



Kim Webber B.Sc. M.Sc.  
Chief Executive  
52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

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Wednesday, 20 July 2016

**TO: COUNCILLORS G OWEN, I ASHCROFT, MRS P BAYBUTT, D MCKAY,  
C MARSHALL, M NIXON, D O'TOOLE, R PENDLETON, E POPE,  
MRS M WESTLEY, G DOWLING, COOPER, DEVINE, EVANS  
AND PRITCHARD**

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET** on **THURSDAY, 28 JULY 2016** at **7.30 PM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Kim Webber', written over a horizontal line.

Kim Webber  
Chief Executive

**AGENDA**  
**(Open to the Public)**

**1. APOLOGIES**

**2. MEMBERSHIP OF THE COMMITTEE**

To be apprised of any changes to the membership of the Committee in accordance with Council Procedure Rule 4.

**3. URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN**

Note: No other business is permitted unless, by reason of special circumstances, which shall be specified at the meeting, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

#### **4. DECLARATIONS OF INTEREST**

If a member requires advice on Declarations of Interest, he/she is advised to contact the Borough Solicitor in advance of the meeting. (For the assistance of members a checklist for use in considering their position on any particular item is included at the end of this agenda sheet.)

**Page(s) 213 - 214**

#### **5. DECLARATIONS OF PARTY WHIP**

Party Whips are not to be used by this Committee in respect of its functions concerning the determination of applications, approval of consents, the taking of enforcement action and the exercise of powers and duties with regard to highways, hedgerows, the preservation of trees and high hedge complaints. When considering any other matter which relates to a decision of the Cabinet or the performance of any member of the Cabinet, in accordance with Regulatory Committee Procedure 9, Members must declare the existence of any party whip, and the nature of it.

#### **6. MINUTES**

To receive as a correct record the minutes of the meeting held on the 21 June 2016.

**Page(s) 215 - 218**

#### **7. PLANNING APPLICATIONS**

To consider the report of the Director of Development and Regeneration.

**Page(s) 219 – End**

**We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.**

**FIRE EVACUATION PROCEDURE: Please see attached sheet.**

**MOBILE PHONES: These should be switched off or to 'silent' at all meetings.**

For further information, please contact:-

Jill Ryan on 01695 585017

Or email [jill.ryan@westlancs.gov.uk](mailto:jill.ryan@westlancs.gov.uk)

**FIRE EVACUATION PROCEDURE FOR:  
COUNCIL MEETINGS WHERE OFFICERS ARE PRESENT  
(52 DERBY STREET, ORMSKIRK)**

**PERSON IN CHARGE:** Most Senior Officer Present  
**ZONE WARDEN:** Member Services Officer / Lawyer  
**DOOR WARDEN(S)** Usher / Caretaker

**IF YOU DISCOVER A FIRE**

1. Operate the nearest **FIRE CALL POINT** by breaking the glass.
2. Attack the fire with the extinguishers provided only if you have been trained and it is safe to do so. **Do not** take risks.

**ON HEARING THE FIRE ALARM**

1. Leave the building via the **NEAREST SAFE EXIT**. **Do not stop** to collect personal belongings.
2. Proceed to the **ASSEMBLY POINT** on the car park and report your presence to the **PERSON IN CHARGE**.
3. **Do NOT** return to the premises until authorised to do so by the **PERSON IN CHARGE**.

**NOTES:**

Officers are required to direct all visitors regarding these procedures i.e. exit routes and place of assembly.

The only persons not required to report to the Assembly Point are the Door Wardens.

**CHECKLIST FOR PERSON IN CHARGE**

1. Advise other interested parties present that you are the person in charge in the event of an evacuation.
2. Make yourself familiar with the location of the fire escape routes and inform any interested parties of the escape routes.
3. Make yourself familiar with the location of the assembly point and inform any interested parties of that location.
4. Make yourself familiar with the location of the fire alarm and detection control panel.
5. Ensure that the zone warden and door wardens are aware of their roles and responsibilities.
6. Arrange for a register of attendance to be completed (if considered appropriate / practicable).

**IN THE EVENT OF A FIRE, OR THE FIRE ALARM BEING SOUNDED**

1. Ensure that the room in which the meeting is being held is cleared of all persons.
2. Evacuate via the nearest safe Fire Exit and proceed to the **ASSEMBLY POINT** in the car park.
3. Delegate a person at the **ASSEMBLY POINT** who will proceed to **HOME CARE LINK** in order to ensure that a back-up call is made to the **FIRE BRIGADE**.
4. Delegate another person to ensure that **DOOR WARDENS** have been posted outside the relevant Fire Exit Doors.

5. Ensure that the **ZONE WARDEN** has reported to you on the results of his checks, **i.e.** that the rooms in use have been cleared of all persons.
6. If an Attendance Register has been taken, take a **ROLL CALL**.
7. Report the results of these checks to the Fire and Rescue Service on arrival and inform them of the location of the **FIRE ALARM CONTROL PANEL**.
8. Authorise return to the building only when it is cleared to do so by the **FIRE AND RESCUE SERVICE OFFICER IN CHARGE**. Inform the **DOOR WARDENS** to allow re-entry to the building.

**NOTE:**

The Fire Alarm system will automatically call the Fire Brigade. The purpose of the 999 back-up call is to meet a requirement of the Fire Precautions Act to supplement the automatic call.

**CHECKLIST FOR ZONE WARDEN**

1. Carry out a physical check of the rooms being used for the meeting, including adjacent toilets, kitchen.
2. Ensure that **ALL PERSONS**, both officers and members of the public are made aware of the **FIRE ALERT**.
3. Ensure that **ALL PERSONS** evacuate **IMMEDIATELY**, in accordance with the **FIRE EVACUATION PROCEDURE**.
4. Proceed to the **ASSEMBLY POINT** and report to the **PERSON IN CHARGE** that the rooms within your control have been cleared.
5. Assist the **PERSON IN CHARGE** to discharge their duties.

It is desirable that the **ZONE WARDEN** should be an **OFFICER** who is normally based in this building and is familiar with the layout of the rooms to be checked.

**INSTRUCTIONS FOR DOOR WARDENS**

1. Stand outside the **FIRE EXIT DOOR(S)**
2. Keep the **FIRE EXIT DOOR SHUT**.
3. Ensure that **NO PERSON**, whether staff or public enters the building until **YOU** are told by the **PERSON IN CHARGE** that it is safe to do so.
4. If anyone attempts to enter the premises, report this to the **PERSON IN CHARGE**.
5. Do not leave the door **UNATTENDED**.

# Agenda Item 4

## MEMBERS INTERESTS 2012

A Member with a disclosable pecuniary interest in any matter considered at a meeting must disclose the interest to the meeting at which they are present, except where it has been entered on the Register.

A Member with a non pecuniary or pecuniary interest in any business of the Council must disclose the existence and nature of that interest at commencement of consideration or when the interest becomes apparent.

Where sensitive information relating to an interest is not registered in the register, you must indicate that you have an interest, but need not disclose the sensitive information.

Please tick relevant boxes

Notes

	General		Notes
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i>
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a pecuniary interest <b>because</b> it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest or it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/>          <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>          <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>
4.	I have a disclosable pecuniary interest (Dispensation 16/7/12) or a pecuniary interest but it relates to the functions of my Council in respect of:  (i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease.  (ii) school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends.  (iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay.  (iv) An allowance, payment or indemnity given to Members  (v) Any ceremonial honour given to Members  (vi) Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>	<i>You may speak and vote</i>          <i>You may speak and vote</i>          <i>You may speak and vote</i>          <i>You may speak and vote</i>          <i>You may speak and vote</i>          <i>You may speak and vote</i>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 20/2/13 – 19/2/17)	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
6.	I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>

**'disclosable pecuniary interest'** (DPI) means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

### Interest

Employment, office, trade, profession or vocation

Sponsorship

### Prescribed description

Any employment, office, trade, profession or vocation carried on for profit or gain.

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest; "director" includes a member of the committee of management of an industrial and provident society;*

*"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income; "M" means a member of a relevant authority;*

*"member" includes a co-opted member; "relevant authority" means the authority of which M is a member;*

*"relevant period" means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI;*

*"relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;*

*"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.*

**'non pecuniary interest'** means interests falling within the following descriptions:

- 10.1(1)(i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) Any body (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (iii) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- 10.2(2) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a connected person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

**'a connected person'** means

- (a) a member of your family or any person with whom you have a close association, or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 10.1(1)(i) or (ii).

**'body exercising functions of a public nature'** means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

**NB** Section 21(13) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.

# Agenda Item 6

## PLANNING COMMITTEE

HELD: Tuesday, 21 June 2016

Start: 7.30 pm

Finish: 9.00 pm

### PRESENT:

Councillor: G Dowling (Chairman)  
G Owen (Vice-Chair)

Councillors: I Ashcroft Mrs P Baybutt  
D McKay C Marshall  
M Nixon D O'Toole  
R Pendleton E Pope  
Mrs M Westley Cooper  
Devine Evans  
Pritchard

Officers:

In attendance:

#### 9 APOLOGIES

There were no apologies for absence received.

#### 10 MEMBERSHIP OF THE COMMITTEE

There were no changes to the Membership of the Committee.

#### 11 URGENT BUSINESS

There were no urgent items of business.

#### 12 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

#### 13 DECLARATIONS OF PARTY WHIP

There were no declarations of Party Whip.

#### 14 MINUTES

RESOLVED: That the minutes of the meeting held on the 19 May 2016 be approved as a correct record and signed by the Chairman.

#### 15 PLANNING APPLICATIONS

The Director of Development and Regeneration submitted a report on planning applications (all prefixed 2016 unless otherwise stated) as contained on pages 91 to 189 of the Book of Reports and on pages 199 to 203 giving details of late information.

- RESOLVED** A. That the under-mentioned planning applications be approved subject to the conditions in the report:-

2015/1224/FUL;                      0563/FUL

- B. That in respect of planning application 2014/1361/FUL relating to Hangar C2 to C4 Tollgate Road, Burscough:-

- (i) That the decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice-Chairman of the Planning Committee subject to a planning obligation being entered into under Section 106 of the Town and Country Planning Act requiring:-

An agreement to relinquish the use of Barton Farm, Moss Lane, Burscough as a knacker yard in perpetuity in line with an agreed timetable.

- (ii) That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation (i) above be subject to the conditions as set down on pages 114 to 119 of the Book of Reports and with the additional conditions as set out below:-

Condition No. 22

Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the boundary of Boundary House, Pippin Street, Burscough. All measurements and assessment shall be done in accordance with BS4142:2014.

Reason

To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Condition No.23

Prior to the knackers yard being brought into use, the existing Pippin Street access shall be permanently closed in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety and in compliance with Policy GN3 of the West Lancashire Local Plan 2012-27.

- C. That in respect of planning application 2015/0733/FUL relating to Grove Farm, High Lane, Ormskirk:-



- (i) That the decision to grant planning permission be delegated to the Director of Planning and Regeneration in consultation with the Chairman or Vice-Chairman of the Planning Committee subject to the applicant entering into an obligation under S.106 of the Town and Country Planning Act 1990 to secure the provision of:

Affordable housing at 20% intermediate tenure but subject to re-appraisal.

The provision and maintenance of the public open space.

Appropriate sustainable travel measures.

Funding for Pine Grove link.

- (ii) That any permission granted by the Director of Development and Regeneration pursuant to recommendation (i) above be subject to the conditions as set down on pages 175 to 184 of the Book of Reports but subject to the amendments to the conditions as set out on pages 202 to 203 of the late Information and the additional conditions on pages 210 to 211 of the Additional Late Information as below:-

Condition 14

Prior to the first occupation of any dwelling or apartment shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.

Reason

In the interests of sustainable transport choice and to comply with Policy IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Condition 22

Notwithstanding the approved plans, details of a vehicular access to the southern boundary of land to the rear of Hibre, High Lane, Ormskirk shall be submitted to and approved in writing by the Local Planning Authority. The approved vehicular access shall be provided in accordance with the Phasing Plan.

Reason

In the interests of proper planning and to comply with the adopted Supplementary Planning Document and Policy rs1 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

- D. That in respect of planning application 0335/FUL relating to the North of Junction with Pippin Street, Liverpool Road South, Burscough
- (i) That the decision to grant planning permission be delegated to the Director of Planning and Regeneration subject to a Deed of Variation under the Town and Country Planning Act 1990 being entered into to secure the transport contribution required by the original planning permission.

- (ii) That any permission granted by the Director of Development and Regeneration pursuant to recommendation (i) above be subject to the conditions as set down on pages 131 to 136 of the Book of Reports but subject to Condition 4 being amended to read:

The development shall be implemented in strict accordance with the details of levels, including the finished floor levels of all buildings, as indicated in the approved plans.

- E. That planning application 2015/1140/FUL relating to the North West of Yeadon, Skelmersdale be deferred for an organised site visit to take place to assess the design and layout of the footpath.
- F. That planning application 0251/FUL relating to 163 Aughton Street, Ormskirk be deferred to allow for further negotiations to reduce the level of accommodation to be provided.

(Notes:-

1. In accordance with the procedure for public speaking on planning applications on this Committee, members of the public spoke in connection with application no. 0251/FUL relating to 153 Aughton Street, Ormskirk.
2. Councillor Yates spoke in connection with application no. 0251/FUL relating to 153 Aughton Street, Ormskirk representing a member of the public).

