

No.1	APPLICATION NO.	2020/0938/FUL
	LOCATION	Land To The Rear Of 25 Brookfield Lane Aughton Lancashire
	PROPOSAL	Proposed 2no detached dwelling houses.
	APPLICANT	Mr Andrew Berry
	WARD	Aughton And Downholland
	PARISH	Aughton
	TARGET DATE	22nd December 2020

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor O'Toole has requested it be referred to Committee to consider the impact on neighbouring amenity and the Green Belt.

2.0 SUMMARY

- 2.1 This application is for the erection of 2 no. detached dwelling houses on land to the rear of 25 Brookfield Lane. The site lies within the Green Belt but the proposal is considered to constitute limited infilling and is therefore not found to be inappropriate development. Given the size, design and location of development, the proposal would not have a significant impact on neighbouring amenity or the character of the area. I am satisfied that the proposal would not have a detrimental impact on highway conditions in the vicinity of the site and that an acceptable drainage scheme can be provided. The application is therefore considered to be compliant with the relevant policies in the NPPF and the Council's adopted Local Plan.

3.0 RECOMMENDATION: APPROVE subject to conditions

4.0 THE SITE

- 4.1 The application site lies to the rear of 25 Brookfield Lane. It is flanked by residential housing under construction to the south (ref 2020/0087/FUL – variation of approved plans for 2 detached dwellings) and residential housing to the north. To the east is flat open land.

5.0 THE PROPOSAL

- 5.1 The application proposes 2no detached dwelling houses.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2016/0009/FUL REFUSED Erection of two agricultural storage sheds.

7.0 CONSULTEE RESPONSES

- 7.1 **Environmental Health (02/12/20)** - No objection subject to conditions.
- 7.2 **United Utilities (30.03.2021)** - No objections. Condition recommended.
- 7.3 **Principal Drainage Engineer (30/03/21)** - No objections. Condition recommended.
- 7.4 **Highway Authority (23/12/20)** - No objections in principle.

8.0 OTHER REPRESENTATIONS

8.1 Parish Council (03/12/20)

Members noted the Pre-Application Statement, the similar construction work taking place for 2 dwellings alongside and the proposal for shared turning space and access onto Brookfield Lane.

Concern was raised that the additional housing at this particular location would harm the openness of the Green Belt.

8.2 The Council has received a number of objections to the proposal on the following grounds.

Applicant unable to provide access to plot 2 without a legal agreement;
Proposal is not infill;
Infill by stealth;
Information provided on application form is incorrect;
Light pollution;
Difficulties with refuse collection;
Expensive housing does not contribute to Council's statutory requirements;
Design is cramped;
Proposed road is narrow for bin wagons/fire engine;
Impact on highway/pedestrian safety;
Sewage and other effluent floods houses, gardens and pathways;
Proposal will cause additional flooding;
Raising level of road will raise height above damp course at 27 Brookfield;
Brookfield is a narrow road and cars/agricultural vehicles mount pavement;
Green Belt should not be built on;
Not all the residents in Brookfield have been notified;
Impact on local environment;
Access road should include a pavement;
Loss of privacy;
Loss of light;
Prime growing land used for building is not acceptable;
Circuitous method of overriding previous refusals;
Visual impact;
Impact on ecology;
Devalue properties;
Disruption;
Long term environmental impact;
Top soil erosion leads to increased pollution and sedimentation in streams and rivers;
Several wagons have removed topsoil from site without planning permission.

9.0 SUPPORTING INFORMATION

9.1 The Council has received the following supporting information:

Planning Statement 05/10/20

Geotechnical site Assessment Report by Enviro Solutions 05/10/20

Drainage Statement 05/10/20

Green Belt Statement 27/10/20

Ecological Appraisal (Nov 2020) by Tyrer Ecological Consultants Ltd 05/11/20

Arboricultural Implications Assessment (07/11/20) by Mulberry 09/11/20

Arboricultural Method Statement (07/11/20) by Mulberry 09/11/20

Phase 2 Foul and Surface Water Drainage Philosophy by PSA Design 11/01/21

10.0 RELEVANT PLANNING POLICIES

10.1 National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 Development Plan Document provide the policy framework against which the development proposals will be assessed.

