

<b>No.1</b>	<b>APPLICATION NO.</b>	2018/0728/FUL
	<b>LOCATION</b>	Hughes Mushroom Farm Course Lane Newburgh Wigan Lancashire WN8 7UB
	<b>PROPOSAL</b>	Construction of seven residential dwellings following the demolition of the existing commercial premises and a single dwelling.
	<b>APPLICANT</b>	Mr Woodman
	<b>WARD</b>	Newburgh
	<b>PARISH</b>	Newburgh
	<b>TARGET DATE</b>	14th September 2018

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## **1.0** REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme; however, Councillor Pope has requested it be referred to Planning Committee to consider the impact of the development upon the green belt and amenity of the local residents.

## **2.0** SUMMARY

- 2.1 This is an application for the demolition of existing commercial buildings and the erection of 7 detached dwellings. The proposed design, layout and appearance is considered to be acceptable. The development will not have a detrimental impact on highway safety and adequate parking has been provided. Satisfactory interface distances have been achieved in order to protect neighbouring residential amenity. I consider the proposal complies with the relevant policies of the Local Plan and is acceptable in principle.

## **3.0** RECOMMENDATION: APPROVE WITH CONDITIONS

### **4.0** THE SITE

- 4.1 The site is located on the south side of Course Lane in Newburgh, behind a row of houses. It contains a number of vacant agricultural/ industrial buildings all single storey but of various heights. The site previously operated as a mushroom farm and more recently part of the site was used as a B8, storage and distribution use. The site itself is industrial in appearance. Access into the site is via a narrow path between two residential properties on Course Lane. It is located in the Green Belt, however immediately to the north of the site the row of residential dwellings fronting Course Lane are located in the rural settlement area of Newburgh.

### **5.0** THE PROPOSAL

- 5.1 This application seeks planning permission to redevelop the site for 7 detached dwellings. The existing commercial buildings on the site as well as a bungalow known as 'Windy Ridge' located on Course Lane will be demolished to allow the creation of a new vehicular access to the site off Course Lane. The existing access will be permanently closed.

#### Site History

- 5.2 For many years the site was utilised as a mushroom farm (an agricultural use). When this business vacated the site, the premises were left unoccupied for a number of years. In 2010 planning application 2010/0921/FUL was refused and dismissed at appeal for the demolition of the buildings and the erection of four detached dwellings and garages. The

reasons for refusal related to the negative impact the development would have upon the openness of the Green Belt and the character of the area. Subsequently, planning application 2013/1192/COU granted planning permission for the change of use of the site to a B8 use. In 2014 the B8 use was implemented by the occupation of one of the buildings by a tenant storing goods. This tenant vacated the premises in January 2015 and the buildings have remained vacant ever since. In 2016 outline planning consent was obtained for the redevelopment of the site for 7 detached bungalows.

## **6.0 PREVIOUS RELEVANT DECISIONS**

- 6.1 2016/0497/OUT GRANTED Outline - Construction of seven dwellings following the demolition of the existing commercial premises, including the creation of a new highway access following the demolition of an existing dwelling (including details of access, layout and scale).
- 6.2 2013/1192/COU GRANTED - Change of use of former mushroom farm buildings to Use Class B8.
- 6.3 2010/0921/FUL REFUSED (DISMISSED ON APPEAL) - Demolition of existing mushroom farm and erection of four detached dwellings and garages.
- 6.4 2009/1100/FUL WITHDRAWN - Demolition of existing mushroom farm and erection of 4 detached dwellings with garages.
- 6.5 2005/1008 WITHDRAWN – Outline - Erection of 9 Bungalows.
- 6.6 2000/1121 REFUSED - Provision of turning area for wagons and car park.

## **7.0 OBSERVATIONS OF CONSULTEES**

- 7.1 Environmental Health (31.08.18 & 06.09.18) – No Objection; Recommend conditions
- 7.2 Lead Local Flood Authority (LLFA) (04.09.18 & 01/10/18) No Objections
- 7.3 LCC Highways (08.08.18) – No Objections subject to conditions
- 7.4 United Utilities (03.08.18) – No Objections subject to conditions

## **8.0 OTHER REPRESENTATIONS**

- 8.1 I have received 3 letters of objection from 2 neighbouring properties, who raise the following concerns:

Doesn't preserve the integrity of the rural location;

Large 4/5 bedroomed properties are proposed which is a massive divergence from the original proposal for bungalows;

Height of the proposed dwelling exceed the height of the bungalows and is not in keeping with the environment and village location and is dominant;

Style of houses too modern and out of keeping with the village;

Results in overlooking of my property, a bungalow, causing significant detriment to my privacy. If bungalows were proposed the loss of privacy would be minimal;

Results in a loss of sunlight in my garden;

The land regularly floods and has a negative impact on my garden. The drainage systems for the mushroom farm and neighbouring properties are interconnected in several places. The drainage systems are outdated. The new development must have fully updated and

efficient drainage systems;

The area is frequented by pipistrelle bats and barn owl regularly hunts over the open ground surrounding the buildings.

