

Officer Report

Application Number: 06/2016/0393

Proposal: Outline application for 1 no. dwelling (access applied for only)

Site Address: 928 Garstang Road, Barton, Preston, Lancashire, PR3 5AB

Case Officer: Victoria Bates

Decision: Pending

Recommendation: Approval in outline

1	Information
1.1	Location
	<p>The application site is part of a cross-boundary application site comprising of approximately 0.07ha of garden land to the north of South Planks Cottage. The site is located on the east side of Garstang Road and approximately 0.75km to the north of the Barton settlement boundary. The site is bounded by residential properties to the north and west (no.937 Garstang Road and no.3 Planks Cottage respectively) and a paddock to the east which is also within the applicant's ownership.</p> <p>The majority of the site lies within the boundary of Preston City Council, however, the access onto Garstang Road and the western part of the access road (approximately a 13m long stretch) lies within Wyre Borough Council's area. The site is identified as being within Open Countryside on the Policies Map of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) (APLP) and the Countryside Area on the Proposals Map of the Wyre Local Plan 1999.</p>
1.2	Proposal
	<p>The application seeks outline planning permission for the erection of 1 no. dwelling with the access utilising the existing egress onto Garstang Road which currently serves South Planks Cottage and nos.2 & 3 Plank Cottages. The application seeks approval for access only with all other matters reserved.</p>
1.3	Relevant planning history
	None recorded.
1.4	Planning Policy Framework
	<p>Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p>

The Development plan comprises:

Adopted Central Lancashire Core Strategy

Policy 1: Locating Growth

Policy 3: Travel

Policy 4: Housing Delivery

Policy 16: Heritage Assets

Policy 17: Design of New Buildings

Policy 27: Sustainable Resources and New Developments

Policy 29: Waste Management

Policy 30: Air Quality

Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies)

Policy EN1: Development in the Open Countryside

Policy EN7: Land Quality

Policy EN8: Development and Heritage Assets

Policy EN9: Design of New Development

Policy ST1: Parking Standards

Policy ST2: General Transport Considerations

Preston Local Plan (saved policies)

None relevant

Other material considerations:

Central Lancashire Supplementary Planning Document

SPD3: Rural Development

SPD5: Design Guide

National Planning Policy Documents

National Planning Policy Framework (the Framework)

National Planning Practice Guidance

National Planning Policy for Waste

1.5 Consultation responses

Neighbours/publicity – One letter of objection has been received from a neighbouring occupier. The issues raised can be summarised as follows:

- There is known flooding at a neighbouring property (no.3 Planks Cottage) and there is concern that the proposal will increase that flood risk;
- There is a public sewer crossing beneath the access track to South Planks Cottage close to its junction with the A6. From the layout of the drainage to my property I have always assumed that it continues to also serve South Planks Cottage. It is requested that a condition is attached to ensure that the additional property has its own independent connection to the public sewer to avoid additional foul flooding risk. I am now concerned that the drainage proposals could change under building control without me having the opportunity to make that representation.

Barton Parish Council – No response.

	<p>Wyre Borough Council – No response.</p> <p>Environmental Health – No objections. Given the history of the site a Phase 1 Desk Study is required. Dependent upon the findings of the Phase 1 Desk Study, an Intrusive Site Investigation (Phase 2 study) and associated risk assessment may then be required and where appropriate, a subsequent Method Statement and Remediation Strategy.</p> <p>County Highways – No objections.</p> <p>Lancashire Archaeological Advisory Service (LAAS) – A brick and tile kiln is depicted on the 1847 1st Edition Ordnance Survey 1:10560 mapping within the area of the proposed development. The site is considered to be of local significance as there is little surviving evidence of the 19th Century brick and tile industry and no such site has been recorded in the county before. Recommendation that a condition be attached to secure an archaeological watching brief during groundworks for the proposed development.</p> <p>United Utilities – No response.</p>
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1.6	Analysis
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	<p><u>Principle of development</u></p> <p>Core Strategy Policy 1 aims to focus growth and investment on brownfield sites and lists specific areas where it should be concentrated and says that outside of these areas development would be allowed in smaller villages where it is small scale and limited to infilling, conversions or to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes.</p> <p>The site is identified on the Local Plan Policies Map as falling within the open countryside. APLP Policy EN1 is applicable, which aims to protect designated open countryside from development that would harm its open and rural character. With the exception of rural exception housing (APLP Policy HS4) and agricultural workers dwellings (APLP HS5), APLP Policy EN1 advises that development in the open countryside will be limited to:</p> <ol style="list-style-type: none"> a) That needed for purposes of agriculture or forestry or other uses appropriate to a rural area including uses which help to diversify the rural economy; b) The re-use or re-habitation of existing buildings; c) Infilling within groups of buildings in smaller rural settlements. <p>The supporting text to the Policy states that smaller settlements and clusters of buildings are not defined on the map, but are included within the open countryside designation and that proposals within these ‘settlements’ will be considered against the criteria of Policies 1(f) and EN1.</p> <p>The site is located within the open countryside and bounds existing buildings to the north, south and west which form part of a cluster of five dwellings (and their associated outbuildings) on the east side of Garstang Road. The eastern boundary of the site is shared with a paddock (which itself is bounded by open fields to the north, south and east), however, it forms a continuation of the adjacent boundaries of the gardens to 934 Garstang Road and South Planks Cottage. As such, the site can be considered to be located within a cluster of buildings, is bounded by residential curtilages on three sides and the proposal</p>
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would not lead to a further encroachment of built development into the surrounding open countryside. It is therefore considered that the site can reasonably be defined as infill and therefore complies with Core Strategy Policy 1(f) and APLP Policy EN1.