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**ADOPTION OF THE WEST LANCASHIRE STATEMENT OF COMMUNITY INVOLVEMENT**

Consideration was given to the report of the Director of Development and Regeneration as contained on pages 199 to 284 of the Book of Reports which sought to seek Cabinet's approval for the adoption of the West Lancashire Statement of Community Involvement and that agreed comments be referred to the Director of Development and Regeneration for consideration in consultation with the Portfolio Holder.

**RESOLVED:** That the Statement of Community Involvement be supported.

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- CHAIRMAN -



**PLANNING COMMITTEE**  
**28 JULY 2016**

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**Report of:** Director of Development and Regeneration

**Contact:** Mrs. C. Thomas (Extn.5134)  
Email: [catherine.thomas@westlancs.gov.uk](mailto:catherine.thomas@westlancs.gov.uk)

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**SUBJECT: PLANNING APPLICATIONS**

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### **Background Papers**

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

### **Equality Impact Assessment**

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

## CONTENT SHEET

<u>Report No</u>	<u>Ward</u>	<u>Appn No</u>	<u>Site Location &amp; Proposal</u>	<u>Recommendation</u>
1.	Scott	2016/0340/FUL	<p>22 Church Street Ormskirk Lancashire L39 3AN</p> <p>Demolition of existing buildings at 22, 22b and 22c and 24 and 24b Church Street and the erection of a replacement building comprising A1/A2/A3/B1 units to ground level and student dwellings above (being part amendment to planning approval 2014/0566/FUL).</p>	<p><b>Planning permission be granted.</b></p> <p><b>Pages 6 - 20</b></p>
2.	Scarisbrick	2015/0477/FUL	<p>Land To The North Of Asmall Lane Scarisbrick Lancashire</p> <p>Erection of agricultural building including mezzanine floor above cooler store to provide farm office, staff 'brew room' and storage area. External staff toilets and septic tank. Agricultural access track and yard area (retrospective).</p>	<p><b>Planning permission be granted.</b></p> <p><b>Pages 21 - 40</b></p>
3.	Scarisbrick	2015/1176/FUL	<p>Middle Place Asmall Lane Scarisbrick Lancashire</p> <p>Erection of 5 stables, open fronted shed and foaling box. Construction of 60m x 20m riding arena and material change of use of land from agriculture to equestrian. Resubmission of application 2015/0572/FUL.</p>	<p><b>Planning permission be granted.</b></p> <p><b>Pages 41 - 51</b></p>

4.	Scarisbrick	2016/0165/OUT	<p>Land To The East Of Vincents Garden Centre Southport Road Scarisbrick Lancashire</p> <p>Outline - Four affordable dwellings.</p>	<p><b>The decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice Chairman of the Planning Committee subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 being entered into.</b></p> <p><b>Pages 52 - 61</b></p>
5.	Rufford	2016/0054/ARM	<p>Land At The Junction With Sluice Lane New Road Rufford Lancashire</p> <p>Approval of Reserved Matters - Erection of 48 dwellings (including details of access, appearance, landscaping, layout and scale).</p>	<p><b>The decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice Chairman of the Planning Committee subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 being entered into.</b></p> <p><b>Pages 62 - 74</b></p>

6.	Rufford	2016/0407/FUL	<p>Telephone Exchange Liverpool Road Rufford Ormskirk Lancashire L40 1SB</p> <p>The installation of a 12m high monopole mast with attached antenna and GPS unit (overall height 14.8m), an equipment cabinet and electric meter cabinet.</p>	<p><b>Planning permission be granted.</b></p> <p><b>Pages 75 - 82</b></p>
7.	Parbold	2015/1243/FUL	<p>9 Tan House Lane Parbold Wigan Lancashire WN8 7HG</p> <p>Proposed residential development on land to the rear of 9-15 Tan House Lane, comprising of 4 detached dwellings with new access road.</p>	<p><b>Planning permission be granted.</b></p> <p><b>Pages 83 - 96</b></p>
8.	Parbold	2016/0421/FUL	<p>Land To The South-east Of 26 - 30 Robin Lane Hilldale Parbold Lancashire</p> <p>Erection of agricultural building and hardstanding together with access from highway.</p>	<p><b>Planning permission be granted.</b></p> <p><b>Pages 97 - 105</b></p>
9.	Newburgh	2016/0497/OUT	<p>Hughes Mushroom Farm Course Lane Newburgh Wigan Lancashire WN8 7UB</p> <p>Outline - Construction of seven dwellings following the demolition of the existing commercial premises, including the creation of a new highway access following the demolition of an existing dwelling (including details of access, layout and scale).</p>	<p><b>Outline Planning permission be granted.</b></p> <p><b>Pages 106 - 117</b></p>

10.	Knowsley	2016/0251/FUL	153 Aughton Street Ormskirk Lancashire L39 3LG  Alterations and extensions to 'small student HMO' bungalow to form two storey 'larger HMO' with 12 beds.	<b>Planning permission be granted.</b>  <b>Pages 118 - 125</b>
11.	Bickerstaffe	2015/0729/OUT	Land To The South Of Stopgate Lane Simonswood Lancashire  Outline - Employment development comprising B2 & B8 uses including ancillary office accommodation together with associated ancillary infrastructure	<b>Outline Planning permission be granted.</b>  <b>Pages 126 - 145</b>
12.	Birch Green	2015/1140/FUL	Footpath To The North-west Of Yeadon Skelmersdale Lancashire  Development of a lit dual use foot/cycleway from Yeadon in Skelmersdale Town Centre, along the Tawd Valley to the junction of Summer Street and Marland, with an associated spur linking West Lancashire College directly to the route.	<b>Planning permission be granted.</b>  <b>Pages 146 - 153</b>

<b>No.1</b>	<b>APPLICATION NO.</b>	2016/0340/FUL
	<b>LOCATION</b>	22 Church Street Ormskirk Lancashire L39 3AN
	<b>PROPOSAL</b>	Demolition of existing buildings at 22, 22b and 22c and 24 and 24b Church Street and the erection of a replacement building comprising A1/A2/A3/B1 units to ground level and student dwellings above (being part amendment to planning approval 2014/0566/FUL).
	<b>APPLICANT</b>	Oak Park Estates
	<b>WARD</b>	Scott
	<b>PARISH</b>	Unparished - Ormskirk
	<b>TARGET DATE</b>	26th July 2016

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## **1.0 PREVIOUS RELEVANT DECISIONS**

- 1.1 2014/0566/FUL - APPROVED (19.12.14). Demolition of existing building and creation of 4 level building which will house student dwellings and ground level A1/A2/A3 units.
- 1.2 2013/1153/COU - APPROVED (22.01.14). Use as temporary car park - currently wasteland.
- 1.3 2013/1152/COU - APPROVED (21.01.14). Change of use from A1 and A2 to A3 and A2.
- 1.4 2008/0031/COU - APPROVED (21.04.08). Change of use of first floor into student accommodation and external alterations to rear fenestration of property.
- 1.5 2007/0436/FUL - APPROVED (19.11.07). Alterations to shop front and erection of two, three and four storey extension at rear to provide student accommodation.
- 1.6 8/2006/1315 - WITHDRAWN (08.01.07). Mixed use development comprising extension and change of use of Estate Agents on ground floor to retail use. Change of use of 1st floor and erection of 2<sup>nd</sup> and 3<sup>rd</sup> floors above including part three-storey/part five-storey extension at rear to provide student accommodation.
- 1.7 8/2002/0263 - APPROVED (28.07.05). Mixed use development comprising the erection of two commercial units (Use Classes A1 to A5) at ground floor and 17no. one, two and three bedroom apartments over part three and part four storey, with associated amenity space and car parking.
- 1.8 8/2001/0254 - APPROVAL (06.09.01). Three-storey office extension and single-storey covered way at rear.



## 2.0 OBSERVATIONS OF CONSULTEES

- 2.1 Environmental Health (07.06.16) – No objection in principle. However as there is residential accommodation directly above the ground floor units there are some concerns about the potential for impact of the use of these units. If A1/A2/A3 use is granted for the ground floor level the impact may vary depending on the use. A restaurant would require a kitchen extraction unit which is likely to impact in terms of noise and odour on the residential units above it. In addition a restaurant is likely also to have a noise impact from patrons and possibly entertainment unless the hours of use are restricted.

The application specifies a plant room to the ground floor so further details of the proposed plant is required and its acoustic properties. The application also specifies a mixed commercial and residential waste store. These have the potential to be noisy whilst being emptied so will require a restriction on the hours during which refuse collection can occur.

In addition to this the town centre location means that there is noise from other fixed plant e.g. extraction systems, in the nearby area. The proposed development is on one of the main shopping thoroughfares and so there may be daytime noise from people shopping. There are also licensed premises in close proximity to the proposed development which are likely to be open until the early hours and so there may be noise and activity in the street resulting from this. The proposed development for student accommodation means that bedrooms may also be used for study and so are likely to require protection from both day and night time noise.

As such a number of conditions are proposed which cover the use of mechanical ventilation, refrigeration and odour filtration systems; details of measures to control levels of noise within the upper floors and submission of an Environmental Management plan.

- 2.2 Lancashire Archaeological Advisory Service (20.05.16) - This area of the town has been identified as having the potential to contain archaeological deposits associated with both medieval and/or post-medieval settlement. It is therefore recommended that the applicant undertakes a programme of archaeological work, as a planning condition.
- 2.3 Historic England (03.05.16) – No comments but recommend that the application be determined in accordance with national and local policy guidance.
- 2.4 Highways (02.06.16) – The comments remain the same as those provided to the previous application for this site (2014/0566/FUL). Those comments were as follows:

*The Developer Support Section is concerned about the cumulative effect of the increasing numbers of homes of multiple occupancy in the Ormskirk area, where car ownership and restrictions on the type of end user of the homes of multiple occupancy is not controlled under condition. From observations and discussions with our traffic section, on-road parking around the Ormskirk town centre and surrounding roads is at a premium and any*

*increased demand for on-road parking is difficult to absorb without causing additional loss of amenity and conflict for existing residents.*

*The Developer Support Section is aware of the increasing number of planning applications for homes for multiple occupancy within the Ormskirk area. The planning applications for homes of multiple occupancy are being targeted for students but the properties have the possibility of being used by non-students at a later date leading to a greater demand for car ownership.*

*The landlord's business direction may change in the future from student accommodation to young professionals etc. and any future owner of the site property may not be proactive in restricting car ownership, while the property can still operate under the same planning approval for the site.*

*The Developer Support Section recommends a suitable condition is drafted to ensure the landlord has a legally binding clause within their lease agreement to prevent car ownership. The condition and lease agreement should be robust to ensure the Local Authority can control and enforce the restriction on car ownership of the tenants. Reasons; to restrict vehicle ownership and therefore reduce the amenity impact of any additional parking on the adjacent highway.*

*To aid social inclusion and the promotion of sustainable forms of transport the Developer Support Section recommends the applicant provides one cycle space per bedroom.*

2.5 West Lancashire Conservation Area Advisory Panel (26.05.16) – No objections.

### **3.0 OTHER REPRESENTATIONS**

3.1 One letter of objection has been received on behalf of the owner/occupiers of 20 and 22a Church Street. The main grounds of objection can be summarised as:

When the site was developed 35 years ago Ormskirk UDC insisted that the building line be set back, this policy also applied to the Burgess site opposite. The previous approval and this current application do not include a setback, which means that the side window of 20 Church Street is hidden from view to pedestrians which will be detrimental to the business as there is currently only a small frontage onto Church Street;

Ormskirk was a flourishing market town; however, the development of Edge Hill University has resulted in private businesses closing down and being replaced by licensed premises, and student accommodation. The loss of shop frontage to no.20 could result in another business closing down;

The entrance to the student accommodation is from the passageway in front of the existing dog grooming business. The access would be better from the rear; the entry would be reduced in width and the noise generated by students could cause problems in respect of this business as many animals are of a nervous disposition;

The existing passageway between nos. 22 and 20 Church Street is in a poor state with broken bottles and rubbish deposited there. An influx of 36 students will make this problem worse;

The development does not take into account the tenants of adjoining properties. Consent was approved 2 years ago for conversion of the 1<sup>st</sup> and 2<sup>nd</sup> floors of 20 Church Street to be converted into residential accommodation with a condition that the premises could not be used for student accommodation. It therefore seems that there is no consistency with regard to policy of development for the town centre.

#### **4.0 SUPPORTING INFORMATION**

- 4.1 Bat Survey Report (January 2016)
- Design and Access Statement (March 2016)
- Planning Heritage and Student Needs Assessment (March 2016)

#### **5.0 RELEVANT PLANNING POLICIES**

- 5.1 The National Planning Policy Framework (NPPF), and the West Lancashire Local Plan (2012-2027) DPD provide the policy framework against which the development proposal will be assessed.
- 5.2 The site is located within the Primary Shopping Area of the Regional Town of Ormskirk and the Ormskirk Town Centre Conservation Area as designated in the West Lancashire Local Plan. The following policies are relevant:

##### *National Planning Policy Framework*

- Building a strong competitive economy
- Ensuring the vitality of town centres
- Promoting sustainable transport
- Delivering a wide choice of quality homes
- Requiring good design
- Conserving and enhancing the historic environment

##### *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
- RS3 – Provision of Student Accommodation
- IF1 – Maintaining Vibrant Town and Local Centres
- EN4 – Conserving West Lancashire’s Natural Heritage

- SPD – Design Guide (Jan 2008)
- SPG – Design Guide for Shop Fronts

## **6.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

### The Site

- 6.1 The application site comprises two buildings, known as 22 and 24 Church Street, which were constructed in the 1970s, together with some land to the rear which is used as a private car park. No. 22 is a two storey building with a vacant retail unit at ground floor and offices to the upper floor. No. 24 is a three-storey building with a flat roof. There is a retail unit to the ground floor with ancillary storage above and a separate flat to the top floor, which is accessed from the western elevation.
- 6.2 On the southern side of no.22 there is an arched walkway between Church Street and the Stiles with both single and two-storey commercial buildings alongside. The site is bordered to the rear by a brick built single storey carpet shop to the south, the car park at the rear of 24 Church Street to the north and an area of undeveloped land to the east with The Stiles car park beyond. The site is located within the Ormskirk Town Centre Conservation Area and lies within the Primary Shopping Area of Ormskirk on one of the main thoroughfares.

