

No.1	APPLICATION NO.	2018/0401/OUT
	LOCATION	67 Gaw Hill Lane Aughton Ormskirk Lancashire L39 7HA
	PROPOSAL	Outline - Erection of up to seven residential units following the demolition of the existing buildings including details of access (all other matters reserved).
	APPLICANT	Boundary Group Ltd
	WARD	Aughton Park
	PARISH	Aughton
	TARGET DATE	11th June 2018

1.0 DEFERRAL

1.1 This application was considered by Planning Committee at the July meeting at which time Members raised concerns regarding a number of issues. Whilst a vote took place with Members resolving to refuse the proposed development, officers were unclear regarding the exact grounds for refusal and the Committee moved onto the next agenda item before the matter was resolved. Given the above and following discussions with the Borough Solicitor, it was considered appropriate to refer the application back to Planning Committee for further consideration. In doing so, I wish to draw Members attention to the following information.

1.2 In December 2017, an application for a similar development on this site was refused on three grounds:

The proposed development would conflict with Policies EC1, EC2 and GN4 of the West Lancashire Local Plan (2012-2027) DPD and National Planning Policy Framework in that it has not been robustly demonstrated that the site is unsuitable for an on-going viable employment use.

The proposed development is contrary to paragraph 55 of the National Planning Policy Framework and Policies GN1 and RS1 of the West Lancashire Local Plan (2012-2027) DPD in that the development would result in new isolated homes in the countryside and the delivery of market housing outside of a settlement boundary in an unsustainable location. Insufficient special circumstances have been identified to support the development in this context.

The proposed development would conflict with Policy GN3 of the West Lancashire Local Plan in that the proposed dwellings have a standard suburban appearance which does not reflect the rural environment in which it would be situated and introduces an uncharacteristic form of development into the locality. The scale and design of the dwellings do not relate to the character of the area and would appear incongruous in this setting.

1.3 The current application seeks to address the above reasons for refusal. Whilst it was unclear as to the specific grounds for concerns raised by Members at the July Committee, it was clear that these concerns did not specifically relate to the reasons as outlined above. To introduce new concerns, relating to essentially the same type of development (i.e. residential) and in the absence of any significant policy changes, would be inconsistent with the Council's previous decision and leave the Council open to a significant risk of costs should a formal refusal be issued and appealed by the applicant.

- 1.4 I appreciate that Planning Committee has concerns regarding the proposed development, but in my view the above reasons for refusal have been satisfactorily overcome, as outlined in the body of the report. However, if Members disagree with my view in respect of the above matters and are still minded to refuse this application, they should identify which of the above reasons for refusal they do not feel has been satisfactorily addressed and base any subsequent refusal on the identified ground/grounds. If new reasons for refusal are introduced at this stage, it will increase the likelihood of an appeal against the decision and substantially undermine the Council's ability to defend the appeal and increase the risk of costs.

2.0 REFERRAL

- 2.1 This application was to be determined under the Council's delegation scheme, however, Councillor O'Toole has requested it be referred to Committee due to the large number of concerns raised by local residents.

3.0 SUMMARY

- 3.1 The proposed development seeks permission for the principle of residential development and access only; all other matters have been reserved. In this respect the proposal is considered acceptable. I am satisfied that a development could be brought forward which would have no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Furthermore, I am satisfied that the proposed development would not result in the creation of new isolated homes in the countryside and an acceptable case for the loss of the existing employment has been presented. The proposed access is acceptable and the development will not have a significant impact on highway safety. I am satisfied that the residential development can be provided on site without causing harm to the character of the area, amenity of neighbouring properties, landscaping or ecology. The development is considered to be compliant with the NPPF and the relevant planning policies of the Local Plan and the application is therefore recommended for approval.

4.0 RECOMMENDATION:

- 4.1 That Outline planning permission be GRANTED subject to conditions.

