

No.6	APPLICATION NO.	2018/0464/FUL
	LOCATION	Land To The West Of Red Cat Lane Burscough Lancashire
	PROPOSAL	Residential development (38 units).
	APPLICANT	Jones Homes (Lancs) Ltd, Mses Mawdsley, Houghton & Bentham
	WARD	Burscough West
	PARISH	Burscough
	TARGET DATE	21st August 2018

1.0 SUMMARY

1.1 Whilst it is considered that the application complies with some Local Plan and NPPF policies, the principle of development is unacceptable given this land is safeguarded from development for the purposes of Plan B, in the event that this is triggered (Policies GN2 and RS6). In addition, development of this site will result in the loss of best and most versatile agricultural land which the Council does not consider to be absolutely necessary and on a site which is not, at this time, allocated to deliver development.

2.0 RECOMMENDATION: That planning permission be **REFUSED**

3.0 THE SITE

3.1 The site is approximately 1.3 hectares in size, is rectangular in shape and is bounded to the north by a public footpath, beyond which is an agricultural field and a few sporadic residential properties. To the east of the site is Red Cat Lane with a number of detached and semi-detached properties along its length. To the south of the site the boundary abuts four detached dwellings and to the west are residential properties on Moss Nook.

3.2 The site is greenfield and was last used for arable agriculture. It is bound by hedgerows along the northern and eastern sides with some hedges along the western boundary. The site's topography gradually slopes from west to east and there is a field access into the site from Red Cat Lane. The existing built-up area of Burscough lies to the south, east and west of the site, with open, arable farmland to the north. The site is designated as a "Plan B" Safeguarded Land site in the adopted Local Plan.

4.0 THE PROPOSAL

4.1 It is proposed to erect 38 dwellings on the site consisting of one two storey block of 6 x 2-bed apartments in the NW corner of the site, one row of three 2 and 3 bed houses, four pairs of 2 and 3 bed semi-detached dwellings, a pair of 2-bed semi-detached bungalows and 17 detached 3 and 4 bed dwellings. Access is from Red Cat Lane between the proposed detached dwellings that front Red Cat Lane. The access continues westwards into the site with dwellings accessed directly off it as well as a number of short cul-de-sacs. Each detached dwelling incorporates an integral or detached garage and driveway. Each semi-detached dwelling incorporates either a side or front driveway or a garage. The apartment block includes a shared parking court with 2 spaces per apartment.

4.2 Of the 38 dwellings, 13 (6 x 2-bed apartments, 2 x 2-bed semi-detached houses, 2 x 3-bed semi-detached houses, 1 x 2-bed terraced and 2 x 2-bed terraced houses) will be provided as affordable homes. This equates to 34% of the total number of dwellings proposed. The dwellings are presented in a variety of sizes to cater for different occupants. All the dwellings have private gardens.

- 4.3 Hedgerows are to be retained around the boundaries of the site, with the exception of the vehicular access from Red Cat Lane and a pedestrian link to the existing public right of way running along the northern boundary. A swale will be incorporated along the eastern boundary behind an existing hedgerow along Red Cat Lane and a foul pumping station located to the west of the site.

5.0 RELEVANT APPLICATIONS

- 5.1 None.

6.0 CONSULTEE RESPONSES

- 6.1 LANCASHIRE CONSTABULARY (29/05/18) – Recommend secured by design measures.
- 6.2 CADENT (03.06.2018) – There is apparatus in the vicinity of the site which may be affected by the proposal and the applicant is advised to contact Cadent. Informative notes recommended.
- 6.3 LANCASHIRE HIGHWAYS (07/06/2018) – No objection in principle. Recommend conditions. The Development Control Section is of the opinion that the required sight lines are fully achievable over the existing adopted highway. The Highway Authority is of the opinion that the proposed development would not have a severe impact on highway capacity within the immediate vicinity of the site. There is a Public Right of Way (F/P122) to the north of the site which runs in an east/west direction linking Red Cat Lane and Moss Nook. The proposed road and footpath between plots 32 and 33 should extend to the red edge boundary to enable the footway to link in with the PROW which would provide an additional pedestrian access/link with the surrounding area. The applicant has not provided adequate parking provision. The lack of off road parking will cause vehicles to park on the highway and whilst this will not cause severe highway safety issue it may cause amenity issues regarding access to individual driveways and where there are service verges, vehicles will inevitably park with wheels on the verge. Provided the applicant can satisfactorily address the above matters the Highway Development Support would have no objection in principle to the proposed development.
- 6.4 LEAD LOCAL FLOOD AUTHORITY (18/06/2018) – Insufficient information submitted.
- 6.5 NATURAL ENGLAND (21/06/2018) – No objection.
- 6.6 UNITED UTILITIES (25/06/2018) – No objection.
- 6.7 MERSEYSIDE ENVIRONMENTAL ADVISORY SERVICE (28/06/2018) – No objection subject to conditions. Due to the development's potential pathways and impacts on adjacent European Protected sites, this proposal requires Habitats Regulations Assessment for likely significant effects. MEAS have undertaken an assessment of likely significant effects which is based upon the essential features and characteristics of the proposal. This concludes that, without mitigation/preventative measures, that there will be likely significant effects on Martin Mere SPA, Martin Mere Ramsar, Ribble and Alt Estuaries SPA; and Ribble and Alt Estuaries Ramsar. MEAS have carried out an Appropriate Assessment on behalf of the Council which concludes that, with mitigation/preventative measures, there will be no adverse effect upon the integrity of European sites.
- 6.8 LANCASHIRE ARCHAEOLOGICAL ADVSORY SERVICE (28/06/2018) – Recommend a programme of archaeological works in accordance with a written scheme of investigation prior to work commencing on site.