### The Proposal

- 6.3 The proposed development is a revised proposal to application 2014/05666/FUL, which related to demolition of no.22 Church Street and the erection of a new four-storey building comprising A1/A2/A3 units to the ground floor with student accommodation to the upper floors. This permission remains extant until December 2017. This application seeks to incorporate no.24 Church Street, which adjoins no.22 into the development.
- 6.4 The scheme proposed includes the demolition of nos.22 and 24 Church Road and the erection of a four storey mixed use development which would include the following:
- Three ground floor units comprising A1/A2/A3/B1 uses with an internal floorspace of 56sqm (unit 1), 84sqm (unit 2) and 83sqm (unit 3); and  
Student accommodation to three upper floors, including a floor within the roof-space, comprising 35 en-suite bedrooms arranged in six clusters with each cluster benefiting from communal kitchen and living room facilities.
- 6.5 The footprint of the proposed building would be based primarily on the existing footprint of the two buildings, although the rear building line of no.24 would extend in line with that of no.22. The building would comprise facing brickwork and a mansard roof. The scheme incorporates box-type vertical windows across three floors at the rear. An integrated storage area would be provided at ground floor level with communal commercial and residential waste storage areas, secure cycle and a plant area.
- 6.6 The building would retain an undercroft passageway providing pedestrian linkage between Church Street and land at the rear. Access to the proposed ground floor units would be

from Church Street (Units 1 and 2) and The Stiles (Unit 3). Access to the student accommodation would be via the undercroft passageway between Church Street and The Stiles. No parking is provided on the site.

### Principle of Development

- 6.7 The site lies within the main settlement area where the principle of residential and retail development is acceptable under the terms of Policies SP1, GN1 and RS1 and IF2 in the Local Plan. The site is considered to be in a highly sustainable location within the Town Centre and easily accessible by public transport. The existing building is of no particular architectural merit, contributing little to the appearance of the area. As such, the principle of the redevelopment of the site for residential and enhanced retail offer complies fully with the aims and aspirations of the NPPF.

### Retail Units

- 6.8 Policy IF1 of the Local Plan positively enforces the promotion of sustainable and economically vibrant town centres and advises that retail development will be encouraged within town centres. The NPPF places great importance on the delivery of a strong, competitive economy and sustainable development and at para. 23 states that “*planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres*”. It goes on to advise that development should support the vitality and viability of town centres. In my view, the proposed development of replacement new modern retail floorspace will enhance the retail offer in the town and as the main entrance to one of the units will be located along the alleyway between Church Street and The Stiles, will increase footfall in this area in accordance with the thrust of national and local policy.
- 6.9 The proposed retail units will remain flexible in use in that permission for Class A1, A2 and A3 uses is sought – including shops, professional and financial services, restaurants and cafes. In view of the fact that the site is located within the primary shopping area (PSA) I am satisfied that this mix of uses is acceptable.

### Student Accommodation

- 6.10 Policy RS3 in the Local Plan refers specifically to proposals for student accommodation. It states that the development of purpose built student accommodation outside of the University Campus will be restricted, except where i) an over-riding need for such accommodation is demonstrated; ii) demand for the conversion of existing dwelling houses to HMOs will be demonstrably reduced; and iii) it will not negatively impact the amenity of surrounding uses. When assessing the potential impact of purpose-built student accommodation on the amenity of the surrounding areas, the Council will also have regard to the presence of any HMOs in the vicinity. In addition, Policy RS3 refers to taking into account the effects of clustering of HMOs.

- 6.11 The application site is located within the Primary Shopping Area within which Policy RS3 advises that a greater proportion than 15% of residential properties above ground floor level will be permitted to function as HMO's, subject to there being no unacceptable impact on the residential amenity of the primary shopping area or on the supply of accommodation for other town centre uses (for example offices, or storage for ground floor retail units).
- 6.12 With regards to the implementation of Policy RS3, at present there are 58 residential properties within the Primary Shopping Area, of which in excess of 15% are HMO's. However the policy specifically allows for a greater proportion of HMO's within town centre accommodation and importantly, Policy IF1 of the Local Plan states that in order to maximise the vitality and viability and improve natural surveillance of the town centre student accommodation will be acceptable above ground floor level. In my view, a balance needs to be struck between the requirement to create a vibrant town centre and some surveillance and the clustering of too much student accommodation in the town centre. There are no other purpose built units of student accommodation blocks within Church Street at present and the proposal will not result in any significant clustering of student accommodation within this part of Church Street. It is also important to note that planning permission has previously been granted for student accommodation on this site. Planning permission 2007/0436/FUL was granted for a four storey extension to the property to provide 27 student units and in the granting of 2014/0566/FUL planning permission was granted for 20 student bedrooms, and although this scheme has not been implemented, it is a material consideration.
- 6.13 In terms of the impact on the supply of accommodation for other town centre uses, the proposed ground floor units are to remain in retail use; however the existing first floor office space will be lost. As there are currently vacant office premises to let along Church Street, Derby Street West and Burscough Road, I am satisfied that the loss of the existing first floor office space would not result in a detrimental impact on the provision of such uses within the town centre. It is also important to note that planning permission has previously been granted to convert the first floor of the building to student accommodation (2008/0031/COU and 2014/0436/FUL).
- 6.14 The applicant has stated that there remains a need for purpose-built student accommodation because Edge Hill University continues to grow in popularity and despite recent growth in campus accommodation, not all students can gain places in halls of residences nor would wish to live on campus and therefore the demand for such accommodation in Ormskirk remains high. The past 5 years has seen an increase in off campus accommodation, particularly in the conversion of dwelling houses to HMOs within the residential areas of Ormskirk. In this respect, the provision of purpose-built student accommodation in the town centre will be likely to reduce the need for conversions of existing dwelling houses. In terms of the impact on the supply of accommodation for other town centre uses, the ground floor units will remain in retail/restaurant use as part of the proposal. Therefore I am satisfied that the proposed development will not unduly compromise the vitality or viability of the town centre.

## Impacts on Surrounding Land Uses

- 6.15 There are some residential flats above commercial premises within the area, although most first floor accommodation consists of office space. It is generally accepted that “above the shop” living within town centres increases surveillance of the area in the evenings and creates a more mixed and vibrant atmosphere. It is also generally accepted that occupiers of such premises are aware of the potential for more noise than in quieter residential areas. Provided adequate noise insulation is incorporated within the fabric of the new building, noise from the ground floor units can be controlled by appropriate planning conditions, I am satisfied that in this town centre location noise and disturbance generated by the use of the proposed residential accommodation would not be so significant as to cause harm to the amenity of nearby residents.
- 6.16 A representation has been received in respect of the potential impact on the side window belonging to no.20 Church Street which currently operates as a jewelry shop. The side window is used for display purposes and whilst the building line of the new development would be further forward than that which currently exists, no.20 is sited adjacent to the undercroft passageway and the accommodation at first and second floor at this point would be set back from the front face of the building. Given that the passageway which is approximately 3m wide remains in situ this does allow adequate views towards the south east of the display window on the side of no.20. Concern has also been expressed about the siting of the access to the student accommodation which would be to the side of the building within the passageway. I consider that this access is acceptable and would not lead to a significant increase in noise and disturbance as it would be located within a passage which is used by members of the public as a through route between The Stiles and Church Street. Whilst there is a dog grooming business along the passageway, this is used during daytime hours and not for other animal related uses such as overnight boarding and as such any nighttime activity would not be detrimental to the operation of the business.

## Siting, Scale and Design and Impact on the Conservation Area

- 6.17 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities have regard to the statutory priority for the protection of heritage assets, and LPAs should in coming to a decision refer to the principal act which requires paying ‘special attention to the desirability of preserving or enhancing the character or appearance of a conservation area’ as in s.72(1).
- 6.18 Policy EN4 requires all development in conservation areas to preserve or enhance the area’s character or appearance; not to have a detrimental effect upon trees or other important landscape features such as walls, plot shapes, paving and where the demolition of a building would leave an unsightly gap in a built-up frontage any consent should be conditional on a contract for the redevelopment being made before any demolition works commence. Policy GN3 requires development to complement or enhance any attractive attributes of its surroundings through sensitive design which includes appropriate siting,

orientation, scale, materials, landscaping, boundary treatment and that development incorporates suitable and safe access and vehicle parking provision.

- 6.19 The Design Guide SPD advises that new buildings within conservation areas and near to listed buildings should be designed to respect the setting, follow fundamental architectural principles of scale, height, massing and alignment and the use of appropriate materials. In addition the National Planning Policy Guidance advises that town centre buildings should include active frontages and entrances that support town centre activities. Where appropriate they may help to diversify town centre uses and the offers they provide.
- 6.20 The 2008/9 conservation area appraisal for Ormskirk Town Centre clearly identifies nos. 22 and 24 as anomalies in this part of the conservation area, being the only buildings that make a negative contribution to the character of the conservation area. The proportions of the building are not characteristic of the area, being only two storey in height with no architectural features of merit. As such, the contribution of the building to the overall significance of the conservation area is limited. However, the passageway leading through to The Stiles is significant as a characteristic of Ormskirk town centre's original street pattern. Provided any replacement building is of acceptable design and retains an undercroft passageway, I am satisfied that the loss of the existing building complies with para. 132 of the NPPF and with s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.21 The proposed scheme differs from the approved scheme in that it extends across the whole 'block' taking in no.24, and whilst it appears that the height of the new building is similar to that previously approved, its eaves are higher and are at a height somewhere between those on the adjacent buildings.
- 6.22 In my view the scale and massing of the proposed scheme harmonises with surrounding properties along Church Street but in a contemporary fashion. The passageway/link element is set back and is expressed in a change of architectural style/finish, which helps to visually separate the bridge or link part of the scheme (1 bay) from the other 4 bays and overall reduces the mass of the block. It also helps to express the passageway which will continue to run from Church Street to the Stiles area behind. The use of similar fenestration detailing along the Church Street frontage as that in adjacent buildings together with a deep reveal ensure that the building respects its context, whilst the use of contemporary materials such as aluminum frames offer a modern interpretation of the building.
- 6.23 The entrance to the student accommodation is from within the passageway which helps to enhance pedestrian movement in this area, this is further enhanced by the introduction of a ground floor commercial unit with windows facing onto the passageway. The rear elevation would include floor to ceiling windows on the upper floors which would also help to provide a focus to Derby Street rather than the existing blank elevation, and introduce activity and passive surveillance to this part of the Town Centre.



- 6.24 On balance I do not consider that the current proposal would harm the character and/or appearance of the Ormskirk Town Centre Conservation Area. In doing so the proposal meets the test laid down in the P(LBCA) Act 1990 and complies with the guidance contained in the NPPF and Policies GN3 and EN4 of the Local Plan.

#### Highways and Parking

- 6.25 In respect of parking issues, the scheme does not provide any on-site parking. However it has to be recognised that the site is in a highly sustainable location and government guidance encourages development in those locations. It is considered that the demand for parking with student accommodation in such a central location would be low, particularly as there is a regular bus service from the town centre to Edge Hill University and no University parking permits would be issued to residents in this location. Furthermore, there is a public car park directly to the rear of the site for any visitors or customers to the commercial units. Access will be maintained for service vehicles to serve the site from the service area adjacent to the Stiles Public House. Thus it is considered that there will not be any undue adverse impact on the level of parking provision or highway safety issues.

#### Protected Species

- 6.26 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, making provision for their needs. This allows the LPA to screen the project against the Habitats Regulations and relevant national and local policy.
- 6.27 A Bat Survey was submitted with the application, this survey includes the results of both an internal inspection and an emergence survey. The report concludes that an external and internal search of the buildings for signs of bats showed a negative result, and that no bats were seen emerging from the front or rear of the buildings. Therefore, it is unlikely that there would be any impact on bats as a result of the development. However, the report goes on to suggest mitigation measures to demonstrate that the '*favourable conservation*' of bats can be maintained. These mitigation measures include bat access to be incorporated into the design of the new building and soft demolition techniques (i.e. removal by hand for the roof). A condition will be placed on any approval given that requires the development to be undertaken in accordance with the recommendations given in the Bat Survey.

#### Drainage

- 6.28 Policy GN3 of the Local Plan requires that sustainable drainage systems have been explored alongside opportunities to remove surface water from existing sewers. Limited information in respect of drainage proposals have been submitted with the application, but the application form indicates that it is proposed for surface water to drain to the main sewer. However, the applicant will have to demonstrate that they have considered the

hierarchy of drainage options, as required in the NPPF. An appropriate planning condition will be imposed to ensure that the hierarchy is considered and the most appropriate surface water drainage option is incorporated into the development.

### Summary

6.29 In summary it is considered that the scheme will enhance the streetscene on Church Street and the conservation area in general, will not harm the vitality and viability of the town centre or residential amenity and satisfactorily meets the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. As such, the proposal is considered to be in accordance with Policies GN3, RS1, RS3, IF1 and EN4 of the West Lancashire Local Plan 2012-2027 DPD.

