



Appeal Decision

Site visit made on 9 June 2014

by **Jim Metcalf BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 June 2014

Appeal Ref: APP/P2365/A/14/2214643

Playing Field at the rear of 39 to 61 Hesketh Road, Burscough, Lancashire, L40 7SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Nick Stevenson, Regenda Limited against the decision of West Lancashire Borough Council.
 - The application Ref 2013/0529/FUL, dated 16 May 2013, was refused by notice dated 10 September 2013.
 - The development proposed is the construction of 8no 3 bed x 4 person houses in two terraces and 4no 2 bed x 3 person houses in a single terrace together with car parking, front and rear gardens, a new adopted access road and all associated boundary treatment and landscaping.
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Procedural Matters

1. The planning application gave the address of the site as 'Burscough, Lancashire'. This is insufficient to identify the site. The Council have used 'Playing Field at the rear of 39 to 61 Hesketh Road, Burscough, Lancashire, L40 7SA' as the address. I have adopted this in considering the appeal.
2. The appellant, together with the Council as landowner, have made a Unilateral Undertaking, in the form of a Planning Obligation under S106 of the Town and Country Planning Act 1990, agreeing to make a contribution to the upgrading and enhancement of the public open space at Pickles Drive/Furnival Drive, Burscough.
3. The West Lancashire Local Plan 2012-2027 (LP) was adopted in October 2013 after the planning application was determined. It is now the development plan for the area and I have considered the appeal in light of its provisions.

Decision

4. The appeal is allowed and planning permission is granted for the construction of 8no 3 bed x 4 person houses in two terraces and 4no 2 bed x 3 person houses in a single terrace together with car parking, front and rear gardens, a new adopted access road and all associated boundary treatment and landscaping at Playing Field at the rear of 39 to 61 Hesketh Road, Burscough, Lancashire, L40 7SA in accordance with the terms of the application,
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Ref 2013/0529/FUL, dated 16 May 2013, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issue

5. The main issue is the effect of the development on the provision of recreational green space in Burscough.

Reasons

6. The recreation field, with a small playground, a ball-play area and a car park set in a larger grassed area, is bounded on two sides by Pickles Drive and Furnival Drive and the rear of houses in Hesketh Road and Higgins Lane on the other two sides. The open space is well located in relation to the surrounding small estate of houses, located on the edge of Burscough, with open countryside beyond. To the south, beyond Higgins Lane, is Yew Tree Farm, a strategic development site, currently Green Belt, which is identified in the LP for a relatively large residential development.
7. The twelve houses would be laid out in three short rows served by an access drive leading from Pickles Drive. The development would occupy about half of the recreation area with the other half remaining open. The houses have been designed as affordable homes, managed by a housing association with the Council having nomination rights, to accommodate local people.
8. LP Policy RS2 'Affordable and Specialist Housing' is based on a series of studies undertaken between 2000 and 2010 which consistently show that West Lancashire has an acute need for affordable houses. Annual Monitoring Reports prepared in connection with the previous LP found that the number of affordable units being delivered each year was substantially lower than identified need.
9. Providing more local detail a 'Housing Needs and Demand Assessment', across the whole of West Lancashire, has been used to assess housing need in Burscough Parish. The study found a requirement for about 43 affordable houses per year in Burscough, some to be met from turnover and some from new supply. The scheme has been developed in response to this analysis, with the Council carrying out a selection process seeking bids to provide a flagship rented housing scheme. Burscough Parish Council support the application on the basis that it would provide much needed rented homes for local people.
10. LP Policy EN3 sets out an approach to the provision of Green Infrastructure and Open Recreation Space in West Lancashire. The aim is to provide a network of green space, available for various uses, to facilitate active lifestyles within walking distance of homes, schools and work. The policy explains that any development that results in the loss of existing open space will only be permitted if one of three conditions is met. LP Policy EN3 also lists seven criteria that define situations when development on open space will not be permitted.
11. The development would entail the loss of about half the recreation field now conveniently available for residents of the surrounding estate. To address LP Policy EN3 the appellant has agreed to contribute £40000 to be spent on upgrading and enhancing that half of the recreation area that would remain if the houses were built. This would be a significant investment that would improve the quality of the recreation field, and thereby successfully mitigate the

reduction in the size of the area, improving provision in the same locality, as allowed for in LP Policy EN3, paragraph 2a(iii).

