

No.2	APPLICATION NO.	2018/1115/OUT
	LOCATION	Land To The Rear Of The Bull And Dog Inn Lordsgate Lane Burscough Ormskirk Lancashire L40 7ST
	PROPOSAL	Outline planning application for the erection of seven 2-storey semi-detached, detached and town houses, including details of access and layout
	APPLICANT	Mrs Sobia Ahmad
	WARD	Burscough West
	PARISH	Burscough
	TARGET DATE	12th June 2019

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Dereli has requested it be referred to Committee to consider drainage of the site.

2.0 SUMMARY

- 2.1 The proposed development for outline planning permission (including details of access and layout) for the erection of seven dwellings at this site is considered to be acceptable in principle and in compliance with Policy RS1 of the West Lancashire Local Plan. The proposal is considered to be appropriate to the location and would not have a significant impact on the character or appearance of the surrounding area or on the amenity of neighbouring properties. Suitable planning conditions will be added to any approval to ensure that this is maintained on the submission of a further reserved matters application. The proposed development is considered to be compliant with the NPPF and Policies GN1, GN3, RS1, IF2, EN2 and EN4 of the West Lancashire Local Plan 2012-2027 DPD.

- 3.0 RECOMMENDATION: APPROVE with conditions.**

4.0 THE SITE

- 4.1 The application site lies to the north of the existing Bull and Dog Public House on land which it would appear formed part of the pub at one time. The site fronts onto Lordsgate Lane and to the immediate south is one existing outbuilding built as a stable block. The application site extends away from Lordsgate Lane bordering the existing play area / beer garden associated with the public house.

5.0 THE PROPOSAL

- 5.1 This application seeks outline planning permission for the erection of seven 2 storey semi-detached, detached and town houses, including details of access and layout.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 (Barn adjacent) 2018/1122/FUL - Barn conversion to create 2no. 2 bedroom flats. Withdrawn.
- 6.2 2014/0079/FUL - Construction of 6 No. new-build dwellings and conversion of existing barn to 1 x 4 bedroom dwelling house, plus associated parking, driveways and landscaping. Granted 15.08.2014.

- 6.3 2014/1194/NMA - Non-material amendments to planning permission 2014/0079/FUL - To amend the private garden boundary to Plot One to enlarge the shared service yard; To omit windows to the rear elevation of Plot One where they overlook this yard. Refused 03.12.2014.

7.0 CONSULTEE RESPONSES

- 7.1 Lancashire County Council (Highways) (05/03/2019) – Recommends planning conditions.
- 7.2 Environmental Health (24/01/2019) – No objections. Recommends planning condition in relation to the mitigation of noise.
- 7.3 Environmental Health (Scientific Officer) (24/01/2019) – Submitted report meets with the planning condition for contaminated land. The report's conclusion is that the site soils are not contaminated but there is a possible risk from ground gas migration from the nearby landfill sites. With this in mind if the development was to continue would recommend that gas protection measures are incorporated into the design of any site buildings. Any such gas protection measures must be agreed with the local authority prior to commencement of the development.
- 7.4 Cadent Gas (17/12/2018) - From the information provided, it does not appear the proposed works will directly affect the pipeline.
- 7.5 United Utilities (09/01/2018) – Recommends planning conditions in relation to foul and surface water drainage.

8.0 OTHER REPRESENTATIONS

- 8.1 Burscough Parish Council (15/01/2019) – Concerns in relation to drainage and traffic / congestion to get out onto the main road from Lordsgate Lane.

9.0 SUPPORTING INFORMATION

- 9.1 Arboricultural Report (September 2018)
- 9.2 Preliminary Bat Assessment Report (October 2018)
- 9.3 Design and Access Statement
- 9.4 Phase 1 Desk Study
- 9.5 Extended Phase 1 Habitat Survey 2019

10.0 RELEVANT PLANNING POLICIES

- 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.
- 10.2 The site is located within a Key Service Centre (settlement area) as designated in the West Lancashire Local Plan 2012-2027 DPD.
- 10.3 **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
Policy EN4 – Preserving and Enhancing West Lancashire’s Cultural and Heritage Assets

Supplementary Planning Document, Design Guide (Jan 2008)

10.4 Burscough Parish Neighbourhood Plan (2017-2027).

11.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Assessment

11.1 The main areas of consideration in determining this application are:

Principle of Development;
Design and External appearance;
Highways;
Impact upon neighbouring properties;
Ecological considerations;
Impact upon Trees;
Drainage.