7.0 **OTHER REPRESENTATIONS**

7.1 Burscough Parish Council object to the proposed development for the following reasons:

- This is a Plan B site and should be protected from development.
- Fully support the submission from Burscough Flood Group.
- Speeding issues on Red Cat Lane i.e. the traffic calming measures do not work and therefore the addition of 38 units in that area is only going to add to this problem.
- Loss of wildlife
- Planning does not recommend edge of settlement developments which this is and therefore we question its validity

7.2 I received a large number of objections from neighbouring and other local residents (75) to the initial proposed development, raising the following concerns:

Highways

Increased traffic along Red Cat Lane already and this will be made worse

Potential for increased accidents

A59 too busy

Increased congestion will effect visitors to Martin Mere

Increased noise and pollution from traffic

There should be no construction traffic down Moss Nook

There should be no pedestrian access to Moss Nook as this would render the existing public footpath redundant

Junction of Red Cat Lane with A59 will be busier and is already overloaded

There are already large HGV's and farm vehicles travelling along Red Cat Lane and the development will create more traffic

Should be more traffic calming measures along Red Cat Lane

Access is near a bend

Hazardous to cyclists

Garages too small

No proposal to improve Red Cat Lane, which is full of pot holes

Transport Statement contains errors

Speed limit not adhered to on Red Cat Lane

Inadequate parking

No buses on Red Cat Lane

Reduced stopping sight distance at junction of A69 and Red Cat Lane

Drainage

Septic tanks connected into culverted watercourse on the land

Increased flooding

Water tables are too high in the area

Lots of septic tanks in the area

No reference to culvert under the site

FRA fails to take account of the 2010 WLBC Flood Report for Burscough

Pumping station too close to houses

Ecology

Loss of hedgerow

Loss of trees

Adverse effect on wildlife

Loss of bird population

Impact on bats, hedgehogs, partridge, brown hare and slow worm all using the site

Infrastructure

Not enough doctors, dentists, school places
Village already overpopulated
Shouldn't be building on Green Belt Land
Loss of Grade 1 agricultural land
Latest development on Moss Nook has already caused issues
No utilities should connect to Moss Nook
Land is precious for well-being
Loss of tourism to surrounding attractions
Enough new houses in Burscough
Existing sewers cannot cope
No strategy to minimise risk of flooding

Principle

Land is protected from development until beyond 2027
Plan B site and no trigger for developing it has been reached
The Council can demonstrate a 5 year housing land supply
Contrary to Policies GN2, RS6, EN2 of the Local Plan
Shouldn't build on Green Belt land
Approving this would set a precedent for other safeguarded sites

Housing Impact

Too many houses on such a small piece of land
Create noise and stress
Unightly shoe box housing – too small
Loss of privacy and overshadowing
Change in character of the area
Not an affordable housing area
Noise from pumping station
Loss of visual amenity for residents and anyone walking in the area
Minimum percentage affordable housing
Apartments not in keeping
Piece of land leading from site to Moss Nook could be used by pedestrians or contractors vehicles
Land next to the site would be used by inhabitants and additional walkers along the PROW
Lack of clarity on maintenance of boundary hedges and trees
Increased light pollution

- 7.3 Following the submission of revised plans, FRA and Transport Statement I subsequently received a further large amount of objections from neighbouring and other local residents raising the following additional concerns (over and above those referred to above):
- Amended plan does not resolve any of the issues that continue to be raised by local residents.
 - Incomplete and inaccurate drainage information provided.
 - Access from site onto existing public right of way is not safe as it leads to Moss Nook which has no footways.
 - The TRA continues to ignore the fact that Red Cat Lane is not a normal residential road as it provides access to many visitor attractions, farms and produce packing businesses.
 - Number of dwellings should be reduced and bungalows instead of apartments.
 - Traffic report is unrealistic.
 - Ecology appraisal taken on one day which is not a true reflection of wildlife on the site.
 - Surface water will run off onto adjoining land.
 - Recent changes to future local plan will mean housing requirement is reduced.

