

No.10 APPLICATION NO.	2018/1126/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	28th December 2018

1.0 SUMMARY

1.1 The proposed development seeks permission for the principle of a residential development involving up to seven units 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.

2.0 RECOMMENDATION:

2.1 That Outline planning permission be GRANTED subject to conditions.

3.0 THE SITE

3.1 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.

3.2 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.

4.0 THE PROPOSAL

4.1 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.

4.2 No details, indicative or otherwise, of the proposed layout of the scheme or appearance/scale of the dwellings have been provided. These details have been reserved for consideration at a later date.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2018/0401/OUT – REFUSED (APPEAL LODGED) (11.09.2018) Outline - Erection of up to seven residential units following the demolition of the existing buildings including details of access (all other matters reserved). This application was refused by Members for the single following reason:

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.

- 5.2 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. This application was refused for the following three reasons:

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.

6.0 OBSERVATIONS OF CONSULTEES

- 6.1 LANCASHIRE COUNTY COUNCIL (HIGHWAY AUTHORITY) (23.11.2018) – No objection in principle to the proposed development and is of the opinion that the level of traffic generated by this proposal would not have any material impact on highway capacity. A condition regarding the construction of the site access and off-site works has been recommended.
- 6.2 DIRECTOR OF LEISURE AND ENVIRONMENT (12.12.18) – Objects due to the potential impact on future residents of the scheme from the neighbouring commercial use (dog breeding).
- 6.3 UNITED UTILITIES (03.012.2018) – No objections in principle. Conditions recommended.
- 6.4 MERSERYSIDE ENVIRONMENTAL ADVISORY SERVICE (28.11.2018) – The ecological reports submitted by the applicant are acceptable. Whilst there are some designated sites in the surrounding area (Gorse Hill Local Nature Reserve (LNR), Graw Hill/Gorse Hill LNR and Biological Heritage Sites Moss Delph, Prescott Road Quarry, St Michael's Churchyard), the development is unlikely to harm the features for which the sites have

been designated due to barriers (roads, significant arable land) between these areas and the application site and the fact that a significant distance between the site and these sensitive areas would remain. The site provides extensive foraging and commuting habitat for bats; mitigation in the form of integral bat boxes should be agreed at the detailed stage. A lighting scheme should also be agreed to ensure that it is designed so that it does not spill into sensitive habitats. Mitigation for bird breeding habitat should also be provided in the form of bird nesting boxes and clearance works should be avoided between March and August (inclusive). The proposed demolition works may impact upon small mammal species and common amphibians; Reasonable Avoidance Measures (RAMs) should be put in place to avoid this and such measures can be agreed through a suitably worded condition. A landscape plan should also be secured to ensure adequate mitigation for any tree/hedge loss.

7.0 OTHER REPRESENTATIONS

- 7.1 Merseyside and West Lancashire Bat Group (6.12.2018) – The applicant, through the submitted surveys, has not considered the use of the buildings by singular or small number of bats; some of the other conclusions are based on conjecture and not "scientific information". MEAS' comments dating from June 2018 are contradictory on the subject to the validity of the submitted surveys.
- 7.2 Aughton Parish Council (13.12.2018) – Objects to the proposal as it would be harmful to the Green Belt. There are no very special circumstances so the proposal would be inappropriate. This is an isolated site and the dwellings would be prominent in this location. Lastly the viability of the existing business does not justify a change of the land use to residential.
- 7.3 I have received 14 letters of objection from neighbouring properties. The main points of concern are summarised as follows:

This is the third time local residents have had to object to this scheme.

No new information submitted with this application, therefore no reason for committee to rescind their last refusal.

Impact on nature reserve and ecology of site and surrounding area

Impact on highway safety

There is no need for this development, there are many houses for sale in the Aughton area

Houses would be prominent; loss of rural area

Loss of employment

Isolated dwellings

Non-compliance with Local Plan

Non-compliance with Government guidance

Loss of privacy and overlooking of neighbouring properties

Loss of views across countryside

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

Site drainage has not been finalised

Inappropriate development in the Green Belt/harm to openness

The development would not fall within the definition of affordable housing

Dwellings would incorporate balconies which is out of keeping

Removal of trees will increase flooding in local area

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

Change of use from commercial to residential is unnecessary

The Council has already reached their quota for housing

8.0 SUPPORTING INFORMATION

8.1 The application is supported by the following information:

Bat Survey – Preliminary Roost Assessment (June 2018)
Bat Survey – Emergence and Activity Surveys (October 2017)
Preliminary Ecological Appraisal Survey (August 2017)
Bat Survey – Preliminary Roost Assessment (August 2017)
Information on distance to local amenities
Planning and Green Belt Statement
Addendum to Planning Statement
Drainage Statement
Tree Survey
Independent Accountant's Report
Economic Statement
Correspondence from local valuer
Counsel Advice (Kings Chamber)

9.0 RELEVANT PLANNING POLICY

9.1 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

Supporting a prosperous rural economy
Delivering a wide choice of quality homes
Requiring good design
Protecting the Green Belt
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)

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Background

10.1 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.

- 10.2 Members will be aware that this proposal was the subject of an application that was considered and determined by Members at the planning committee in September of this year. At that time Members resolved to overturn officer recommendation and refuse the proposed development for one reason relating to the employment status of the site. Given that the proposal is the same and there have been no local or national policy changes in the intervening months, I would advise Members that it would be inappropriate to introduce any concerns over and above the single issue that was raised as a concern during the last discussion.

Principle of Development - Green Belt

- 10.3 Paragraph 145, Section 13 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.
- 10.4 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.
- 10.5 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.
- 10.6 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

- 10.7 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.
- 10.8 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.

