

No.1	APPLICATION NO.	2020/1132/OUT
	LOCATION	Land Adjacent To Lindsay Cottage Crawford Road Crawford Village Up Holland Lancashire
	PROPOSAL	Outline application for residential development with all matters reserved.
	APPLICANT	Mr David Cook
	WARD	Up Holland
	PARISH	Up Holland
	TARGET DATE	10th February 2021

1.0 **REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme however, Councillor O'Neill has requested it be referred to Committee to consider development on green belt land and on grade 1 farm land and consideration as to whether the proposal can be considered as "in-fill" development in the green belt.

2.0 **SUMMARY**

- 2.1 It is considered that the principle of residential development at this site is acceptable and the proposal comprises infill development within a village in the Green Belt. I am satisfied that the proposal would not result in any significant detrimental impact upon drainage, biodiversity or highway implications. The submission is outline in form and I am satisfied matters relating to the impact on the character of the area and amenity of neighbouring properties can be addressed at the reserved matters stage. The development is considered to be compliant with relevant national and local planning policies and the application is therefore recommended for approval.

3.0 **RECOMMENDATION: APPROVE subject to conditions.**

4.0 **THE SITE**

- 4.1 The site is located on the southern side of Crawford Road and is an open field in agricultural use. To the west of the site is an agricultural track with a row of dwellings beyond and to the east is a public footpath with a small cluster of dwellings immediately to the east of the path. To the north of the site is a cul-de-sac of detached dwellings known as Manor House Drive.

5.0 **THE PROPOSAL**

- 5.1 The application is outline in form and proposes the use of the site for residential development. An indicative plan has been submitted showing a layout of three detached dwellings with parking to the front and gardens to the rear.

6.0 **PREVIOUS RELEVANT DECISIONS**

- 6.1 None.

7.0 **CONSULTEE RESPONSES**

- 7.1 Coal Authority - No objection to the proposed development subject to the imposition of conditions to secure ground investigations are undertaken prior to the commencement of development.
- 7.2 SABIC - In terms of SABIC's Cross County Pipelines the proposed development appears to be located in the Inner Zone of a Major Pipeline. We are therefore bound to object to the planning application as it stands. If planning consent were subsequently granted we would require further consultation with the developer prior to construction commencing on site. Recommend Health & Safety Executive are consulted to review the proposed development.
- 7.3 HSE - No objection.
- 7.4 Environmental Health Officer - No objections to this application in principle. Recommend condition and notes.
- 7.5 Lancashire County Council (Highway Authority) - LCC Highways has no objections to the outline planning application for the residential development and is of the opinion that the level of traffic generated by this proposal would not have a significant impact on highway capacity and safety within the vicinity of the site.

LCC Highways requests the details relating to visibility, access, layout and parking are included as part of any future detailed planning application.

- 7.6 MEAS – No objections in principle. Conditions recommended

The development site is within and adjacent to farmland which may provide habitat for qualifying bird species of European protected sites and there are a number of records of qualifying species Pink-footed goose within the surrounding area. These sites are protected under the Conservation of Habitats & Species Regulations 2017 (as amended). Due to the development's potential pathways and impacts on the above sites, this proposal requires Habitats Regulations Assessment for likely significant effects.

An Appropriate Assessment has been carried out in accordance with Regulation 63 (Habitats Regulations 2017). The Appropriate Assessment report concludes that, with mitigation measures, there will be no adverse effect upon the integrity of European sites. Natural England should be consulted with regard to the Appropriate Assessment.

- 7.7 Natural England - no comments.

8.0 OTHER REPRESENTATIONS

- 8.1 Up Holland Parish Council - Object to this application. Parish Councillors support the views put forward by residents that the proposed development on agricultural land in the Green Belt should be refused. There being no grounds for overruling the Local Plan or national planning policy.
- 8.2 Letters of representation have been received which can be summarised as follows:

Objection to the proposal in principle;
Consider that the site is not infill. The site does not lie within the village. Consider cited appeal decision and case law are not relevant or comparable to this proposal;
Concern that the site is subject to flooding now and that this would get worse if the site is built upon;
Concern regarding loss of agricultural land. Crops are regularly grown on this land;

Site is not sustainable - lack of services in Crawford Village;
Concern over loss of light, loss of privacy and impact on residential amenity;
Consider development would be out of character with the historic village. The indicative height of dwellings would not be in keeping with neighbouring sites;
Development would block views of the countryside;
Highway impacts of the development - increase in congestion;
Potential for impacts on public footpath;
Impacts on ecology particularly mammals within the watercourse nearby and along the site edges;
Development would lead to loss of openness in the Green Belt and the development would be inappropriate development in the Green Belt without very special circumstances being demonstrated;
Offer support for the proposal within the boundaries and building line of the village.

