

No.	APPLICATION NO.	2021/1464/FUL
	LOCATION	Land Between 11 And 21 The Gravel Mere Brow Tarleton Lancashire
	PROPOSAL APPLICANT	Proposed development of three two-storey dwellings Bella Homes NW
	WARD	Tarleton
	PARISH	Tarleton
	TARGET DATE	18th February 2022

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme; however, Councillor Mee has requested that it be referred to Planning Committee to consider the loss of open space near the Primary School, impact upon the amenity of Mere Brow Village and potential traffic problems.

2.0 SUMMARY

- 2.1 It is considered that the principle of the development at this site is acceptable, given the previous permission on the site for residential development, and the retention of some publicly accessible open space on the site. The scheme would not have a significant detrimental impact on residential amenity, visual amenity, highway safety or biodiversity. Subject to planning conditions, it is considered that the proposed development accords with all relevant policies in the NPPF and Local Plan.

3.0 RECOMMENDATION: APPROVE subject to conditions.

4.0 THE SITE

- 4.1 The site is located on the north side of The Gravel flanked at either side by residential dwellings, with grounds of Mere Brow Primary School to the rear. The site is grassed and contains some trees. The site is allocated as Green Infrastructure/Open Recreation Space as per the West Lancashire Local Plan (WLLP).

5.0 THE PROPOSAL

- 5.1 Planning permission is sought for the proposed development of three two-storey dwellings on land between 11 and 21 The Gravel.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2021/0726/FUL - Erection of four detached dwellings with garages. Refused 29.11.2021
- 6.2 2019/0213/FUL - Development of a terrace of five houses. Approved 05.07.2019.

7.0 CONSULTEE RESPONSES

- 7.1 Lancashire County Council Highways
(17/01/2022) - No objection in principle to this application. Would like to see amended plans to satisfy issues regarding the visibility splays and parking.
(22/02/2022) - The applicant has submitted a Visibility Splay Diagram (Drawing No. 2640-104) which is acceptable. The plans show the internal garage size as 3m x 6m which is the required minimum to be counted as parking which is acceptable. Recommends planning conditions.
(08/03/2022) – No objections.
- 7.2 United Utilities
(01/02/2022) - Request that the applicant provides a detailed drainage plan, and that United Utilities has the opportunity to review and comment on this plan prior to determination of this application.
(24/02/2022) - Following review of the submitted Flood Risk Assessment (CFC21031 Rev B dated December 2021) which was prepared by CFA CIVILS LIMITED, confirm the proposals are acceptable in principle to United Utilities. Recommends planning conditions.

8.0 OTHER REPRESENTATIONS

- 8.1 Representations have been received from neighbouring properties. Object on the grounds of:

The latest submission is an improvement on the last submission;
Unclear information;
Details of boundary treatment;
No dimensions / measurements;
Land-ownership and boundary of the planning application needs to be clarified;
Over looking;
Loss of light;
Loss of privacy;
Poor outlook;
Fencing out of keeping;
Fence should be on developer's land;
Request a material schedule;
The size of the windows is not shown on the documents uploaded to date;
Landscaping;
Proposed plans do not detail the Finished Floor Level (FFL) for the development;
Abuse of green open space.

- 8.2 Tarleton Parish Council (11/02/2022) - object to this application on the grounds it was declined previously due to the loss of open space.

9.0 SUPPORTING INFORMATION

- 9.1 Preliminary Ecological Appraisal (Report Version 4) (31/01/2022)
- 9.2 Drainage Strategy and Flood Risk Assessment (Rev B, December 2021)
- 9.3 Arboricultural Impact Assessment with Tree Protection Measures (May 2021)

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 Green Infrastructure/Open Recreation Space as designated in the West Lancashire Local Plan 2012-2027 DPD.

