

**Item A. 2                      06/00162/FULMAJ                      Refuse Full Planning Permission**

**Case Officer                      Mr Simon Pemberton**

**Ward**

**Proposal                      Residential development providing 100% affordable housing, comprising of 10 dwellings.**

**Location                      Land Opposite Stanley Wives Farm Withington Lane Heskin Lancashire**

**Applicant                      Ruttle Plant Contracting Ltd**

**Proposal:** This application relates to the Residential development providing 100% affordable housing, comprising of 10 dwellings on land opposite Stanley Wives Farm, Withington Lane, Heskin, for Ruttle Plant Contracting Ltd. The proposals comprise 7 two bedroom terraced units and 3 three bedroom terraced units. All the properties proposed are two storeys.

The site extends to 0.27 hectares of land. The only existing structure on the land is the gable end of an agricultural building, which as, at some point in the past, been propped up in an attempt to secure it. In other respects there has been some tipping on the site together with the fallen remains of the original building. In many other respects the site has been the subject of natural regeneration.

**Planning History:** The site history of the property is as follows:

**Ref:**                      00/00574/OUT  
**Description:** Outline application for a dwelling.  
**Decision:**              Withdrawn

**Ref:**                      03/01351/OUTMAJ  
**Description:** Outline application for residential development  
**Decision:**              Withdrawn

**Ref:**                      05/00850/FULMAJ  
**Description:** Residential development providing 100% affordable housing, comprising of 10 dwellings.  
**Decision:**              Withdrawn

**Policy:** This site lies within the Green Belt as identified in the Chorley Borough Local Plan Review 2003. The policies in the Development Plan relevant to this application are:

Regional Spatial Strategy for the North West: UR9, RU3.

Joint Lancashire Structure Plan (2005): Policy 1, Policy 5, Policy 6, Policy 7, Policy 12.

Chorley Borough Local Plan Review 2003: GN5, GN9, DC1, DC5, DC9, EP3, EP4, EP5, EP9, EP10, EP16, HS4, HS6, and TR4.

In addition the Windfall Housing and Car Parking Supplementary Planning Guidance documents are relevant to the consideration of

the application

**Consultations:**

Heskin Parish Council - The Council does not support the application as submitted. The Council ask the Borough Council to explore other options including "Shared Equity", and to consider the adequacy of off road parking as shown on the plans on this site. The Council also hope that a full environmental survey will be undertaken to establish and protect if necessary any endangered species.

County Env Directorate (Highways) - advises that:

1. Insufficient visibility has been demonstrated
2. The scheme should include a footway on the site frontage to link with the existing footway at the corner of Wood Lane.
3. The plans appear to show a narrowing of Withington lane to 4.2m and this is not acceptable. A minimum Of a 5.5m carriageway should be maintained on the site frontage.
4. That insufficient parking has been incorporated within the development. The parking standard for 2-3 bedroom housing with low accessibility is 2 spaces per dwelling.
5. The lack of appropriate parking space within the site will result in parking and manoeuvring within the highway, and will increase the risk of accidents in connection with the development.

Environmental Services advises that the applicant should undertake a desktop study to identify and assess any possible sources of contamination.

Planning Policy advises that affordable housing is an exception to the Windfall Housing SPG adopted under Local Plan Policy HS6. Given this and being that the site is situated in the Green belt the key Local Plan policy is DC5. The site does adjoin a rural settlement with adequate local facilities, but the consideration is respect of other sites being available in the village needs to be made at the time of the application being determined, i.e. is the current position different to that identified in the Urban Potential Study?

Account needs to be taken as to whether social rented housing is an appropriate way of meeting affordable housing needs in this location. Occupancy controls for people with local connections would need to be in place before any permission could be granted, backed by a S106 agreement if necessary. I have not seen the financial details or any other supporting information from Wyre Housing Association. There would need to be complete satisfaction by the Local Planning Authority that this scheme is economically viable and capable of proper management.

Integral to this is whether it has been shown that there is sufficient evidence expressed from people in genuine need in respect of this particular scheme and / or other indications of such need - sufficient to justify a single phase scheme of 10 units. The survey and waiting list information does appear to support this scale of development, but I understand the expressed need thus far does not. It is only when it can be demonstrated that all the provisions of Policy DC5, as derived from national guidance, are met that the proposals could be considered appropriate in this Green Belt location.