- 8.2 Newburgh Parish Council (27.09.18) – Continue to support the development of the derelict site on the existing footprint provided neighbour amenity is preserved.

## **9.0 SUPPORTING INFORMATION**

- 9.1 Planning Statement  
Design & Access Statement  
Ecology Report  
Flood Risk Assessment  
Phase 1 Preliminary Risk Assessment  
Sketch Concept Document

## **10.0 RELEVANT PLANNING POLICY**

- 10.1 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 Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD

### **West Lancashire Local Plan 2012-2027 DPD**

Policy SP1 – A sustainable Development Framework for West Lancashire  
Policy GN1 – Settlement Boundaries  
Policy GN3 – Criteria for Sustainable Development  
Policy RS1 – Residential development  
Policy IF2 – Enhancing Sustainable Transport Choice  
Policy EN2 – Preserving and Enhancing West Lancashire's Natural Environment

### **Supplementary Planning Advice**

SPD – Design Guide (January 2008)

## **11.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

Principle of Development

- 11.1 The principle of development has been established by the granting of outline planning permission (2016/0497/OUT) as detailed above. That permission remains valid.

Impact on Green Belt

- 11.2 Paragraph 145 of the NPPF advises that the construction of new dwellings in the green belt in inappropriate development subject to various exceptions. Bullet point (g) allows the complete redevelopment of previously developed land providing that it would not have a greater impact on the openness of the Green Belt than the existing development.
- 11.3 A site assessment has been carried out which has been useful to make a direct comparison between the existing and proposed built development. Presently, the site is occupied by buildings with a total volume of 15,881m<sup>3</sup>, the total volume of the proposed

dwellings amounts to 6,627m<sup>3</sup> resulting in a 58% reduction in built volume on site. The proposed development would also have a smaller overall footprint (63% reduction) than the existing built development. This would therefore constitute a considerable reduction in terms of the actual built development on the site and an overall gain in terms of the openness of the Green Belt.

- 11.4 The spread of development across the site also needs to be considered. The proposal would confine the built form within the areas of the site where the existing buildings are located. However, the plots in the southern area of the site would utilise land (which is currently free from built form) to have extensive rear garden areas. This issue has previously been considered under the outline application and it was agreed that if this land was omitted from the site layout it is likely that it would become land locked and of no real use. Therefore, it was considered that the incorporation of this land into the garden areas of the proposed units is a reasonable proposition, and subject to the removal of permitted development rights for the erection of outbuildings and extensions, the openness of the Green Belt should be maintained.
- 11.5 The plans submitted indicate that the tallest building existing on the site is 7.4m high, with the majority of the buildings ranging between 3.6m – 4.7m high. The proposed dwellings would have a maximum height of 6.1m. Steps have been taken to minimise the impact of the development upon the green belt since this application was first submitted, all of the bulky dormers have been removed including the elongated windows with boxy flat roofs, the eaves and ridge height reduced by 0.2m and the garages reduced in height by 0.7m and re-orientated to create a sense of space between the buildings. I am also mindful that the proposed development will have a smaller overall footprint than the existing built development and is sited generally where existing built development exists. Therefore, I am satisfied that the development will not have a greater impact on the openness of the Green Belt in comparison to the existing development, and therefore the proposed redevelopment of the site complies with the NPPF in this regard.

#### Principle of Development – Isolated Homes

- 11.6 Paragraphs 78 and 79 of the NPPF are considered to be relevant to the proposed development given the nature of the site location. This advises that *“local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances”*. It was determined under the previous application that the proposed development would not result in the creation of isolated homes given that the site is within reasonable walking distances of local services and is located close by to a main bus route.

#### Layout, Scale and External Appearance

- 11.7 The layout of the site allows for an access to be taken directly off Course Lane which leads to a courtyard with a central 'green' area surrounded by seven detached two storey dwellings. Each dwelling will be either an 'L' or 'T' shape footprint generally measuring 13m by 13m / 16m with an eaves height of 3.8m and a ridge height of 5.7m to 6.1m. Each dwelling would have five bedrooms (with the exception of plots 5 and 6 which will have 4 bedrooms). Each dwelling will also have a detached or integral double garage.
- 11.8 Concern was initially raised with the applicant that the dwellings appeared too regimental and contemporary with modern flat boxed 'dormers' which would be at odds with the semi-rural environment in which they would be situated. In response the scheme has been amended and a more traditional rural approach has been taken by removing the 'boxy' modern 'dormers' and elongated windows so the dwellings appear more like converted barns and timber effect cladding has been introduced on the garages to reflect the rural

location. Overall, I consider that the design of the dwellings now relate well to the local area in general.