Principle of Development

11.2 The application site is located within a Key Service Centre as defined by Policy SP1. Policy RS1 confirms that residential development will be permitted on brownfield sites, and on greenfield sites not protected by other policies, subject to the proposals conforming with all other planning policy. On this basis I am satisfied that the proposed development is compliant with local policy and acceptable in principle.

11.3 In addition to the above, the NPPF advocates a presumption in favour of sustainable development. I am satisfied that the site is located in a relatively sustainable location with services such as schools, supermarkets, a nursery and a public house located nearby. The site is also an accessible distance from Burscough Town Centre where the majority of services can be found. In respect of sustainability, I am satisfied that the application is in accordance with the NPPF.

Design and External appearance of development

11.4 In terms of design and the external appearance of the development, Policy GN3 of the WLLP together with the Council’s SPD Design Guide states that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale or roofline.

11.5 As the planning application is in outline only, including details of access (see below paragraphs 11.9 – 11.10) and layout - no elevation plans have been submitted at this stage.

11.6 In terms of the layout of the development, I consider that this is acceptable. The plans that have been submitted demonstrate that the site is capable of accommodating the

proposed development whilst meeting site layout criteria – sufficient amenity space, minimum interface distances, appropriate density, suitable access and parking.

- 11.7 Whilst the siting of the dwellings proposed to the rear of the site is not generally a common feature of the locality in the sense that residential developments in the surrounding area tend to be frontage developments, given the location of the public house to the south and the associated car park, the siting of the dwellings would not be harmful to the character of the area. I note backland development at this site was also granted under planning application 2014/0079/FUL.
- 11.8 I consider the development is therefore in compliance with Policy GN3 of the WLLP in terms of its layout.

Highways

- 11.9 Lordsgate Lane is categorised as a Local Access Road with a speed limit of 20mph fronting the site. The application site will be accessed via a new vehicular access from Lordsgate Lane. Parking provision has been provided by means of garaging (Plots 2 and 3) and driveways (Plots 1 and 4-7).
- 11.10 The applicant has satisfactorily overcome the initial concerns raised by LCC Highways. A suitable access with 6m radius and 2m wide footway on both sides of the access has been shown. The scheme proposed displays acceptable sightlines. Parking provision is acceptable for the scale of the development proposed. The applicant has indicated that the road is to remain private and the Highway Authority has requested that a suitable condition for the future management and maintenance of the street is imposed on any planning permission.

Impact upon neighbouring properties

- 11.11 Policy GN3 of the West Lancashire Local Plan states that development should “retain or create reasonable levels of privacy, amenity and sufficient garden / outdoor spaces for occupiers of the neighbouring and proposed properties”.
- 11.12 The nearest residential property outside of the ownership of the applicant is to the north, no. 1 Lordsgate Lane. There is an approx. separation distance of 10m between no. 1 and Plot 1. Provided that the northern elevation of Plot 1 is sensitively designed in terms of window location, I would not foresee a significant impact upon the occupants of no. 1 as a result of the development. Landscaping is also proposed
- 11.13 Policy GN3 also seeks to create reasonable levels of amenity to proposed properties. The layout proposed takes the houses slightly closer to the Ringtail Retail Park than the previously lapsed application, though the rear gardens are in a similar location. However there is already an acoustic fence along the boundary with the retail park. Development proposals on this part of the retail part accounted for the fact that the application site benefitted from residential planning permission by virtue of application 2014/0079/FUL.
- 11.14 With respect to the relationship between the proposed development and the Bull and Dog public house, it is considered that the scheme could benefit from some acoustic fencing along its southern boundary to address possible noise issues from the public house. This can be negotiated further through a planning condition.
- 11.15 Overall, I am satisfied that the proposed development is in accordance with Policy GN3 of the WLLP and the Council’s SPD ‘Design Guide’ and would cause no significant harm to the residential amenities of neighbouring land uses or future occupants.