- 10.9 As stated earlier, the most recent application for the redevelopment of this site was refused due to Member's views that the proposal failed to comply with the above policies as it had not been robustly demonstrated that the site was unsuitable for an on-going viable employment use.
- 10.10 The applicant has submitted additional supporting information to address this concern; an additional report from Fritton Estates (local property consultants) and a more detailed report by the operator's accountant have been provided in addition to the supporting information provided as part of the previous submission.
- 10.11 To summarise, the supporting information provided outlines the current financial position of the business and its owner; it advises that the business has not operated at a viable level for a number of years and has been supported by the personal finances of the owner. Financial details dating back to 2014 have been provided. The lack of viability has been linked to the loss of large customers, one of whom has stated in writing that the access to the site was prohibitive to their continued business. It is understood that the existing buildings are in need of investment in order to try and improve business potential/attract alternative commercial occupiers and the projected costs of the necessary refurbishment have been provided. Given the stated site constraints (access, rural location, proximity to neighbouring dwelling) and the current financial position of the site owner, the necessary investment is not considered to be a realistic option. Lastly and as with the previous submission, 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.
- 10.12 The applicant has sought to comply with Policies EC1 and EC2 of the Local Plan by outlining a supporting case in accordance with the requirements of Policy GN4 of the Local Plan. Policy GN4 of the Local Plan outlines three tests which applicants can use to demonstrate the unavoidable loss of an existing commercial site. Only one of these tests must be met. Nevertheless in this case, it is my view that the applicant has demonstrated compliance with two of stated tests;

The continued use of the site/premises for its existing use is no longer viable in terms of its operation of the existing use, building age and format and that it is not commercially viable to redevelop the land or refurbish the premises for its existing use. In these circumstances, and where appropriate, it will also need to be demonstrated that there is no realistic prospect of a mixed-use scheme for the existing use and a compatible use; and

The land/premises is no longer suitable for the existing use when taking into account access/highways issues (including public transport), site location and infrastructure, physical constraints, environmental considerations and amenity issues. The compatibility of the existing use with adjacent uses may also be a consideration.

- 10.13 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, 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 the condition of the site/building, comments from a previous user and the financial overview provided.

- 10.14 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

- 10.15 Paragraph 79 of the NPPF advises that in order to promote sustainable development, rural housing should be located where it would enhance or maintain the vitality of rural communities. 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' and a subsequent case in the Court of Appeal. *Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited [2017]* confirmed that 'isolation' should be given its ordinary meaning of "far away from other places, buildings or people" (re-assessed and upheld at Court of Appeal in March 2018).
- 10.16 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.
- 10.17 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, 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 future occupants of the development a sustainable link to a variety of every day facilities and to public transport links to services further afield.
- 10.18 For these reasons, the site is not considered to be 'isolated' in terms of the requirements of paragraph 79 of the NPPF and the proposal would provide sustainable development which would enhance or maintain the vitality of the surrounding rural community.

Siting/Design

- 10.19 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.

- 10.20 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

- 10.21 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.
- 10.22 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.
- 10.23 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 and Access Statement. For this reason, I am satisfied that a residential development could be provided which would not cause harm to residents in these areas.
- 10.24 It is noted that the Council's Environmental Health team have raised concerns over the potential future impact of the neighbouring dog breeding business on the amenities of future occupants of the proposed development. However as documented under the previous submission, the Council has previously determined applications for this site and not raised this matter as a reason for refusal. Furthermore whilst the barking of dogs may be audible on parts of the site there is already a residential dwelling at 67 Gaw Hill Lane and no complaints to the Council regarding noise have been made by existing residents in close proximity to the site. 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 reasonable standard of amenity would 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. For these reasons, and subject to conditions, I am satisfied that reasonable levels of amenity for the future occupants of the proposed development could be provided in compliance with Policy GN3 of the Local Plan.

Highways

- 10.25 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.
- 10.26 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

- 10.27 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.
- 10.28 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.
- 10.29 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.
- 10.30 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.
- 10.31 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

- 10.32 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.
- 10.33 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. Due to the internal conditions of the buildings (loud industrial noises and thick dust on all internal services), the bat roost potential is categorised as negligible, meaning that emergence surveys are not required. Given the proximity of bat activity to the site it would be expected that any redevelopment of the site addressed this matter by incorporating integrated bat boxes and controlled lighting and these matters could be dealt by condition.
- 10.34 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.
- 10.35 The proposed redevelopment of the site would result in the loss of bird breeding habitat. Mitigation would be required in the form of bird nesting boxes; the necessary mitigation can be secured via a planning condition.

- 10.36 Further precautionary conditions are required in relation to common amphibians, reptile and small mammal species during both the demolition and construction phase.
- 10.37 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.
- 10.38 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

- 10.39 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.
- 10.40 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.

11.0 CONCLUSION

- 11.1 The proposed Outline development would be appropriate development in the Green Belt. A scheme of up to 7 dwelling could be provided which protected the amenity of neighbouring residents and had no significant impact on highway safety or ecology. The site 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. A102 Rev 1 and A103 Rev 2 received by the Local Planning Authority 24th October 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. 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.
9. No development, including demolition, 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.
10. As part of any reserved matters application details of bird boxes and the timing for their installation shall be submitted. The agreed measures shall be provided prior to the occupation of any dwelling.
11. 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.
12. The pedestrian footpath, as shown on plan reference A103 Rev 2 received by the Local Planning Authority on 24th October 2018, shall be provided prior to the first occupation of any of the approved dwellings and shall be maintained thereafter, clear of any obstructions.
13. 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.
14. 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.
10. 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.
11. To enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users.
12. 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.
13. In the interests of residential amenity and to accord with Policy GN3 of the adopted West Lancashire Local Plan Development Plan Document 2012-27
14. 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.
2. 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.

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.