

No.4	APPLICATION NO.	2019/0516/FUL
	LOCATION	Land To The Rear Of Dog And Gun Inn Long Lane Aughton Lancashire
	PROPOSAL	Erection of 9 dwellings and associated works.
	APPLICANT	Marston's Estates Ltd
	WARD	Aughton Park
	PARISH	Aughton
	TARGET DATE	21st August 2019

1.0 **REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Dowling has requested it be referred to Committee to consider the size and scale of the development and impact on highway safety.

2.0 **SUMMARY**

- 2.1 This application is for a residential development of 9no. houses on land to the rear of the Dog and Gun Public House in Aughton. The proposed layout and design is considered to be acceptable. The development will not have a detrimental impact on highway safety and adequate parking has been provided. Satisfactory interface distances have been achieved in order to protect neighbouring residential amenity. In my view the proposal complies with the relevant policies of the Local Plan.

3.0 **RECOMMENDATION: APPROVE subject to conditions.**

4.0 **THE SITE**

- 4.1 The site is located on the north east side of Long Lane and is roughly 'L' shaped. It is located to the rear of the Dog and Gun Public House which fronts on to Long Lane and has a car park, outbuildings and a bowling green to the rear. Access to the site is taken from Long Lane, with a secondary access from Scarth Hill Lane. The site has a small number of hedgerows along the site boundaries and comprises areas of hardstanding and scrub with allotments located to the north east of the site. Residential dwellings surround the site.

5.0 **THE PROPOSAL**

- 5.1 The application is for the erection of 9no. two-storey dwellings on the site. The outbuildings to the rear of the public house would be demolished, the public house and bowling green would remain. The new dwellings would be sited to the rear of the public house with access being taken from Long Lane, via the existing pub car park access.
- 5.2 The development would comprise 3no. pairs of semi-detached dwellings and a row of 3no. terraced dwellings. The dwellings would benefit from frontage car parking whilst car parking for the public house/bowling green would be sited directly to the rear of the public house and the southeast of the Bowling Green. The application has been amended since its original submission to include the barn to the rear of the public house, which would be demolished and the area used for car parking.

6.0 **PREVIOUS RELEVANT DECISIONS**

6.1 None relevant.

7.0 CONSULTEE RESPONSES

7.1 Highways (10.07.19) – No objection.

7.2 Lead Local Flood Authority (12.09.19) – No objection.

7.3 Merseyside Environmental Advisory Service (22.07.19) – No objection.

7.4 Environmental Protection (18.07.19) – No objection.

7.5 Highways (10.07.19 and 12.12.19) – No objection.

7.6 United Utilities (18.06.19) – No objection.

7.7 Lancashire County Council – Education Department (17.06.19) – An education contribution is not required.

7.8 Lancashire Fire and Rescue Service (17.06.19) – No objection.

8.0 OTHER REPRESENTATIONS

8.1 Aughton Parish Council (02.07.19 and 12.12.19) – The level of car parking proposed is inadequate. There is no parking provision for the users of the Bowling Green. The proposed access/egress is inadequate. The dwellings will be out of character in the area. The development will result in loss of privacy and overlooking. Planning Committee should make a site visit.

8.2 Objections have been received from local residents, the main grounds for objection can be summarised as:

Increased traffic.

Highway safety.

The placement of rumble strips will not deal with the issue of speeding traffic.

Inadequate parking for the public house/bowling green.

Increase in on street parking.

Overlooking and loss of privacy.

Impact on biodiversity.

Noise impact during construction.

Noise impact once the new dwellings are built.

Increased flooding.

Impact on trees.

Schools, dentists and GPs are oversubscribed.

Refuse collections will be an issue.

No affordable dwellings are proposed.

Shared access with the public house will be a hazard to pedestrians.

The land has been used by local residents for over 30 years as allotments.

9.0 SUPPORTING INFORMATION

9.1 Flood Risk Assessment and Drainage Strategy
Transport Statement
Preliminary Ecological Report
Preliminary Bat Roost Assessment

Pre-development Arboricultural survey
Phase 1 Preliminary Risk Assessment
Phase 2 Geo-Environmental Investigation, Risk Assessment and Remediation Strategy
Parking Survey Report
Material Schedule
Design and Access Statement
Arboricultural Method Statement

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 the Key Service Centre of Ormskirk with Aughton as designated in the West Lancashire Local Plan 2012-2027 DPD.

NPPF

Delivering a sufficient supply of homes
Promoting sustainable transport
Making effective use of land
Achieving well-designed places
Meeting the challenge of climate change, flooding and coastal change
Conserving and enhancing the natural environment

West Lancashire Local Plan 2012-2027 DPD (WLLP)

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

SPD – Design Guide (Jan 2008)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Principle of Development

- 11.1 Policy RS1 of the Local Plan states that residential development will be permitted within the Borough's settlements, including Key Service Centres, on brownfield sites, and on greenfield sites not protected by other policies. The site is within the Key Service Centre of Ormskirk with Aughton and as such the principle of a residential development in this location is acceptable subject to the proposal conforming to all other relevant planning policy.

