

Committee Report**Date: 06.01.2021**

Item Number	05
Application Number	20/00882/FUL
Proposal	Erection of four detached dwellings with access from Skippool Road (following demolition of existing buildings)
Location	Prospect Farm Skippool Road Thornton Cleveleys Lancashire FY5 5LD
Applicant	Mr Deol
Correspondence Address	c/o Mr Harry Carter The Big Shippon Clifton Fields Preston PR4 0XG United Kingdom
Recommendation	Refuse

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Mr Rob McKillop****1.0 INTRODUCTION**

1.1 This application is before Members of the Planning Committee for a decision at the request of Councillor David Henderson. A site visit is recommended to enable Members to understand the proposal beyond the submitted plans.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is located to the north of Amounderness Way (A585) accessed via a long, narrow driveway leading from the west side of Skippool Road. The site comprises a two storey farmhouse as well as a mix of brick, timber and portal framed buildings associated with the site's agricultural use. The buildings vary in height and size although are dilapidated in appearance. The site access serves other dwellings, namely Barton House and Aloha, situated adjacent to Skippool Road. There are open fields beyond to the north and west. There is a group of trees (19 poplars and 2 sycamores) along the southern boundary with Amounderness Way covered by a Tree Preservation Order (TPO). The site is within the Green Belt as designated in the adopted Local Plan.

3.0 THE PROPOSAL

3.1 The proposal is for the demolition of the existing agricultural buildings at the site and erection of four detached dwellings. Identical dwellings are proposed on Plots 1 and 2 occupying the southern half of the site, and Plots 3 and 4 to the north would also be of matching design. The proposed dwellings for Plots 1 and 2 would have 4 en-suite bedrooms at first floor with a guest bedroom at ground floor. They would each have a kitchen/living area with adjoining dining room at ground floor and an integral double garage. The dwellings on Plots 3 & 4 would have a basement

level with double garage, spa areas and plant room. The ground floor would two bedrooms, an office, an open plan kitchen/dining/snug area as well as a living room, play room and cinema room. At first floor there would be 5 en-suite bedrooms with an outside terraced area. The proposed designs also include large windows and glazing to the roof as well as green roofs and landscaping areas. Access would continue to be taken from Skippool Road.

3.2 The application is supported by the following documents as follows:

- Design & Access Statement
- Planning Statement
- Tree Survey
- Biodiversity Survey & Report
- Assessment on Potential impact on Great Crested Newts
- Noise Impact Assessment
- Drainage Plans

4.0 RELEVANT PLANNING HISTORY

4.1 04/01106/FUL: Conversion of agricultural buildings into 5 holiday units - Permitted.

4.2 15/00753/FUL: Erection of 9 dwellings with associated parking and landscaping (following demolition of existing agricultural buildings and farmhouse) - 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 WLP31 are of most relevance:

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP3 - Greenbelt
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk & Surface Water Management
- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP6 - Accessibility & Transport

5.2 OTHER MATERIAL CONSIDERATIONS

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 relevant to the determination of this application:

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision-making
- Chapter 5 - Delivering a sufficient supply of homes
- Chapter 6 - Building a strong, competitive economy
- Chapter 8 - Promoting healthy and safe communities
- Chapter 9 - Promoting sustainable transport
- Chapter 12 - Achieving well-designed places
- Chapter 13 - Protecting Green Belt land
- Chapter 15 - Conserving and enhancing the natural environment

5.2.3 In accordance with the National Planning Practice Guidance (PPG) and NPPF §73, the council must be able to demonstrate a 5 year housing land supply position (with a 5% buffer) when dealing with applications and appeals. The latest available evidence on housing delivery is that set out in the council's APS submission for 2020 which demonstrates a deliverable housing land supply position of 5.9 years. The council's 5 years housing land supply position has recently been considered by an Inspector and even if the Inspector's conclusions were accepted in full there would be a housing land supply position of a minimum 5.2 years (including a 5% buffer). There is therefore full confidence that the council is able to demonstrate a deliverable 5 year housing land supply.