## **7.0 RECOMMENDATION**

7.1 That planning permission be GRANTED subject to the following conditions:

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-

Plan reference '02-02-001' received by the Local Planning Authority on 23.03.16.

Plan reference '02-02-002' received by the Local Planning Authority on 23.03.16.

Plan reference '02-02-003' received by the Local Planning Authority on 23.03.16.

Plan reference '02-05-005' received by the Local Planning Authority on 23.03.16.

Plan reference '02-03-001' received by the Local Planning Authority on 23.03.16.

Plan reference '02-03-002 A' received by the Local Planning Authority on 23.03.16.

Plan reference '01-03-003 A' received by the Local Planning Authority on 23.03.16.

Plan reference '01-03-004' received by the Local Planning Authority on 23.03.16.

Plan reference '02-04-001' received by the Local Planning Authority on 23.03.16.

Plan reference '02-05-001 A' received by the Local Planning Authority on 23.03.16.

Plan reference '02-05-002 A' received by the Local Planning Authority on 23.03.16.

Plan reference '02-05-003' received by the Local Planning Authority on 23.03.16.

Plan reference '02-05-004' received by the Local Planning Authority on 23.03.16.

3. No construction work shall take place until full details and samples of the external brickwork, roofing, door and window materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. For the avoidance of doubt samples of materials shall be made available for inspection on the site and not brought into the Council Offices.
4. Unless otherwise agreed in writing with the Local Planning Authority all rainwater goods shall be cast iron or aluminium ogee; and, rooflights shall be 'conservation grade' flush fitting rooflights.
5. The mitigation measures proposed within the Bat Survey Report received by the Local Planning Authority 23.03.16 shall be implemented in full.
6. Prior to the commencement of the use details of any plant, mechanical ventilation, refrigeration and odour filtration systems to be installed in the premises shall be submitted and approved in writing by the Local Planning Authority. No other systems shall be installed thereafter without the express written consent of the Local Planning Authority. The details required by this condition shall include measures to ensure that any such systems are acoustically isolated from the fabric of the building to minimise the possibility of structure borne sound and vibration. The flue shall not be fitted at any time with any restriction at the final opening such as a plate, cap or cowl that would prevent the proper dispersal of residual pollutants.
7. Details of the measures to control levels of noise including amplified music/voices emanating from the ground floor premises to the residential accommodation shall be submitted to and approved in writing by the Local Planning Authority before trading commences. The approved details shall be implemented prior to trading and shall thereafter be kept in operational order and used at all times when noise including amplified music/voices is occurring. Any replacement equipment shall be subject to the above.
8. Prior to construction a scheme for protecting the proposed residential properties from noise from the surrounding commercial premises and pedestrian routes shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to occupation of the student accommodation.
9. Collections of waste from the premises shall only take place between the hours of 0800 and 2000 Monday to Saturday and at no time on Sundays and Bank Holidays.
10. Prior to construction a scheme detailing the proposed lighting to be installed on the site shall be 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.
11. No work shall commence on site until a Construction Management Plan that sets out the measures to be undertaken during the construction to control dust and noise emissions and the hours of working has been submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved Management plan shall be fully implemented during the construction of the development.
12. No demolition shall take place until a facility has been provided on the site by which the wheels of all vehicles leaving the site can be cleaned. The wheels of all vehicles leaving

the site during all stages of implementation shall be cleaned so that they do not carry any mud, soil, grit or other such materials onto the public highway.

13. None of the Class A1 to A3 units on the ground floor shall be open for business between the hours of 12am and 8am on any day.
14. No development shall take place until a scheme for the foul and surface water drainage of the development, including any necessary attenuation measures, has been fully agreed with the relevant statutory body/bodies, and until written evidence of that agreement has been provided to and acknowledged in writing as acceptable by the Local Planning Authority. The surface water drainage scheme shall be based on the hierarchy of drainage options in the NPPG.
15. The student accommodation shall not be occupied by more than 35 residents at any one time.
16. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. 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. 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.
5. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
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10. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

11. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users 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.
13. To safeguard the occupiers of the surrounding area from excessive noise intrusion and so ensure compliance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
14. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
15. To ensure that parking requirements are satisfied having regard to the provisions of Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD.
16. To ensure and safeguard the recording of any archaeological deposits and the recording and inspection of matters of archaeological/historical importance associated with the buildings.

### **Notes**

1. The programme of archaeological work should initially consist of a desk-based assessment (DBA) and a building assessment (it should be noted a building assessment differs from a building record). The results should then be submitted. If the building assessment indicates there is need for a building record these works should be carried out prior to the commencement of any demolition. If the DBA indicates a formal excavation is required these works should be carried out between the demolition and new build phases. These works should be carried out by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists.

### **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  
RS3 - Provision of Student Accommodation  
IF1 - Maintaining Vibrant Town and Local Centres  
EN4 - Conserving West Lancashire's Natural Heritage

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.

<b>No.2</b>	<b>APPLICATION NO.</b>	2015/0477/FUL
	<b>LOCATION</b>	Land To The North Of Asmall Lane Scarisbrick Lancashire
	<b>PROPOSAL</b>	Erection of agricultural building including mezzanine floor above cooler store to provide farm office, staff 'brew room' and storage area. External staff toilets and septic tank. Agricultural access track and yard area (retrospective).
	<b>APPLICANT</b>	Molyneux Kale Company
	<b>WARD</b>	Scarisbrick
	<b>PARISH</b>	Scarisbrick
	<b>TARGET DATE</b>	12th August 2015

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## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Westley has requested it be referred to Committee to consider the possible negative impact on the openness of the Green Belt and loss of residential amenity to the neighbouring properties.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 2014/0855/PNP – Application for Determination as to Whether Prior Approval is Required for Details – Erection of agricultural machinery and produce store. Prior Approval NOT required 01.09.14.
- 2.2 2015/0019/FUL – Erection of 3 mobile stable blocks, open fronted shed and foaling box. Construction of 30m x 65m riding arena with a sand/fibre surface on land used for grazing of horses. Refused.
- 2.3 2015/0572/FUL - Erection of 5 stables, open fronted shed and foaling box. Construction of 60m x 20m riding arena and material change of use of land from agriculture to equestrian. Appeal against non-determination dismissed.
- 2.4 2015/1176/FUL - Erection of 5 stables, open fronted shed and foaling box. Construction of 60m x 20m riding arena and material change of use of land from agriculture to equestrian. Resubmission of application 2015/0572/FUL. Currently under consideration.
- 2.5 2016/0290/FUL - Erection of 3 unit stable block, open fronted shed and foaling box. Construction of a 20x60m riding arena with a sand/fibre surface on land used for grazing horses. (Re-submission of application 2015/0019/FUL). Deferred by Planning Committee at their meeting of 19<sup>th</sup> May 2016.

### **3.0 OBSERVATIONS OF CONSULTEES**

- 3.1 Environmental Health (31.05.15) – Concerns about the application in terms of the noise impact on nearby residential properties. The supporting information within the application does not adequately consider the noise impact of the operation of nearby residential properties. Before commenting further on the likely impact of the development further information is required, therefore a noise survey/assessment should be carried out.
- 3.2 Environmental Health (24.06.16) – This department first received a complaint about this site in March 2015 and has received complaints about noise from three nearby residents.

This department has carried out investigations into the noise complaints and this has included installing noise recording equipment in complainant's properties, carrying out officer visits and engaging an independent consultant to undertake noise monitoring.

We have not been able to establish that a statutory noise nuisance exists. However, our evidence suggests that noises such as crashes/bangs, vehicle engine noise, forklift truck movements are audible at complainant's properties and are occurring at fairly regular intervals throughout the operational day of the site.

The consultant's report concluded that whilst the noise climate is dominated by road traffic on Asmall Lane that activities from the agricultural building and associated yard and access track including HGV and forklift truck movements are audible. The report also comments that occasional crashes and bangs can be heard as can occasional movement alarms on trucks and forklifts. The report suggests a maximum indoor noise level of 32-38dB(A) LA<sub>eq</sub> due to the development.

I consider the noise from the site falls into the Lowest Observed Adverse Effect Level, where noise starts to have an adverse effect and as such consideration needs to be given to mitigating and reducing those effects. For these reasons I consider that it is essential to provide the nearby residents some respite from the noisy activities on the site and to allow them this I require the site to be closed on Sundays and Bank Holidays.

Should the application be approved, in order to mitigate and reduce the effects of noise from the site I therefore recommend that conditions are attached.

- 3.3 County Surveyor (13.07.15) – The site is accessed from an upgraded existing field access. The upgrade includes a compacted stone access track leading to a concrete apron to the south of the building and a stone parking and agricultural vehicle manoeuvring area. Detailed scaled drawings of the upgraded junction should be submitted to the Local Highway Authority for approval. These plans should show how the upgraded junction complies with current standards in relation to visibility splays, corner radii and swept paths for the service, agricultural and heavy goods vehicles that are expected to use this facility. If these standards are not adequately met there can be an



adverse effect on road safety in the vicinity of the junction. A safety Audit of the junction may also be required if any issues arise from the detailed scale drawings.

A recent automatic traffic count (atc) was installed on Asmall Lane to the east of the site entrance and this produced an 85<sup>th</sup> percentile weekday speed for the period between 7am and 7pm of 72kph westbound and 75kph eastbound. This suggests that the junction should be subject to standards contained in the Design Manual for Roads and Bridges (DMRB). However, due to low numbers of vehicles on the immediate highway network and the predominantly agricultural nature of the location, where slow moving and turning agricultural vehicles are to be expected, I am willing to consider any proposals to reduce these standards providing adequate highway safety levels can be maintained.

LCC expects the yard area and concrete apron to be operated in such a way that adequate manoeuvring and turning space can be maintained for visiting goods vehicles so that they can always egress the site by driving forwards and that no reversing of either goods or agricultural vehicles occurs onto the highway without the use of a banksman.

Information supplied with the application indicates that the applicant's business was relocated from an existing property in the south side of Asmall Lane to land on the north side and there was no increase in vehicles and thus no additional impact on the local highway network beyond that already existing.

LCC would have no objections to the application if it were shown that all relevant standards relating to visibility splays and corner radii have been met.

- 3.4 County Surveyor (13.06.16) – These comments refer to additional documentation supplied by the applicant including access drawings and swept path analysis plots.

The visibility splays can be adequately met but we would request that a condition protecting these splays should be included if planning permission is granted.

The corner radii of 15m is deemed suitable to accommodate the types and sizes of vehicles expected to use the development and should allow access/egress easily without the need to overrun onto grass verges at the side of the highway. This was shown in the swept path analysis plots that were provided.

As the additional information did not show that any safety issues would arise, a Stage 1 Safety Audit of the junction will not be required.

LCC expects that the final 5m of the access, extending back from the highway, should be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials, this is to stop loose material from being swept onto the highway and becoming a safety hazard and LCC request that this should be conditioned if planning permission is granted.

Any proposed entrance gate should be at least 15m back from the highway edge and the gates should open inwards onto the property.

- 3.5 County Land Agent (29.07.15) – Having discussed the aspects of the development with the applicant I am of the opinion that these are reasonable for the purposes of agriculture within the unit. The siting of the building is in accordance with the application 2014/0855/PNP and whilst there are some variations to the exterior design these changes appear to be appropriate to the needs of the enterprise. The addition of a yard area and access road is a necessary requirement for the applicant's operations. The proposed internal use of the building is in accordance with the applicant's operations.

#### **4.0 OTHER REPRESENTATIONS**

##### 4.1 First round of consultations:

10no. representations have been received objecting to the proposed development; the objections can be summarised as:

There has been an increase in HGVs and tractors pulling either long low trailers or high sided trailers, using Cottage Lane and if this planning application is successful this number will continue and may increase. These vehicles are a threat to the safety of pedestrians using Cottage Lane.

Cottage Lane is entirely residential in nature, very narrow in places and includes several bends, HGVs regularly drive up onto the pavement in order to pass on-coming traffic and have difficulty turning on the mini-roundabout.

The noise from the vehicles can be heard from within properties on Cottage Lane.

The rural economy is being prioritised above the needs of residents.

There is a culvert enclosing a brook under Cottage Lane and this may have been damaged by the weight of HGVs.

It cost £4000 to repair the sewer in the centre of the road which was cracked. For this the road had to be closed.

The increase in air pollution will have an impact on plant growth.

Each side of Cottage Lane has deep wide pot holes. The pavements are narrow and full of chippings thrown up from the pot holes.

A distribution centre in this location is inappropriate.

The activity on the site creates unacceptable levels of noise during the day and late into the evening (sometimes overnight).

Properties shake when the articulated lorries pass to enter the site, and cracking to the external render of properties has been experienced.

Windows have to remain shut because of the noise.

The volume of tractor vehicles passing residential properties is approximately 20+ times a day. This can start at 7am and on occasion continue in advance of 10.30pm.

The scale of the site means that the distribution centre has an oppressive impact on surrounding properties.

Each morning farm vehicles leave the MKC site and make their way right onto Asmall Lane towards a sharp bend. These vehicles approach the bend slowly to stop traffic to

the rear to enable an oncoming HGV to use both sides of the road to manoeuvre / achieve the turn, at times traffic has overtaken these farm vehicles which could eventually lead to a collision.

There has never been a farm/dwelling associated with this site, and this application is for the creation of a new farm/distribution centre.

The site is a Grade 1 arable crop field (approximately 12 hectares) and has always been used for the growing of crops.