- 11.9 In terms of the level of amenity afforded to residents of the development, I am satisfied that the private rear gardens accord with the standards advised in the Council's Design Guide SPD. The proposed development would provide adequate interface distances between the proposed and existing dwellings and therefore should not result in a detrimental loss of residential amenity for the surrounding occupants.

#### Impact on Residential Amenity

- 11.10 In terms of the relationships between the proposed dwellings, I am satisfied that the proposed layout accommodates the required interface distances. With regards to amenity for existing residents, I note that concern has been expressed from a neighbour about the loss of privacy. However, there will be at least 35m between the rear elevation of the proposed dwellings and dwellings along Course Lane which significantly exceeds the standards set out within in the Council's Design Guide SPD. Therefore, I am satisfied that suitable interface distances have been provided.
- 11.11 As approved under the previous outline application, a new access to the site is proposed off Course Lane. This will be created by the demolition of an existing property (Windy Ridge) fronting onto Course Lane. As a result, the site access will sit between two other residential properties (Rose Heath and Quarry View) along Course Lane. Whilst use of the access will create some additional noise and disturbance to these neighbouring properties, given the small scale of the development, I do not consider the location of the proposed new access would be unacceptable on neighbouring amenity grounds. Overall, the proposed development would satisfy the requirements of Policy GN3 in respect of neighbouring amenity.

#### Highway Safety and Car Parking

- 11.12 The existing access to the site is very narrow and unsuitable to support a residential development when assessed against modern day standards. This will be permanently closed and a new access will be created by the demolition of Windy Ridge which is located approximately 15m to the east of the existing access. I consider that this will result in a much improved site access than the existing access arrangements. The County Highways Surveyor concurs with this view and has raised no objections to the proposed new access.
- 11.13 The Local Plan sets out parking standards for residential developments. Each plot meets the required standards. I am satisfied that vehicles can manoeuvre safely within the site and that adequate parking provision has been made within the site. On this basis the proposed development is considered to be compliant with Policies GN3 and IF2 in the Local Plan.

#### Drainage

- 11.14 The site is located in flood zone 1 an area considered to have the lowest probability of fluvial and tidal flooding. A Flood Risk Assessment (FRA) and Drainage Strategy accompanies the application which embraces the concept of sustainable drainage and recognises that flood risk is an important aspect of the development proposals. It is proposed to use a soakaway drainage system for surface water drainage as the porosity tests indicate satisfactory soil infiltration rates. Foul water will discharge via the existing site connection pipework at the existing manhole. The LLFA are content with the FRA and

Drainage Strategy and the use of infiltration in principle, subject to a detailed design which can be secured by imposition of planning conditions.

## Ecology & Protected Species

11.15 An Ecological Assessment and Bat Emergence Survey has been undertaken of the site and buildings. Bats were observed moving in a southerly direction across the site but no bats were detected foraging around the site or within the buildings. The survey did find nests within the buildings associated with birds. No evidence of barn owls was found. The survey recommends that bird and bat boxes are installed on the site prior to the removal of the buildings. The recommendations within the ecology survey will be secured via planning condition.

## Conclusion

11.16 In summary, the proposal is in accordance with policies RS1, EN2, GN3 and IF3 of the West Lancashire Local Plan and the SPD Design Guide. I therefore recommend that planning permission be granted.

## 12.0 **RECOMMENDATION**

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

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan reference Location Plan 001 received by the Local Planning Authority on 9th July 2018.  
Plan reference Landscape General Arrangement 001 Rev B received by the Local Planning Authority on 18th September 2018.  
Plan reference 201 Rev E, 202 Rev E, 203 Rev E, 204 Rev E, 205 Rev E, 206 Rev F, 207 Rev E received by the Local Planning Authority on 2nd October 2018.  
Plan reference Proposed Site Plan 200 Rev E & 211 Rev A received by the Local Planning Authority on 4th October 2018.
3. No development above slab level shall take place until full details and samples of the external brickwork, cladding and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.  
Those details shall include, as a minimum:
  - a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change).
  - b) Detail design of the proposed infiltration system.
  - c) A plan of overland flow routes and or flood water exceedance routes, both on and off site.The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

5. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy (CFA, reference CFC18009, September 2018) and the mitigation measures detailed within the FRA.
6. No dwelling shall be occupied until visibility splays measuring 2.4 metres by 78 metres in both directions are provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Course Lane, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.
7. No dwelling shall be occupied until the existing access is physically and permanently closed and the existing footway and kerbing of the vehicular crossing is reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads.
8. The new estate road/access between the site and Course Lane shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.
9. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no garages, extensions, alterations, porches, garden sheds, out buildings, greenhouses, swimming pools, hardstandings or means of enclosure shall be erected or undertaken without the express written permission of the Local Planning Authority.
11. A contaminated land investigation shall be carried out in respect of the proposed development site in order to identify whether there are substances in, on or under the land with potential to cause harm to human, ecological, environmental, structural or controlled water receptors, and to assess the degree of risk posed by those substances to each receptor.