- Increased parking on junction of Red Cat Lane and Moss Nook due to recent new houses being constructed.
- Plan A sites have not yet been exhausted.
- Opportunistic development
- Affordable housing should be spread throughout the site, not just at one end
- Lack of thought and creativity in the application
- Access into the site is close to a traffic calming chicane

7.4 I have also received a 26 signature petition from residents of Mere Court objecting to the development on the grounds of increased traffic and pressure on local services.

8.0 SUPPORTING INFORMATION

8.1 The application is supported by the following information:

Planning Statement
 Flood Risk Assessment
 Ecological Report
 Drainage Strategy
 Crime Impact Statement
 Arboricultural Impact Statement
 Agricultural Land Classification
 Waste Management Plan
 Transport Statement

9.0 RELEVANT PLANNING POLICIES

9.1 National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the West Lancashire Local Plan 2012-2027 DPD (WLLP) provide the policy framework against which the development proposals will be assessed.

The site is allocated as safeguarded land within the Local Plan and specifically a “Plan B” site under Policy GN2 (a)(i).

9.2 National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development
 Section 4 Decision making
 Section 5 Delivering a sufficient supply of homes
 Section 8 Promoting healthy and safe communities
 Section 9 Promoting sustainable transport
 Section 11 Making effective use of land
 Section 12 Achieving well-designed places
 Section 14 Meeting the challenge of climate change, flooding and coastal change
 Section 15 Conserving and enhancing the natural environment

9.3 West Lancashire Local Plan (2012-2027) DPD

SP1 – A Sustainable Development Framework for West Lancashire
 GN1 – Settlement Boundaries
 GN2 – Safeguarded Land
 GN3 – Design of Development
 EC2 – The Rural Economy
 RS1 – Residential Development
 RS2 – Affordable and Specialist Housing
 RS6 – A “Plan B” for Housing Delivery in the Local Plan

IF2 – Enhancing Sustainable Transport Choice
IF3 – Service Accessibility and Infrastructure for Growth
IF4 – Developer Contributions
EN1 – Low Carbon Development and Energy Infrastructure
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
EN3 – Provision of Green Infrastructure and Open Recreation Space
EN4 – Preserving and Enhancing West Lancashire’s Built Environment

9.4 Burscough Parish Neighbourhood Development Plan

Policy BP11 Development and Infrastructure
Policy BP12 Surface water drainage
Policy BP13 Foul water drainage
Policy BPH1 New residential development
Policy BPH2 Housing mix
Policy BDP2 Detailed design elements
Policy BDC1 Community Infrastructure

- 9.5 Additionally the following supplementary planning documents are relevant:
SPD – Design Guide (Jan 2008)
SPD - Open Space/Recreational Provision in New Residential Developments (April 2009).
Updated 2014
SPG - [Natural Areas and Areas of Landscape History Importance](#) 2007

10.0 **OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

Principle of Development

Safeguarded land

- 10.1 The application site is located within the Key Service Centre of Burscough and within the settlement boundary, as set out within the Local Plan. As such it accords with the principles of Policy SP1 which encourages the vast majority of new development to be focused within the Key Service Centres of the Borough. In respect of Policy GN1 Settlement Boundaries, as the development proposal is on a greenfield site it must be assessed against other relevant policies within the Local Plan including land designations and allocations.
- 10.2 Whilst the site falls within the settlement boundary, it is allocated as safeguarded land under Policy GN2 of the West Lancashire Local Plan. Specifically, the site is allocated as safeguarded for the Plan B. The Plan B, and its triggers, is covered in Policy RS6 of the Local Plan. Therefore, under Policy GN2, if the Plan B is not required (i.e. a trigger in policy RS6 has not been met), the land safeguarded for the Plan B becomes land that is safeguarded from development until 2027 and Policy GN2 makes it clear that such land will only be considered for development after 2027 if there is not a sufficient supply of land to meet development needs at that time. To this end, policy GN2 of the Local Plan is clear that, unless the Plan B is required, safeguarded land should not be considered for development until after 2027.
- 10.3 In relation to the triggers for the Plan B in Policy RS6, these are:
- a) If less than 80% of the pro rata housing target has been delivered after 5 years (i.e. in 2017);
 - b) If less than 80% of the pro rata housing target has been delivered after 10 years (i.e. in 2022);
 - c) If the Council chooses to increase its housing target as a result of new evidence.