Housing Provision

Core Strategy Policy 4 seeks to deliver a total of 22,158 new dwellings across the three Central Lancashire districts during the plan period of 2010 – 2026. The policy sets the minimum requirement of 507 new dwellings per annum for Preston. Policy 4 also seeks to ensure that at least 70% of new housing developments are located on brownfield sites.

Paragraph 47 of the Framework states that local planning authorities should identify a supply of specific deliverable sites to provide five years' worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land.

Paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. As part of the appeal at Garstang Road in Barton, the Council has reviewed its housing land supply position and considers that it cannot demonstrate a five year supply of deliverable housing land. The relevant policies for the supply of housing, in this case Core Strategy Policies 1 and 4, are therefore considered to be out of date.

Paragraph 14 of the Framework sets out a 'presumption in favour of sustainable development' and for decision-taking this means 1) approving development proposals without delay; and 2) where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:

- any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, assessed against the Framework taken as a whole; or
- there are specific policies in the Framework that indicate development should be restricted.

Given that the Council cannot demonstrate a five year supply of deliverable housing land and Core Strategy Policies 1 and 4 and Local Plan Policy EN1 are therefore considered to be out of date, this means that planning permission should be granted for this proposal unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits or there are specific policies in the Framework that indicate development should be refused. This will be considered at the end of the report in the section titled 'Planning Balance – Compliance with the Framework'.

Traffic & Highway Safety

APLP Policy ST2 states that development will be permitted provided that road safety and the efficient and convenient movement of all highways users is not prejudiced, and appropriate provision is made for vehicular access, off-street servicing and vehicle parking. The Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The proposed dwelling would be accessed from an existing shared private access from Garstang Road. The application is in outline and the junction of the access road with Garstang Road lies within Wyre Borough Council's area. As such, the only part of the proposal which can be considered from a highways perspective as part of this application is the section of the road which runs between no.2 Planks Cottage and South Planks Cottage. Amended plans have been submitted which widen the access to incorporate a passing point approximately 20m along the access road from the junction with Garstang Road. County Highways have confirmed that the proposal as amended would provide a satisfactory access to the site for vehicular purposes. On this basis the application complies with the above policies.

Design and layout

Core Strategy Policy 17 states the design of new buildings will be expected to take account of the character and appearance of the local area in terms of siting, layout, massing, scale, design, materials, building to plot ratio and landscaping. APLP Policy EN9 states that all new development proposals should be designed with regard to the principles set out and explained in the Central Lancashire Design Guide SPD, which are movement and legibility; mix of uses and tenures; adaptability and resilience; resources and efficiency; architecture and townscape. SPD5 (Design Guide) stresses the importance of good design, and seeks to ensure that new development is to a high standard, and sets out the design principles and aspects of good design, including amount, layout, scale, landscaping, appearance and access. The Framework states that planning should always seek to secure high quality design that responds to local character and distinctiveness.

The proposal is submitted in outline, with all matters apart from means of access reserved, and is accompanied by an indicative site layout plan. The indicative layout adequately demonstrates that the site could accommodate one dwelling whilst respecting the existing density and character of the area and providing sufficient space for parking and other external amenity space. The proposed development therefore complies with the relevant provisions of the above policies.

Ground Conditions

Paragraphs 120 and 121 of the Framework state that Local Planning Authorities should ensure that proposed development is appropriate for its location and located on sites suitable to accommodate the new use, taking into consideration ground conditions and land stability, including any former uses of the land and that any required mitigation measures are secured.

APLP Policy EN7 seeks to address existing contamination of land by appropriate mitigation measures to ensure the site is suitable for the proposed use and seeks to ensure that proposed development will not cause land to become contaminated.