9.0 SUPPORTING INFORMATION

- 9.1 The application has been supported by the following documents:
Drainage Statement
Ecological Appraisal
Planning Statement
Coal Mining Risk Assessment.

10.0 RELEVANT PLANNING POLICIES

- 10.1 The application site is located within the Green Belt as designated in the West Lancashire Local Plan Proposal Map.

- 10.2 National Planning Policy Framework (NPPF)

West Lancashire Local Plan 2012-2027 DPD
SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
RS1 - Residential Development
IF2 - Enhancing Sustainable Transport Choice
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EC2 - The Rural Economy

Supplementary Planning Document - Design Guide (January 2008)

Supplementary Planning Document, Development in the Green Belt (October 2015)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Principle of development

- 11.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed. Paragraph 145 advises that the construction of new buildings is considered inappropriate unless the new buildings are considered to fall within a list of exceptions including e) *Limited infilling in villages*. Exception e) does not have any qualifying requirements requiring the decision maker to assess the impact of such development on the openness of the Green Belt. If the development is considered to be infill within a village then the principle of that development is acceptable.

- 11.2 Recent decisions have established that development within a village is not limited to development which is solely located within a defined settlement boundary. Case law requires that a decision maker must also consider the situation 'on the ground' in reaching a conclusion as to whether a site is within a village or not. The application site lies in the Green Belt outside, but adjacent to, the settlement boundary of the small rural village of Crawford and would be used for residential development. Having regard to the position of the surrounding development with residential development to three sides of the site including Manor House Drive and the cluster of dwellings to the east of the site it is my view that with respect to Green Belt policy the site can be considered as limited infilling within villages under exception e) of paragraph 145 of the NPPF.
- 11.3 I note the application includes details of an appeal case, which the applicant considers is similar to this submission. I also note the detailed rebuttal from an interested party. The Council is aware of other appeal decisions which consider whether a proposed development may constitute limited infilling in villages. Indeed, the Council has recently failed to defend an appeal against a refusal of planning permission for limited infill development in Bescar Lane, Scarisbrick where the Inspector provided helpful advice on how decision makers should assess whether development proposals may be considered limited infilling in villages. However, each case is assessed on its own merits and this site is considered to be infill within Crawford Village for the reasons given above. The principle of development is therefore considered to be acceptable.

Loss of agricultural land

- 11.4 Policy EC2 states *"The irreversible development of open, agricultural land will not be permitted where it would result in the loss of the best and most versatile agricultural land except where absolutely necessary to deliver development allocated within this Local Plan or strategic infrastructure, or development associated with the agricultural use of the land."*
- 11.5 The land on which the dwellings would be located is designated as Grade 1 agricultural land on the agricultural land classification maps for England. However, these offer a broad-brush approach and do not necessarily identify specific characteristics of particular fields. The supporting information states that the land has been used intermittently for growing crops however due to its position and shape the applicant confirms it is difficult to farm using large modern agricultural machinery. The area of land is relatively small and has been reduced in depth during the course of the application. It is my view that the loss of this area of agricultural land would not be so detrimental to warrant refusal of the application.

Principle of development - Sustainability

- 11.6 Paragraph 78 of the NPPF promotes sustainable development in rural areas and states that housing should be located where it will enhance or maintain the vitality of rural communities. Consideration must be given to whether the proposal can be considered as sustainable development.
- 11.7 The site is located within the Green Belt however, it does lie directly adjacent to the settlement boundary of Crawford village. There are some services and facilities within walking distance of the site including a primary school, village hall and playing field. There is a railway station and garden centre/café/pantry located approx. 1.3km from the site, which can be accessed on foot along an existing pavement.
- 11.8 Whilst day to day services and facilities are somewhat limited I am satisfied the dwellings would be situated in a sustainable location.

Design/Layout

- 11.9 Policy GN3 supported by the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings.
- 11.10 In the main the pattern of development in Crawford Village comprises linear development of dwellings along the main road through the village. Dwellings generally face the road and have gardens to the front and rear. The indicative plan demonstrates three dwellings which are road facing and in a linear form similar to the prevailing character of the village particularly those properties on either side of the site.
- 11.11 The indicative plan demonstrates that there is adequate space on this site to accommodate three dwellings and associated amenity and parking space. The indicative plot and dwelling footprint sizes are similar to those nearby.
- 11.12 I note that concerns have been raised regarding the proposed height as shown on indicative plans. Detailed matters in regard to scale, appearance and layout of the dwellings would be submitted for assessment at the reserved matters stage. I am satisfied that the principle of developing this site for residential purposes would not be out of keeping with the character of the area.