- 10.4 It is the Council's view that none of these triggers have been met.
- 10.5 The first two are time specific, relating to a review of housing completions against the pro rata housing target of the Local Plan after 5 and 10 years of the Plan period, i.e. in April 2017 and April 2022. Based on the recent Annual Monitoring Report of 2018, the total net provision of dwellings over the first five years of the Plan (i.e. to 31 March 2017) was 83.1%. Therefore a review of the Plan B sites will not be required based on the first or second trigger.
- 10.6 The third trigger relates to the housing requirement (of the Local Plan) increasing as a result of new evidence, and states:
- If, at any point during the 15 year period of the Plan, the Council chooses to increase its housing target to reflect the emergence of new evidence that updates the existing evidence behind the housing target and which would undermine the existing target, then an appropriate amount of land will be released from that safeguarded from development for "Plan B" to make up the extra land supply required to meet the new housing target for the remainder of the Plan period.*
- 10.7 Firstly, the third trigger is phrased in such a way that it is clear that it can only be the Council (the LPA) which "chooses" to increase the Local Plan housing target to reflect any such evidence, and so set in motion the third trigger. In such an event, it would also be the choice of the LPA (informed by the latest evidence of site suitability, deliverability and availability) as to how much safeguarded land and which Plan B site(s) should be released to make up the anticipated shortfall of housing land. Secondly, the NPPF now guides that the basis of any new housing requirement moving forward should be the Government's interim standard methodology for the Local Housing Need calculation, and this currently provides for a figure of 198 dpa, which is significantly lower than the adopted Local Plan housing requirement of 324 dpa. Therefore, the third trigger has not been fired either.
- 10.8 However, this trigger has somewhat been overtaken by events given that the Council are currently preparing a Local Plan Review which will result in a new Local Plan being updated. Preferred Options for this Local Plan Review were consulted upon in Autumn 2018 and, while this included a higher annual housing requirement, this was primarily because it included a significant allowance for potential future unmet need from Sefton post-2030. In any event, the Council has chosen to review those Preferred Options following the consultation feedback and so it is currently unclear what the new housing requirement will be in any new Local Plan.
- 10.9 Therefore, in the Council's opinion, residential development on this site is unacceptable in principle, as the triggers in policy RS6 have manifestly not been met and so those sites safeguarded for the Plan B must be considered as safeguarded land for development needs beyond 2027 for the time being. While the adopted Local Plan is now over five years old, and is the subject of a Local Plan Review, the Local Housing Need calculation suggests there is no basis for releasing any Safeguarded Land at this time or to suggest a higher housing requirement is needed, and so any development of Safeguarded sites in this way would pre-empt the Local Plan Review process and be premature.
- 10.10 As such, the only possible basis upon which the Council could consider development of this Safeguarded site to be acceptable in principle is if it accepted that relevant policies in the adopted Local Plan are out of date and the Council could not demonstrate a five-year housing land supply. In such an instance, in accordance with paragraph 11 of the NPPF, planning permission should be granted unless certain significant exemptions are met (which would not be the case in this instance).

- 10.11 Turning first to whether the relevant policies are out-of-date, while the Local Plan Review is considering what changes should be made to (among others) housing policies in the Local Plan, it has not concluded that the current policies are out-of-date. For example, if the Council considered that the Local Housing Need calculation should be the basis of any new housing requirement, the adopted Local Plan housing requirement exceeds this figure and so could not be said to be out-of-date (as national guidance allows authorities to exceed this minimum figure derived from the Local Housing Need calculation).
- 10.12 In relation to five-year housing land supply, the AMR 2018 (published in October 2018) identified that West Lancashire had a 5.5 year housing land supply, incorporating a 5% buffer, for the period 1 April 2018 to 31 March 2023. While the updated five-year housing land supply calculation for the period 1 April 2019 to 31 March 2024 has not yet been calculated, it is anticipated that the Council will still be able to demonstrate a five-year housing land supply. In any event, NPPF paragraph 73 states:

Local planning authorities should identify ... a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

- 10.13 Given that the adopted Local Plan is now more than five years old, West Lancashire's five-year housing land supply could be measured against the Local housing Need calculation of 198 dpa, in which event West Lancashire would have significantly more than a five year housing supply (more in the region of 8+ years).
- 10.14 As such, there is no basis for granting permission for development of this Safeguarded site even if relevant policies in the Local Plan are out of date, as the Council can demonstrate a five-year housing land supply.