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
EN3 – Provision of Green Infrastructure and Open Recreation Space

- 10.3 SPD – Design Guide (Jan 2008)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

- 11.1 The main areas of assessment in determining this planning application are:

Principle of Development – Green Space;
Visual appearance/design;
Impact on Residential Amenity;
Highways;
Ecology;
Trees and Landscaping;
Drainage.

Principle of Development – Green Space

- 11.2 Although the site is designated as Green Infrastructure/Open Recreation Space within the Local Plan there is a previous planning consent (2019/0213/FUL) for a residential development of 5no. dwellings on the site which is a material consideration in the assessment of this application. As with the approved consent this scheme proposes that the frontage of the site would remain open, retaining a landscaped frontage to the street which would continue to provide an open aspect to the street scene in line with the previous approval.
- 11.3 Part 2 a) of Policy EN3 ‘Provision of Green Infrastructure and Open Recreation Space’ of the Local Plan states that development that results in the loss of existing open space or sports and recreation facilities (including school playing fields) will only be permitted if one of the following conditions are met:

The open space has been agreed by the Council as being unsuitable for retention because it is under-used, poor quality or poorly located;

The proposed development would be ancillary to the use of the site as open space and the benefits to recreation would outweigh any loss of the open area; or

Successful mitigation takes place and alternative, improved provision is provided in the same locality.

- 11.4 The Council have previously accepted development of the site for residential purposes with the inclusion of an element of open space at the site frontage, in order to meet the requirements of Policy EN3. As with the previous consent this proposal fails to accord with criteria 2a) (i) and (ii) and so mitigation would be required in accordance with criterion (iii). It is acknowledged that the site is currently in private ownership and is not publicly accessible, and in this particular instance like with the previous approval, the proposed layout allows for the retention of some open space towards the frontage of the site which would be publicly accessible from The Gravel frontage.
- 11.5 Given the extant permission on the site, I am satisfied that as this current proposal for residential development also provides for the retention of an area of open space to the site frontage, this addresses the requirements of Policy EN3 part 2a).

Visual appearance/design

- 11.6 There are a mix of dwelling types in the locality and as such there is no defined architectural characteristic to the area. The proposed dwellings would be two storey which would be appropriate in this location, and I consider them to be an acceptable design taking into account the varied house types within the locality.
- 11.7 All of the dwellings would face towards The Gravel frontage but are set back some 15m from the road to allow for an area of open space 'lawn'. The proposed dwellings would provide an appropriate stagger in the building line in between the existing adjacent dwellings. I am satisfied that the proposed layout and design of the dwellings would be acceptable in the street scene in accordance with Policy GN3 of the Local Plan.

Impact on Residential Amenity

- 11.8 The dwelling at no.11 The Gravel (to the west of the application site) has its main elevation facing onto the application site. The layout has been designed to ensure that outlook from no.11 would not be adversely affected by setting the proposed dwellings back into the site, so there would be no direct relationship between the existing dwelling at no.11 and new dwellings on the site. I note that Plot 1 does have a bathroom window at first floor level proposed facing in the direction of no.11. To prevent any potential overlooking, a planning condition is recommended to ensure that this window is top opening only and compromises of obscure glass.
- 11.9 No. 21 The Gravel is to the east of the site and will be closest to proposed Plot 3. There will be an approx. 3.4m separation distance between properties. Plot 3 has a similar front building line to that of no.21. I note no.21 has a window on its gable end at single storey level which faces onto the site, this window is secondary as there is a primary window to this room to the front of the dwelling. Given the separation distance as the window to the side is a secondary window (with light being provided from the front of the property from larger window openings), I am of the view that residential amenity would not be significantly adversely affected to warrant a refusal of planning permission.