Impact on residential amenity

- 11.13 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring and proposed properties.
- 11.14 As the proposal is in outline form details in respect of windows do not fall to be assessed at this stage. However, in terms of the location of the site in relation to nearby properties, I consider that a scheme can be developed which ensures that neighbouring properties are not overlooked or overshadowed as a result of the development of the site. In addition, I consider there would be adequate room within the site to provide suitable private amenity space that accords with the requirements set out in the SPD - Design Guide.

Highways

- 11.15 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards. Adequate parking should be provided in accordance with policy IF2.
- 11.16 I have consulted the Highway Authority who have indicated they have no objection to the principle of the residential development on the site. Parking provision and further details of the access points would be assessed at the reserved matters stage.
- 11.17 The public footpath is outside the red line of the site and access to the footpath would not be affected as a result of the proposal to develop the site. Subject to the recommended conditions, I am satisfied the proposed development would not have a significant impact on highway safety and is acceptable in this regard.

Impact on Biodiversity

- 11.18 Policy EN2 states that where there is reason to suspect that there may be a priority species, or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where

appropriate, making provision for their needs. This allows the LPA to screen the project against the Habitats Regulations and relevant national and local policy.

- 11.19 The application has been accompanied by an ecological appraisal which has been considered by the Council's Ecological Consultant. A brook is close to the eastern boundary of the site but is separated by a 4m track. The water vole survey of the brook found a number of burrows above the water line which could be used by water vole and therefore water vole presence has not been discounted. Water vole is a protected species and Local Plan policy EN2 applies. Protected species are a material consideration. In line with best practice guidance MEAS advise that no works are carried out within a minimum of 5 metres of the top of the bank and details of methods of protection to this zone should be submitted for approval. This can be secured by a suitably worded planning condition.
- 11.20 The development site is within and adjacent to farmland which may provide habitat for qualifying bird species of nearby European protected sites and there are a number of records of qualifying species Pink-footed goose within the surrounding area. These sites are protected under the Conservation of Habitats & Species Regulations 2017 (as amended). Due to the development's potential pathways and impacts on the above sites, this proposal requires Habitats Regulations Assessment for likely significant effects.
- 11.21 MEAS have therefore conducted an Appropriate Assessment report which concludes that, with mitigation measures, there will be no adverse effect upon the integrity of European sites. Natural England have been consulted on the outcome of the Appropriate Assessment and have raised no objections.
- 11.22 I am therefore satisfied that subject to the recommended conditions the proposal would not have a harmful impact on any protected species or their habitat. The proposal would therefore comply with the requirements of policy EN2.

Drainage

- 11.23 The Council's drainage engineer has reviewed the application with regard to the disposal of foul and surface water drainage, and the flood risk associated with this application.
- 11.24 In terms of flood risk the site is located in Flood Zone 1 and outside areas susceptible to surface water flooding so the risk of flooding is considered to be low. It is noted that concern has been raised in regard to recent flooding of the site. Following further investigations it has been concluded that this issue is due to the poor performance of the culvert under Crawford Road. Although the issue of the culvert cannot be resolved as part of the planning process, it is hoped LCC will be receptive to undertaking improvement works prior to the development. In addition, a depression will be provided on the agricultural land at the rear of the properties for the collection of run-off water.
- 11.25 In principle I have no objection to the proposed development however a condition is recommended requiring full details of a foul and surface water drainage scheme to be submitted for approval as part of the reserved matters submission.

Coal Mining

- 11.26 The Coal Authority confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. Specifically, the Coal Authority records indicate that a thick coal outcrop crosses through the northern part of the application site. In addition, this part

of the application site is anticipated to be underlain by probable unrecorded coal mine workings at shallow depth.

- 11.27 Further intrusive investigations are required to be undertaken prior to development for housing on the site and the Coal Authority have recommended a condition in this regard. Subject to the appropriate investigations and any identified action being undertaken the Coal Authority do not object to the proposed development of this site.

Other matters

- 11.28 I note the response from SABIC regarding the proximity of the proposed dwellings to the pipeline. This matter is covered by relevant guidance and legislation outside of planning. The position of dwellings within the vicinity of a pipeline is a civil matter between relevant parties.
- 11.29 In this case the application is in outline form and an informative note can be placed on the decision notice to advise the developer of the constraint. The matter can then be taken into account when the layout of the dwellings is submitted for approval as part of any reserved matters application.