5.0 THE SITE

- 5.1 The site is currently occupied by various agricultural type buildings situated to the south of Gaw Hill Lane in Aughton. The site is situated on lower land to Gaw Hill Lane and is in the Green Belt. Whilst the land surrounding the site remains free and open from development the site is immediately bounded to the north and the south by residential dwellings. The site has established vegetation screening to its boundaries.
- 5.2 The site currently operates as a Feed and Agricultural Merchants. Grain is stored and dried in the buildings and sold to customers primarily for horse feed.

6.0 THE PROPOSAL

- 6.1 This application seeks outline planning permission for the erection of up to seven dwellings. This application will consider the principle of development and means of access only, with all other matters reserved.
- 6.2 It should be noted that, as originally submitted, the proposed development sought approval on the matters of layout and scale also. However the proposed layout has been

withdrawn and the description of development revised to reflect the absence of any definitive layout/no. of proposed dwellings.

7.0 PREVIOUS RELEVANT DECISIONS

- 7.1 2017/1065/OUT – REFUSED (01.12.2017) Outline - Seven detached dwelling houses, associated landscaping and access road following the demolition of the existing buildings including details of access, layout and scale.
- 7.2 8/6/10863 Approved -Erection of agricultural workers dwelling.
- 7.3 8/6/10863/1 Approved - Details of agricultural workers dwelling.
- 7.4 8/75/245 Approved - 2 single storey extensions and roofing of existing balcony.
- 7.5 8/80/686 Refused - Use of land for storage or 8 touring caravans.
- 7.6 8/82/673 Approved - Retention of use of existing buildings for grain drying and storage and associated garages/workshop/vehicle store.
- 7.7 8/85/139 Approved - Retention of use of existing building without compliance with condition 4 of 8/82/673 and amended condition and erection of extension.
- 7.8 8/87/441 Approved - Extension to grain store and retention of use of grain store for preparation of animal food.
- 7.9 8/90/791 Approved - 2 storey extension at rear.

8.0 OBSERVATIONS OF CONSULTEES

- 8.1 Lancashire County Council (Highway Authority) (15.05.2018) – No objection in principle to the proposed development. Conditions recommended.
- 8.2 United Utilities (15.05.2018) – No objections in principle. Conditions recommended.
- 8.3 Merseyside Environmental Advisory Service (05.06.2018) (16.07.18) – No objections in principal. Conditions recommended.
- 8.4 Director of Leisure and Environment (Environmental Protection) (16.07.18) – objects on the grounds that the proposed site for residential development is adjacent to an existing commercial property which is a long established dog breeding premises.

The Council's Licensing department has confirmed that dogs live in outside pens located to the rear of the property directly adjacent to the application site. Dog barking has the potential to cause noise and disturbance to future occupants. Concerns are expressed regarding introducing residential properties next to a noisy commercial use. Whilst dog barking can be dealt with under noise nuisance legislation, there is case law to suggest that it is a defence against legal action where new uses such as residential are introduced next to an existing noisy use. As such EH may not be able to pursue noise complaints from future residents in these circumstances.

9.0 OTHER REPRESENTATIONS

- 9.1 Aughton Parish Council: Members would, once again, refer to the relevant policies in the West Lancashire Local Plan and National Planning Policy Framework on Protection of the

Green Belt. The Parish Council could not support this Outline Planning Application for the following reasons:

The proposal would, by definition, be harmful to the Green Belt – very special circumstances would not apply so the proposed use would be inappropriate;

The site is considered 'isolated' given its very rural location. Any new dwellings would be prominent in this location;

On viability, the poor condition of the majority of unsubstantial buildings on site, and concern that the ongoing employment use (agriculture) was not viable, would not justify the change of land use to 'new residential'.