Ecological considerations

- 11.16 Policy EN2 of the West Lancashire Local Plan (2012-2027) seeks to protect biodiversity by resisting development, which would destroy or adversely affect important wildlife habitats.
- 11.17 An Extended Phase 1 Habitat Survey 2019 accompanies the planning application. This survey confirms that there was no evidence of any protected species on the site including Badger, Bats and Great Crested Newts. I am satisfied that the provision of a suitable landscaping scheme will ensure no net loss of biodiversity.
- 11.18 I therefore consider the development is in compliance with Policy EN2 of the WLLP.

Impact upon Trees

- 11.19 Policy EN2 of the WLLP states that 'development involving the loss of, or damage to, woodlands or trees of significant amenity, screening, wildlife or historical value will only be permitted where the development is required to meet a need that could not be met elsewhere, and where the benefits of the development clearly outweigh the loss or damage'.
- 11.20 An Arboricultural Report (September 2018) accompanies the planning application. There are two trees protected by tree preservation orders – a Sycamore (WLDC 87 2004) and Corsican Pine (WLDC 1 2019).
- 11.21 The proposed parking bays between plots 4 and 3 encroach into the root protection area (RPA) of T9 Sycamore. The access road, substantially encroaches over the RPA of T3 Corsican Pine. To protect the trees and RPA it is proposed to hand dig around the areas of the trees and create a raised rumble strip. No objections to this have been raised by the Councils Arboricultural Officer and therefore I consider the development would comply with Policy EN9 of the WLLP.

Drainage

- 11.22 The information submitted with the planning application form advises that the foul sewage will be disposed of via a main sewer. The Councils Drainage Engineer considers this acceptable with his preference for it be discharged to the nearest foul or combined public sewer.
- 11.23 Surface water will be disposed of via a sustainable drainage system / soakaway. The Councils Drainage Engineer has requested that percolation tests are undertaken to determine the suitability of soakaways. If the use of soakaways or any other method of infiltration proves to be impracticable then the surface water must be conveyed to the nearby surface water sewer at a controlled rate. For a site of this size the peak rate of surface water discharge would be 3 l/s and the Council's Drainage Engineer is satisfied that a suitable drainage scheme could be provided.
- 11.24 A planning condition is recommended to require submission of a detailed strategy for the separate foul and surface water drainage of the development, including any necessary attenuation measures.

Summary

- 11.25 In summary, the proposal is in accordance with Policies SP1, GN1, GN3, RS1, IF2, EN2 and EN4 of the West Lancashire Local Plan; SPD Design Guide and the Burscough

Parish Neighbourhood Plan (2017-2027). I therefore recommend that planning permission be granted.

