

No.5	APPLICATION NO.	2020/0214/FUL
	LOCATION	Newlyn Course Lane Newburgh Wigan Lancashire WN8 7LA
	PROPOSAL	Proposed new 1.5 storey dwelling and detached garage. Alterations and extensions to existing dwelling and associated external works.
	APPLICANT	Mr J Fairhurst
	WARD	Newburgh
	PARISH	Newburgh
	TARGET DATE	8th May 2020

1.0 **REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme however Councillor Pope has requested it be referred to Committee to consider neighbour amenity, backland development, over-development of the site and highway safety matters.

2.0 **SUMMARY**

- 2.1 It is considered that the principle of residential development at this site is acceptable. I am satisfied that there will be no significant detrimental impact upon the character of the area, amenity of neighbouring properties, biodiversity, trees or highway implications. The development is considered to be compliant with relevant national and local planning policies and the application is therefore recommended for approval.

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

4.0 **THE SITE**

- 4.1 The site is located to the south of Course Lane within the existing cluster of residential development. Newlyn, a detached bungalow, is situated close to the front of the site with an L-shaped garden to the rear.
- 4.2 The land beyond the rear boundary of the site lies within the Green Belt. Several trees close to the western boundary are protected by a Tree Preservation Order.

5.0 **THE PROPOSAL**

- 5.1 The application proposes erection of a front porch and single storey rear extension to the existing bungalow. A three bedroom dormer bungalow with detached garage is proposed to be erected within the existing rear garden.
- 5.2 The two properties would share a vehicular access from Course Lane which is proposed to run alongside the existing bungalow leading to a turning area. Two parking spaces are shown for each of the dwellings.

6.0 **PREVIOUS RELEVANT DECISIONS**

- 6.1 2019/0935/FUL - Demolition of existing dwelling, erection of 3 No. detached dwellings and associated external works - Refused
- 6.2 8/5/5400 - Detail and layout - bungalow and garage - Granted

6.3 8/5/2577 - Outline residential development - Granted

7.0 CONSULTEE RESPONSES

7.1 LCC Highways - no objections in principle subject to conditions. The proposed development would have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

7.2 United Utilities – no objections in principle.

7.3 MEAS - No objections in principle. Subject to appropriate conditions the development will not have a significant impact on protected species or identified sites.

8.0 OTHER REPRESENTATIONS

8.1 Merseyside and West Lancashire Bat Group
Raise concern that the bat survey and report are not acceptable (*Further surveys now submitted*)

8.2 Letters of representation have been received which can be summarised as follows:

The new development would adversely impact on the value of my property;
The construction works would adversely affect neighbouring properties;
The proposed dwellings would not match the existing dwellings in the area and will be an eye-sore. Materials would not blend in with neighbouring properties;
Concerns regarding highways, access and the impact on the mini-roundabout close to the site;
Concerns about impact on trees;
Concerns about impact on privacy caused by overlooking;
Concerns about impact on wildlife including bats and owls;
Concerns regarding flooding. Refer to previous flooding within the locality;
Concern about access to view plans;
Support the proposal which will provide employment in the short term and in the long term, another family to support the village amenities;
We really like the design and feel this is a positive contribution to the village which should be approved.

9.0 SUPPORTING INFORMATION

9.1 The application has been supported by the following documents:

Arboricultural Impact Assessment
Ecological Appraisal
Bat Survey
Design and Access Statement.

10.0 RELEVANT PLANNING POLICIES

10.1 The application site is located within the Rural Sustainable Village of Newburgh as designated in the West Lancashire Local Plan Proposal Map.

10.2 National Planning Policy Framework (NPPF)

West Lancashire Local Plan 2012-2027 DPD
GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development
IF2 - Enhancing Sustainable Transport Choices
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
RS1 - Residential Development

Supplementary Planning Document - Design Guide (January 2008)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Principle of development

- 11.1 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.
- 11.2 Policy RS1 of the WLLP states that residential development will be permitted within the Borough's settlements on brownfield sites, and on greenfield sites not protected by other policies. The site lies within the Rural Sustainable Village of Newburgh and as such the principle of residential development in this location is acceptable subject to the proposal complying with all other planning policy.