The scale of the building and access road/ hardstanding etc. is a significant loss of openness of the Green Belt. The scale of the building, including the operational requirements exacerbate this impact.

2014/0855/PNP application applied for a building 459m<sup>2</sup>, using the majority of the permitted allowance of 465m<sup>2</sup>, on the 12 hectare site, within the building alone. It did not include provision for an access track, concrete hardstanding and reinforced concrete loading bay area, hardcore area, staff car park, external storage of pallets and plastic crates, external storage of machinery and vehicles, external WC's, 3 x waste skips, calor gas store, fuel store, shipping containers, external refrigerated units, office, cold store, external ventilation, external fire escape.

The building is out of scale with adjacent residential properties and has an overbearing impact.

The development has a detrimental impact on outlook from residential properties

The Human Rights Act Protocol 1 Article 1 states that a person has the right to the quiet enjoyment of all their possessions, which includes home and other land.

There is constant HGV activity on the loading bay area.

The freestanding refrigerated unit located at the side of the building is still on site some two months after the supporting statement declared it would be moved.

Case law (*T Norris v Three Rivers DC Jan 2015*) determines that a distance of around 50m away from existing buildings cannot be considered a cluster. In the Inspectors view, this distance was too large to treat the new buildings as an addition to the existing group of buildings. It was considered it would be located in an unbuilt and undeveloped part of the site.

Case law *APP/P113/A/13/2192879* states "existing outlook from those houses onto adjoining green land is particularly valuable, enhancing living conditions in those properties. When combined with loss of privacy the loss of outlook would significantly worsen living conditions".

There is overlooking from staff to residential properties/gardens.

The loading and unloading of 44 ton HGVs with rolling stock using machinery and forklift trucks, forklift truck alarms combined with reversing alarms is extremely noisy.

Many collections from the site are unsupervised with drivers having access to the site to load themselves.

Many vehicles leave their engines running and refrigerated units running for as long as 3 hours.

Windows cannot be opened as it is too noisy, and private garden areas cannot be enjoyed.

Case law states that it is 'fair for local residents to expect that, living in a rural area, they would not be disturbed by noises more akin to an industrial environment. The increased noise generated by the development would run contrary to this expectation and would

amount to an unreasonable impact on their residential amenity. "( Daniel C Upton Ltd v East Dorset DC 2013)

The application states that there is no waste on site, however, there are 3 skips which are filled with waste crop residues. There is now a significant problem with flies, something that has not been experienced previously.

There are fumes from diesel engines.

Floodlights have been installed on the building and the light pool is significant and high level. This has an impact on road users and the visual amenity of the Green Belt.

Parking of staff vehicles conflicts with the openness of the Green Belt.

The access road introduces a commercial element to the Green Belt.

Substantial quantities of calor gas bottles are stored on site in non-secure storage, these pose a risk of fire on an unsupervised site.

A septic tank has been installed within 5m of a watercourse, there is the potential for contamination.

Packaging is blowing into the local environment.

There may be vermin in the building as the shutter door is left open in excess of 12 hours a day. The nearby stables will also attract vermin.

4.2 Scarisbrick Parish Council (04.08.16) – Objects to the application.

4.3 Second round of consultations following receipt of amended plans.

3no. representations have been received objecting to the proposed development; the objections can be summarised as:

The proposed landscaping will not disguise the activity from the site.

If the level of activity so close to neighbours was known at the time of determining the prior notification application more thought and consideration would have been taken.

There is a lack of transparency from MKC.

At the time of the prior determination application it was advised that the building was for the storage of produce and agricultural equipment.

It has been like living next to an industrial estate for 15 months.

There is noise and disruption from lorries arriving throughout the day and night.

Lorries sit with their engines running whilst waiting to be loaded.

On many occasions there have been lorries waiting in a queue to be loaded.

The loading and unloading of vehicles at the front of the building contribute to much of the noise experienced through the day.

There is poor management in relation to the activities at the site.

If permission is granted the conditions suggested by Environmental Health should be applied.

The landscaping proposed is minimal and not fit for purpose.

Car parking is not shown.

The site is a mess with crates, pallets and a large skip with rotting produce littered around the concrete apron.

The design of the building does not consider immediate neighbours in terms of its orientation and its current use. It is not being used as an agricultural store and faces outwards towards the residential properties.

The applicant could minimise the impact on immediate neighbours if the opening was moved to the rear of the building and loading and unloading was moved to the far side of the building at the rear of the hardcore yard area.

The engineering operations required to construct the loading bay involved using reinforced steel set into concrete; this is a serious detriment to the Green Belt.

There is potential for there to be 30 cars parked on the site per day.

There are 20 visits per day from HGVs, these are not mentioned in the application.

There is no mention in the supporting statement about the use of the concrete apron.

The engineering operations (access road, hardcore car-parking area/turning area) are detrimental to the Green Belt, and fail to preserve openness contrary to the NPPF.

The current Beech hedging proposed is inadequate to minimise impact on the openness of the Green Belt.

There is no mention of the purpose of leaving the 10m area on the eastern boundary; this should be used for tree planting to prevent vehicular access.

Timescales should be imposed for the removal of the shipping containers and temporary buildings on the site.

- 4.4 National Farmers Union (20.05.16) – Policies from both the local and central governments have recognized the need to support rural businesses. It is necessary for MKC to have this building in order for the land to be fully utilized as agricultural land, and in order for them to house the necessary equipment and facilities they require to maintain the agricultural business. The NFU fully supports members who wish to develop and adapt agricultural buildings in order to continue their viable, sustainable businesses. The Council is urged to take a favourable view in order to see MKC's farming enterprise sustained.
- 4.5 Scarisbrick Parish Council (05.07.16) – Whilst appreciating the needs of a strong rural economy, the local road infrastructure cannot cope with increased levels of HGV activity at this site.

## **5.0 SUPPORTING INFORMATION**

- 5.1 The following information has been submitted in support of the planning application:

Supporting Statement  
Acoustic Assessment

## **6.0 RELEVANT PLANNING POLICIES**

- 6.1 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.

- 6.2 The site is located within the Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD and therefore the following policies are relevant:

**The National Planning Policy Framework (NPPF)**

Supporting a prosperous rural economy  
Requiring good design  
Protecting Green Belt land  
Conserving and enhancing the natural environment  
Facilitating the sustainable use of materials

**West Lancashire Local Plan 2012-2027 DPD (WLLP)**

GN1 - Settlement Boundaries  
GN3 - Criteria for Sustainable Development  
EC2 – The Rural Economy

Supplementary Planning Document – Design Guide (January 2008)  
Supplementary Planning Document – Development in the Green Belt (October 2015)

**7.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

*Background*

- 7.1 The agricultural building which this application relates to was erected in 2015 following an approval of a similar agricultural building under permitted development, application reference 2014/0855/PNP. Following erection of the building it was found that the development was not in accordance with the details included in application 2014/0855/PNP. Whilst the size and location of the building was substantially as per the approved plans, the building had an additional mezzanine floor, there were changes to the position of the openings and the building had an associated access track and hardstanding. As such the applicant was advised to submit a retrospective planning application.
- 7.2 The applicant operates an agricultural business comprising primarily of the growing of Kale and Spring Greens. The business trades as Molyneux Kale Company (MKC). MKC was formed in 2013, prior to which the applicant worked for the family farming business located at Asmall House Farm, which is directly opposite the application site. As a consequence of business circumstances the operations at Asmall House Farm ceased and by November 2014 the farm was sold and rental agreements terminated. Following construction of the agricultural building the business operation moved from Asmall House Farm across the road to the new building.

### *The Site*

- 7.3 The application site is located on the north side of Asmall Lane. To the north and west there are open agricultural fields; to the east are Blackthorn Barn and Brough Farm which are residential properties, and; to the south Asmall House Farm which is another residential property. There is an agricultural barn to the south east of the site.
- 7.4 There are currently unauthorised stables to the south of the agricultural building; an application for an alternative location for these stables is included for consideration on this agenda.

### *The Proposal*

- 7.5 The application is for retrospective planning permission and seeks to retain the agricultural building, access track and yard area, which are currently on site.
- 7.6 The agricultural building is approximately 7.52m to ridge height, 5.48m to eaves height, and has an approximate floor area of 486.6sqm. The building includes a produce packing and storage area which encompasses approximately 2/3 of the ground floor area; an electricity powered cold store comprising 152.4m<sup>2</sup> of ground floor, and; a mezzanine floor above the cold store, access to which is via an internal staircase, although an additional access via an external staircase will be located on the west gable of the building. The mezzanine floor area is to be used to provide an office, storage area and staff facilities.
- 7.7 There is a concrete apron to the south and west of the building, with a smaller area of concrete to the north (rear of the building). The access track is constructed from compacted stone, and utilises an existing field entrance. It provides access from Asmall Lane onto the site and leads to a hardcore yard area, staff parking is provided in this yard area. There would be a gateway on the access track, which would be set 15m from Asmall Lane.
- 7.8 At present there is a chiller unit and two temporary containers outside of the building which provide temporary office and staff facilities. The applicant intends to remove these. A staff toilet block is located externally to the north (rear) of building.

### *Principle of Development – Agricultural Building*

- 7.9 Policy GN1 of the WLLP states that development proposals within the Green Belt will be assessed against national policy. Paragraphs 79-92 of the NPPF sets out national planning policy in relation to Green Belt. The fundamental aim of the Green Belt is to prevent the uncontrolled spread of urban areas by keeping land permanently open. The essential characteristics of Green Belt are its openness and its permanence.

The Green Belt serves five purposes:

To check the unrestricted sprawl of large built-up areas;  
To prevent neighbouring towns merging into one another;  
To assist in safeguarding the countryside from encroachment;  
To preserve the setting and special character of historic towns; and  
To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 7.10 The NPPF (para.89) states that the construction of new buildings is inappropriate in the Green Belt, with one of the exceptions being buildings for agriculture and forestry as long as the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. There is no requirement under the NPPF for the applicant to justify an agricultural need, however as the NPPF places 'great importance' to Green Belts (paragraph 79) and considers the essential characteristics of Green Belts are their openness and permanence, it is my opinion that it would be perverse not to carry out a test for agricultural need.
- 7.11 The area of land owned by the applicant extends to approximately 66 acres. The applicant occupies 70 acres at Bold Farm on a 20 year Farm Business Tenancy, and a further 149 acres are rented on various short term agreements. The agricultural enterprise comprises of the growing of Kale, Spring Greens and Chard, and cereals and grass as break crops. Harvesting takes place all year round although the varieties differ as each has a different growing season. The applicant has developed a unique Kale variety which is specific to the local area and can be grown all year round.
- 7.12 The majority of the produce is grown, harvested and packed by MKC in the field. The produce is then transported from the field to the yard where it is stored in the cold stores to regulate the temperature of the produce prior to delivery to customers. A small amount of produce is harvested and transported to the yard and packed in the packing area of the building. No produce is brought to the yard by any third party companies for re-supply.
- 7.13 The County Land Agent has assessed the application and considers that the internal use of the building is in accordance with the applicant's operations, and that the agricultural building is necessary for the purposes of agriculture. The siting of the building is in accordance with the earlier application for prior approval (2014/0855/PNP) and whilst there have been some changes to the exterior design of the building these changes appear to be appropriate to the needs of the business.
- 7.14 Given the proposed use of the building, which is clearly for agricultural purposes, I am satisfied that the proposed agricultural building is reasonably necessary for the purposes of agriculture, and is therefore an appropriate form of development in the Green Belt.



*Impact on the Green Belt - openness*

- 7.15 In terms of the impact of the development upon the visual amenity and openness of the Green Belt, it is my opinion that the building has been sited nearby other built development on Asmall Lane, including two storey residential buildings, farm buildings that have been converted to residential accommodation and agricultural buildings of a similar height, including the building to the south east of the site and those associated with Asmall House Farm; and is therefore seen in the context of these buildings, thus minimising impact on the openness of the Green Belt.

*Principle of Development – Track and Hardstanding*

- 7.16 Paragraph 90 of the NPPF states that engineering operations are not inappropriate in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. In this case the track and hardstanding are considered to be engineering operations.
- 7.17 The County Land Agents in their assessment have advised that the yard area and access track are a necessary requirement for the applicant's operations. Therefore, I consider that the track and hardstanding are necessary for the business and there is an operational need for them, and whilst they are relatively large they are of an appropriate size to meet the needs of the business.

*Impact on the Green Belt - openness*

- 7.18 The assessment above has concluded that the agricultural building is an appropriate form of development in the Green Belt, which would be seen in the context of other built development on Asmall Lane. It therefore follows that the access track and concrete apron serving the building and operations on the site, whilst relatively large and visible from Asmall Lane would not have an undue impact on openness. Should planning permission be granted a condition would be imposed which requires the applicant to implement a landscape buffer to the south of the concrete apron. This landscape area would have the effect of minimising the impact of the hardstanding area on the visual amenity and openness of the Green Belt.

*Rural Economy*

- 7.19 Within the NPPF Local Planning Authorities are also encouraged to support economic growth in rural areas by taking a positive approach to new development. In order to maintain prosperous rural economies, the NPPF advises that the sustainable growth of rural businesses should be supported and the development of agricultural business should be promoted.