5.3 OTHER RELEVANT GUIDANCE / LEGISLATION

Conservation of Species and Habitats Regulations 2017

National Planning Practice Guidance (NPPG)

Supplementary Planning Guidance 4 - Housing Layouts

6.0 CONSULTATION RESPONSES

6.1 GREATER MANCHESTER ECOLOGY UNIT (GMEU) - No objections subject to conditions.

6.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS) - No objections subject to conditions

6.3 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE) - No objections.

6.4 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE) - No objections, subject to noise mitigation measures being secured by condition.

6.5 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (LAND CONTAMINATION) - No objections subject to conditions.

6.6 WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (TREE OFFICER) – The Arboricultural information submitted is

appropriate and should be followed to ensure construction activities do not adversely impact on trees to be retained. There is already consent for tree reduction works to the poplar trees covered by the TPO. The Landscape management plan and planting plan is acceptable. Separate TPO consent is required for the phased return of the poplar trees.

7.0 REPRESENTATIONS

7.1 No public representations received.

8.0 CONTACT WITH APPLICANT/AGENT

8.1 The applicant was advised during pre-application advice that officers could not support the principle of this development given the Green Belt location. Additional/Revised documents have been submitted for consideration during the application process.

9.0 ISSUES

Principle of development and Policy compliance -

9.1 The site is within an area defined as Green Belt. Policy SP3(1) of the Wyre Local Plan (WLP31) reiterates national planning policy as set out in the NPPF and states that planning permission will not be granted for inappropriate development as defined in national policy, except in very special circumstances. Part 2 of policy SP3 sets out that where development is deemed appropriate, it should meet the requirements of other Core Development Management Policies and should seek to minimise the impact on the openness of the Green Belt. Part 3 of the policy states that the construction of new buildings is inappropriate development in the Green Belt, except for categories of development defined in national policy. Paragraph 145 (Part G) of the NPPF lists the exceptions which are not inappropriate in the Green Belt.

9.2 The NPPF (glossary) excludes land that was last occupied by agricultural buildings from its definition of previously developed land. The application site is occupied by buildings which have last been in use for agricultural purposes, and therefore the correct application of the NPPF is that the site represents a greenfield site for the purposes of assessing this application. New build residential development on greenfield sites is not listed an exception under Paragraph 145 of the NPPF.

9.3 The development of the site as proposed is therefore defined as being inappropriate and therefore, in order to be considered acceptable, very special circumstances must be shown.

9.4 The applicant's planning statement provides their case why the development would be acceptable despite the aforementioned policy conflict with WLP31 policy SP3 and the NPPF. Firstly, they have stated that the site could exploit permitted development rights for conversion of the agricultural buildings to residential dwellings. Whilst it is accepted that these works do not benefit from prior-approval consent, the applicant is suggesting the potential conversion works would be a realistic prospect in terms of providing a fall-back position. However, until and unless an application has been considered that confirms that prior approval is not required for the conversion of these buildings, this cannot be treated as a fall-back position, and the hypothetical circumstances put forward by the applicant would not carry weight in decision making. Furthermore, it is considered that the conversion / re-use of the buildings would represent a more sustainable scheme. In addition to this, a

comparison of existing buildings and proposed buildings has been submitted. The applicant has submitted calculations showing that the proposed dwellings would have a reduced volume and footprint than the existing farm buildings, and therefore has asserted the scheme would have a reduced impact. However, with the exception of two, the existing farm buildings are lower, several of which would be approximately half the height of the proposed dwellings. The result of this is that many of the existing buildings do not feature in views within the surrounding area and are screened by existing larger buildings. This gives the impression of a reduced amount of built development from views outside of the site itself. As such, the volume comparison is considered to give a distorted representation of the existing and proposed development in terms of likely impact on the Green Belt.