**Representations:** Objections have been received from the following properties: 149, 153, 172 Wood Lane, and 1, 3, 5, 31 Waterworth Farm House, Stanley Wives Farm, and Old Olivers, Withington Lane.

Their objections can be summarised as:

- The site is in Green Belt
- That too many properties are proposed
- That the properties are proposed for rent only
- That it should be built adjacent to The Meadows
- The proposal is of a density and scale that would detract from the rural nature and character of Withington lane.
- The trees and hedges provide a pleasant transition from the village to the surrounding agricultural land and this will be lost.
- That any properties built should only be for residents of Heskin
- That there is already affordable housing in Heskin and there are other settlements in close proximity where there is further affordable accommodation available.
- The overlooking of surrounding properties and
- That there is a lack of employment or secondary schools in the area
- the noise and disturbance created by residents vehicles etc would detract from the peaceful nature of the area.
- That the land, designated Green belt is inappropriate for such high density housing and that adequate facilities can be found elsewhere within the Borough with developments on brownfield land such as Buckshaw.
- There are cheaper properties available in Heskin and the Council has properties available for rent in the village.
- That there are existing highways issues caused by parking for local residents and parents dropping off or collecting their children from the nearby school.
- Any reduction in carriageway width would aggravate existing highway problems.
- That the proposed access is close to a brow which significantly reduces visibility likely to result in vehicles accessing or leaving the site causing a highway danger.
- That the proposal will result in additional parking in the highway as 10 spaces is insufficient bearing in mind the rural location and lack of public transport;
- That a barn owl nest in the gable end of the existing building and various bats which roost there together with other wildlife, including badgers, on the wider land.

In addition to various letters, a statement has been submitted by Clark Planning Consultants Ltd on behalf of some of the local residents. This sets out various arguments against the development some of which reinforce the above points. In addition they raise the following issues:

1. The proposal represents inappropriate development in the Green Belt
2. That there are other more suitable sites which should be brought forward first elsewhere within the rural west and Heskin;
3. That the reliance on the Councils Urban Potential Study is flawed;

4. That other windfall sites should be taken into account including the vacant Toyota garage;
5. That the need is not so significant it would warrant this site being brought forward;
6. That there is no demonstrable commitment to these properties being affordable;

A single letter of support has been received from the resident of 160 Wood Lane, Heskin. However, have reservations about the properties being available solely for rent. They have two children both looking to buy affordable properties in the area.

A letter of support has been submitted by Wyre Housing Association. They advise that they have been working with the applicant and CBC Housing Services to develop a scheme for affordable housing for rent on this site. A bid for £700,000 of Social Housing Grant was submitted to the Housing Corporation in November 2005. They have a nominations agreement where 100% of the first lettings are nominated by the Council and 50% thereafter. A local lettings policy for those in need of housing would be adopted as follows:

- First Priority – Applicants in the Parish (who have lived there for at least 6 months);
- Second Priority – Applicants in the immediately surrounding villages;
- Third Priority – Applicants with a local connection (includes working within the Parish, has existing family living within the Parish for at least 2 years, or were formerly a resident of the Parish for at least 2 years);

After this applicants will be considered on the basis of proximity to the site. Applicants will be considered on the their Choice Based Lettings policy depending on the greatest housing need and priority categories to decide who would be housed first.

**Assessment:**

The village of Heskin is not identified in the Local Plan with a settlement boundary or urban area. As such the site lies within the Green Belt. Like many rural areas Heskin faces particular difficulties in securing an adequate supply of land for affordable housing for local needs. This is because there is no defined settlement for Heskin, and nor are there any allocations.

In relation to Green Belt policy PPG2 sets out at paragraph 3.4 what new built development is appropriate in the Green Belt. These are:

1. Agriculture and forestry
2. Essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt
3. Limited extension, alteration or replacement of existing dwellings
4. Limited infilling in existing villages
5. Limited infilling or redevelopment of major existing developed sites

The construction of new buildings inside a Green Belt for any other purpose is inappropriate development. The proposal could only ever possibly be considered to comply with the fourth of these criteria. Paragraph 2.11 of PPG2 gives Local Authorities guidance on the treatment of existing villages in Green Belts. This advised that

Development Plans should treat existing villages in Green Belt areas in one of the following ways.