12.0 RECOMMENDATION

12.1 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. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference 17-099 (OPL) 210 received by the Local Planning Authority on 22/10/2018.
Plan reference 17-099 (OPL) 400 Rev A received by the Local Planning Authority on 29/01/2019.
Plan reference 17-099 (OPL) 410 (rev D) and 662313-10-01 received by the Local Planning Authority on 22/10/2018.
3. Before any part of the development hereby approved is commenced approval shall be obtained from the Local Planning Authority for the reserved matters namely the scale and appearance of the buildings and landscaping of the site.
4. The development hereby approved shall be carried out strictly in accordance with detailed plans which previously shall have been submitted to and approved in writing by the Local Planning Authority. Such detailed plans shall show:-
 - a. Proposed design, and external appearance of all buildings; the colour and type of materials to be used in the construction of external walls and roofs;
 - b. Proposed walls, fences, and other means of enclosure.
5. Prior to the first occupation of the dwellings, they shall be each provided with an electric vehicle charging point which shall be retained for that purpose thereafter.
6. No development 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.
7. Before site works commence the trees to be retained within the site shall be protected with stout fencing constructed to BS5837:2012, to contain the branch spread of the trees. Such fencing shall remain and be adequately maintained for the duration of the development operations. Within this fencing no development operations may take place including the storage or dumping of materials or plant, the lighting of fires, the siting of temporary huts or the raising or lowering of ground levels.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, the garages shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority.
9. Car parking for each plot shall be provided prior to the first occupation of the dwelling.
10. No development on the construction phase shall take place until details of the proposed screen walls and/or fences, including details of an acoustic fence to the southern site boundary have been submitted to and approved by the Local Planning Authority. Such walls and/or fences shall be erected as an integral part of the development and completed to each dwelling before that dwelling is first occupied.
11. 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.
12. The vehicular turning space shall be laid out in accordance with the approved plan and be available for use before the development is brought into use and shall be maintained thereafter.
 13. The new estate road/access between the site and Lordsgate 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.
 14. The proposed access from the site to Lordsgate 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.
 15. No part of the development shall be utilised until all the highway works within the adopted highway have been constructed in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority.
 16. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed street within the development have been submitted to and approved by the local planning 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].
 17. Within three months of commencement of the development, a landscaping scheme shall be submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas. Trees and shrubs planted shall comply with BS. 3936(Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). Within a period of 9 months from the date when any part of the development is brought into use the approved landscaping scheme shall be carried out. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.
 18. No development shall take place until a strategy for the separate foul and surface water drainage of the development, including any necessary attenuation measures and phasing of delivery, has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage strategy must take account of the relevant provisions of this councils Planning Applications - Drainage, Flood Risk and Sustainability guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement standards. The drainage scheme shall be completed in accordance with the approved details prior to any of the dwellings being occupied.

Reasons

1. Required to be imposed pursuant to Section 92 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. The application is in outline and the matters referred to in the Condition are reserved for subsequent approval by the Local Planning Authority.
4. To ensure that the external appearance of the development 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.
5. To ensure that the development complies with the provisions of Policy IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. 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.

7. To safeguard the health of the trees and so ensure that the proposed development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. To allow for the effective use of parking areas and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To allow for the effective use of parking areas and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To protect the amenity of the proposed residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To prevent stones and mud being carried onto the public highway to the detriment of road safety and to ensure compliance with Policy GN3 of the West Lancashire Local Plan.
12. Vehicles reversing to and from the highway are a hazard to other road users.
13. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.
14. To enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users.
15. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway works are acceptable.
16. 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.
17. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
18. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

1. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.
2. The highway is not to an adoptable layout and will remain private. With regard to condition 17 it is advised the carriageway construction is based on the Lancashire County Council Specification for estate roads 2011 edition. Further information and advice can be found at www.lancashire.gov.uk and search for "construction of estate roads".
3. The grant of planning permission 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 design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Environment Directorate for further information and advice by telephoning the Development Support Section on 0300 123 6780, or email lhscustomerservice@lancashire.gov.uk
4. This consent does not give approval to a connection being made to the County Council's highway drainage system.
5. The applicant is advised that to discharge condition 17 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes
6. Due to the proximity of this site to an existing / former waste disposal site where the deposit of certain wastes may give rise to contamination (particularly arising from methane gas) the developer is strongly advised to adhere to the following advice:

- a) The floor should be of a suspended concrete construction with adequate ventilation to the sub-floor space. This work should be implemented prior to commencement of occupation of the development.
- b) No oversite concrete or raft foundations should be used in the development. Instead of oversite concrete, the area may be backfilled with inert stone chippings, tamped down and rolled flat.
- c) Prior to occupation of the development a continuous gas tight membrane should be incorporated within the ground floor construction and all cavity walls so as to seal both the floors and the cavity walls from ingress of gas.

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 Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

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

Policy EN4 – Preserving and Enhancing West Lancashire’s Cultural and Heritage Assets

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.