### *Siting, Scale and Design*

- 7.20 Policy GN3 of the Local Plan states that proposals should consider the scale of new development and ensure that the height and massing is appropriate in relation to the neighbouring properties and the surrounding environment.
- 7.21 Guidance within Part Three of the Council's Design Guide states that new development should be of an overall scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that the building's height, scale and form including roofline do not disrupt the visual amenities of the streetscene and impact on any significant wider landscape views.
- 7.22 The size and height of the building is commensurate with that of other agricultural buildings, and given the rural location does not appear out of keeping in the area. Furthermore, the design of the building is not dissimilar from that approved by virtue of application 2014/0855/PNP, which is a material consideration. The building is constructed of green plastic coated steel sheeting which is commonly used in the construction of agricultural buildings. I consider that the height, design and type of materials are typical of this type of rural agricultural building and I am satisfied that the proposed development complies with the requirements of Policy GN3. A landscaping condition is proposed to provide some screening to the development and reduce the impact on visual amenity.

### *Impact on Residential Amenity*

- 7.23 Policy GN3 of the WLLP states that proposals for development should retain or create reasonable levels of privacy and amenity for occupiers of neighbouring properties.
- 7.24 The nearest residential properties are Blackthorn Barn, Brough Farm and the dwelling at Asmall House Farm. Concern has been raised from local residents about the noise arising from the activities at the site and the impact that this is having on residential amenity. A number of complaints have also been received by the Council's Environmental Health Department since March 2015.
- 7.25 Following initial consultation on the application the Council's Environmental Health Officer advised the applicant to undertake an acoustic assessment of the impact of the proposed agricultural building and associated activities. This report was submitted January 2016.
- 7.26 The Council's Environmental Health Officer has also investigated the noise complaints which has involved installing noise recording equipment in complainant's properties, carrying out officer visits and engaging an independent consultant to undertake noise monitoring.
- 7.27 The applicant's acoustic assessment established that the dominant noise source through the entire measurement period was passing traffic along Asmall Lane. It goes on to say that as the residential properties are located 44m closer to this source than the monitoring

position, the background noise from traffic at the residential properties would be higher. It concluded that the rating level to be experienced at the nearest residential occupier to the development site is below the background level, and therefore the noise levels from the site are unlikely to have a significant adverse effect on the nearby residential receptors, and therefore meets the requirement of the NPPF.

- 7.28 The Environmental Health Officer has reviewed these findings and compared them to the independent assessment of the likely impact. The independent assessment undertaken verifies the findings of the applicant's report and therefore Environmental Health have concluded that they are unable to establish that a statutory noise nuisance exists. However, evidence from both the applicant's assessment and the independent assessment does suggest that noises such as crashes/bangs, vehicle engine noise, and forklift truck movements are audible at complainant's properties and are occurring at fairly regular intervals throughout the operational day.
- 7.29 Following the two assessments it is considered that the noise from the site falls into the Lowest Observed Adverse Effect Level, where noise starts to have an adverse effect, however, a statutory nuisance has not been established, therefore I consider that on balance the noise impact from the development is not so significant to warrant refusal of the application on these grounds. However, consideration needs to be given to mitigating and reducing noise effects from the operation of the site. With the aim of reducing the likely impact on local residents, the Environmental Health Officer has recommended that several planning conditions are attached to any approval granted. These conditions include restrictions on the hours of operation, restrictions on the number of vehicles that are permitted to access the site per day, and a requirement on the applicant to produce a Site Management Plan with the purposes of controlling noise emanating from the site and other environmental issues, such as noise from fork lift trucks and movement of crates and pallets. In addition to these conditions there would also be a requirement for an acoustic barrier in the form of a 2m high fence and landscaping, to be erected along the length of the eastern and southern boundary of the site.
- 7.30 As regards the suggested conditions, the Environmental Health Officer has requested a condition that restricts the loading, unloading and packing activities on the site to within the hours of 0800 to 1800 Monday to Friday and 0800 – 1300 hours on Saturdays; and at no time on Sundays, Bank or Public Holidays. However, the business does currently operate on Bank and Public Holidays and on Sundays, and in my view it would be unreasonable to be overly restrictive the business as it is not uncommon for agricultural operations within the Borough to operate 7 days per week. Any conditions imposed must take account of the agricultural needs of the operation as well as the need to protect the amenities of local residents. On balance, I consider it reasonable to allow activities on site during Bank and Public Holidays during the hours of 0800 to 1300, and on Sundays propose to restrict activities so that there is no packing on site and vehicle collection, deliveries, loading and unloading is restricted to between the hours of 0900 to 1200.
- 7.31 A condition has been suggested which would limit delivery and collection vehicles (other than agricultural vehicles) entering or leaving the site outside the hours of 0800 to 1800

Monday to Friday and 0800 to 1300 Saturdays and at no time on Sundays or Bank and Public Holidays. I also consider this to be overly restrictive as with the previous condition, and would suggest that in line with the above condition it is appropriate to allow delivery and collection vehicles to access the site between the hours of 0800 to 1300 on Bank and Public Holidays and 0900 to 1200 on Sundays.

- 7.32 A condition is suggested which requires the submission of details of all external lighting to be installed on the site, and a further condition to restrict the use of the lighting to between the hours of 0730 to 1830 Monday to Friday and 0730 to 1330 on Saturdays and at no other times. In line with the suggested conditions above and the operational needs of the business, I consider that it would be appropriate to allow external lighting to be used 0730 to 1330 on Bank and Public Holidays and 0830 to 1230 on Sundays.
- 7.33 The amended drawings show an access gate along the track set 15m back from Asmall Lane. This gate would prevent vehicles from entering the site outside of operational hours. The Environmental Health Officer has suggested that this gate should be locked at all times outside the hours of 0730 to 1830 Mondays to Fridays and 0700 to 1300 on Saturdays. To ensure that access to the site corresponds with the hours of operation suggested above, the condition should allow for the gate to be open between the hours of 0730 – 1330 on Bank and Public Holidays, and 0830 to 1230 on Sundays.
- 7.34 I consider that these conditions are reasonable and would not be overly restrictive to the successful operation of the business but would also have the effect of protecting residential amenity to an acceptable level.
- 7.35 In terms of the impact from the building itself, it is approximately 50m from the curtilage of the nearest residential property, Blackthorn Barn, and 80m from Asmall House Farm. Taking these separation distances into account I do not consider that the building has a detrimental impact on occupiers of the nearby residential properties in terms of being overbearing in nature, however to further reduce this impact on outlook, a planning condition will be attached which requires the submission of details of a landscape buffer area to the south and east of the concrete apron.
- 7.36 I consider that provided appropriate conditions are imposed, the business is capable of operating without causing significant harm to the amenities of nearby residents and the development is compliant with Policy GN3 of the Local Plan.

#### *Highways*

- 7.37 The access to the site is taken off Asmall Lane via an upgraded field access. The upgrade includes a compacted stone access track leading to a concrete apron to the south of the building and a stone parking and agricultural manoeuvring area. At present the track also offers access to the unauthorised private paddock area.
- 7.38 In terms of the vehicle numbers to the site the County Surveyor considers that as the applicant's business was relocated from an existing property on the south side of Asmall

Lane to the north side there should be no additional impact on the local highway network beyond that previously existing.

- 7.39 The County Surveyor has advised that adequate visibility splays can be achieved at the site entrance but have requested a condition protecting these splays if planning permission is granted. They have also requested that the final 5m of the access, extending back from the highway should be appropriately paved in tarmac, concrete, block pavements, or other approved materials; this can be secured by a planning condition. It is proposed that the site be gated to prevent access outside of the agreed hours of use and the gate is set back 15 m from the highway to allow vehicles to pull clear of the carriageway. The Highway Authority are satisfied with this arrangement.

#### *Drainage*

- 7.40 Policy GN3 of the Local Plan advises that development should not result in unacceptable flood risk or drainage problems. The application form advises that foul sewage will be disposed of via a septic tank and surface water will be disposed of via a soak away. No information has been submitted in respect of the soak away and as such an appropriately worded condition will be attached to any approval granted requiring the submission of these details.

#### *Summary*

- 7.41 Given the above I consider that the development is reasonably necessary for the purposes of agriculture and would not unduly affect the openness of the Green Belt, adversely impact on the character or appearance of the local area, or have a significant detrimental impact the amenities of local residents. In my view the proposal meets the requirements of Policies GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD and should be recommended for approval.

### **RECOMMENDATION**

- 8.1 That planning permission be GRANTED subject to the following conditions:

#### **Conditions**

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:-

Plan reference 'Option 4 – Agricultural Building' received by the Local Planning Authority on 17.06.16.

Plan reference 'Location Plan' received by the Local Planning Authority on 08.05.15.

Plan reference 'Agricultural Building Floor Plan' received by the Local Planning Authority on 24.06.15.

Plan reference 'Agricultural Building Elevations' received by the Local Planning Authority on 24.06.15.

2. Within one month of the date of this permission visibility splays from the access shall be agreed in writing with the Local Planning Authority. Within one month of the approval of details, the agreed visibility splays shall be provided on site and thereafter there shall be no planted hedges, trees or shrubs over 600m above the road level within any visibility splays required to maintain safe operation for all users.
3. Within two months of the date of this permission 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 approved materials, and maintained as such thereafter.
4. Within one month of the date of this permission a plan shall be submitted to and approved in writing by the LPA showing a turning area on site to enable vehicles to enter and leave the highway in forward gear. Thereafter the approved vehicular turning space shall be kept clear at all times for the manoeuvring of vehicles.
5. There shall be no loading, unloading or packaging activities on site and no plant shall be operated on the external yard area or access track outside the hours of 08:00 to 18:00 Monday - Friday and 8:00 to 13:00 on Saturdays, Bank or Public Holidays. On Sundays there shall be no packing activities at any time and vehicle collection, deliveries, loading and unloading shall be restricted to between the hours of 09.00 to 12.00.
6. Other than agricultural vehicles and equestrian vehicles there shall be no delivery and collection vehicles entering or leaving the site outside the hours of 08:00 to 18:00 Mondays to Friday and 08:00 to 13:00 Saturdays, Bank or Public Holidays, and 09.00 to 12.00 on Sundays.
7. The number of large goods vehicles Class C or C+E (as categorized by the LGV/HGV Driving Licence Categories) visiting the site shall not exceed 4 in any one day with a maximum number of 10 visits of vehicles Class C, C1 or C+E (as categorized by the LGV/HGV Driving Licence Categories) in any one day. A record of all large good vehicles visiting the site shall be kept up to date and be made available for inspection at any time by the Local Planning Authority. For the avoidance of doubt this shall exclude agricultural vehicles and animal transporters.
8. There shall be no diesel powered vehicle/trailer mounted refrigeration or freezer units operated on stationary vehicles. Vehicle/trailer mounted refrigeration or freezer units must be connected to an electrical supply if required to power the unit.
9. The engines of any vehicles on site shall be turned off and kept off, whilst the vehicle is stationary.
10. The rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 45dB(A)LAeq, 1hr between 0700 and 2300 hours on any day and 30dB(A)LAeq, 15 min between 2300 and 0700 hours on any day as measured or calculated at the boundary of any nearby residential dwelling, as determined in accordance with BS4142:2014.
11. No additional plant shall be installed or operated on site without the express consent of the Local Planning Authority.
12. No mobile plant vehicles shall be operated on the site other than those with a 'white noise' type of reversing warning alarm system set to self-adjust to no more than 5dB above the

ambient noise level; or an alternative system approved in writing by the Local Planning Authority. For the avoidance of doubt, this condition shall not apply to goods vehicles (HGVs) collecting produce from site, agricultural vehicles or waste collection vehicles.

13. Within one month of the date of this permission a scheme detailing the external lighting to be installed on the site shall be 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 and as per manufacturer's instructions. There shall be no further lighting installed on site without the express consent of the Local Planning Authority.
14. The lighting hereby approved shall only be illuminated during the hours of 07.30 and 18.30 Monday to Friday and 07.30-13.30 Saturdays, Bank and Public Holidays and 08.30 to 12.30 Sundays.
15. Within one month of the approval of details, an acoustic barrier shall be erected along the length of the eastern and southern boundary of the site. The fence shall be a minimum of 2m in height and shall be of close boarded construction with a minimum mass of 12kg/m<sup>2</sup>. The barrier shall be free from holes; be sealed at the base to prevent sound transmission under the barrier; and the boards of the fences shall be either tongue and groove type so that there is an overlap or the joins covered with wood strips or battens to ensure there are no gaps at installation and subsequently following weathering. Within one month of the date of this permission a scheme detailing the fence specification shall be submitted to and approved by the Local Planning Authority. The installed fence shall be retained and maintained in good condition whilst the permitted use remains.
16. Within one month a scheme shall be submitted to and approved by the Local Planning Authority that specifies the provisions to be made for the overall management of the site. This should include the control of noise emanating from the site and other environmental issues including:
  - Loading / unloading practices
  - Movement of crates and pallets
  - Noise from radios on tractors and other vehicles
  - Noise from fork lift trucks
  - Noise from staff during breaks / smoking breaks
  - Dust from the site

These provisions can include physical and/or administrative measures. The overall management plan shall be operational within one month from the date of approval of the scheme and shall remain so whilst the permitted use remains.

17. Within one month from the date of approval of details, the access barrier shown on plan ref. 'Option 4 - Agricultural Building' shall be erected along the width of the access track. The barrier shall be kept closed and locked at all times outside the hours of 07.30 and 18.30 Mondays to Fridays and 07.30 -13.30 on Saturdays, , Bank or Public Holidays, and 08.30 to 12.30 on Sundays, other than for access to the adjoining stables. Within one month of the date of this permission a scheme detailing the barrier shall be submitted to and approved by the Local Planning Authority. The barrier shall be retained and maintained in good condition whilst the permitted use remains. For the avoidance of doubt the gate should open away from the highway.