Loss of agricultural land

- 10.15 The site is presently used for agricultural purposes and the Ministry of Agriculture Food and Fisheries (MAFF) 1988 map indicates that Agricultural Land Classification (ALC) Grade 1 is present on the site. Policy EN2 (4) of the Local Plan states that: "*Development on the best and most versatile agricultural land (Grades 1,2 and 3a) will not be permitted except where absolutely necessary to deliver development allocated within the Local Plan or strategic infrastructure, or development associated with the agricultural use of land.*" This is also reflected in Policy EC2.
- 10.16 The applicant has carried out an up-to-date ALC survey to confirm the grading of the land. This advises that the land is classified as Grade 3a – good to moderate quality. As referred to above, given this site is not allocated for development within the Local Plan at this time, the proposal would result in the unnecessary loss of best and most versatile agricultural land which is considered unacceptable and contrary to Local Plan Policies EN2 (4) and EC2.

Affordable and Specialist Housing for the Elderly

- 10.17 Policy RS2 of the Local Plan requires that 35% of the dwellings are affordable and provided as a mix of house-types. A total of 13 out of the 38 dwellings are affordable (34.2%). Of these, there are 6 x 2-bed apartments, 3 x 2-bed houses and 4 x 3-bed houses. The Council's Housing Strategy and Projects Manager (HSPM) is satisfied with the mix and types of dwellings. However, the tenure type is not specified at present but

would be subject to negotiation with Officers and the HSPM as part of a S106 Agreement should the application be found to be acceptable.

- 10.18 In addition to this, Policies RS2 requires that 20% of the new residential units should be suitable for the elderly. The Council are flexible on how this is achieved, but examples include, where appropriate, providing bungalows, appropriately designed apartments or delivering homes to Part M (2) of the Building Regulations (houses capable of easy adaptation with appropriate features for the elderly). The proposed scheme includes 4 dormer bungalows with a ground floor bedroom, 2 true bungalows and 3 ground floor apartments equating to 9 accessible properties (23%). As such, the proposed development is considered to be in full accordance with policies RS1 and RS2 of the Local Plan in this regard.

Density, Layout and Design

- 10.19 Paragraph 124 of the NPPF advises that *the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.* Policy GN3 in the Local Plan together with the Council's SPD Design Guide reiterates this ethos and states that new development should be of a scale, mass and built form which responds to the characteristic of the site and its surroundings. New development is required to be of a high quality design and have regard to visual amenity and complement its surroundings through sensitive design, including appropriate siting, orientation and scale.
- 10.20 Comments have been received regarding the overall density and layout of the development not being in keeping with the character of the surrounding area. However, the surrounding area is varied in the size and types of dwellings from spacious detached plots to smaller bungalows and semi-detached dwellings. The density of the proposed development is 29 dwellings per hectare, slightly below the Council's recommended 30 dwellings per hectare advocated in Policy RS1 of the Local Plan. On this basis, I am satisfied that the appropriate balance has been struck between the recognised minimum density requirement and the character of the surrounding lower density housing.
- 10.21 The layout itself is set around a single access which leads to a number of small cul-de-sacs. There are clear routes for vehicle and pedestrian movements throughout, with a footpath link provided to an existing public right of way to the north. No vehicular or pedestrian access will be provided directly onto Moss Nook to serve the residential development; however, a vehicular access to a proposed pumping station will be provided. The layout prohibits vehicles using this access to and from the development itself and the details of a barrier to enforce this (such as a fence) can be dealt with by condition. Five detached houses front Red Cat Lane behind the exiting hedgerow, small swale and private drive. This ensures an active frontage along the lane in keeping with other properties along it. The layout secures the retention of all boundary hedges (with the exception of a gap for the access to the site from Red Cat Lane and a small gap for a footpath link to the north).
- 10.22 Policy EN3 requires that new residential development provides for on-site public open space or a contribution towards off-site open space. However, the Council's adopted Supplementary Planning Document on the Provision of Public Open Space in New Residential Developments (2014) states that for development below 40 dwellings no on-site public open space will be required. Notwithstanding this, the provision of a mix of existing tree cover and mature hedgerows to almost all boundaries along with an attenuation pond/swale break up the built development and provide an attractive visual appearance to the overall scheme. This ensures the character of the area is maintained

on the edge of the built up settlement and serves to screen the development somewhat from outwith the site.