Design/Layout and Scale

- 11.2 Policy GN3 of the Local Plan 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.

- 11.3 Vehicular access to the site would be taken from Long Lane via the existing access serving the public house and bowling green; from this the 9no. properties would be arranged around an estate road. The residential units would be a mix of 2 storey and 2.5 storey. There are a variety of house types in the locality, including two storey dwellings and bungalows, and the public house itself is a substantial building which provides some screening of the site. The presence of the public house and the fact that the houses would be set into the site, surrounded by built development on all sides means that the proposed dwellings would not be overly visible from the public domain. The dwellings would be constructed from brick and incorporate soldier course headers and cills. Given the variety of house types in the area I consider that the design and scale of the proposed dwellings would be acceptable in accordance with Policy GN3 of the Local Plan. The proposed layout does show some areas of frontage car parking however, plots 4, 7 and 8 do show areas of planting to the front of the dwellings which helps to break up the hardstanding and would ensure that the development would not be dominated by hardsurfacing and have an unacceptable visual impact.
- 11.4 I am satisfied that the resulting layout is acceptable and would not appear incongruous within its surroundings or detrimentally affect the street scene. The proposal is therefore in accordance with Policy GN3 of the Local Plan.

Residential Amenity

- 11.5 Policy GN3 of the WLLP states that development should 'retain or create reasonable levels of privacy, amenity and sufficient garden / outdoor spaces for occupiers of the proposed and neighbouring properties'.
- 11.6 In terms of the relationship between the proposed properties, garden depths and interface distances are in accordance with the Design Guide SPD, and I am therefore satisfied that in terms of potential for overlooking and overshadowing, there will not be a significant issue for occupiers of the proposed new dwellings. In terms of the relationship between existing and proposed dwellings, the proposed interface distances recommended in the Design SPD would be adhered to. There are properties on Martin Close which back directly onto the application site, however, these appear to have been designed so that they do not feature main habitable room windows on their rear elevations, and as such there would be no detrimental impact on these dwellings through overlooking or creation of poor outlook.
- 11.7 The houses would be sited to the rear of the existing public house, and as such there would be potential for occupiers of the new dwellings to experience some noise and disturbance arising from the activities and patrons of the public house. Given that the site is within an urban area and already surrounded by residential properties this situation will already be occurring, and as the proposed houses would be set to the rear of the public house they would not be impacted by patrons leaving the public house on foot.
- 11.8 I am satisfied that both new and existing properties will benefit from adequate levels of privacy and amenity, in accordance with Policy GN3 of the Local Plan.

Ecology

- 11.9 Policy EN2 of the WLLP states that where there is reason to suspect that there may be a priority species, or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, make provision for their needs.

- 11.10 A Preliminary Ecological Appraisal has been included as part of the application submission which concluded that the proposed development would not have a detrimental ecological impact, it did however identify the need for bat emergence surveys if the barn building to the rear of the public house was to be impacted by the development proposals. The proposed development has altered since its original submission and now includes demolition of the barn building, and for this reason Dusk Emergence and Dawn Re-Entry Bat Surveys have been submitted and conclude that there are no bat roosts present in the barn building.
- 11.11 I am satisfied that the proposed development would not have an adverse impact on biodiversity, various reasonable avoidance methods and recommendations for ecological enhancement are made in the Ecological Appraisal; these can be secured by planning condition.

Drainage

- 11.12 It is proposed that foul drainage will discharge to the adopted sewer serving the site. A Flood Risk Assessment has been submitted with the application and concludes that surface water run-off should be discharged via a pump to the existing culvert to the site's northern boundary. The Lead Local Flood Authority and the Council's Principle Engineer have reviewed these proposals and considers them to be acceptable. I am satisfied that an appropriate drainage strategy can be implemented on the site, in accordance with Policy GN3 of the Local Plan.

Highway Safety

- 11.13 Policy GN3 of the West Lancashire Local Plan DPD (2012-2017) states that developments should integrate well with the surrounding area and provide safe, convenient and attractive pedestrian and cycle access; ensure parking provision is in line with IF2 of the West Lancashire Local Plan DPD (2012-2017); and incorporate suitable and safe access and road layout.
- 11.14 The proposed dwellings would each have 2no. off road parking spaces which is in accordance with the requirements of Local Plan Policy IF2. The level of car parking to be provided for the public house and Bowling Green has increased since the original submission from 15no. spaces to 23no. spaces, which is an increase in the number of formal car parking spaces than currently existing on the site. I acknowledge that concerns have been raised by local residents in respect of car parking for the public house, but as the uses on site currently exist and the level of car parking proposed as a result of the development is not dissimilar to that which is currently experienced on site, I do not think that there would be a significant impact on highway safety through increased on street parking. Furthermore, 23 car parking spaces is in excess of the 16no. car parking spaces required by the standards for restaurants/drinking establishments given in the Local Plan. I consider that sufficient car parking would be provided for both the proposed dwellings and the public house/Bowling Green, in accordance with Policy IF2.