9.2 I have received 25 letters of objection from neighbouring properties and a petition containing 27 signatures. The main points of concern are summarised as follows:

Loss of rural area

Impact on natural beauty spot

Destroy developing nature reserve

Detrimental to local wildlife

Impact on protected species

Insignificant changes to previous refusal

There are many homes for sale in Aughton area; no more are needed

Loss of employment

Isolated dwellings

Design is not in keeping with rural area

Loss of existing trees/hedges

Increase in vehicular movements at junction of Gaw Hill Lane/A59

Loss of privacy and overlooking

Non-compliance with Local Plan

Non-compliance with Government guidance

Loss of views across the countryside

General impact on local residential amenities

Financial reports highlights that not all criteria met

It's difficult to understand why existing access is a problem for the business

If planning permission is granted restrictions should be attached regarding construction works to minimise impact on local neighbours

No documentation has been submitted to evidence any marketing of the site

It is unclear how foul water would drain from the site

Width of access for potential number of cars

If approval is given it would increase pressure on housing on two nearby plots currently classed as 'parked'

Impact on Green Belt

The development would not fall within the definition of affordable housing

Totally out of character

Unsafe access

Dwellings would incorporate balconies which is out of keeping

Loss of valuable green space

This is a farm and farm buildings

Removal of trees will increase flooding in local area

Barn owls are not mentioned in the supporting documentation

Loss of quiet enjoyment of garden amenities

Breach of Human Rights – right to peaceful enjoyment of all their possessions and right to respect for their private and family life

The previous reasons for refusal still apply

Change of use from commercial to residential is unnecessary

The Council has already reached their quota for housing

One letter of support has been received, raising the following points:
Good location; topography would permit development with less intrusion than average
Visit site weekly and development would be an asset to the surrounding area
Add character and economic benefits to the area
Enhance countryside

10.0 SUPPORTING INFORMATION

10.1 The application is supported by the following information:

Bat Survey – Preliminary Roost Assessment (updated 6.7.2018)
Bat Survey – Emergence and Activity Surveys
Preliminary Ecological Appraisal Survey
Information on distance to local amenities
Planning and Green Belt Statement
Drainage Statement
Viability Statement
Arboricultural Implications Assessment
Letter from the applicant to address potential noise issues and concerns of EH

11.0 RELEVANT PLANNING POLICY

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.

The site is located within the Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD

National Planning Policy Framework

Building a strong competitive economy
Delivering a sufficient supply of homes
Achieving well designed places
Protecting Green Belt land
Conserving and enhancing the natural environment

West Lancashire Local Plan 2012-2027 DPD

GN1 – Settlement Boundaries
GN3 Criteria for Sustainable Development
GN4 – Demonstrating Viability
RS1 – Residential Development
EC1 – The Economy and Employment Land
EN2 – The Rural Economy
EN4 – Preserving and Enhancing West Lancashire's Natural Environment

Supplementary Planning Advice

SPD – Design Guide (January 2008)

12.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Background

- 12.1 The site has an extensive planning history dating back to the 1960's. In 1987 permission was granted for '*Extension to grain store and retention of use of grain store for preparation of animal food*' subject to condition number 4 which read '*The premises shall only be used for the preparation of animal feeds in accordance with the submitted application and for no other purpose including any other purpose in Class B2 (General Industrial) of the Schedule of the Town and Country Planning (Use Classes) Order 1987.*' In my view, this permission and current use of the site, demonstrates that the site is considered to be brownfield and not agricultural.

Principle of Development

- 12.2 The site falls within a Green Belt area of Aughton and is also classed as being a brownfield site, so I consider that there are three policy areas that need to be considered to assess the principle of the development. These are:

The impact of the development upon the Green Belt;
The loss of an existing employment site and;
Sustainability of the location

Principle of Development - Green Belt

- 12.3 Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. One of these exceptions allows for "Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 12.4 Annex 2 of the Framework defines 'previously developed land' (PDL) as being land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole curtilage should be developed) and any associated fixed surface infrastructure.
- 12.5 This site is currently developed with an employment use and is therefore a brownfield site (within Green Belt). Therefore, the main issue is whether the proposed development would have a greater impact on the openness of the Green Belt than the existing development.
- 12.6 As the proposal is in outline form only with no precise details on the number of dwellings/scale of development it is not possible to assess the precise impact on the Green Belt as required by the NPPF. However, the proposal is for a maximum of seven dwellings and it has been previously determined that seven detached dwellings could be provided on site and the overall built volume would be reduced by approximately 50%. Furthermore, the average height of the dwellings would not exceed that of the existing buildings. The spread of development and the resulting impact would need to be considered further at the reserved matters stage. Therefore, I consider that a residential scheme on this site consisting of no more than seven dwellings would not in principle have a greater impact on the openness of the Green Belt or the purpose of including land within it than the existing development.