The application is not accompanied by any information relating to ground conditions, including the likelihood of pollutants/contamination. However, the Lancashire Archaeological Advisory Service advises in their response that the site is a former brick pit and tile kiln. For this reason the Council's Environmental Health Officer has requested the submission of a Phase 1 Desk Study and the implementation of any subsequent requirements for site investigation and remediation works which can be secured by condition. On this basis it is considered that any risk posed by contaminated land can be

sufficiently mitigated and therefore the proposal does not conflict with the above policies.

Drainage & Flood Risk

Core Strategy Policy 29 seeks to improve water quality, water management and reduce the risk of flooding by number of measures including minimising the use of portable mains water in new developments; appraising, managing and reducing flood risk in new developments; managing the capacity and timing of development to avoid exceeding sewer infrastructure capacity; encouraging the adoption of Sustainable Drainage Systems; and seeking to maximise the potential of Green Infrastructure to contribute to flood relief.

Paragraph 103 of the Framework states that Local Planning Authorities should ensure flood risk is not increased elsewhere (i.e. outside areas at risk of flooding) and only consider development appropriate in areas at risk of flooding where proposals are informed by a site-specific flood risk assessment.

Whilst objections have been raised by a neighbouring resident in relation to the foul drainage systems in place in the vicinity of the site and previous incidents of surface water flooding, the site is not located in an area identified as being at risk of flooding. Furthermore, foul sewage would be discharged to a newly installed package treatment plant rather than the existing mains sewer. On this basis the proposal complies with the above policies.

Air Quality

Core Strategy Policy 3(i) supports the use of alternative fuels for transport purposes and the supporting text (paragraph 7.1) refers to enabling the use of alternative fuels for transport purposes such as electric vehicle charging stations. Core Strategy Policy 30 seeks overall improvements in air quality. Paragraph 124 of the Framework requires that planning decisions should ensure that any new development in Air Quality Management Areas (AQMAs) is consistent with the local air quality action plan.

The impact of the development on the air quality in the area is likely to be minimal, but in line with similar residential proposals (i.e. detached dwellings likely to have private drives/garages) it would be appropriate for the development to have some form of mitigation against the potential increase in traffic pollution. A condition requiring the proposed dwelling be fitted with an external electric vehicle charging point is therefore recommended in order that the proposal would comply with Core Strategy Policies 3 and 30.

Waste Management

The National Planning Policy for Waste seeks to ensure that new development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities, for example by ensuring there is discrete provision for bins to facilitate a high quality, comprehensive and frequent household collection service.

The application is accompanied by a Waste, Recycling & Refuse Statement which confirms that adequate space would be provided within the curtilage of the proposed dwelling for waste and recycling storage. The proposal therefore accords with the National Planning Policy for Waste.

Sustainability

Whilst Core Strategy Policy 27 requires all new dwellings meet Level 4 of the Code for Sustainable Homes (CSH), the Government has published a statement of intention in respect of this matter, and in accordance with this statement of intention the Council no longer requires new developments to comply with code standards. However the written ministerial statement (published on 25th March 2015) confirms that for the specific issue of energy performance, Local Planning Authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. Until the amendment is commenced, [the Government] would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above a Code level 4 equivalent. However, where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for energy efficiency to be at a standard consistent with the policy. Therefore, the Council requires only the energy efficiency levels of new developments to be equivalent to Level 4 of the CSH.

The application is not accompanied by any information relating to the energy efficiency levels for the proposed dwelling. However, the application is in outline, with all matters reserved, and this detailed matter can be adequately controlled by condition. As such, subject to a condition requiring the development proposed to demonstrate that the proposed dwelling will achieve energy efficiencies equivalent to Level 4 of the CSH, the application accords with Policy 27 of the Core Strategy.

Archaeology

The application site is located within the vicinity of a 19th Century brick pit and tile kiln which is considered by LAAS to be of local significance.

Core Strategy Policy 16 and APLP Policy EN8 seek to ensure that heritage assets are safeguarded from inappropriate development and accord with national policy on the historic environment. Paragraph 141 of The Framework states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

LAAS opines that there is a potential for archaeological deposits associated with the former industrial use of the site. The site does not warrant preservation in situ since it is of local (rather than national) significance, but does merit a scheme of investigation and recording. Subject to a condition to secure a programme of recording and analysis the proposal the proposal would not conflict with the relevant provisions of the above policies.

Planning Balance – Compliance with the Framework

As assessed above, the proposed development would be compliant with APLP Policy EN1 and Core Strategy Policy 1, but these policies are out of date given the shortfall in housing land supply. However, they remain to be material planning considerations.