9.5 In respect of sustainability, the applicant has asserted that the development would represent an environmental improvement by removal of existing buildings and introduction of a high quality design that represents a sustainable form of development. In terms of sustainability credentials, the Council notes the scheme would include sustainable building features such as efficient construction materials and renewable energy. Additionally the site benefits from good links to nearby towns via walking, cycling and public transport. These aspects are accepted by the Council, and it is also accepted that the proposals are likely to help support local construction businesses. Whilst some social and economic benefits are present these are not considered to represent very special circumstances. The impact of the development on the openness of the Green Belt, and in particular, the urbanising effect on the character of a presently rural environment, would represent a form of environmental harm that would have a lasting effect. This harm is considered to outweigh any social or economic sustainability benefits.

9.6 The applicant's submitted Planning Statement refers to inconsistent pre-application advice from the Council and alleges a failure to be positive or proactive to address issues. The Council's pre-application process in this case involved a meeting and a follow-up written response. Concerns were raised in the meeting about the conflict with policy based on the impact on the openness of the Green Belt. Subsequent to the meeting the formal written response was issued, advising that the proposals would also conflict with policy given the most recent use of the buildings was agriculture and therefore should be considered a greenfield site.

9.7 It is accepted by officers that the previous planning permission (15/00753/FUL) was granted on the basis of the site being incorrectly identified as previously developed land. There were, however, other policy issues relevant at that time including the lack of a five year land supply. However, this previous permission has expired, and cannot be treated as a fall-back position and so it should carry no weight in determining this current application. The applicant has suggested that the Council should continue to incorrectly identify the site as previously developed land to maintain consistency with the previous application. It is, however, a legal requirement to take in to account all policies and material considerations relevant at the time a decision is made. To fail to do so could lead to a legal challenge to the decision. This was relayed to the applicant prior to the application submission. In terms of the assertion that officers have not been pro-active, advice in respect of flooding, drainage, landscaping, highway safety, general design principles and other matters was provided at pre-application stage despite the concerns raised on the Green Belt policy matter.

9.8 In respect of other matters raised in the applicant's planning statement, the site was previously included on the Council's brownfield register on the basis that it benefitted from an extant planning permission, however as that permission has

lapsed and the site is now confirmed as greenfield it does not feature on the latest brownfield register published in October 2020. It was included on the 2017 Strategic Housing Land Availability Assessment (SHLAA) again on the basis that it benefitted from an extant permission. However the SHLAA is a process to identify the land potentially available for housing, and does not allocate land for housing, nor does it represent confirmation that a site without permission is suitable for development.

9.9 Overall, the proposal would form inappropriate development in the Green Belt as it would not fall within any of the exceptions listed under Paragraph 143 of the NPPF and would in a harmful impact on the openness of the Green Belt which is in conflict with local and national policies. Very special circumstances have not been demonstrated to justify allowing the development. Other material considerations are listed below.

Visual Impact / Design

9.10 Policy CDMP3 of the WLP31 sets out that, amongst other things, development must be designed to respect or enhance the character of the area. Good design is also a key aspect of sustainable development as set out in Chapter 12 of the NPPF.

9.11 The proposed dwellings are of a large scale. Whilst this is not unacceptable in itself, it results in a larger mass of development, and would have increased visibility from vantage points within the surrounding area. The existing site has expanded organically as the farm grew resulting in a mixture of buildings with varying heights. This creates a softer view that is more commensurate with a rural setting, however the proposed development would result in a more uniform arrangement and a built form that would be instantly identifiable as residential development in surrounding views. The proposed development envelope would project further to the north west of the site and the side elevation of Plot 4 would be visible from Skippool Road to the east. Whilst the existing two storey dwelling is visible from this direction, it is set against a backdrop of agricultural buildings, which are generally lower in height than the proposed dwellings and allow open gaps in views of the farmstead. The proposed dwellings given the uniform layout, would create a larger "block" of development that is more consistent in height and form with reduced gaps through the site. This would erode the sense of openness, and would introduce a more urban character to the area. Furthermore, the proposals incorporate new tree and hedge planting, however the proposed screening would have a linear arrangement reflecting the straight lines around the proposed boundaries of the dwellings. This rigid arrangement would not have an organic character and would still present a "stark" feature in views that would be unsympathetic to the present open/rural area. It is also noted that the extent of landscaping proposed appears to be an attempt to mitigate against the impacts of the large scale dwellings proposed.