- 10.23 A mixture of property sizes is proposed, varying from 2 bedroom apartments and bungalows to 4 bedroom two-storey houses. The mix of sizes provides a range of house-types to complement those in the area and which meet local needs. The design of properties generally reflects that in the local area and is predominantly characterised by two storey semis and detached properties with some bungalows. Whilst the designs are typical modern standardised house types, some attempt has been made to mix gable, hipped and dormer roofs and incorporate bay windows, swept heads and decorative timber gables. Materials in the area generally comprise red bricks as well as brown and grey roof tiles. More recently, rendering has been introduced on some properties in the area. This palette of design and materials has been reflected within the proposed development and is therefore consistent with the aims of the NPPF and Policy GN3.
- 10.24 Each dwelling benefits from a private amenity area and the 6 apartments have use of a shared private amenity area. These meet and exceed the recommended garden lengths specified in the Council's SPD. The layout also incorporates some side parking and garaging to break up the built form of the development. I will comment further on the parking aspects of the proposal later in this report.
- 10.25 I am satisfied that density and layout of the proposed development is commensurate with the location and size of the site. The proposed design, size and mix of dwellings respects the character of the area and meets the needs of the future population. In my view therefore, the proposal complies with relevant local and national policies and the Council's Design Guide in this regard and would not significantly adversely affect the character and appearance of the local area.

Impact on Residential Amenity

- 10.26 In terms of the relationships between the proposed dwellings, I am satisfied that the proposed layout accommodates the required interface distances and garden lengths.
- 10.27 In terms of the relationships between the existing surrounding dwellings and the proposed dwellings, some impact on amenity will occur. The closest existing residential properties to the site lie to the south. 69 Red Cat Lane lies adjacent to the SE corner of the site. There are habitable main windows on the gable elevation facing the proposed site with an access drive leading to a further dwelling (71 Red Cat Lane) to the rear. There is a distance of approximately 11.5m to the gable of the proposed dwelling at Plot 1. As the dwelling on this plot is a dormer bungalow with only a side door at ground floor level, and a 1.8m high brick wall with timber panels along the boundary, no loss of privacy would occur. The proposed dwelling on Plot 7 is only 1m from the southern boundary; however, this is also a dormer bungalow. Although a ground floor window is proposed on this gable, a proposed 1.8m high timber fence is also proposed along the boundary to protect the privacy of existing and proposed residents.
- 10.28 The existing dwellings at 71 Red Cat Lane (bungalow) and 12 Cherry Grove (dormer bungalow) are located approximately 1m from the existing boundary and contain a number of habitable room windows facing out over the site. There is a mix of post and wire fencing and hedging along this boundary. I acknowledge the significant concern of loss of privacy raised by both these occupiers. Fronting 71 Red Cat Lane is Plot 8 which facilitates a dormer bungalow with side detached double garage. The drive and garage serve to separate the gable of the dormer bungalow from 71 Red Cat Lane and a distance of approximately 13.5m is maintained between the two dwellings. The proposed door on the ground floor gable or the dormer bungalow can be conditioned to be solid or obscurely

glazed. The driveway and garden areas to plot 8 are directly adjacent to habitable room windows and the rear garden area of 71 Red Cat Lane and noise and disturbance and overlooking could occur as there is currently only a low fence and sporadic low hedging along this boundary.

- 10.29 It is proposed to enhance the boundary planting along this boundary to protect privacy and reduce any associated disturbance. The alternative would be to retain the existing post and wire fence, which would result in a loss of privacy, or erect a 2m high solid fence which would result in a poor outlook for occupiers of 71 Red Cat Lane. It should be noted that there is no guarantee that the outlook for 71 Red Cat Lane could be protected, even without the proposed development, as the adjoining landowner could erect a 2m high fence without the need for planning permission. I consider the proposed treatment of enhanced hedging with a number of small garden trees set behind provides an acceptable solution along this boundary such that residents' privacy and outlook remain protected.
- 10.30 A similar situation arises between Plot 17 and 18 and the existing dwelling at 12 Cherry Gardens. The gable of the two storey dwelling at plot 17 is approximately 14m from the habitable windows facing the site at 12 Cherry Gardens and the boundary hedge is approximately 1.5m away. It is proposed to retain this hedge, which is more mature and approximately 1.5m high, and to enhance this by additional hedge and tree planting in an area of open space to the side of plot 17. The outlook from 12 Cherry Gardens from existing ground floor windows will therefore be similar to existing with no close boarded fence presenting poor outlook.
- 10.31 Other residential properties surround the site at 52, 68, 70 and 74 Moss Nook to the west, 72 to 82 Red Cat Lane to the east and Fairways to the north; however, these properties are at a distance to the site of more than the guideline set out in the Council's SPD Design guide of 21m. As such, I am satisfied that no significant impact on residential amenity is envisaged. Any impact caused to amenity during the construction phase is short lived and can be addressed through other relevant environmental protection legislation.
- 10.32 The layout includes provision for pedestrian access to an existing public right of way along the northern boundary, linking Red Cat Lane with Moss Nook. This right of way passes between the gardens of 72 and 74 Moss Nook. Concerns have been raised that increased noise, disturbance and loss of privacy will occur as a result of the proposed development. Whilst the provision of an additional 38 dwellings may increase usage along the public right of way, in my view, it would not be so great as to result in any significant loss of amenity for surrounding residents or landowners. On balance therefore I am satisfied that the proposed development would satisfy the requirements of Policy GN3 of the Local Plan in respect of neighbouring amenity.