18. No materials or equipment shall be stored on the site outside the building with the exception of to the rear (north) of the building except waste materials which may be kept in bins for removal periodically.
19. Within one month of the date of this permission a landscaping scheme shall be submitted to and approved by the Local Planning Authority. The landscaping scheme shall include a landscape buffer to the southern and eastern boundary of the site adjacent to the proposed acoustic fence and show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas. Trees and shrubs planted shall comply with BS. 3936 (Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). Within a period of 9 months from the date of this permission the approved landscaping scheme shall be carried out. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.
20. Within one month of the date of this permission a scheme for the means of disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed scheme shall be fully implemented within one month of the date of approval.
21. The external chiller and 2no. containers shall be removed from the site within one month of the date of this consent.

### **Reasons**

1. 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.
2. Within 2 months of the date of this permission 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 paviours, or other approved materials, and maintained as such thereafter.
3. To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.
4. Vehicles reversing to and from the highway are a hazard to other road users.
5. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.



9. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
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17. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
18. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
19. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
20. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
21. 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.

### **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

## EC2 - The Rural Economy

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.

<b>No.3</b>	<b>APPLICATION NO.</b>	2015/1176/FUL
	<b>LOCATION</b>	Middle Place Asmall Lane Scarisbrick Lancashire
	<b>PROPOSAL</b>	Erection of 5 stables, open fronted shed and foaling box. Construction of 60m x 20m riding arena and material change of use of land from agriculture to equestrian. Resubmission of application 2015/0572/FUL.
	<b>APPLICANT</b>	Molyneux Kale Company
	<b>WARD</b>	Scarisbrick
	<b>PARISH</b>	Scarisbrick
	<b>TARGET DATE</b>	12th August 2016

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## **1.0 PREVIOUS RELEVANT DECISIONS**

- 1.1 2014/0855/PNP – Application for Determination as to Whether Prior Approval is Required for Details – Erection of agricultural machinery and produce store. Prior Approval NOT required 01.09.14.
- 1.2 2015/0019/FUL – Erection of 3 mobile stable blocks, open fronted shed and foaling box. Construction of 30m x 65m riding arena with a sand/fibre surface on land used for grazing of horses. Refused.
- 1.3 2015/0477/FUL – Erection of agricultural building including mezzanine for above cooler store to provide farm office, staff brew room and storage area. External staff toilets and septic tank. Agricultural access track and yard area (retrospective). Currently under consideration.
- 1.4 2015/0572/FUL - Erection of 5 stables, open fronted shed and foaling box. Construction of 60m x 20m riding arena and material change of use of land from agriculture to equestrian. Appeal against non-determination dismissed.
- 1.5 2016/0290/FUL - Erection of 3 unit stable block, open fronted shed and foaling box. Construction of a 20x60m riding arena with a sand/fibre surface on land used for grazing horses. (Re-submission of application 2015/0019/FUL). Deferred by Planning Committee at their meeting of 19<sup>th</sup> May 2016.

## **2.0 OBSERVATIONS OF CONSULTEES**

- 2.1 Environmental Health (16.12.15) – No objection in principle. There are some residential properties close by and if the application is considered for approval suggest several conditions in order to protect residential amenity.

2.2 United Utilities (08.12.15) – The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. No conditions requested.

### **3.0 OTHER REPRESENTATIONS**

3.1 First round of consultations:

3 no. letters have been received objecting to the proposed development; the objections can be summarised as:

The location of the stables may have changed but the traffic and times using the access track will not.

The agricultural barn immediately adjacent to the stables is only accessed for equestrian use, but is omitted from this application.

There is light pollution from the light on the barn which is being used to facilitate the equestrian use.

Horses escape from Asmall Lane which is a safety issue.

The riding arena is big and will have an impact on the Green Belt.

The site is a grade 1 arable crop field and has never been used for any other purpose.

The application is vague and lacking in detail.

There is no farm or dwelling associated with the application, therefore the development is unsupervised.

The application relies on the fact that the agricultural barn will gain planning approval

The third application is barely different to the original which was refused

Recent case law suggests that horse breeding is not agricultural. The applicant intends to have home bred horses.

The stables and unauthorised agricultural building have a cumulative massing impact on Asmall Lane.

The site would not provide sufficient grazing for each horse according to the 'British Horse Society and the Countryside Commission' Guidance.

The applicants should consider using Asmall Livery stables.

The development would have a detrimental impact on outlook from residential properties.

Will the metal shipping container which is currently on the site continue to be used for the storage of horse tack?

The parked vehicles will have a permanent impact on the openness of the Green Belt.

The use will be noisy, and as such hours of use should be restricted.

The newly created paddock adjacent to Blackthorn Barn is being used for horse training / breaking and conditions should be used to prevent this activity in this area; otherwise this negates the LPAs refusal of the previous application based on the loss of amenity through loss of privacy and increased noise and activity at Blackthorn Barn.

There are no details on the amount of manure stored and time frames for disposal nor the exact location of the temporary store.

One horse generates up to 9 tonnes of manure and 876 gallons of urine a year. The previous application detailed the number of horses and it can only be presumed to be the

same in this application. Based on the 8 horses in the application this would equate to 72 tonnes of manure and over 4000 gallons of urine.

The ammonia in horse urine is extremely flammable and UK Government guidance states stables should not be located near fuel storage. The agricultural barn development has made no reference to where their vehicles will be fuelled. Bunded tanks have been delivered to the area where the company currently is storing their machinery. Should it be the company's intention to store red diesel on site at the new agricultural building then this needs to be considered as a potential fire risk.

The urine may soak into and contaminate the ground. There are no proposals for on site drainage, nor any details of how the run-off from the contaminated yard, manure heap, stable washing will be dealt with.

UK Government guidelines state either an impermeable lagoon or a sealed effluent tank should be used and removed cyclically. Good water drainage is essential for healthy stables as standing water and boggy areas are breeding grounds for flies, insects and disease. Conditions regarding drainage should be imposed as the new location proposed for the stables are immediately adjacent to a field drain/watercourse.

Asmall Lane is a unlit rural unclassified road and any provision of lighting will be invasive and will be detrimental to road users trying to negotiate the winding bends immediately adjacent to the land the development is on.

Any lighting will have a significant impact on the wildlife and residents in the area. Conditions on the lighting sources used will need to be imposed.

The open barn to be used for hay storage is a fire risk to both the two houses adjacent to the development and the horses. Ammonia is a flammable gas which can explode and ignite.

Stables attract vermin and there is no provision in the application for an enclosed food or bedding store, merely an open barn.

Consideration should be given to the fact that this development will be adjacent to the newly built crop store / packing shed which is housing crops for human consumption.

The applicant intends to use an area for horse jumping and various jumps and associated paraphernalia is left out in the fields constantly, this area has not been disclosed within the submission. This detracts from the visual amenity of the area. Conditions need to be imposed to ensure that jumps are used and removed on a daily basis to prevent harm to visual amenity.

The applicant intends to use the area for horse jumping and dressage/training. The development includes post and wire fencing to contain escapees. However, as the area is immediately adjacent to the public highway and the horses are being trained to jump this could result in a serious road traffic accident.

- 3.2 Scarisbrick Parish Council (08.12.15) – The tack room is out of proportion and the development is sited in an open and prominent position which compromises the Green Belt (this application mirrors 2015/0572/FUL) which Scarisbrick Parish Council was against for the same reasons).
- 3.3 Second round of consultations following receipt of amended plans.

3no. letters have been received objecting to the proposed development; the objections can be summarised as:

The planning application is preferential to the previous submissions however, it still fails to advise local residents what will happen to the shipping container and other general detritus currently surrounding the unauthorised development.

The ménage remains Olympic sized and there are still more stables than horses.

Letters of support from friends appear to imply that they will have use of the ménage and as such planning permission should be restricted to personal use.

The issue of HGV parking remains undeclared/unresolved and no permission is sought as part of this application.

It is not clear where car parking is to take place on the site.

The stables have been on site since February 2015; the previous planning application at the alternative location remains open and has not been withdrawn by the applicant.

Conditions applied to the smaller agricultural barn should be adhered to.

Is there change of use from agricultural to grazing for the paddock directly opposite Asmall House Farm House?

The current site of the unauthorised stables should not be used as a car park and should be returned back to an acceptable state for the Green Belt.

2 no. letters of support have been received, the grounds of support can be summarised as:

The arena would be beneficial to the progression and success of the Molyneux children, who currently train and compete at high levels.

There are few facilities available in the area to help maintain their horses fitness and development.

The roads in the area are dangerous to ride on and it can be difficult for parents to drive their horses and children around to use other facilities on a regular basis. The British Horse Society considers horse related traffic accidents to be significantly under reported.

The applicant's children are active members of the Pony Club, with both working towards an 'A' test, which is important to the organisation and sport. An onsite arena will allow the children to carry on working and competing and a high level, whilst in a safe environment.

The most recent British Equestrian Trade Associate (BETA) National Survey (2015) has indicated that there has been a major decline in regular riders, obstacles should not be put in the way of riders progressing.

Horses and stables have been part of the countryside for hundreds of years, and would add to its green credentials.

Scarisbrick Parish Council (05.07.16) – Remain against this application.

#### **4.0 SUPPORTING INFORMATION**

4.1 The following information has been submitted in support of the planning application:

Planning Statement

## **5.0 RELEVANT PLANNING POLICIES**

- 5.1 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.
- 5.2 The site is located within the Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD and therefore the following policies are relevant:

### **The National Planning Policy Framework (NPPF)**

Protecting Green Belt land

### **West Lancashire Local Plan 2012-2027 DPD (WLLP)**

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

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

## **6.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

### *Background*

- 6.1 Application 2015/0019/FUL was submitted for 'The erection of 3 mobile stable blocks, open fronted shed and foaling box and construction of a 30 x 65m riding arena with a sand/fibre surface on land used for grazing horses', on land to the north side of Asmall Lane, to the west of Blackthorn Barn. Prior to determination of the application the applicant had installed stables on the site although not in the location shown on the submitted application, and had commenced use. The application was subsequently refused planning permission.
- 6.2 Following this refusal the applicant submitted a further planning application in an attempt to overcome the reasons for refusal. Planning application 2015/0572/FUL was submitted for 'Erection of 5 stables, open fronted shed and foaling box, construction of 60m x 20m riding arena and material change of use of the land from agriculture to equestrian'. The site of this application was to the south and west of the currently unauthorised agricultural building. During the course of the assessment of this application an appeal was lodged against non-determination which was subsequently dismissed as the Inspector found that the siting of the proposed stables would be harmful to the openness of the Green Belt.
- 6.3 When originally submitted the application which is the subject of this assessment was identical to planning application 2015/0572/FUL which was dismissed on appeal. However the application has been amended since its original submission and further

consultation carried out. Although the application differs from the appeal application the Inspector's appeal decision is a material consideration when assessing this application.

### *The Site*

6.4 The site which is subject to this application is an area of open land on the north side of Asmall Lane, to the south and west of the agricultural building that is the subject of planning application 2015/0477/FUL. The site lies within the Green Belt.

### *The Proposal*

6.5 The application is for the erection of 5 stables, an open fronted shed and foaling box. Construction of 60m x 20m riding arena and a material change of use of the land from agriculture to equestrian. The proposed stables would be sited on land adjacent to an unauthorised agricultural building to the corner of a field, with the menage sited to the west of the stables. The menage would be bound by a soil bank which would be 1m at its highest point and include landscaping to the top of the soil bank. The stables and menage area would be surrounded by a Beech hedge, with the field itself being enclosed by a timber post and wire fence. The area of the field to the west of the menage would be used as a paddock. The area to the front of the agricultural building, to the west of Blackthorn Barn would be used as a paddock and surrounded by a timber post and wire fence.

### *Green Belt – Inappropriateness*

6.6 Policy GN1 of the WLLP states that development proposals within the Green Belt will be assessed against national policy. Paragraphs 79-92 of the NPPF sets out national planning policy in relation to Green Belt. The fundamental aim of the Green Belt is to prevent the uncontrolled spread of urban areas by keeping land permanently open. The essential characteristics of Green Belt are its openness and its permanence.

The Green Belt serves five purposes:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.7 The NPPF (para.89) states that the construction of new buildings is inappropriate in the Green Belt, with one of the exceptions being the provision of appropriate facilities for outdoor sport and outdoor recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The Council's adopted SPD on stable blocks provides additional advice on the scale, design and location of stable buildings.