- If it is proposed to allow no new building beyond the categories in points 1 to 3 above the village should be washed over by the Green Belt.
- If infilling only is proposed, the village should either be "washed over" and listed in the development plan or should be inset (i.e. excluded from the Green Belt).
- If limited development (more than infilling) or limited expansion is proposed, the village should be inset.

This national advice is reflected in the Local Plan. Policy DC1 states that within the Green Belt, as shown on the Proposals Map, planning permission will not be granted, except in very special circumstances, for development other than particular types based on the above. These are:

- a) Agriculture and forestry;
- b) Essential facilities for outdoor sport and outdoor recreation, for cemeteries or other uses of land which preserve the openness of the Green Belt and do not conflict with its purposes;
- c) Limited extension, alteration or replacement of existing dwellings providing it is in accordance with Policy DC8A;
- d) The re-use of existing buildings providing it is in accordance with Policy DC7A;
- e) Limited infilling in accordance with Policy DC4;
- f) To provide affordable housing for local needs in accordance with Policy DC5;
- g) The re-use, infilling or redevelopment of Major Developed Sites in accordance with policy DC6.

Criteria (f) is particularly pertinent to this application in that it requires compliance with Policy DC5. This Policy in turn advises that a limited number of dwellings exclusively to meet a local need for affordable housing may be allowed in or adjoining the confines of various villages / hamlets in the Green Belt, including Heskin. A series of criteria are given against which such exceptions to normal green belt policy will be considered. These are:

- (a) In the case of a site adjoining a rural settlement, there is no suitable site available within the village;
- (b) The development would significantly contribute to the solution of a local housing problem that cannot be solved in any other way;
- (c) All the dwellings would be made available at significantly below current market costs;
- (d) The occupancy of the dwellings would be limited on first and subsequent occupancy to people with close local connections who are unable to afford market housing;
- (e) The development is shown to be economically viable and be capable of proper management for example through a village trust or similar local organisation;
- (f) The scale and nature of the development would be in character with the settlement;
- (g) The development would be within or adjoining a settlement with appropriate adequate local facilities and services such as a school, shop, public transport etc.

In order to be considered to be in accordance with this policy any proposed development will need to be considered against these criteria. These are dealt with in turn below.

### Criteria A – Alternative Sites

In this respect the applicant has relied upon the Councils Urban Capacity Study undertaken by the Council. From this the applicants have identified 2 possible sites in Ecclestone and 4 possible sites in Croston. The applicant has not sought to identify any possible sites in Heskin itself. The identified sites are:

1. Hawkswood, Ecclestone
2. Land rear of Lord Street / New Street, Ecclestone (remainder of)
3. De Trafford Pub, Croston
4. Former Wood Yard, Station Road, Croston
5. Westhead Road, Croston

In addition to these as part of the LDF process the Local Planning Authority have sought site suggestions for land suitable for redevelopment. A number of sites have been suggested in the Rural West. These have not been incorporated into any part of the assessment in the supporting statement. Furthermore, the Local Planning Authority is aware of a number of other sites that are being suggested as having some potential for development. These include:

1. Land Rear of New Street, Mawdesley (12 to 24 units)
2. Rectory Farm, Croston (11 units)
3. Former H W Moon Garage, Heskin (10 to 12 units)
4. Land at Park Hall / Camelot Theme Park

In terms of the consideration of alternative sites it is useful to consider them in order of the priority expressed in the Development Plan. This is that the first preference should be for the re-use of buildings, then brownfield sites, and finally greenfield sites. It is not considered that the applicant has demonstrated to sufficient a degree that other, less sensitive sites, could not accommodate the proposed development.

Furthermore, the applicant has not considered whether there are any other preferential sites in Heskin itself. There may be other land that is available in the village which would have a significantly lesser impact than that the subject of the current application. This has not been demonstrated in the application submission.

In conclusion the evidence on the availability of other sites is inconclusive in relation to both the Parish itself and the wider rural west.