Summary

- 11.30 The proposal is outline in form with all matters reserved. It is considered the proposal would comprise infill development in a village within the Green Belt in accordance with the requirements of the paragraph 146 of the NPPF. The principle of the development is therefore acceptable. Furthermore, I consider that the proposal satisfactorily meets the requirements of Policies SP1, RS1, EC2, IF2, EN2, GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD and should be recommended for approval.

12.0 RECOMMENDATION

- 12.1 That planning permission be GRANTED subject to the following conditions:

Conditions

1. 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 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.
Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. Before any part of the development hereby granted permission is commenced, approval shall be obtained from the Local Planning Authority with respect to the reserved matters, namely the layout, scale, appearance, access and landscaping including details of landscape management and maintenance (hereinafter called "the reserved matters").
Reason: The application is in outline form only and the matters referred to in the condition are reserved for subsequent approval by the Local Planning Authority.
3. The development hereby approved shall be carried out in accordance with details shown on the following plans:
Site location plan received by the Local Planning Authority on 17th November 2020 and drawing no. 01175/PRE/01 A received on 13th May 2021.

Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

4. Concurrently with the submission for reserved matters, a strategy for the separate foul and surface water drainage of the development, including any necessary infiltration measures, attenuation measures, maintenance management proposals, and phasing of delivery if applicable, shall be submitted to the Local Planning Authority. The surface water drainage strategy must take account of the relevant provisions of the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement standards. The drainage scheme must be completed in accordance with the approved details and, if applicable, the approved phasing of the scheme. The MicroDrainage mdx file, if available, is required to aid the checking of design calculations. No development shall commence without approval in writing of the strategy by the Local Planning Authority and the scheme shall be implemented in full in accordance with the approved details prior to first occupation of the first new dwelling, or completion of the development, whichever is the sooner.

The approved drainage system shall be retained, managed and maintained in accordance with the approved details at all times for the duration of the development.

Reason: These details are required prior to the commencement of development to ensure adequate drainage for the proposed development and to ensure that there is no flood risk on- or off-the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

5. Prior to any part of the development hereby permitted taking place a scheme showing the areas for a site compound including the siting of office, storage of plant and materials and measures to prevent the transfer of mud out of the site shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be implemented while any demolition/construction works are in operation.

Reason: These details are required prior to the commencement of development in order to protect the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6.
 1. No development shall commence until;
 - a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: These details are required prior to the commencement of development as the site is in a coal mining high risk area and in order to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

7. Prior to the first occupation of any dwelling a scheme for the provision of electric vehicle charging points throughout the development and timetable for implementation shall be

submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until an electric vehicle charging point has been installed in accordance with the agreed details.

Reason: In the interests of sustainability and air quality in accordance with Policy IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

8. No construction works shall be carried out within 5 metres of the top of the bank of the brook which lies close to the eastern boundary of the site. No development shall commence until details of methods of protection to this zone during construction works has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: These details are required prior to the commencement of development to as the proposed development may result in the loss of ecological habitat and as such precautions are required during the construction phase in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

9. No development shall commence until details of the provision of a hoarding (minimum 2m height) along the southern boundary of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: These details are required prior to the commencement of development to as the proposed development may result in the loss of ecological habitat and as such precautions are required during the construction phase in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

10. No dwelling shall be occupied until details of a Residents Pack have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Residents Pack shall be provided to each new occupier of the hereby permitted dwellings. At a minimum the pack shall include:

* Provision of information in sales packs, informing residents of the importance of the surrounding area for migrating and overwintering bird species particularly pink-footed geese.

Reason: In the interests of biodiversity conservation and to comply with Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

11. Notwithstanding any boundary treatment detail on the approved plans no above ground construction works shall take place until a plan indicating the positions, height, design, materials and type of all means of enclosure/boundary treatment(s) (including walls, fences and gates) to be erected has been submitted to and approved in writing by the Local Planning Authority.

The boundary treatment/ means of enclosure shall be completed as approved before the development is first occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority.

Reason: To safeguard and enhance the character of the area and to protect residential amenity in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

1. The developer is advised to note the Highway requirements set out in the consultation response from LCC Highway Authority dated 12th January 2021.

2. The site appears to be located in the Inner Zone of a Major Accident Hazard Pipeline. The developer is advised to contact SABIC, the pipeline operator for further information.

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 - Residential Development

IF2 - Enhancing Sustainable Transport Choice

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EC2 - The Rural Economy

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.