The investigation should be carried out by appropriately qualified and experienced consultants.

The investigation shall begin with a desk study that adequately characterises the site, including its geography, geology, hydrology and historical use. From this a conceptual site model shall be produced, based on the past and intended use of the site and identifying all potential pollutant linkages.

If the desk study and conceptual site model identify potential pollutant linkages, an intrusive site investigation shall be carried out in accordance with BS10175:2001 'Investigation of Potential Contaminated Sites - Code of Practice' and any other relevant Government guidance current at the time.

The investigation shall take the form of a sufficient number of sampling points arranged spatially so as to ensure adequate cover of the site, especially those areas intended for use as gardens and landscaped areas, or where concentrations of contaminants are anticipated.

Sufficient samples must be obtained to characterise the soils, and in addition to soil samples, shall include ground and surface water samples where the conceptual model demands. Additionally, monitoring for landfill gas shall be carried out where appropriate and the results assessed against the latest version of the CIRIA report. The samples shall be analysed for a full suite of organic and inorganic contaminants. The analysis must be carried out at a laboratory that is UKAS accredited, and which complies with the Environment Agency's MCERTS standard in respect of each contaminant.

Sample results shall be screened against Government Soil Guideline Values (SGV) where these are available. Where these are not available, the results must be screened using

clearance values that have been derived using best available toxicological data using a statistical model acceptable to the Local Planning Authority (LPA). In those cases where values are exceeded, more detailed site-specific risk assessments must be carried out to decide whether remediation is required. These assessments must be carried out using best toxicological data for the contaminant concerned, and by means of a statistical model acceptable to the LPA.

Where the investigation confirms the presence of contamination likely to cause harm to receptors, whether human or otherwise, a remediation scheme shall be devised that will result in the contamination being dealt with so as to remove the risk to receptors and make the site suitable for its intended use.

The results of the desk study and site investigation, together with details of any proposed remediation, shall be approved by the LPA before development of the site commences. Any remediation scheme approved shall be carried out as part of the development of the site, and shall be followed by a validation report sufficient to prove that the remediation has been effective. This report must also be approved by the LPA.

Where it is evident that a risk to controlled waters may exist, the Environment Agency must be consulted and any requirements made by them must be carried out.

12. The recommendations made within Section 14 of the Ecology Report May 2018 received by the Local Planning Authority on 10th July 2018 shall be adhered to at all times during and following the development hereby approved.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. 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.
3. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To ensure that the site is properly drained and to ensure that there is no flood risk on or off the site resulting from the proposed development, in the interest of local amenity and that the development, and complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Reason for pre-commencement conditions

Drainage is not only a material consideration but an early and fundamental activity in the ground construction phase of any development and it is likely to be physically inaccessible at a later stage by being buried or built over. It is of concern to all flood risk management authorities that an agreed approach is approved before development commences to avoid putting existing and new communities at risk.

The revised NPPF considers sustainable drainage systems to be important and states that they should be incorporated unless there is clear evidence that this would be inappropriate and, as such the LLFA needs to be confident that flood risk is being adequately considered, designed for and that any residual risk is being safely managed. To be able to do this the LLFA requires an amount of certainty either by upfront detail or secured by way of appropriate planning condition.

5. To ensure that the site is properly drained and to ensure that there is no flood risk on or off the site resulting from the proposed development, in the interest of local amenity and that the development, and complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To ensure adequate visibility for the drivers of vehicles entering and leaving the site and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.



8. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. The character and location of the property are such that the Local Planning Authority wishes to exercise maximum control over future development to protect the openness of the Green Belt in order to comply with the provisions of Policy GN1(b) in the West Lancashire Local Plan 2012-2027 Development Plan Document and the NPPF.
11. To ensure that the development is adequately protected against potentially contaminated land and so complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Notes**

1. The applicant is advised that the new site access, will need to be constructed under a section 278 agreement of the 1980 Highways Act. 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 design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Environment Directorate before works begin on site. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for "278 agreement".
2. The applicant is advised that the proposed arrangements for future management and maintenance of the proposed street within the development will need to be agreed with the Highway Authority. The street shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established. The applicant is advised to contact the Environment Directorate before works begin on site.

### **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:

Policy SP1 - A sustainable Development Framework for West Lancashire

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy RS1 - Residential development

Policy IF2 - Enhancing Sustainable Transport Choice

Policy EN2 - 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.