### Criteria B – Housing Needs

In relation to Criteria B the applicant has relied upon the Chorley Housing Needs and Demands Study (HNDS) undertaken by the Northern Housing Consortium on behalf of the Council. This identifies in that there is a need for 90 additional affordable houses in rural areas of the Borough by 2009. Half of this is estimated to be in the rural west.

The study advised that there would be a limited need for additional housing for rent, due to lack of availability and knowledge of alternative options, although the current waiting lists do not tend to reflect this situation. Housing Services advise that it is difficult to establish a true picture of housing need from the figures alone. Numbers registered on the housing register do not give an accurate indication of local needs as they indicate the number of applicants expressing an interest in that area in total, regardless of local need. It is likely that this under-represents true need as many chose not to register for whatever reason.

Looking at those registered as resident in the parish, there would appear to be 2 cases requiring a two bedroom home and 1 case requiring three bedroom accommodation. This, however, does not take account of those with a local connection, who have moved away and wish to return to the parish. This includes those people who are former residents, have a family connection, or who work within the Parish.

The Councils Housing Services Section advises that there is a current stock of 30 houses to rent in Heskin and Eccleston (comprising 7 two beds and 23 three beds). There are a total of 9 properties owned in Heskin, the remaining being in Eccleston. It is not known whether any are currently available or who they have been let to in the past. No evidence of this has been submitted with the application

In addition, it is important to consider other schemes that will be coming forward within the Parish. There is a scheme that has recently secured planning permission for 16 affordable dwellings for shared ownership on land off Lord Street and New Street in Eccleston. This is expected to be completed during Summer 2007. These properties will not be available for rent, but will be shared ownership properties. The Parish Council and many of the neighbour objections, including the single letter of support, referred to the fact that shared ownership was in fact what was needed rather than properties to rent. Bearing in mind that 16 shared ownership properties will shortly be available in Eccleston, it is not actually clear what the actual need for affordable properties is in Heskin.

In conclusion the evidence on need is inconclusive in relation to the Parish itself, although it is accepted that a broad need exists in the rural west. The issue of the type of affordable housing has not been addressed and it is therefore not clear what the actual need is for rented accommodation in this locality.

#### Criteria C - Affordability

PPG3 advises that where planning permission is granted for affordable housing on exception sites, the LPA should satisfy itself that adequate arrangements are in place to reserve the housing in question for local needs, both initially and in perpetuity. Both planning conditions and planning obligations may be used for this purpose.

The applicant and Housing Services have advised that Wyre Housing Association (WHA) have put a bid into the Housing Corporation for £700,000 of funding towards this scheme. This is

known to have been unsuccessful and there is no grant available to support the scheme.

However the LPA could secure the affordability of the homes by requiring the applicant to enter into a S106 agreement with the Council and WHA to transfer the homes to the RSL at a predefined price. This would secure the affordable nature of the homes in perpetuity and would meet the requirements of Criteria C. However, given the fact that no grant is available it is unclear whether the scheme could be viable.

#### Criteria D – Limited Occupation

This criteria requires that the properties be occupied on both first and subsequent occasions by people with close local connections who are unable to afford market housing. This could be secured through a nomination agreement and selection criteria secured in S106 agreement. This would meet this criteria, however, as outlined in the discussion in relation to criteria b above, the actual need for the type of accommodation proposed is not clear.

#### Criteria F - Character

Although Heskin is not identified as a settlement in the Local Plan it comprises of two main groups of houses and ribbon development located along Wood Lane. A further smaller group of houses is located at the junction of Withington Lane and Chisnall Lane. However, to a large extent Heskin is characterised by ribbon development along the various roads with views through to the agricultural fields beyond. To this extent the village is sensitive to further infill or ribbon development which will have the effect of filling in the gaps between the groups of houses and further urbanising the character and appearance of the area. Therefore, whilst the proposed development is not dissimilar to the historic pattern of development it will have a significant impact upon the character and appearance of the area and Withington Lane in particular.