Principle of Development - Loss of an existing employment site

- 12.7 Policy EC1 'The Economy and Employment Land' of the Local Plan states that the re-development of existing individual employment sites for other uses will be considered where a viability case can be put forward (in line with Policy GN4) and where the provisions of Policy EC2 and EC3 are met, where relevant.

- 12.8 Policy EC2, 'The Rural Economy', states that the Council will protect the continued employment use of existing employment sites in rural areas. This could include any type of employment use, including agriculture and farming, and not merely be restricted to B1, B2 and B8 land uses. Where it can be robustly demonstrated that the site is unsuitable for an ongoing viable employment use (in accordance with the requirements of Policy GN4), the Council will consider alternative uses where this is in accordance with other policies in the Local Plan. Policy GN4 'Demonstrating Viability' seeks to retain existing commercial / industrial (B1, B2 or B8) and retail (A1). Policy GN4 sets three tests and any proposal involving the loss of these uses must meet only one of the three tests.
- 12.9 The previous proposal for the redevelopment of this site was refused for three reasons; one of these related to a failure to demonstrate that the site was unsuitable for an ongoing viable employment use. The previous assessment concluded that there were constraints which justified why it was not viable to redevelop the site for an alternative use or a mixed use and I am satisfied that these constraints remain. However it was found that the loss of the existing employment had not been addressed.
- 12.10 The applicant has sought to address the above issue by the submission of further supporting information and in particular a Condition Survey Report, a letter from the applicant's accountant and letters from a previous client outlining the difficulties in using the current business and raising the possibility of a joint venture in the future.
- 12.11 The information provided advises that whilst the current business (Feed and Agricultural Merchants) continues to operate, the projected future of the business is limited due to condition of the site/buildings and the need for investment to continue to operate a viable enterprise. The costs involved in this have been outlined and are considered to be prohibitive. Furthermore, the applicant's accountant has outlined the downturn in the existing business and the impact this has had on the applicant's personal and business finances and therefore the achievability of the necessary investment. The loss of trade has, in part, been put down to the constraints of the site which were identified under the last application (age of buildings, format, limited site area and parking facilities, restricted access for commercial activity) and this is reflected in the submission of a letter from a former client. Lastly, the applicant has submitted evidence of a possible future venture with a similar business in the West Lancashire area which operates from a site with less identifiable constraints.
- 12.12 The information provided has identified the struggles that the existing business is likely to face in the future. These, together with the site constraints identified and accepted under the last submission, appear to me to evidence that the continued use of the site for its existing use is not viable in the long term. Whilst the possibility of a joint venture with a related company in the future is something that I note the applicant aspires to, it would not be prudent/appropriate for the Local Planning Authority to have any control over this; the above assessment is based on the information provided in respect of the condition of the site/building, comments from a previous user and the financial overview provided.
- 12.13 On the basis of the above, I am satisfied that the applicant has submitted sufficient justification to evidence compliance with Policy GN4.1 (a) and (b) (although only one of these tests have to be met) and in turn compliance with Policy EC1 and EC2 of the Local Plan.

Principle of Development - Sustainability of Location

- 12.14 One of the reasons for refusing the previous residential proposal for this site was due to the concern that it would result in the creation of new isolated homes in the countryside.

Furthermore it was noted that there was no connectivity between the site and the services located in nearby Aughton, therefore making it an unsustainable location.