10.2 The site is located within the Green Belt as designated in the West Lancashire Local Plan.

10.3 National Planning Policy Framework

Delivering a sufficient supply of homes

Achieving well-designed places

Protecting Green Belt Land

Meeting the challenge of climate change, flooding and coastal change

Conserving and enhancing the natural environment.

10.4 West Lancashire Local Plan (2012-2027) DPD

SP1 – A sustainable Development Framework for West Lancashire

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

RS1 – Residential Development

EN2 – Preserving and Enhancing West Lancashire's Natural Environment

10.5 Supplementary Planning Document, Design Guide (Jan 2008)

10.6 Supplementary Planning Guidance – Development in the Green Belt (October 2015)

All the above Policy references can be viewed on the Council's website at:

<http://www.westlancs.gov.uk/planning/planning-policy.aspx>

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

11.1 The main considerations for this application are as follows:

Principle of development

Appearance/design of development

Impact on amenity

Impact on highway/parking

Drainage/flooding

Arboricultural impact

Ecological Impact

Principle of development

11.2 Policy GN1 of the West Lancashire Local Plan states that development proposals within the Green Belt will be assessed against national policy and any relevant local plan

policies. The NPPF states at paragraph 145 that the construction of new buildings should be regarded as inappropriate in the Green Belt unless it falls within one of a number of exceptions.

- 11.3 The proposal is made for the erection of 2 no. detached houses with shared access road and car parking. The WLLP does not expressly allow market houses in the Green Belt, but defers to national policy on general Green Belt matters. This includes paragraph 145 of the National Planning Policy Framework (NPPF), which sets out seven types of development that are defined as being "not inappropriate" in the Green Belt. Included is criterion (e) "limited infilling in villages".
- 11.4 The site falls outside the defined settlement boundary of Aughton village, which is identified in the Local Plan. However, the site would be located between existing housing.
- 11.5 Applicable to this proposal is a Court of Appeal case (Wood v Secretary of State for Communities and Local Government [2014] EWHC 683 (Admin); February 2015). This Court of Appeal case assists decision makers to interpret paragraph 145 (e) of the NPPF to determine whether a proposed development can be considered to be infill development. In this Court of Appeal case, the Judge found that the policy requires the decision-maker to consider whether, as a matter of fact on the ground, the site appears to be in the village. The fact that a site lies outside the village boundary as designated in the development plan is not solely determinative.
- 11.6 In this case, I consider that having regard to the position and nature of the site, which now has residential development on three sides, and does not project any further east than the neighbouring dwellings approved by virtue of application 2020/0087/FUL, that the proposal can be considered to be physically and visually related to the existing settlement such to comprise infill development. Therefore, the construction of infill dwellings in this location is not considered to constitute inappropriate development in the Green Belt and the proposal would not conflict with guidance within the Framework or Policy GN1 of the Local Plan.

Design and External appearance

- 11.7 Policy GN3 of the WLLP states that proposals for development should be of a high quality design and in keeping with the West Lancashire Design Guide SPD. 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.
- 11.8 The application as amended proposes 2 'L shaped' dwelling houses measuring approximately 5.9m high x 13.5m long x 12.2 wide. The detached dwelling houses would have tiled roofs, brick elevations and upvc windows.
- 11.9 Access to the properties is via a shared access road off Brookfield Lane. Each property would have in curtilage parking.
- 11.10 The design compliments houses in the locality as Brookfield Lane includes houses and bungalows with dormers. As the proposed houses are situated to the rear of 25 Brookfield Lane they would not be prominent in the streetscene and I consider the design and external appearance to be acceptable and compliant with Policy GN3 in the Local Plan.