Traffic and Parking

- 10.33 Access to the site is to be taken from Red Cat Lane. Red Cat Lane is a classified road within a 20mph zone. Red Cat Lane also contains a number of traffic calming "narrowings", notably one immediately prior to the proposed access. Site lines of 2.4m x 25m are required and can be fully provided at the access to the site. A considerable number of concerns have been raised that there is already a significant amount of traffic travelling along Red Cat Lane, at weekends and during the week and comprising large farm vehicles and HGV's. It is felt by local residents that the proposed development would increase the amount of traffic along Red Cat Lane, and particularly at its junction with Liverpool Road North, such to increase the likelihood of accidents occurring. LCC have reviewed the information submitted, along with their own information and assessment, and conclude that the proposed development would not have a severe impact on highway capacity within the immediate vicinity of the site.

- 10.34 Analysis of the Red Cat Lane/Liverpool Road North junction indicates that no further junction improvement to this or any other junction is necessary as a result of the proposed development.
- 10.35 In terms of the internal highway layout, LCC are satisfied that a footpath link is provided to the existing right of way to the north. Subject to minor clarification regarding driver protection surrounding the proposed swale and details of a management and maintenance company being provided should the internal roads and footways not be offered for adoption, LCC raise no further issues relating to the internal roads/footways/shared surface areas.
- 10.36 The Local Plan sets out parking standards for residential developments. Generally the site layout shows adequate levels of parking for the proposed dwellings. The Highway Authority recommends that garages should incorporate internal measurements of 3m x 6m. Amended plans have been received which demonstrate that all garages (integral and detached) now meet the requisite size. Where the conversion of garages to habitable rooms would result in inadequate parking spaces below Local Plan thresholds, this can be properly assessed through the removal of permitted development rights. In addition, electric vehicle charging points will be required by condition.
- 10.37 I am satisfied the scheme would not be detrimental to highway safety and consider that the proposed development complies with Policy GN3 and IF2 in the Local Plan in this regard.

Trees and Biodiversity

- 10.38 The proposed development is near to the Martin Mere and Ribble and Alt Estuary Special Protection Areas/Ramsar sites as well as the Sefton Coast Special Area of Conservation. Due to the potential pathways and impact on these sites, under the Habitats Regulations 2017, the proposal requires Habitats Assessment for likely significant effects. MEAS have undertaken this assessment and conclude that without mitigation/preventative measures, there will be likely significant effects on the above sites. As such, an Appropriate Assessment has been carried out by MEAS which concludes that with mitigation/preventative measures, there will be no adverse effect upon the integrity of European sites or any locally designated SSSI sites. This can be dealt with by condition. Natural England raise no objection to the proposal.
- 10.39 Aside from the requirements of the Habitat Regulations, the applicant has submitted an Ecological Appraisal report in accordance with Policy EN2 of the local Plan. MEAS consider this report to be acceptable and whilst trees assessed for bat roosting features have not been identified, the submitted Arboricultural Assessment and Method Statement provides sufficient details of the trees to enable conclusions in the Ecological Appraisal to be verified. MEAS are satisfied that no further bat surveys are required and provided a condition is imposed that requires agreement to a lighting scheme, the proposed development will have negligible impact upon the bat population.
- 10.40 MEAS consider that the existing north and eastern hedgerows are a Priority Habitat and whilst some gaps will be created to form the site access and pedestrian link, this loss will be compensated through the infilling of existing gaps in the hedgerow. The applicant also submitted a non-breeding bird assessment which MEAS consider insufficient to characterise usage by non-breeding birds, particularly pink footed geese and whooper swans. However, MEAS do confirm that on this occasion, it is already well known that fields in the wider area are functionally linked to European sites and support significant numbers of these species. No non-breeding birds were recorded within the site during the

limited survey although their presence confirmed in surrounding fields. This matter has been addressed in the Appropriate Assessment undertaken by MEAS and provided mitigation/prevention is secured, no further concerns have been raised. Having regard to the comments provided by MEAS, I am satisfied that, with mitigation/preventative measures secured by condition, the proposed development complies with the Habitats Regulations and Local Plan Policy EN2.