- 11.10 As regards to any potential impact from increased comings and goings from the new access road, whilst it would be adjacent to the boundary with no.11, I do not think that the comings and goings from occupants of 3 no. houses would give rise to significant levels of disturbance or noise for the occupiers of this property or other dwellings in the vicinity.
- 11.11 I note concerns from neighbouring properties also in relation to boundary treatment. The boundary treatment proposed as shown on the submitted drawings in itself would not require planning permission (due to its height and siting). Therefore, any boundary concerns would be a matter between the parties involved (civil matter).
- 11.12 In terms of the level of amenity offered to future occupiers of the dwellings, the proposed garden depths are acceptable and in accordance with standards detailed in the Council's Design SPD.
- 11.13 On balance, I am satisfied that the proposed development accords with Policy GN3 of the Local Plan in terms of impact on residential amenity.

Highways

- 11.14 A new access road would be taken directly from The Gravel and would serve the 3 dwellings, each dwelling would have 2no. frontage car parking spaces and a garage. Based on initial comments provided by the Highway Authority the Applicant has provided details of the visibility splays from the site and also increased the internal dimensions of the garaging in order to provide car parking provision. On this basis the Highway Authority have raised no objection to the development and consider that the proposed development would not have a severe impact on highway capacity and highway safety within the immediate vicinity of the site.
- 11.15 Therefore I consider that the proposed development of an additional 3 dwellings at this site would have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site, in accordance with Policy IF2.

Ecology

- 11.16 An Ecological Impact Assessment has been submitted with the application. This concludes that habitats on the site are considered to be of low ecological importance and that no protected species will be adversely affected. The habitats on site are suitable for hedgehog and potentially amphibians and for this reason reasonable avoidance measures will be secured by condition. I am satisfied that the proposed development is acceptable in terms of biodiversity, in accordance with Policy EN2 of the Local Plan.

Trees and landscaping

- 11.17 The Council's Arboricultural Officer has assessed the information submitted in relation to the trees on site. No objections have been raised to the development and planning conditions in relation to tree protection have been suggested. The development is considered to comply with Policy EN2 of the WLLP.

Drainage

- 11.18 Policy GN3 of the Local Plan requires that development does not result in unacceptable flood risk or drainage problems by requiring development to demonstrate that sustainable drainage systems have been explored.
- 11.19 A Drainage Strategy and Flood Risk Assessment (Rev B, December 2021) accompanies the planning application. The Councils Drainage Engineer has assessed the application and considers that the site can be appropriately drained, subject to the submission of a more detailed scheme which provides design calculations and detailed drawings.
- 11.20 It is therefore recommended that a planning condition is imposed as part of any planning approval in that no development shall take place until a strategy for the separate foul and surface water drainage of the development, including any necessary infiltration measures, attenuation measures, maintenance management proposals, and phasing of delivery if applicable, is submitted and agreed.

Summary

- 11.21 Overall it is considered that the development complies with NPPF together with Local Plan Policies SP1, GN1, GN3, RS1, EN2 and EN3 and should be recommended for approval.

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:

2640 – 102 A - house type plots 2 and 3 and 2640 – 103 A - house type plot 1 - received by the Local Planning Authority on 07/02/2022

2640 – 104 A - visibility splay received by the Local Planning Authority on 08/02/2022

2640 – 101 C - prop site 1 to 200 received by the Local Planning Authority on 23/02/2022

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) 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. No part of the proposed development hereby permitted shall be commenced until details of the proposed ground and floor levels of all parts of the site, including the finished floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a number of sections across the site, which shall indicate existing and proposed ground levels, together with the finished floor levels of any proposed dwellings/buildings through which the sections run and shall extend beyond the site boundaries to include any surrounding adjacent properties.

The development shall thereafter be implemented in accordance with the approved details and method of construction.

Reason: These details are required prior to the commencement of development to ensure the satisfactory visual appearance of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

5. 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.

6. 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 to comply with Policy GN3 and EN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

7. The development hereby permitted shall be implemented in accordance with the submitted Arboricultural Method Statement ref 'Arboricultural Impact Assessment with Tree Protection Measures (Godwins Tree Surveys, 22nd February 2022)' received 23/02/2022 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.

8. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all public landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

The landscape management plan shall be implemented as approved before the development is occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority.

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 Policies GN3 and EN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

9. No development shall take place until a strategy for the separate foul and surface water drainage of the development is, including any necessary infiltration measures, attenuation measures, maintenance management proposals, and phasing of delivery if applicable, 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 must be completed in accordance with the approved details and, if applicable, the approved phasing of the scheme. The MicroDrainage mdx file, if available, is required to aid the checking of design calculations.

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.

10. Prior to the commencement of the use of the development hereby approved the bathroom first floor window of Plot 1 (facing no. 11 The Gravel) and Plot 3 (facing no. 21 The Gravel) below a height of 1.7m above the floor of the room in which the window is installed, shall be fitted with obscure glazing (Pilkington level 3 or equivalent) and shall be non opening and shall remain so fitted at all times thereafter for the duration of the development.

Reason: To protect the privacy of adjacent residential properties and so comply with the provisions of Policy GN3 in the West Lancashire Local Plan.

11. The mitigation recommendations contained within paragraph 7.0 of the Preliminary Ecological Appraisal (Version 4) received by the Local Planning Authority on 07/02/2022 shall be implemented in full throughout the duration of the development.

Reason: To ensure that the proposed development has no detrimental impact upon protected species or their habitats and is in accordance with Policy EN2 of the West Lancashire Local Plan.

12. The garage hereby permitted shall not be converted into living accommodation (either in whole or part) and shall be retained for use by the dwelling(s) hereby approved at all times, unless the written permission of the Local Planning Authority has been sought and obtained beforehand.

Reason: To ensure adequate garaging/off street parking provision is retained and thereby avoid the harm to amenity, safety or convenience caused by on street parking and to comply with Policies GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

13. No building shall be occupied/brought into uses until details of the number and location of bird nesting boxes to be incorporated into the scheme (minimum 1 per dwelling) have been submitted to and approved in writing by the Local Planning

Authority. The bird boxes shall be installed in accordance with the approved details prior to the first occupation of the dwellings 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.

14. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:
- a) The parking of vehicles of site operatives and visitors;;
 - b) Vehicle wheel washing facilities
 - c) Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

15. No building or use hereby permitted shall be occupied or use commenced until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway (and/or verge) fronting the site in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

Reason: In the interests of pedestrian safety and accessibility and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

16. No building (or use hereby permitted) shall be occupied (or use commenced) until visibility splays 2.4 metres back from the centre line of the access and extending 43 metres on the nearside carriageway edge in both directions have been provided at all accesses/junctions, as shown on the approved plans. Nothing shall be erected, retained, planted and / or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splay. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

Reason: To ensure adequate inter-visibility between highway users at the street junction or site access, in the interests of highway safety and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

17. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site

shall be appropriately paved in tarmacadam, concrete, block pavements, or other hard material to be approved by the Local Planning Authority.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to road users and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

18. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Note(s)

1. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 (Vehicle crossings over footways and verges) Lancashire County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must complete the online quotation form found on Lancashire County Council's website using the A-Z search facility for vehicular crossings at <http://www.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx>
2. Any planning 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.
3. Reasonable avoidance measures to protect terrestrial mammals and amphibians to be put in place during the course of the development should include:

A pre-commencement check for badger;

All trenches and excavations should have a means of escape (e.g., a ramp);

Any exposed open pipe systems should be capped to prevent badger gaining access; and

Appropriate storage of materials to ensure that badger do not use them.

The working area, together with any storage areas, will be kept clear of debris, and any stored materials will be kept off the ground on pallets so as to prevent amphibians from seeking shelter or protection within them; and

Any open excavations (e.g., foundations / footings / service trenches etc.) will be covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets will be covered with a thick layer of topsoil or similar) to prevent amphibians from seeking shelter beneath them. Any excavation must be in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to amphibians.

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:

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

EN3 – Provision of Green Infrastructure and Open Recreation Space

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.