Impact upon Amenity

- 11.11 Policy GN3 of the West Lancashire Local Plan states: "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 I am satisfied the size of the proposed gardens for the new dwelling houses, are sufficient to meet the standards recommended in the Council's Design Guide and that the proposed dwellings would offer a satisfactory standard of residential amenity for future occupants.
- 11.13 The main elevations of the proposed dwellings would face the rear of the dwellings in Brookfield Lane. The Council's SPD Design Guide indicates that there should be 21 metres between facing main habitable room windows. The separation distance between the rear elevation at 25 Brookfield Lane and the proposed dwelling houses at plots 1 and 2 is more than 47m. This distance exceeds the guidance figure and is therefore compliant with Policy GN3 in the West Lancashire Local Plan. There would be approximately 16 metres between the front elevation at plots 1 and 2 and the rear boundary fence at 25 Brookfield Lane which I consider would prevent significant overlooking of private amenity space. I am satisfied that the proposed dwellings will not be overbearing, result in overshadowing or loss of privacy for properties in Brookfield Lane.
- 11.14 The side elevation of plot 2 would face the rear of properties on Beech Road but only roof lights are proposed at first floor level and these can be conditioned to be obscure glazed. The separation distance between the proposed dwelling house at plot 2 and 31 Beech Road is approximately 15.3m. This distance complies with the Council's SPD Design Guide, which requires a minimum distance of 12m between main elevations and elevations that do not contain main habitable room windows. I am satisfied that the proposed development will not result in significant overshadowing, be overbearing or result in loss of privacy to the properties in Beech Road.
- 11.15 Plot 1 would have roof lights facing the new dwelling under construction to the south but these can also be conditioned to be obscure. Both plots have inward facing dormers in the side elevations which would serve an en-suite. A condition is recommended to ensure that they remain obscured. I am satisfied that, subject to appropriate conditions, the proposed dwellings will not result in overlooking or loss of privacy to neighbouring properties.
- 11.16 Given the size, design and position of the proposed dwelling houses, they would not result in a significant impact on neighbouring amenity and the scheme would offer an acceptable residential environment for future occupants in accordance with Policy GN3 in the Local Plan.

Drainage/flooding.

- 11.17 The Council has received a number of letters from local residents, concerned that additional houses will increase local flooding. Letters objecting to the proposal state heavy rainfall results in local flooding.
- 11.18 As part of the submission, the applicant has submitted a Foul and Surface Water Drainage Philosophy by PSA Design on the 11/01/21. I have consulted with the Council's Drainage Engineer and he is satisfied the proposed drainage scheme is acceptable. Foul water will connect to the existing foul sewer and surface water will be attenuated and connect to an existing surface water drain. United Utilities have also been consulted with regard to the development and have no objections in principle to the proposal. I am satisfied that the site can drain appropriately and the development will not result in an increase in flood risk in the vicinity of the site. The proposal is therefore compliant with Policy GN3 in the Local Plan and the relevant guidance in the NPPF.

Impact on Highway/Parking

- 11.19 Access to the proposed dwellings would be via an existing private driveway off Brookfield Lane which serves no.31 Brookfield Lane and 2no new dwellings granted under a previously approved planning application. Each of the proposed dwellings would be 3 bedroomed and 2 off street car parking spaces would be provided to accord with Policy IF2 in the Local Plan. In response to initial concerns raised about refuse collection, the scheme has been amended to show a bin storage facility.
- 11.20 A number of objections have been received raising concerns about vehicular and pedestrian safety. The Highway Authority has been consulted and has raised no objection to the proposed development and is of the opinion that the proposed development would not have a severe impact on highway safety or highway capacity within the immediate vicinity of the site. I am therefore satisfied that the proposed development complies with policies IF2 and GN3 in the Local Plan.

Ecology

- 11.21 Policy EN2 of the Local Plan requires development proposals to avoid impacts on significant ecological assets and protect and improve the biodiversity value of sites. If significant impacts on biodiversity are unavoidable, then mitigation or as a last resort, compensation, is required to fully offset impacts.
- 11.22 To establish the presence or absence of any protected species and priority habitats the applicant has submitted an Ecological Appraisal by Tyrer Ecological Consultants Ltd. Subject to an appropriate condition regarding mitigation measures, I am satisfied that then proposed development will not have a significant impact on protected species or priority habitats.

Impact on trees

- 11.23 Policies GN3 and EN2 in the Local Plan seek to ensure that developments minimise the removal of trees and hedgerows. To support this application the applicant has submitted an Arboricultural Method Statement and Arboricultural Implications Assessment.
- 11.24 The proposed development and associated infrastructure includes a number of locations where the proposals are in close proximity to existing trees. The Site Layout Plan within appendix 3 identifies the trees in relation to the proposed development.
- 11.25 Following a review of the submitted Arboricultural Method Statement and Arboricultural Implications Assessment the Councils Arboricultural Officer is satisfied the trees would not be significantly impacted by the development and that all necessary mitigation measures are in place to ensure that the trees will not be adversely impacted during the construction works

12.0 CONCLUSION

- 12.1 The proposal is found to constitute limited infilling in the Green Belt and is not inappropriate development. The proposal would not have a significant impact on neighbouring amenity or the character of the area and all technical matters have been satisfactorily addressed. The application is compliant with the relevant policies in the NPPF and the Council's adopted Local Plan.