The Council's Urban Designer continues to have concerns regarding the suitability of this site to be developed for such an intensive residential use. In order to achieve the applicant's aspirations for this site (10 units), a highly dense development form is required which does not sit comfortably with the surrounding spatial arrangement of the settlement, which has a strong organic and linear format. These comments are further amplified in the section on design.

#### Criteria G

In relation to Criteria G, Heskin has a number of local facilities including a primary school, post office, church etc. As accepted in the comments of the Councils Planning Policy Section, this will fulfil the criteria of this policy.

Notwithstanding this, a number of the responses to the neighbour objection have referred to the suitability of this location for more affordable housing bearing in mind the lack of employment and secondary schools etc. It is true that, there is not a significant employment generating commercial activity in the area, although there is some in the nearby villages of Eccleston and Mawdesley



and also at Camelot Theme Park / Park Hall Hotel. However, to a large extent this site is isolated from all the facilities required for day-to-day living and will be, to an extent, car dependant. Further issues relating to this are discussed under the highway considerations section below.

## **Design**

In the absence of any design statement it is difficult to comment upon the designers assessment of the context of the site along with any analysis that has been undertaken in relation to the setting of the site or the detailing of the proposed buildings. It would appear that the design and layout of the site is an attempt to design a facsimile of a rural farm courtyard.

### General Site Layout

The layout of the buildings has been amended for previous permissions and now has a more rural theme that does not respond so awkwardly with the surrounding linear format. The format of the site with a frontage building and associated subservient buildings to the rear could be perceived to be a traditional arrangement that at least when viewed in plan format within the streetscape will have less of a difficult suburban feel.

A downside to the format suggested is the scale and form of the entrance to the site, which I assume due to highway demands, still bears the evidence of a modern estate. Once again this is an unfortunate by-product of the number of units being suggested on the site and probably cannot be overcome. Furthermore, not every opportunity has been taken to provide a structured approach to the landscaping on the site. The existing hedge is proposed to be removed along the majority of the site frontage. This will open up the road frontage. The visibility splays will result in a significant grassed area. The result is a shift from the enclosed and sylvan character of the existing lane which results in a detrimental impact on the character and appearance of the area.

Very limited landscaping details have been shown on the submitted plans, which is unfortunate as the development of this landscaping would have been key to achieving a sensitive relationship between the building and the surrounding green belt. In terms of the details submitted there appears to be little landscaping to the north of the site which is the key aspect when viewing from the surrounding open space, this therefore is likely to increase the sites detriment to the greenbelt.

In terms of the landscaping and treatments within the site, there does appear to be a very substantial amount of hard standing, with no details being submitted regarding materials or treatments. Furthermore, bearing in mind the highway comments below and the issues raised by nearby residents in relation to access and parking issues, there is likely to be a need for further parking within the site. This will further increase the amount of hardsurfacing and limit opportunities for soft landscaping which could otherwise be used to assimilate the site into the surrounding landscape. Equally the plan shows many differing curtilages for the properties both within the pseudo courtyard but also to the rear stretching into the green belt.

Once again these treatments are important when viewing the impact of the site, however, in the absence of details demonstrating an acceptable approach the impact of the development is considered to be significant. As currently proposed it is considered that the layout of the proposal will create a development that is out of character with its environs contrary to policy GN5 and criteria (f) of policy DC5.

#### Building 1 (Units 1, 2, 3 & 4) and Building 2 (Units 5, 6 & 7)

The site is split into three separate buildings. Building 1 containing Units 1, 2, 3 & 4, and Building 2 (Units 5, 6 & 7) have been designed to appear as simple agricultural buildings, i.e. they are pseudo barns. Building 3, containing units 8, 9 and 10 has been designed with a more domestic character.

Whilst the general design approach for Buildings 1 and 2 is considered acceptable there remain some detailed concerns expressed by the Councils Urban Designer that have not been addressed at the time of writing this report. These include:

- The differing proportions of the roofs lead to a lack of cohesion between the principal mass of the structure and the perceived extension.
- In terms of the overall arrangement of the elevations to mimic a barn there remains an excessive number of windows for such a building.
- The proportions of the fenestration needs to be further considered
- Elements of excessive detailing of the 'barn', which should be a very simple building, need to be removed.
- Discrepancies between the fenestration on the elevations and that shown on the plans need to be clarified.