Design/Layout

- 11.3 Policy GN3 supported by the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings.
- 11.4 The size and design of the proposed extensions are considered to be in keeping with the existing bungalow. It is proposed to render the resultant dwelling which I find acceptable as there are several other rendered dwellings in the locality.
- 11.5 I note that the surrounding development in Woodrow Drive forms a strong boundary to the settlement of Newburgh along with the bungalow known as Mayfield which is situated to the west of the site and to the rear of Glenacre. No. 33 Woodrow Drive, and Mayfield, both of which back onto the site, have spacious gardens to the rear and when viewed from Tears Lane the residential development surrounding the site appears loosely spaced and the view is generally open.
- 11.6 Backland development is not normally supported by the Council however, given the particular circumstances of this site, I consider limited infill of one dwelling is acceptable. The siting of the new dwelling reflects the spaciousness of the surrounding plots and the proposed dwelling would be in keeping with the size and design of the surrounding development.
- 11.7 I consider the design and layout of the scheme to be acceptable in principle and accordant with Policy GN3 in the Local Plan in this regard.

Impact on residential amenity

- 11.8 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring and proposed properties.
- 11.9 Due to the distances between the proposed and existing properties and the location of proposed windows I am satisfied there would be no adverse impacts as a result of

overlooking or overshadowing and do not consider that the proposed bungalow or extensions to the existing dwelling would be overbearing in relation to surrounding properties. In addition I consider both the new dwelling and the existing bungalow would be provided with suitable private amenity space that complies with the requirements set out in the SPD - Design Guide.

- 11.10 Whilst I note concerns from adjoining residents that the additional vehicular movements will have a negative impact on the adjoining properties through the creation of noise, disturbance and overlooking from the use of the proposed driveway, I am not of a view that this would be so significant to warrant a refusal of planning permission. I am satisfied the development would comply with the relevant requirements of Policy GN3 and that the scheme provides a suitable level of amenity for both future occupants and existing residents.

Highways

- 11.11 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards. Adequate parking should be provided in accordance with policy IF2.

- 11.12 I have consulted the Highway Authority who have indicated they have no objection to the scheme subject to conditions. I note that two parking spaces have been indicated on the plan for each dwelling which complies with the requirements of policy IF2. Although the site is close to the mini-roundabout and local residents have expressed concern about the impact of the development on highway safety, the Highway Authority are satisfied that the development will not have a significant impact on highway conditions in the vicinity of the site. Subject to the recommended conditions, the Highway Authority is satisfied the proposed development would not have a significant impact on highway safety and is acceptable in this regard.

Impact on trees

- 11.13 Policy EN2 of the Local Plan states that development involving the loss of, or damage to trees of significant amenity and screening will only be permitted where the development is required to meet a need that could not be met elsewhere.

- 11.14 Several trees within the site are covered by a Tree Preservation Order no. 7 2019. The Council's Arboricultural Officer has inspected the site and considered the proposals with regard to the impact on the protected trees.

- 11.15 The Arboricultural Officer is satisfied that the proposals would maintain a reasonable amount of tree cover and that suitable protection during construction can be provided for the TPO trees. The proposed Site Plan includes landscaping proposals, with details on the creation of lawns and tree planting with maintenance details. The Tree species and sizes specified are suitable. Subject to a condition requiring the development to be undertaken in accordance with the methods set out in the Arboricultural Impact Assessment I am satisfied that the development would comply with the requirements of policy EN2.

Impact on Biodiversity

- 11.16 Policy EN2 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, making provision for their needs. This allows the LPA to screen the project against the Habitats Regulations and relevant national and local policy.