- 10.41 Trees are predominantly located outside the site with the exception of a small group of trees in the SW corner. These trees are mostly self-set sycamore trees of low quality and their removal will allow those trees adjacent close to the boundary to thrive. All other trees and boundary hedgerows are to be retained and protected during construction, with additional trees proposed within the site. In my view, through the implementation of the landscaping scheme to provide native trees and shrubs, habitat management, the creation of the swale feature planted with native wetland grass and wildflower seed mix, no overall net loss of biodiversity will occur. Subject to the imposition of conditions for the implementation of the mitigation strategies submitted and landscaping of the site, I am satisfied that the proposed development will have no detrimental impact on ecology and complies with Policy EN2 of the Local Plan.

Surface Water, Drainage and Flood Risk

- 10.42 It is a requirement of Policy GN3 that new development does not result in unacceptable flood risk or drainage problems. The applicant has submitted a revised drainage strategy following concerns raised by the Lead Local Flood Authority (LLFA) and local residents. Further to investigations of a land drain under the site and surrounding incidents of flooding, particularly along Red Cat Lane, discussions have been held between the applicant and the Lead Local Flood Authority to identify the most acceptable way to drain the site so as to not worsen the existing situation. Using the hierarchical approach advocated in the NPPF to surface water drainage, it has been concluded that infiltration will not be acceptable on this site due to the presence of clay and a high water table. Surface water will therefore be stored on site in over-sized pies and a small swale fronting the site and then discharged to the existing surface water culvert under Red Cat Lane, (which forms a highway drain under the management and maintenance of the Highway Authority), at a restricted 3lt/sec. The surface water drainage proposal for the site satisfies the requirements of the Lead Local Flood Authority and the Highway Authority, as owner of the receiving infrastructure, and is in accordance with the NPPF which requires that surface water generated by the development is managed in a sustainable manner.
- 10.43 In terms of foul water, the nearest available adopted connection point is a foul manhole at the junction of Red Cat Lane and Mere Avenue, approximately 100m to the south of the site. The foul sewer network will run through the development before discharging into an adoptable package pump station sited in the south-west corner of the site, before passing through a rising main and ultimately discharging into the existing foul network. It was noted during the initial investigation that there was a connection to the existing land drain within the site from a domestic septic tank overflow. Although the existing land drain was discovered to be silted up and in a poor state of repair, it is proposed to maintain the existing connection by diverting it to the proposed new foul drainage system, or diverting it to a suitable location further along the existing watercourse. United Utilities have raised no objection to the proposal.
- 10.44 Both United Utilities and the Lead Local Flood Authority are satisfied that the proposed drainage strategy is acceptable and will not increase the risk of flooding either on or off the site. On this basis, I find the proposed development acceptable and in accordance with the NPPF and Policy GN3 of the Local Plan.

Planning Obligation

- 10.45 In the event this development proposal was approved, a planning obligation (S106 Agreement) would still be necessary to ensure the following:
- Provision and maintenance of on-site open space, in accordance with the Council's policies;
 - Affordable housing provision including tenure and nomination rights, in accordance with the Council's policies

Summary

- 10.46 In summary, whilst the applicant has demonstrated that this development accords with some of the Local Plan and NPPF policies, the principle of development is unacceptable given this land is safeguarded from development, for the purposes of a 'Plan B' in the event this is triggered (Policies GN2 and RS6). In addition, development of this site will result in the loss of best and most versatile agricultural land which the Council does not consider to be absolutely necessary and on a site which is not, at this time, allocated to deliver development.

11.0 RECOMMENDATION

- 11.1 That planning permission be REFUSED for the following reasons:

Reasons for Refusal

1. The proposed development conflicts with Policies GN2 and RS6 of the West Lancashire Local Plan Development Plan Document 2012-2027 and paragraph 139 of the National Planning Policy Framework, as it is located on land that is safeguarded from development for the purposes of a "Plan B" for housing delivery and none of the triggers set out within Policy RS2 have been met.
2. The proposed development conflicts with Policy EN2 (4) and EC2 of the West Lancashire Local Plan Development Plan Document 2012-2027 and paragraph 170 of the National Planning Policy Framework, as it will result in the unnecessary loss of Best and Most Versatile Agricultural Land through development on safeguarded land that is not allocated for development at this time.