- 12.15 The NPPF continues to advise that in order to promote sustainable development, rural housing should be located where it would enhance or maintain the vitality of rural communities. However since the previous decision there have been a number of appeal decisions on this particular topic and as the NPPF does not offer any definition of the term 'isolated', the outcome of relevant appeal decisions are a material consideration in determining planning applications. In addition to appeal decisions, there has been a High Court Judgement on consideration of the meaning of 'isolation'. Braintree District Council v Secretary of State Page 256 for Communities and Local Government, Grey read Limited & Granville Developments Limited [2017] confirmed that 'isolation' should be given its ordinary meaning of "far away from other places, buildings or people. The matter was then further considered by the Court of Appeal in 2018 who considered that "isolated" means physically isolated from a settlement or village.
- 12.16 Given the proximity of the application site to two existing residential dwellings, with further residential dwellings located close to the east, the proposed dwellings could not be considered as being far from other buildings or people.
- 12.17 In accordance with the aforementioned High Court decision and subsequent appeal decisions (such as APP/P2365/W/17/3182494 – Plumtree Barn) it is also necessary to consider whether the proposed development would be far away from other places. This includes consideration of whether the site is a suitable location for housing having regard to its location and accessibility. In this respect the application is located approximately 0.6m away from a range of day to day services located in Aughton (Key Service Centre) such as shops, a post office, school and public house. North and south bus stops are also located along the main A59 approximately 0.5m away from the site. In terms of accessibility to these services, this proposal offers a material change in circumstances in that it has been confirmed that a previously overgrown footpath linking the application site to an existing footpath at the junction of Holly Lane/Gaw Hill Lane, which in turn links to the A59, would be uncovered and reinstated. The Highway Authority has confirmed the acceptability of this footpath in usability terms. This provides a definitive link to the aforementioned services, one which could reasonably be expected to provide further occupants of the development a sustainable link to a variety of every day facilities and to public transport links to services further afield.
- 12.18 Whilst I am mindful of the Council's previous conclusions in this respect, it is imperative to give due consideration to material changes which have occurred in the intervening period, such as those outlined above. For these reasons, it is no longer considered that the site is isolated in terms of the requirements of paragraph 55 of the NPPF and the proposal would provide sustainable development which would enhance or maintain the vitality of the surrounding rural community.

Siting/Design

- 12.19 As this is an outline application, the planning application has effectively been submitted to test the principle of the development for up to 7 dwellings having an access off Gaw Hill Lane. Whilst the layout of the scheme was originally submitted, this has subsequently been withdrawn and the matters of layout and scale have now been reserved for consideration at a later date (reserved matters). As it now stands, there is no layout, indicative or otherwise, to consider.
- 12.20 Notwithstanding the above, I am satisfied that a residential scheme can be provided on this site which would not cause significant harm to the character or appearance of the

local area. I am of the opinion that such a development would need to be 'bespoke' in nature and sympathetic of its rural surroundings. In achieving this, I am not convinced that the site can accommodate seven detached dwellings. However the proposal is for up to seven dwellings and the detailing of layout, scale and appearance have been reserved for consideration at a later date.

Impact on Residential Amenity

- 12.21 As above, as the application is in Outline form it is not possible to fully assess the impact of any future development on the amenities of neighbouring occupants. This assessment would form part of a future reserved matters application when the details of the development (no. of dwellings, siting, scale, appearance etc.) is known.
- 12.22 Notwithstanding the above however, given the location of the site and the achievable separation distances from both neighbouring properties (Nos. 67 and 69 Gaw Hill Lane), I am satisfied that the residential scheme could be provided which would be compliant with Policy GN3 of the Local Plan
- 12.23 As documented during the previous submission, the interface distances between the site and properties along Liverpool Road and the top of Gaw Hill Lane (who have raised concerns over loss of privacy and overlooking) are in excess of the guidelines provided in the Council's Design Guide. For this reason, I am satisfied that a residential development could be provided which does not cause harm to residents in these areas.
- 12.24 Turning to the issues raised by the Council's Environmental Health Officer, this application has been submitted in outline to assess the principle of residential development on the site for the provision of up to 7 units. Whilst the barking of dogs is audible on parts of the site there is already a residential dwelling at 67 Gaw Hill Lane. I have checked with officers in the Environmental Protection team and they have not received any complaints regarding the barking of dogs from existing residents who live in close proximity to the site.
- 12.25 Whilst it may not be possible to site new residential dwellings in close proximity to the kennels, I am minded to take the view that residential development, offering a suitable standard of amenity will be possible on some parts of the site. As the application is for up to 7 dwellings, there is scope for a lower number of units to be accommodated under the description of development, should a subsequent noise survey and other planning considerations show this to be appropriate.
- 12.26 At this stage, I am satisfied that a residential development could be provided which would be compliant with Policy GN3 of the Local Plan in respect of residential amenity.