13.0 RECOMMENDATION

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

Conditions

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:
Elevation plans for plot 1 ref 1646/02 A;
Elevation plans for plot 2 ref 1646/03 A;
Landscape Plan 1646/06
Received by the Local Planning Authority on 24/03/21; and
Street scene plans ref 1646/04;
Site location plan reference 1646/05
Received by the Local Planning Authority on 05/10/20; and
Phase 2 Foul and Surface Water Drainage Philosophy ref D3078-L-02 by PSA Design dated 08/01/21
Received by the Local Planning Department on 03/02/20; and
West Coast Geometrics Land and measured building Surveyors rev A; site plan as proposed 1646/01A received by the Local Planning Authority on 11/03/21
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. 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) and hard surfaces 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.
4. Prior to construction of the proposed dwellings a scheme for the provision of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The dwellings shall not 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.
5. No part of the development hereby permitted shall be used or occupied until the proposed roof lights and dormer windows on the side elevations of plots 1 and 2 as indicated on drawings 1646/02A and 1646/03A received on 24th March 2021, have been glazed with obscure glass to a degree sufficient to conceal or hide the features of all physical objects from view (level 4). The windows shall be retained as such with level 4 obscure glazing at all times thereafter.

Reason: To protect the privacy and amenity of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. 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 no window or openings shall be added to the properties (in the north and south elevations) until details of the positioning, size and design have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the privacy and amenity of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

7. The parking provision shown within the curtilage of each dwelling on the approved plans ref 1646/01A received by the Local Planning Authority on 11/03/20 shall be provided prior to first occupation of the dwelling to which it relates. The parking area shall be hardsurfaced and shall be made available for its intended use at all times thereafter.

Reason: In the interests of highway and pedestrian safety and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

8. Prior to any part of the development hereby permitted taking place a scheme showing the areas for a site compound including the siting of office, storage of plant and materials and measures to prevent the transfer of mud out of the site shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be implemented while any demolition/construction works are in operation.

Reason: These details are required prior to the commencement of development in order to protect the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

9. All hard and soft landscape works shall be carried out in accordance with the approved details shown on plan 1646/06 received by the Local Planning Authority on 24/03/21. The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within 7 years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

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 to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

10. The development hereby permitted shall be implemented in accordance with the submitted Arboricultural Method Statement by Mulberry ref TRE/25-27BL received 09/11/20 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proper protection of trees has been carried out in the interests of visual amenity and to comply with Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

11. The development shall be implemented in accordance with the recommendations described in paragraphs 9.0 to 9.13 of the Ecological Appraisal report prepared by Tyrer Ecological Consultants Ltd and deposited with the Local Planning Authority on 5th November 2020.

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.

12. The development shall not be occupied until the surface water and sewage disposal works have been completed on site in accordance with the approved plans and Phase 2 Foul and Surface Water Drainage Philosophy by PSA Design received by the Local Planning Authority on 11/01/21. The development shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Before any dwelling is occupied / the building is first brought into use, a validation report (that demonstrates that the drainage scheme has been carried out in accordance with the approved plan) must be submitted to the Local Planning Authority.

The approved works shall be retained as such thereafter.

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.

Notes

1. The site overlies the sandstone rock, in a Groundwater Source Protection Zone (SPZ) 2. This forms an aquifer, abstracted at depth by United Utilities for public drinking water supply at the nearby Springfield borehole. The prevention of pollution to drinking water supplies in these locations is critical. The applicant should follow best practice on their use and storage of fuels, oils and chemicals to remove the risk of causing pollution during construction. We request that this information is included as an Informative on the Decision Notice.

The Environment Agency has a series of published position statements documenting their approach to managing and protecting groundwater. These are outlined in The Environment Agency's approach to groundwater protection. The Environment Agency expects site owners, developers and operators to comply with this guidance to ensure that groundwater is adequately managed and protected.

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Water Supply

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.

To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at DeveloperServicesWater@uuplc.co.uk.

Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

United Utilities' Property, Assets and Infrastructure

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows:

Water assets - DeveloperServicesWater@uuplc.co.uk

Wastewater assets - WastewaterDeveloperServices@uuplc.co.uk

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/>

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
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.