderate quality and therefore the proposal would not lead to the loss of high value agricultural land. As such the proposal would not conflict with Paragraph 170 of the NPPF.

9.3 The application site sits to the south of the Inskip housing allocation and settlement boundary, within the defined countryside area. Policy SP4 of the WLP31 is therefore relevant. This sets out that within countryside areas planning permission will only be granted for new development which meets the requirements of the core development management policies and which meets one of the exception criteria listed. Criterion b) outlines that outdoor sport and leisure facilities where a countryside location is needed and justified is considered to be an appropriate type of new development. The provision of open space, the majority of which would to be available for informal recreation use, is considered to be in general accordance with this criterion, and the justification and need for it to be in this location is outlined in the concurrent reserved matters application before members (i.e. to enable delivery of the housing capacity figure and school expansion if required within the Inskip housing allocation).

9.4 Policy SP4 also requires development in the countryside to not adversely impact on its open and rural character. This will be considered in the visual impact section below.

Visual impact and landscaping (including typology)

9.5 The proposed area of green infrastructure (GI) would project into the countryside beyond the identified site allocation / settlement boundary. However there is no existing physical boundary between the site allocation and this application site as the land to the north is part of the same agricultural field. It is acknowledged that the proposal would remove part of the existing agricultural field. Instead it would provide an area of GI containing, trees, a wildflower meadow, and SuDS pond, and stock boundary fencing is proposed along the edge of the site separating it from the remainder of the agricultural field. Within the wildflower meadow twelve trees are proposed to be planted as a mix of native medium size trees, and large ornamental trees. Shrub planting would be around the base of the larger trees north of the proposed pond and along the south of the access road between the houses and green infrastructure. Hedgerow planting is proposed to the east and west boundaries of the green infrastructure. As there would be no physical built structures in the GI, it is considered that the site would have the appearance of semi-natural open space and retain an open character typically associated in countryside areas. For these reasons it is considered that the proposal would not result in harm to the character and appearance of the wider countryside.

9.6 The applicant has proposed a wildflower meadow as part of the GI. At the time of the outline application GMEU recommended that a wildflower meadow should be provided for ecological enhancement purposes. The Council's Head of Public Realm and Environmental Sustainability has stated that consideration should be made for more formal green amenity space/natural play. This has been considered, however as the wildflower meadow would have the appearance of semi-natural open space, retain the open views from the wider countryside towards the housing to the north and respect the existing open character, and offer ecology benefits, it is considered that the provision of the wildflower meadow is appropriate. Furthermore the adjacent housing site to the east at St. Peter's Drive that was granted reserved matters consent in 2015 (15/00497/REMAJ) also included a soft edge which was part grassland and part wildflower and bulb planting. Therefore, the provision of a wildflower meadow would resemble what has been approved on the southern edge of adjacent land. In terms of long term management of this GI a condition can be attached to ensure that a management plan is submitted and agreed should Members resolve to approve the application. Whilst a landscape management condition was imposed on the outline permission, as this site does not fall within the parameters of that permission, it is necessary to impose a separate condition.

Ecology

9.7 The application site is not within an area of ecological designation. The proposal would however be on greenfield land. KDC8 of Policy SA1/11 relating to the allocation states that the site has no nature conservation designations, but potential ecological impacts should be considered due to the greenfield nature of the site and hedgerows. GMEU have stated that this application will lead to net ecological gain for this part of the site, although the proposed nest boxes are on trees that will not be large enough to provide secure nesting spots. As a result these are to be provided on the adjacent housing site instead. It is also recommended that all tree planting within the open space and the emergent planting in the SUDs pond be a native species. The applicant is in the process of amending documents to meet GMEU's comments.

GMEU have also stated that there should be regular mowing of the wildflower grassland. The applicant has confirmed that they are in the process of updating the Landscape Management Plan to include the land subject to this application so that it includes wildflower meadow mowing details needed to enable the wildflower grassland to flower. Should this be received and agreed by GMEU before committee then an updated position on this issue will be reported to members, otherwise the suggested condition requiring a landscape management plan to be submitted and agreed for this application will remain.

9.8 GMEU commented on outline application 19/00348/OUTMAJ that rabbits were identified as present on the adjacent land to the, and an informative was attached to remind the application of the Wild Mammal Protection Act. As this land is immediately to the south and part of the same agricultural field, it is considered the same informative regarding mammal protection should be attached.