12. The recreation area is surrounded on all sides by rows of houses and forms an open break within an area residential in character. By retaining that part of the recreation area fronting Furnival Drive, with a return up Pickles Drive, the development would not significantly affect the open character of the estate. The development would not conflict with any of the other situations, listed in LP Policy EN3, paragraph 2b, where the development on sports and recreation facilities will not be permitted.
13. To ensure that the housing development is accompanied by the upgrading and enhancement of facilities on the existing public open space at Pickles Drive/Furnival Drive a Unilateral Undertaking (UU), made under S106 of the Town and Country Planning Act 1990 has been submitted. Signed by the appellant and the Council, as developer and land owner respectively, the agreement requires the developer to pay a sum of £40000 as a contribution to the improvement of the remaining recreation area. I have considered this agreement in light of Regulation 122 of 'The Community Infrastructure Levy Regulations 2010'. The UU is needed to make the development acceptable, and is fairly and reasonably related to the scale and kind of development proposed, thereby passing the statutory tests.
14. With such agreement in place, the development would guarantee investment that would benefit the recreation area that would remain. On this basis I find that the development would not significantly detract from the provision of recreational green space in Burscough, in compliance with LP Policy EN3. In reaching this conclusion I have considered all the other matters that have been raised by local residents but none of these are sufficient to outweigh my conclusions on the main issue set out above.
15. The Council has suggested a number of conditions should be imposed in the event that planning permission is granted. I have considered these in the context of the national Planning Practice Guidance. I have amended the wording of some of the suggested conditions in accordance with good practice. To ensure that the development sits comfortably in its setting I have imposed conditions that require the approval and implementation of details of the materials, levels, landscaping, site lines at the access point, car parking spaces and drainage that are part of the development and to ensure that local roads are kept clean whilst development takes place. I have not imposed a condition about the timing of the construction of the access road as this would be impractical. A condition is needed to prevent future extensions to the houses, because of the modest size of the house plots, but not all the other works that the Council suggested should be prohibited. I have also imposed conditions, based on the submitted ecological assessment, to safeguard nesting birds and bats, a protected species, and their habitat. Finally, otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

Jim Metcalf

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: DN192.S.00; DN192.P.01/C; DN192.P.02; DN192.P.03; DN192.P.04; DN192.P.05/A; DN192.P.06/A; DN192.P.07/A; DN192.P.08/A; DN192.P.09/A; DN192.P.10/A and DN192.P.11.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no garages, extensions or swimming pools, shall be erected, other than those expressly authorised by this permission.
4. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
5. No development shall take place until full details of the finished levels of all parts of the site, including the floor levels of the houses hereby permitted, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
6. No development shall take place until a landscaping scheme showing details of new trees and shrubs and the programme for their planting, and any existing trees/hedges to be retained together with measures for their protection in the course of development, has been submitted to and approved in writing by the local planning authority. The landscaping shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. If, within a period of 5 years from the date of planting, any tree or plant is removed, uprooted, destroyed or dies, another of the same species and size shall be planted at the same place, unless the local planning authority gives its written consent to any variation.
7. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period and shall provide for wheel washing facilities and measures to control the emission of dust and dirt during construction.
8. No development shall take place until a scheme for the foul and surface water drainage of the development, including any necessary attenuation measures, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
9. No development shall take place until a scheme for the provision of bat boxes has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 10.No development shall take place until a lighting scheme, including provision for the avoidance of light pollution on bat habitats, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 11.No tree felling or hedge trimming or other vegetation clearance, that may affect nesting birds, shall be carried out between May and August, inclusive, unless the absence of nesting birds has been confirmed by surveys or inspection, and the details of these surveys have been submitted to and approved in writing by the local planning authority.
- 12.The houses shall not be occupied until the visibility splays at the junction of the new access and Pickles Drive, as shown on drawing No DN192.P.01/C, have been provided.
- 13.The houses shall not be occupied until the area shown as car parking spaces on drawing No DN192.P.01/C has been drained and surfaced, and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Richborough Estates