Building 3 is apparently designed to appear as a single farmhouse, however due to the internal layout of the building much of the character of the building is lost through the destruction of the symmetry to the front elevation. This comes about through the need to use a standard internal layout which has compromised the external appearance. This needs to be addressed as currently the design of the building does not quite fit with the concept of a mock farmstead.

Whilst these design issues appear minor, bearing in mind the sensitive nature of the site should the principle of development ever be considered acceptable, this design solution could be significantly improved to establish a design that causes the least detriment to the streetscape and green belt in this location. However, as currently submitted and in the absence of a Design Statement it is considered that the proposal is contrary to Policy GN5 of the Local Plan.

#### **Highways**

The Lancashire County Council Highways Engineer has objected to the proposed development. They advise that the visibility splay should be contained entirely with the applicants land or the existing highway. The plans currently do not include the full extent of the proposed 90m splays, however, it appears from the submitted plans that the visibility splays currently involve third party land and

therefore the applicant does not control all the visibility splay. Furthermore, there is no indication to the effect that he could in any way secure sufficient control to provide the required visibility.

In addition, as noted by many of the residents in their responses, the proposed access is close to a brow in the road that significantly impedes visibility. The applicant has not submitted any information that demonstrates the necessary visibility can be achieved at all bearing in mind that the alignment of Withington Lane may itself be an obstacle.

They also advise that the scheme should include a footway on the site frontage to link with the existing footway at the corner of Wood Lane.

In relation to parking they advise that the parking standard for 2-3 bedroom housing with low accessibility is 2 spaces per dwelling. The lack of appropriate space within the site will result in parking and manoeuvring within the highway, and will increase the risk of accidents in connection with the development and compounds the highway objection to the development.

As the applicant has not addressed the aforementioned issues it is considered that the proposed development is contrary to policy TR4 of the Local Plan and Policy 7 of the Structure Plan.

#### Ecology

There have been various allegations of protected species on the site. Whilst there has been no physical evidence of this provided, however there remain various assertions by local residents. It is normal to adopt a precautionary approach. Therefore it is for the applicant to address these issues, which has not been undertaken in their current submissions. The application should therefore also be refused on this basis.

#### **Conclusion:**

In summary it is considered that the applicant has not demonstrated that all the criteria to policy DC5 can be met, that the design approach is acceptable, particularly in relation to detailed design and landscaping, impact on ecological value, and, that the proposals would be detrimental to highway safety in terms of both access and parking provision. The application is therefore recommended for refusal subject to the following reasons

#### **Recommendation: Refuse Full Planning Permission**

#### **Reasons**

1. The applicant has failed to demonstrate that the criteria set out at policy DC5 of the Chorley Borough Local Plan Review 2003 relating to exception housing has been met. As such the proposals amount to inappropriate development in the Green Belt contrary to Policy DC1 and DC5 of the Local Plan and the advice contained within PPG2: 'Green Belts'. The applicant has therefore not demonstrated that there are any very special circumstances which outweigh the presumption against the development.

2. The applicant has failed to demonstrate that appropriate visibility can be provided at the junction of the proposed site access with Withington Lane. As such the proposal is likely to result in vehicles accessing and egressing the site in a manner that significantly prejudices highway safety contrary to policy T4 of the Chorley Borough Local Plan

Review 2003.

3. The applicant has failed to provide sufficient parking within the development which is likely to result in vehicles parking on the highway which by virtue of its alignment and the existing parking problems will significantly prejudice highway safety contrary to policy TR4 of the Chorley Borough Local Plan Review 2003 and Policy 7 of the Joint Lancashire Structure Plan (2005).

4. The design of the development and the proposed landscaping are not sufficient to properly assimilate the development into the surrounding landscape and as such is contrary to policy GN5, DC5, DC9 and EP10 of the Chorley Borough Local Plan Review 2003.

5. The applicant has failed to provide sufficient information on ecological issues in order that the Local Planning Authority could be sufficiently certain that the proposed developments would not harm ecological issues of material importance. As such the proposed development is contrary to policy EP4 of the Chorley Borough Local Plan Review 2003 and Policy 21 of the Joint Lancashire Structure Plan (2005).

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