The supply of housing and policies set out in the Framework are material considerations that must be taken into account in this case. Paragraph 14 of the Framework is therefore

	<p>engaged and planning permission ought to be granted unless:</p> <ul style="list-style-type: none"> ▪ any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, assessed against the Framework taken as a whole; or ▪ there are specific policies in the Framework that indicate development should be restricted. <p>The Framework supports the presumption in favour of sustainable development, of which there are three dimensions: ‘economic role’; ‘social role’; and ‘environmental role’.</p> <p>In terms of the economic and social role, the proposed development would provide economic investment and employment in Preston through the delivery of an additional house and bring inhabitants into the Barton area, which would support local facilities. In addition, the scheme would also provide community infrastructure levy receipts and new homes bonus.</p> <p>In terms of the environmental role, the above assessment concludes that the site could be developed with no adverse visual impacts to the surrounding open countryside. Furthermore, the development would not have any unacceptable adverse impacts upon highway safety, flood risk, drainage, or ground conditions. It would also deliver the environmental benefits of an energy efficient home with an electric vehicle charging point and in relation to the sustainability of the site, it is acknowledged that County Highways has not objected to this application.</p> <p>In addition to being compliant with the noted out of date policies, the proposal would bring a number of benefits such as increasing the Council’s supply of housing, economic investment and employment and existing environmental assets would be protected. It is considered that this location would be a sustainable location for housing. There are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal and no specific policies in the Framework that indicate development should be restricted. In accordance with the Framework planning permission should be granted.</p>
1.7	Value Added to the Development
	The width of the driveway has been increased to overcome objections from County Highways.
1.8	Conclusions
	Whilst one objection has been received from a neighbouring occupier in relation to the proposed development, the proposed development is acceptable and would not any have any undue impacts upon highway safety, flood risk, drainage, or ground conditions. The proposal complies with the relevant provisions of the Central Lancashire Core Strategy and the Adopted Preston Local Plan and there are no material considerations which outweigh this finding. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application is approved.
1.9	Recommendation
	Approval in outline with conditions.

2	Compliance with paragraphs 186 and 187 of the National Planning Policy Framework
	The Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern within the application as originally submitted and negotiating acceptable amendments to the proposal with the applicant in order to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

Conditions

1. The development hereby permitted shall only be implemented in accordance with the approved plans. This approval relates to drawing numbers:
Amended Site Location Plan at scale 1:1250 (received 6 June 2016).
Site Plan at scale 1:500 on DWG NO. LF/BS/3104a (received 6 June 2016)
(showing proposed access arrangements only).
2. Details of the appearance, landscaping, layout, scale, drainage plans and waste facilities shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall only be carried out in accordance such details as approved. All planting, seeding or turfing shall be carried out in the first planting and seeding seasons

following the occupation of the dwelling or the completion of the development, whichever is the sooner.

3. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than which ever is the later of the following dates:
 - a) the expiration of three years from the date of this permission,
 - b) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
4. The development hereby approved shall achieve Level 4 in the energy efficiency category of the Code for Sustainable Homes, which shall be demonstrated in a design stage report for the development hereby approved that shall be submitted with the reserved matters application. Thereafter the development shall be carried out in accordance with the approved design stage report.
5. No development approved by this planning permission shall be commenced until:
 - a) A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
 - b) A site investigation has been designed for the site using the information obtained from (a) above. This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site.
 - c) The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the Local Planning Authority.
 - d) A Method Statement and remediation strategy, based on the information obtained from c) above has been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the measures approved.

Work shall be carried and completed in accordance with the approved method statement and remediation strategy referred to in (d) above, and to a timescale agreed in writing by the Local Planning Authority.

6. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of

building recording and analysis. This must be carried out by a professionally qualified archaeological/building recording consultant in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

7. Prior to the first occupation of the dwelling hereby approved an electric vehicle charging point shall be provided to the dwelling which shall be retained for that purpose thereafter.

Reasons

1. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
2. The permission is an outline planning permission.
3. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
4. In the interests of reducing reliance on non-renewable energy resources, in accordance with Policy 27 of the Adopted Central Lancashire Core Strategy.
5. Details are required prior to the commencement of development in order to identify all previous site uses, potential contaminants that might reasonably be expected given those uses, and the source of contamination, pathways and receptors; to enable a risk assessment to be undertaken, refinement of the conceptual model, and the development of a Method Statement and Remediation Strategy; to ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site; to ensure that the potential effects of ground contamination are known about and adequately mitigated in accordance with the Policy EN7 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and the National Planning Policy Framework.
6. To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building/site in accordance with Policy EN8 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies), Policy 16 of the Adopted Central Lancashire Core Strategy and the National Planning Policy Framework.
7. To enable the use of alternative fuels for transport purposes such as electric vehicle charging stations in order that sustainable travel alternatives need are supported and promoted within the development in accordance with Policy 3 of the Adopted Central Lancashire Core Strategy.

Informatives