Highways

- 12.27 The dwellings will be served by the existing shared access off Gaw Hill Lane. The Highway Authority has assessed the proposals and is satisfied visibility from this access is acceptable for the proposed development.
- 12.28 As this application does not provide any details in relation to layout, it is not possible to comment on parking or manoeuvrability. However any future proposals for the redevelopment of this site would be expected to meet the minimum parking standards as outlined in Policy IF2 of the Local Plan and provide sufficient space for vehicles to enter and leave the site in a safe manner in accordance with Policy GN3 of the Local Plan.

Impact on Trees

- 12.29 The site is within an area referenced in the Local Plan as being: 'Area of Local Landscape History Importance' due to the fragments of historic landscape in an area of major landscape change. Simply put, the area used to consist of a mosaic of fields and boundary hedgerows which were typical for farmed landscapes in this area. Over time, modern farming practices have created larger fields that are now flat and open.
- 12.30 As details of layout are not included within this submission, the extent of necessary works to trees effectively remains unknown at this time. It is however likely that any form of residential re-development would necessitate the loss of some of the existing tree cover.
- 12.31 It has been identified that the majority of the site consists of an over-grown boundary hedge made up of mainly unmanaged Leylandii conifers. The planting of these types of conifers is a poor choice in a rural environment and, although collectively, they can appear as a 'green screen', they are limited in terms of wildlife habitat and biodiversity. There are also a few mainly low grade trees in the north east corner of the site that includes species such as Ash, Sycamore and Alder.
- 12.32 The previously considered scheme accepted the loss of the majority of tree cover on site, although it was clearly stated that some compensation would be required. I am satisfied that the same approach should be adopted in this case.
- 12.33 Therefore, whilst the full impact on existing trees cannot be determined at this time, I am satisfied that a residential development could be provided which may result in the loss of the majority of the existing tree cover but which can provide a suitable compensatory scheme in order to appropriately assimilate the development into its surroundings.

Ecology

- 12.34 The proposed development would result in the demolition of the existing buildings. Ecological surveys, including an updated bat report, have been submitted in accordance with Policy EN2 of the Local Plan.
- 12.35 These reports have highlighted that the site provides extensive bat foraging and commuting habitat and roosts are in close vicinity to the site however the bat report received in June 2018 found no evidence of bat use or presence within the buildings or trees. Given the proximity of bat activity it would be expected that any redevelopment of the site addressed this matter by incorporating integrated bat boxes and controlled lighting and such matters can be controlled by condition.
- 12.36 The June 2018 survey found buildings and trees on site to offer negligible habitat for barn owl. The Council's Ecologist finds this conclusion to be acceptable and therefore barn owl requires no further consideration in relation to this proposal.
- 12.37 It has been identified that the site provides nesting opportunities for breeding bird and a condition has been recommended that no works take place within the bird breeding season unless checks are first undertaken. In addition the proposed redevelopment of the site would result in the loss of bird breeding habitat and mitigation would be required in the form of bird nesting boxes; the necessary mitigation can be secured via a planning condition.
- 12.38 Further precautionary conditions are required in relation to common amphibians, reptile and small mammal species during both the demolition and construction phase.

- 12.39 It is noted that the Preliminary Ecological Appraisal states that any proposals which affect trees may result in changes to the recommendations as the condition of the trees may change in the interim. It is noted that the assessment provided does not discuss the loss of trees within the site. However, as the proposal is in outline form only the extent of the impact on trees remains unknown at this time. Therefore I am satisfied with the level of information provided and conclude that further ecological information would be required at the later stage when details of layout and landscaping are required.
- 12.40 From the information provided and subject to conditions, I am satisfied that the proposals accord with Policy EN2 of the Local Plan in respect of the impact of the proposed redevelopment of the site on protected species or their habitat.