Conclusion

- 11.15 I am satisfied that the principle of the proposed development is acceptable, and that the appearance of the development would be satisfactory and the scheme would not have a detrimental impact on residential amenity, biodiversity and highway safety. I consider that the proposed development complies with all relevant policies in the Local Plan.

12.0 RECOMMENDATION

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

Condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:
Plan reference
07 Rev D - Proposed Boundary Treatment Plan
06 Rev E - Refuse Strategy
04 Rev F - Proposed Site Plan
received by the Local Planning Authority on 05.11.19.
B-01 Rev B - House Type B - Floor Plans and Elevations
E-02 Rev A - Housetype E Elevations
E-01 Rev B - Housetype E - Floor Plans and Sections
received by the Local Planning Authority on 22.05.19.
Reason: 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. Foul and surface water shall be drained on separate systems.
Reason: To secure proper drainage and to manage the risk of flooding and pollution 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.
4. The drainage for the development hereby approved shall be carried out in accordance with the approved surface water drainage scheme as shown on drawing 18-7453-102 T2, including refurbishment / replacement of the existing culvert. The surface water drainage scheme shall be fully implemented prior to occupation and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
Reason: To ensure adequate drainage for the proposed development and to ensure that there is no flood risk on- or off-the site resulting from the proposed development 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.
5. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
 - a) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.
Reason: To ensure adequate drainage for the proposed development and to ensure that there is no flood risk on- or off-the site resulting from the proposed development 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.
6. No development shall commence until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall

propose measures to mitigate environmental biodiversity effects during the construction phases of the proposed development.

With regard to ecology the EMP should include:

Reasonable Avoidance Measures for protected and notable species (including common toad, hedgehog, brown hare and breeding birds);

Invasive species method statement;

Pre-commencement inspection of ditches for water vole.

The development shall be implemented in accordance with the approved details.

Reason: These details are required prior to the commencement of development to as the proposed development may result in the loss of ecological habitat and as such precautions are required during the construction phase in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

7. No dwelling shall be occupied until a scheme detailing the proposed lighting (including all floodlighting, external building lights and car park lighting) to be installed on the site has been submitted to and approved in writing by the local planning authority.

All external lighting shall be installed and maintained in accordance with the agreed scheme.

Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

8. No part of the development shall be occupied until the site access/ junction to Long Lane has been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. The highway junction scheme shall include the provision of a junction table at the Long Lane/ Scarth Hill Lane junction.

Reason: 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 West Lancashire Local Plan 2012-2027 Development Plan Document.

9. The new estate road/access 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.

Reason: 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 and IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

10. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until a private management and maintenance company has been established.

Reason: To ensure future management and maintenance of the proposed streets is secured as the site is not suitable for adoption by the highway authority (under Section 38 of the Highways Act 1980).

11. Before construction work commences, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site. These facilities shall be retained until construction is completed, and shall be used to clean the wheels of all vehicles leaving the site.

Reason: To prevent mud or other loose material being carried out on to the highways surrounding the site in the interests of highway safety.

12. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the site have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall be carried out using only the agreed materials and method of construction.

Reason: To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

13. Notwithstanding the details shown on the approved drawings, no part of the development shall be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority.

The details shall relate to all land surfaces not built upon and shall include:

- Land-levels and gradients resulting in the formation of any banks, terraces or other earthworks
- hard surfaced areas and materials,
- planting plans, specifications and schedules, planting size, species and numbers/densities, trees to be retained and a scheme for the timing / phasing of work.
- existing plants / trees to be retained
- A detailed regime for the ongoing and longer term maintenance of all soft landscaping is also required to be submitted for approval.

The approved landscaping works shall be implemented and completed prior to the occupation of the dwelling to which it relates unless otherwise agreed in writing by the Local Planning Authority.

Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 7 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and in the interests of biodiversity conservation to comply with Policy GN3, EN2 and EN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

14. Prior to construction of any dwelling a scheme for the provision of electric vehicle charging points throughout the development and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until an electric vehicle charging point has been installed in accordance with the agreed details.

Reason: In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

Note(s)

1. Highway Notes

a) 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 should be advised to contact the LCC Highways Team at Cuerden Mill Depot, Cuerden Way, Bamber Bridge, Preston PR5 6BJ in the first instance to ascertain the details of such an agreement and the information to be provided.

b) The Applicant is advised to obtain the written approval of the Local Highway Authority for the details required under Condition 1, prior to the submission of such details to the Local Planning Authority in seeking to discharge the said condition. Such details, as may be submitted to the Local Highway Authority, could be subject to technical and safety assessments / audits, which may result in changes to the layouts and alignments as shown on any indicative layout(s) approved by virtue of the planning permission. The applicant is advised that the Local Planning Authority may reject details submitted to them for the discharge of the condition without evidence of technical approval from the Local Highway Authority.

c) The applicant is advised that to discharge condition *3* the Local Planning Authority requires details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

d) 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.

e) This consent does not give approval to a connection being made to the County Council's highway drainage system. The applicant is further advised that highway surface water drainage system must not be used for the storage of any flood waters from the adoptable United Utility surface water system, or any private surface water drainage system.

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:

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 - Residential Development

IF2 - Enhancing Sustainable Transport Choice

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.