9.12 In terms of the appearance of the proposed dwellings, these would be of a contemporary design with good quality materials proposed. This is considered to be an acceptable approach and the contemporary design and architectural features would result in a visually attractive and interesting scheme. However, as noted above, the large scale and uniform arrangement makes the development more visually prominent from outside the site which is considered harmful to the openness of the Green Belt.

9.13 In conclusion, the proposed dwellings would conflict with Policy CDMP3 of the Local Plan and the design guidance set out in the NPPF.

Impact on the Residential Amenity -

9.14 The nearest existing residential neighbours are a significant distance away from the proposed development. Although they would share the same access, given this existing driveway has been used to access the existing farm, it is considered the proposed residential use would not result in any significant increase in disturbance or vehicle movements.

9.15 Whilst the proposed dwellings include some balconies, they would not have a direct outlook towards other plots and the scheme would provide an acceptable level of amenity for future occupiers, with sufficient private amenity areas proposed. Given the site's proximity to the A585, noise mitigation measures have been included within the application details. The Council's Environmental Health Officer has confirmed that, subject to the mitigation measures being implemented, this would result in an acceptable noise impact for future occupiers. Overall, subject to conditions the application would have an acceptable impact on residential amenity and would accord with Policies CDMP1 and CDMP3 of the WLP31, SPG4 (Housing Layouts) and the NPPF.

Impact on Highway / Parking

9.16 Access to the site would be via an existing access and driveway leading from the west side of Skippool Road to the north of the roundabout. This currently provides access to the existing farmstead and the two dwellings to the east of the site adjacent to Skippool Road. Given this access is unrestricted, this is currently potential for it to be used by larger agricultural vehicles. There is also an existing access to the southern boundary on to Amounderness Way (A585) which would also allow for use by agricultural vehicles. Given the nature of Amounderness Way, it would be undesirable for this access to be used in the interests of highway safety. The removal of the farm buildings is likely to result in a reduced use of this access and the proposed development would be served via the east access drive only. Furthermore, there would be sufficient space for vehicle parking/turning within the site confines. On this basis, the application is deemed not to result in any additional impacts in terms of highway safety. LCC Highways have reviewed the application and raise no objections to the proposal, subject to conditions in respect of access details, hard surfacing areas and wheel washing during construction. Subject to appropriately worded conditions, the application would have an acceptable impact on highway safety in accordance with Policy CDMP6 of the Local Plan (2011-31).

Flood Risk / Drainage

9.17 The site is within Flood Zone 1 (lowest risk) and so the flood risk sequential and exception tests are not required. The proposals indicate that surface water would discharge to an existing watercourse to the north of the site and that foul water would connect to the public sewer on Skippool Road, which the Council's Drainage Engineer raises no objection to. This could be secured by condition. On this basis, the application would not have an unacceptable impact on drainage and would not increase flooding on the site or local area.

Ecology

9.18 Protected Species surveys have been submitted in support of the application. It is noted that the bat survey is more than 5 years old while professional best practice recommends that surveys are no more than 18 months to 2 years old. In this case the 2015 survey found roosting bats in some of the buildings to be

demolished therefore GMEU requested an additional survey to be carried out. This found low numbers of bats of a relatively common species, the surveyors considered it to be very unlikely that the site supports an important roost and that the conditions on the site remain largely the same as the conditions during the 2015 survey. On this basis, GMEU would not object to permission being granted subject to a condition requiring an updated bat emergence survey to be undertaken between May-August prior to any development commencing including demolition works as well as the submission of a bat mitigation plan. Subject to these conditions, it is considered the application would have an acceptable impact on bats. In respect of great crested newts, GMEU has also advised that any risks are very low and no objections are raised subject to mitigation measures being made into a condition.