Drainage

- 12.41 In terms of flood risk the site is located in Flood Zone 1 and also outside of areas susceptible to surface water flooding so the risk of flooding is considered to be low. However, it is a requirement of Policy GN3 that new development does not result in unacceptable flood risk or drainage problems. The submitted information advises that the site would be drained on a separate system. It is stated that foul water from the development would connect to the mains drainage system; however a check of the United Utilities map indicates that there are no nearby public sewers, therefore further investigations would be required in this respect and I am satisfied that this could be undertaken under a suitably worded condition.
- 12.42 With regards to the disposal of surface water, the information provided is again restricted in that it has only been confirmed that surface water will discharge in accordance with the Building Regulations hierarchal approach for the disposal of surface water. Given the Outline nature of this application I am satisfied that a condition can be imposed which requires full and definitive details of a drainage scheme to be submitted and agreed by the Council before any construction works take place.

13.0 CONCLUSION

- 13.1 The proposed Outline development would not be harmful to the Green Belt, amenity of neighbouring residents, highway safety or ecology and is in a sustainable location for future residential development. It is therefore recommended that Outline 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.
2. Before any part of the development is commenced, approval shall be obtained from the Local Planning Authority for the Reserved Matters, namely the siting, design, layout, scale and appearance and landscaping (including details of landscape management and maintenance).
3. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Drawing no. A103 Rev 2 received by the Local Planning Authority 26th July 2018
4. No development on the construction phase shall take place until full details of the finished levels of all parts of the site, including the floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those details.

5. No development on the construction phase shall commence until details of the design of the surface water drainage system, based on sustainable drainage principles, have been submitted to and approved in writing by the Local Planning Authority. Those details should include:
 - a) A drainage strategy confirming the proposed means of surface water disposal together with a SuDS management and maintenance plan, if applicable;
 - b) Evidence of the existing site topography to include any existing surface water flow routes, drains, sewers and watercourses in a readable 3D Autocad .drawing format;
 - c) Evidence of site investigation, test results to confirm soil infiltrations rates and calculations to indicate existing SW runoff rates and volumes;
 - d) Demonstration that SW run-off will not exceed pre-development run-off rates and volumes and, for formerly developed land, that the requisite reduction in runoff will be achieved;
 - e) Demonstration that existing natural land drainage water (e.g. spring water, ground water or surface runoff) from surrounding areas that enters the site is managed in such a way to have no material impact by leaving the site in terms of nuisance (e.g. exacerbation of existing flooding) or damage;
 - f) Design calculations using relevant storm periods and intensities (e.g. 1 in 30 and 1 in 100 year + agreed allowance for climate change), runoff discharge rates and volumes (both pre and post development), facilities for temporary storage, the methods employed to delay and control SW discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in metres AOD;
 - g) Evidence that flood flows will be effectively managed within the site during the lifetime of the development including the construction period, will have no material impact by leaving the site in terms of nuisance or damage, or increase watercourse flows during periods of river flooding;
 - h) In addition to the normal printed input/output files supporting calculations for existing discharge rates (if applicable) and drainage proposals are to be submitted in an electronic format suitable for use in MicroDrainage software (e.g. mdx file format). Any flow control details should be modelled using the Depth/ Flow Relationship for the Control Type for MicroDrainage version 2015 or earlier;
 - i) Existing and proposed 3D level data submitted in a suitable format i.e. CSV or Autocad .drawing; and
 - j) Existing and proposed catchment areas in a suitable format i.e. Autocad .drawing.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.
6. No development on the construction phase shall commence until details of the design and implementation of an appropriate foul drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the first new dwelling and retained, managed and maintained as such at all times for the duration of the development. To assist with approval a copy of the completion certificate issued by the Building Control body should be submitted.
7. The mitigation and enhancement measures set out in section 4.2 Table 8 of the Bat Survey - Preliminary Roost Assessment (ARBTECH, June 2018) received by the Local Planning Authority on 6th July 2018 and section 4.2 Table 7 of the Preliminary Ecology Appraisal Survey (ARBTECH, August, 2017) received by the Local Planning Authority on 16th April 2018 shall be implemented in full during and following the development hereby approved.
8. Tree felling, scrub clearance, vegetation management and/or ground clearance shall be avoided during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub and vegetation shall be

checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected must be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved details.