Flood risk

9.9 The site is located within Flood Zone 1 on the Environment Agency's Mapping Service and therefore has the lowest probability of fluvial flooding. As the site in conjunction with the adjacent site exceeds 1 hectare in area, a Flood Risk Assessment (FRA) has been submitted.

9.10 The Council's Drainage Engineer has been consulted and has raised no objections in principle but states confirmation is required that United Utilities are prepared to adopt the Sustainable Drainage (SuDS) infrastructure for the sider development, including the attenuation pond proposed in this application, as part of a Section 104 agreement. United Utilities have responded to the application on land to the north raising no objection in principle and urging the applicant to engage with them over a detailed drainage design, to be submitted as part of the adoption agreement. UU have also confirmed for that application that they cannot state at this stage whether the SUDS feature would be adopted as they would have to wait for a S104 Agreement to be submitted to them and consider the details. They have not responded specifically to this application. The applicant has confirmed that it is their intention for the SuDS to be adopted by United Utilities in the same way that it is for roads and sewers to be adopted, but should it be the case that United Utilities won't adopt the SuDS then a Management Company would instead be used. Even if UU did not wish to adopt the SuDS feature then there is an alternative option for this to be privately managed. As the SuDS feature within this application would be serving the adjacent development then it would be included within the scope of the drainage conditions imposed on the outline permission, one of which requires management details to be submitted and agreed. As such there is no reason to repeat this condition, and suitable management arrangements can subsequently be agreed once the applicant has confirmation on the UU adoption position.

10.0 CONCLUSION

10.1 Although this is a 'stand alone' application, its purpose is to provide the requisite Green Infrastructure to allow the proposed adjoining housing development to comply with Policy HP9 in respect of the provision of Green Infrastructure. The provision of green infrastructure on this site is considered to satisfy the requirements of policy SP4 as being appropriate development in the countryside as the majority would provide an opportunity for informal recreation use and there is a case for it to be here in order to enable the delivery of 30 units on the adjacent housing allocation. The scheme is considered to be visually acceptable and would not adversely affect the open and rural character of the countryside. It would also introduce ecology

benefits. Therefore it is recommended the application be approved subject to conditions.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.

11.2 ARTICLE 1 - of the First Protocol Protection of Property has been considered in coming to this recommendation.

12.0 RECOMMENDATION

12.1 Grant full planning permission subject to conditions

Recommendation: Permit

Conditions: -

1. The development must be begun before the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 05.05.2020 including the following plans/documents:

- Drawing No. 102 Rev A Location Plan
- Drawing No. 105 Rev A Site Plan Proposed (in so far as this relates to the red edge on the location plan)
- Drawing No. 109 Rev A Boundary Plan and Details

The development shall be retained hereafter in accordance with this detail.

Reason: For the avoidance of doubt and so that the Local Planning Authority shall be satisfied as to the details.

3. The landscaping works shall be carried out in accordance with the approved details [Drawing No. 101 Revision F - Landscaping Layout, and Drawing No. 201 Rev C - Planting Plan].

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 7 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity and ecology in accordance with Policies CDMP3 and CDMP4 of the Wyre

Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

4. Prior to the commencement of development, a management and maintenance plan for the green infrastructure and all communal areas within the site shall be submitted to and agreed in writing by the Local Planning Authority. This plan shall cover features such as ponds, detention basins, hedgerows, grassland and planting areas. The plan shall also detail how long-term management of the green infrastructure will be resourced. The management and maintenance plan shall be implemented in accordance with the agreed details.

Reason: In order to ensure that communal areas of planting are managed in such a way as to safeguard their ecological benefits in the interests of biodiversity and the appearance of the site in accordance with the provisions of paragraphs 17 and 118 of the NPPF and Policies CDMP3, CDMP4 and HP9 of the Wyre Local Plan 2011-2031. The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application.

5. The use of the land hereby permitted shall be for green infrastructure and drainage and all area(s) of open space designed to be publicly accessible shall thereafter be retained and maintained for use by the public.

Reason: In order to ensure that the use remains appropriate to this countryside location and remains available for public access in order to perform a functional green infrastructure role in accordance with Policies SP4, SP8 and HP9 of the Wyre Local Plan 2011-2031.

Notes: -

1. The applicant is reminded that, under the Wild Mammal (Protection) Act 1996 it is an offence to inflict unnecessary suffering to wild mammals. Planning consent does not provide a defence against prosecution under this act.

2. The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a birds nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).