9.19 Overall, subject to suitably worded conditions, it is deemed that the proposed development would not result in any unacceptable impacts on protected species and their habitats and the application would accord with the Conservation of Species and Habitats Regulations 2017, the NPPF and Policy CDMP4 of the WLP31.

Trees / Landscaping

9.20 There is a group of protected trees to the south of the application site fronting Amounderness Way and part way along the return eastern boundary. These, together with the rest of the trees along the eastern boundary which aren't protected, would not be affected by the proposed development. The submitted landscaping plan shows that the existing trees along the southern and eastern boundaries would be retained and supplemented with additional tree and hedge planting to these boundaries and also woodland belt" strips along the eastern and western boundaries. Some new trees are proposed within the site between plots. Generally speaking the proposed planting would have a perpendicular form around the perimeter of the application site in an effort to screen the development, rather than provide a more organic landscaping scheme. However, it is considered that there would be no adverse impact on trees at the site and despite the relatively rigid layout, there are no concerns about the landscaping proposed.

Contamination

9.21 A condition would be added to any permission granted to require appropriate site investigation and remediation strategy if required. On this basis, the development would have an acceptable impact in terms of land contamination.

Other Issues

9.22 There would be room for bin storage within the site, however the collection details are unclear given the unadopted nature of the access drive. A condition would be added to any permission granted to ensure details are provided for approval prior to development.

9.23 Policy SP2 of the WLP31 requires development proposals to make an appropriate response to climate change. The Design and Access Statement outlines that the dwellings would be designed as zero carbon homes to include high levels of insulation, solar energy and photovoltaic panels, green roofs, efficient non fossil fuel heating systems and ventilation, thermal massing properties and rainwater harvesting. New tree planting is also proposed. Furthermore policy CDMP6 of the WLP31 requires the dwellings to be served by electric vehicle recharging points. Overall the development would satisfy policy SP2 of the WLP31. Whilst achieving

zero carbon homes should be commended, it carries very little weight in the planning balance in this case when the principle is not supported.

10.0 CONCLUSION

10.1 The application site is located within Green Belt area as designated in the WLP31 where the construction of new buildings on greenfield sites is regarded as inappropriate unless very special circumstances exist. It is considered that the proposal does not demonstrate that there are any very special circumstances which would outweigh the harm to the Green Belt, by reason of the inappropriate development and reduction in the openness of the Green Belt. The application would also have an unacceptable visual impact as the scale and massing of development would detract from the open and rural character of the Green Belt. As such the development would be contrary to Policies SP3 and CDMP3 of the WLP31 and Paragraphs 143 and 145 of the NPPF. It is therefore recommended that the application is refused.

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 Refuse planning permission

Recommendation: Refuse

1. The application site is located within Green Belt area as designated in the Wyre Borough Council Local Plan where the construction of new buildings for residential purposes on greenfield sites is regarded as inappropriate unless very special circumstances exist. It has not been demonstrated that there are any very special circumstances which would outweigh the harm to the Green Belt, by reason of the inappropriate development and failure to preserve the openness of the Green Belt. The application would be contrary to Policy SP3 of the Wyre Local Plan and Paragraphs 143 and 145 of the NPPF.

2. The existing buildings are characteristic of agricultural development in rural areas. The proposed development by reason of the scale and uniform layout would introduce a more prominent block of development in this area. The height, form and arrangement would result in fewer gaps and a reduction in views through the site. This would erode the sense of openness of the area of Green Belt and would introduce a more urban character to the area. The rigid and linear nature or landscaping proposed along boundaries would also appear less organic and starker in views within the surrounding area and is an attempt to screen an inappropriate form of development. Overall, the proposals would result in visual and environmental harm by diminishing the openness of this area of Green Belt. The proposal is contrary to the provisions of Policies SP3 and CDMP3 of the Wyre Local Plan and guidance within the NPPF.