9. No temporary or external lighting shall be present on the site until a lighting scheme has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved detail and in a timetable to be agreed in writing with the Local Planning Authority.
10. The development hereby permitted shall not be occupied until details of bird boxes and timing for their installation has been submitted to and approved in writing by the Local Planning Authority. The bird boxes shall be provided in accordance with the approved details.
11. No development shall take place until a scheme outlining Reasonable Avoidance Measures (RAMs) for the protection of common amphibian, reptile and small mammal species has been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be adhered to at all times.
12. The proposed access from the site to Gaw Hill Lane, shall be constructed to a (minimum) width of 5.5m and this width shall be maintained for a minimum distance of 10m measured back from the nearside edge of the carriageway prior to the first occupation of any of the approved dwellings.
13. No part of the development hereby approved shall take place until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of an appropriate legal agreement, under the Highways Act 1980.
14. The pedestrian footpath, as shown on plan reference A103 Rev 2 received by the Local Planning Authority on 26th June 2018, shall be provided prior to the first occupation of any of the approved dwellings and shall be maintained thereafter, clear of any obstructions.
15. As part of any reserved matters application, a background noise survey shall be submitted which will establish the noise generated by the dog breeding premises that adjoins the application site. The survey shall be accompanied by an acoustic report which shall be agreed in writing with the Local Planning Authority and shall identify mitigation measures required to ensure that occupants of the proposed dwellings would not be detrimentally impacted by noise from the adjoining land use. The agreed mitigation measures shall be provided prior to occupation of any dwelling.
16. Prior to the first occupation of any dwelling, it shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.

Reasons

1. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline and the matters referred to in the condition are reserved for subsequent approval by the Local Planning Authority.
3. 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. 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.
5. To ensure the site is adequately drained in the interest of local amenity, there is no increase in flood risk on or off the site resulting from the proposed development or resulting from inadequate maintenance of the proposed surface water drainage system including the SuDS, appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development for the ongoing maintenance of the proposed surface water drainage system including the SuDS, to identify the responsible organisation/body/company/undertaker for the proposed SuDS and the water quality is not detrimentally impacted by the proposed development, so the development complies with

the provisions of Policies GN3 and IF3 in the West Lancashire Local Plan 2012-2027 Development Plan

6. To ensure the site is adequately drained in the interest of local amenity, there is no flood risk on or off the site resulting from the proposed development, that appropriate and sufficient maintenance mechanisms are put in place for the lifetime of the development to reduce the flood risk to the development as a result of inadequate maintenance and the water quality is not detrimentally impacted by the proposed development, so the development complies with the provisions of Policies GN3 and IF3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
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11. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. To enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users.
13. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.
14. 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.
15. In the interests of residential amenity and to accord with Policy GN3 of the adopted West Lancashire Local Plan Development Plan Document 2012-27
16. In the interests of sustainability in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

1. The applicant is advised that the new site access and proposed footpath will require the applicant to enter into an appropriate legal agreement with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes the design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the County Council's Highway Development Control Section on lhscustomerservice@lancashire.gov.uk or by writing to the Highway Development Control Manager, Cuerden Mill Depot, Cuerden Way, Bamber Bridge, Preston PR5 6BJ quoting the planning application number in either case.

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:

GN1 - Settlement Boundaries

GN3 Criteria for Sustainable Development

GN4 - Demonstrating Viability
RS1 - Residential Development
EC1 - The Economy and Employment Land
EN2 - The Rural Economy
EN4 - Preserving and Enhancing West Lancashire's Natural Environment

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.