- 11.17 The application has been accompanied by a preliminary ecological appraisal and a bat survey which have been considered by the Council's Ecological Consultant.
- 11.18 The Council's Ecologist advises that the ecological surveys are acceptable, the development will not have a detrimental impact on bats and the Council does not need to consider the proposals against the three tests set out in the Habitat Regulations. Subject to the recommended condition regarding installation of bat boxes it is concluded that the proposal would not have a harmful impact on any protected species or their habitat. The proposal would therefore comply with the requirements of Policy EN2.

Drainage

- 11.19 The Council's Drainage Engineer has reviewed the application with regard to the disposal of foul and surface water drainage, and the flood risk associated with this application. The application form and the proposed site plan indicate that the foul sewage will discharge to the mains drainage system which is considered satisfactory.
- 11.20 In terms of flood risk the site is located in Flood Zone 1 and outside areas susceptible to surface water flooding so the risk of flooding is considered to be low. The application form indicates that surface water will be dealt with via soakaways. Whilst this would be acceptable in principle, permeability tests are yet to be carried out.
- 11.21 The Council's Drainage Engineer has no objection to the proposed development in principle, subject to a condition being imposed requiring full details of a surface water drainage scheme and its management and maintenance being submitted for approval.

Conclusion

- 11.22 The proposed development is considered acceptable in principle and compliant with the relevant policies in the Local Plan. The development would not be detrimental to residential amenity, highway safety or the character of the area. The development would not have an unacceptable impact on trees, ecology or flood risk. The application is therefore recommended for approval.

12.0 RECOMMENDATION

- 12.1 That planning permission be approved subject to the following conditions:

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 3745-20-15, 3745-20-12 and 3745-20-14 received by the Local Planning Authority on 6th March 2020;
Plan reference 3745-20-11A received on 15th April 2020.
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. No development shall take place until a strategy for the surface water drainage of the development, including any necessary attenuation measures, maintenance management

proposals 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 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. To aid the checking of calculations the mdx file for the surface water drainage design should be submitted, if applicable.

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.

4. No part of the development hereby approved shall commence until a scheme for the construction/alteration of the site access (including the relocation of the street lighting column) has been submitted to, and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the approved scheme has been constructed and completed in accordance with the scheme details.

Reasons: These details are required before the commencement of development to safeguard the safety and interests of 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.

5. For the full period of construction/demolition, 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.

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.

6. Prior to the first occupation of the hereby permitted dwelling an electric vehicle charging point shall be installed for the use of that property.

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.

7. No site clearance, preparatory work or development shall take place until the existing trees on site have been protected in accordance with details contained in the Arboricultural Impact Assessment (AIA) received by the Local Planning Authority on 27th May 2020. The measures contained in the approved AIA shall be fully retained for the full period of construction.

Reason: To protect the existing trees on site and thereby retain the character of the site and the area and to ensure the development complies with the provisions of Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

8. The hereby approved dwelling shall not be occupied until details of the number and location of bat boxes to be incorporated into the scheme have been submitted to and approved in writing by the Local Planning Authority. The bat boxes shall be installed in accordance with the approved details prior to the first occupation of the dwelling and shall be retained at all times thereafter.

Reason: In the interests of biodiversity conservation and to comply with Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

9. 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 building(s) 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 and should be reflective of those within the surrounding area, unless otherwise agreed in writing by the Local Planning Authority.

The development shall be carried out only in accordance with the agreed schedule of 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 adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Note(s)

1. The developer is advised that no tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works should take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present.
2. The developer is advised that Cotoneaster sp. is present within the site boundary. Both species are listed on Schedule 9 of the Wildlife and Countryside Act. Advice should be sought from a competent person regarding the removal of the species from the site.
3. The amended vehicular access (including the relocation of the street lighting column), within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (Vehicle crossings over footways and verges), 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. Further information and advice can be found at www.lancashire.gov.uk and search for vehicle crossings and then fill in the information at "Get a vehicle crossing quotation".

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

IF2 - Enhancing Sustainable Transport Choices

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

RS1 - Residential Development

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.