- 6.8 The SPD states that small stables genuinely required for outdoor equestrian uses are acceptable development in the Green Belt. It goes on to say that the number of stables should be appropriate to the intended use and should be kept as small as possible. Stables should normally comprise blocks of single depth, opening directly onto the outside; should have a maximum floor space of 14m<sup>2</sup> and a maximum height to the roof ridge of 3.5m. They should be of timber construction with any internal blockwork measuring up to a maximum height of 1.3m. This document also states that the building should not be sited in an open or prominent position and, if possible should be close to existing buildings, they should however be an appropriate distance from the facade of any inhabited building, or the boundary of any garden of any inhabited building not in the same ownership as the stable (to avoid any impact on the amenities of neighbours). The SPD also states that applicants may be asked to provide evidence to demonstrate the need for the stable building and to justify the amount of accommodation required.
- 6.9 The applicant advises that he has two daughters both of whom ride and compete at a national level, and as a result of this there is a need for both girls to have two horses in training each. There is also a requirement to bring on horses to ensure continuity, with home bred horses providing the opportunity to assess and train a horse and for that horse to establish a partnership with the rider.
- 6.10 The Inspector found in assessing application 2015/0572/FUL that the buildings 'could reasonably be regarded as genuinely required for the purposes of the equestrian use envisaged'. For the purposes of this assessment, given the similarities between the two proposals the Inspector's decision is a material consideration. The Inspector in his decision went on to say that 'the stable buildings themselves would meet several guidelines set out in the SDP. They would be modest structures, just a single stable in depth, open directly onto the outside, be less than 3.5m high and be of timber construction'. Therefore, it is considered that the stabling accommodation proposed is appropriate to meet the needs of the applicant.
- 6.11 The Inspector found in coming to his decision that the position of the stabling would render the structures particularly prominent and intrusive in the midst of this flat open landscape, and that they would stand at the top of this flat open field starkly silhouetted against the wide horizon and all too evident both from the roadside and from nearby dwellings across the intervening flat land. The juxtaposition of the buildings with the unauthorised compound and the barn would accentuate those harmful effects, extending the line of built structures and perceived development by some 30m or so. The Inspector found that the activity in the stable yard, albeit relatively limited, and the potential presence of equipment and machinery there, would add to the intrusive impact of the activity already apparent in the compound, and that the engineered bunds around the proposed ménage, together with the transformation of this intended grazing land to an equestrian arena, would extend the evident and intrusive presence of development across the entire width of this roadside field.
- 6.12 As a result of the Inspector's decision the applicant has chosen to amend the scheme and whilst the number of stables would remain the same they would be rearranged to reduce

the span of built structures when viewed in connection with the agricultural barn should its existence be regularised. The arrangement of the stables means that the activity within the stable yard would be somewhat screened by the smaller stable block. In addition to this the proposed menage has been rotated so that its shortest side would be visible from Asmall Lane, thereby reducing the presence of development across the roadside frontage of the field. It is considered that the stables would be modest facilities properly associated with equestrian outdoor sport and would not obviously conflict with any of the purposes of including land within the Green Belt, and given their position in the corner of the field with the menage adjacent would preserve the openness of the Green Belt in accordance with Policy GN1 and the advice in the NPPF.

*Impact on the Green Belt – openness*

- 6.13 The fundamental aim of Green Belt policy is to keep land permanently open, so that the essential characteristics of any Green Belt are its openness and permanence. Consequently, as indicated above, a crucial test in this case must be whether this development would noticeably impinge on the openness of the Green Belt here. The SPD replicates those requirements, in that it advises that stable buildings should not be sited in an open or prominent position and, if possible, should be close to existing buildings.
- 6.14 The Inspector in his decision recognised that stabling would be necessary somewhere on the farm for the pursuit of sport. It is considered that the application as amended overcomes the Inspector's concerns in relation to impact on openness; the positioning of the stables and the menage largely within one half of the field and screened with Beech hedging means that the openness and visual amenity of the Green Belt would not be significantly impacted here in accordance with the advice in the NPPF, the requirements of Policy GN1 and the guidance set out in the SPD.

*Impact on Residential Amenity*

- 6.15 Policy GN3 of the WLLP states that proposals for development should retain or create reasonable levels of privacy and amenity for occupiers of neighbouring properties.
- 6.16 The nearest residential properties would be Blackthorn Barn and the dwelling at Asmall House Farm both of which would be over 60m from the stables and riding arena. Given such separation distances it is considered that the stables and their associated activities would not cause undue harm to the amenities of neighbouring residents, although it would be considered appropriate to impose planning conditions in relation to storage and disposal of manure, soiled bedding etc. and restricting the use of the stables to horses should permission be granted.
- 6.17 The agent has provided information in respect of lighting to the stables. The interior of the stables will be lit by two lights on opposite walls above the height of the door. The exterior would be lit by 1no. light per stable, to be placed on the overhang. Both the interior and exterior would be operated by manual switches. Movement sensitive security lights would be fitted at the access points to allow safe passage of people/horses in the dark. The

proposed lighting is considered to be reasonable for the intended use and would not have an undue impact on the amenities of local residents.

### *Drainage*

- 6.18 United Utilities have been consulted in respect of the application and have advised that they have no objection to the proposed development but do recommend that foul and surface water is drained on separate systems, and that a surface water drainage scheme based on the hierarchy of drainage options in the National Planning Practice Guidance, be submitted for approval. An appropriate planning condition will be used to secure this.

### *Other Matters*

- 6.19 The stables are proposed to be accessed via the existing unauthorised vehicular access to the agricultural building which is also subject to consideration on this agenda. If the existing access is not regularised then the stables may rely on the existing field access. Details of access can be secured by the imposition of a condition. Details of parking areas for animal transporters and other vehicles can also be secured by condition.
- 6.20 Concern has been raised regarding the fact that the stables are not supervised by the applicant at all times because they do not live on site, and that horses have escaped in recent times. These matters are management issues for the applicant and cannot be taken into account in the assessment of this application.
- 6.21 An objection has advised that the land is Grade I agricultural land and therefore should not be used for equestrian related activities. However, the development of the land for stables and a riding arena is not considered to be a permanent and irreversible development, and as such the site could be used for agricultural purposes in the future.

### *Summary*

- 6.22 It is considered that the proposed development is acceptable in principle, and the stables and riding arena are an appropriate form of development in the Green Belt. The stables and menage and associated activity would not have a significant detrimental impact on the amenities of nearby residents and complies with the Council's planning policies.

## **7.0 RECOMMENDATION**

- 7.1 That planning permission be GRANTED subject to the following conditions:

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan reference 'Option 4' received by the Local Planning Authority on 17.06.16.

Plan reference 'Elevations and Footprint Plan' received by the Local Planning Authority on 16.11.15.

Plan reference 'Stable Elevations' received by the Local Planning Authority on 16.11.15.

Plan reference 'Cross section of proposed 60x20 menage' received by the Local Planning Authority on 16.11.15.

Plan reference 'Stable elevations' (hand drawn) received by the Local Planning Authority on 16.11.15.

Plan reference '4 x Ordnance Survey Extracts with land owned by the applicant edged blue', received by the Local Planning Authority on 03.06.15.

3. The stables shall be used for private purposes only and shall not be used for a riding school, livery or any other commercial purposes.
4. The stables shall be used only for the housing of horses, associated equipment and feedstock and for no other purposes including any other forms of animal boarding.
5. The storage of manure and soiled bedding shall not be permitted within 30 metres of the curtilage of nearby residential accommodation.
6. No burning of either hay, straw, soiled bedding or manure shall take place on the site. All bedding and manure shall be removed from the site at least once every four weeks.
7. Within a period of 9 months from the date when any part of the development is brought into use the Beech hedging shown on drawing 'option 4' shall be planted. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.
8. Foul and surface water shall be drained on separate systems.
9. No development shall take place until a scheme for the foul and surface water drainage of the development, including any necessary attenuation measures, has been fully agreed with the relevant statutory body/bodies, and until written evidence of that agreement has been provided to and acknowledged in writing as acceptable by the Local Planning Authority. The surface water drainage scheme shall be based on the hierarchy of drainage options in the NPPG.
10. Construction work, which is audible from the boundary of any noise sensitive receptor, shall only take place between the hours of 08:00 - 18:00 on Monday to Friday inclusive, 08:00 - 13:00 hours on Saturdays with no such working on a Sunday or local or national public holiday. The receipt of any materials or equipment for the construction of the exercise area and stables is not allowed outside the said hours.
11. Prior to commencement of the use, details of the proposed vehicular access and vehicle parking areas shall be submitted to and approved in writing. The development shall be implemented in accordance with the approved details and maintained as such thereafter.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. The character and location of the property are such that the Local Planning Authority wish to exercise maximum control over future development in order to comply with the

- provisions of Policies GN1 and GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. The character and location of the property are such that the Local Planning Authority wish to exercise maximum control over future development in order to comply with the provisions of Policies GN1 and GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
  5. To protect the 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. To protect the 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. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
  8. To secure proper drainage and to manage the risk of flooding and pollution.
  9. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
  10. To protect the 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.
  11. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

#### **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

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.

<b>No.4</b>	<b>APPLICATION NO.</b>	2016/0165/OUT
	<b>LOCATION</b>	Land To The East Of Vincents Garden Centre Southport Road Scarisbrick Lancashire
	<b>PROPOSAL</b>	Outline - Four affordable dwellings.
	<b>APPLICANT</b>	Mr Richard Blundel
	<b>WARD</b>	Scarisbrick
	<b>PARISH</b>	Scarisbrick
	<b>TARGET DATE</b>	27th July 2016

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## **1.0 REFERRAL**

- 1.1 This application was to be dealt with under the Council's delegation scheme; however Councillor Marshall has requested that it be referred to the Planning Committee to consider the impact of the development on road safety.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 None.

## **3.0 OBSERVATIONS OF CONSULTEES**

- 3.1 HIGHWAY AUTHORITY (14.04.2016) – No objection to the principle of development provided that the applicant provides the two vehicular crossing point and retains the existing full kerb across the front of the site. Furthermore it is considered that the applicant has provided adequate parking for the size of the properties proposed. The applicant has provided satisfactory details of the required sight lines and provision for vehicles to enter/exit the highway in a forward gear by provision of a slip road.
- 3.2 UNITED UTILITIES (23.02.2016) – No objections. In accordance with the National Planning Practice Guidance, the site should be drained on a separate system with foul water draining to the public sewer and surface water in the most sustainable way.
- 3.3 ENVIRONMENTAL HEALTH (18.03.2016) – No objection but recommend a condition requiring the submission of a noise protection scheme before any works take place due to the potential impact on future occupants of noise from traffic.

## **4.0 OTHER REPRESENTATIONS**

- 4.1 Scarisbrick Parish Council (05.07.2016) – Remains against this application.

Scarisbrick Parish Council (05.04.2016) – Objects to this application on highway safety grounds as the site is situated close to a bad bend and there will be an issue for cars coming on and off the main road. There is a history of accidents in this area. In addition

the Council objects as it is considered that the properties will not be affordable to those most in need in the Village, namely local, first time buyers who continue to find it impossible to get on the property ladder. The profile of need in Scarisbrick is for smaller and more affordable units.

4.2 CPRE West Lancashire District Group (26.04.2016) – Objects on the following grounds:

Contrary to Green Belt Policy as it would constitute inappropriate development in the Green Belt.

Increase in urban sprawl

Would partly close gap in main frontage between Turfland offices and Vincents Garden Centre

Development of affordable housing is in wrong location. It is not adjacent to a village with village facilities and is too far from both Ormskirk and Southport to provide genuine affordable living

4.3 Five representations have been received from three local residents. A summary of the issues raised is as follows:

Impact on highway safety

Area has history of accidents and fatalities

Impact on Green Belt

Loss of prime agricultural land

If allowed, the style of the dwellings should conform to the rural appearance of other dwellings at Car Cross.

Any repeat of town style dwellings would be out of place in this part of Scarisbrick

Objections on highway safety grounds still stand despite the submission of revised plans.

The amended proposal does not resolve the issues in relation to the dangers as described in previous correspondence.

There is an unlikely assumption that, at all times, there will be no vehicles parked on the 'sliproad'.

Even if the sliproad is unobstructed, it does not allow safe exit for vehicles from any of the houses to turn right in the direction of Ormskirk

Continued major concerns over highway safety

## 5.0 **SUPPORTING INFORMATION**

5.1 A Supporting Statement which incorporates the sequential assessment.

## 6.0 **LOCAL PLAN ALLOCATION**

6.1 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.

The site is located within the Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD

### **National Planning Policy Framework**

Promoting sustainable transport  
Delivering a wide choice of high quality homes  
Requiring good design  
Protecting Green Belt land  
Conserving and enhancing the natural environment

### **West Lancashire Local Plan 2012-2027 DPD**

SP1 – A Sustainable Development Framework for West Lancashire  
GN1 – Settlement Boundaries  
GN3 – Criteria for Sustainable Development  
GN5 – Sequential Tests  
RS1 – Residential Development  
RS2 – Affordable and Specialist Housing  
IF2 – Enhancing Sustainable Transport Choice  
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

In addition the following supplementary documents are material considerations:

Supplementary Planning Document ‘Design Guide’ (Jan 2008).

## **7.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

### The Site

- 7.1 The site is a greenfield site which lies outside of the rural settlement of Scarisbrick, and located within the Green Belt.
- 7.2 The application site is the north eastern corner of a large agricultural field which is entirely open and undeveloped. The site is located in between residential properties to the east (and a B1 office) and Vincent’s Garden Centre to the west. A ribbon of residential development extends beyond the Garden Centre. There is open agricultural land opposite the site to the north.

### The Proposal

- 7.3 Outline planning permission is sought for the erection of four affordable dwellings. This application will consider the principle of the proposed development only as all matters are reserved.



- 7.4 Notwithstanding the above, an indicative site layout and elevations have been provided. These show that the development could include four semi-detached dwellings which front onto Southport Road. A 3m wide slip road is shown adjacent to the highway which would have two points of access, one to serve each pair of dwellings. The indicative plot layouts show the proposed dwellings set in the centre of the plot, with parking areas to the front and private gardens to the rear.

#### Principle of Development

- 7.5 Paragraph 79 of the NPPF retains the government's view that great importance is attached to Green Belts. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; essential characteristics of Green Belt are their openness and their permanence.
- 7.6 Notwithstanding the above policies RS1 and RS2 in the Local Plan allow for limited affordable housing within the Green Belt and defines 'limited' as being up to 4 units. The provisions within these policies mirror the approach advocated by the NPPF, which states that limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan is an acceptable form of development in the Green Belt (paragraph 89).
- 7.7 The proposal involves a maximum of four units which will be provided as affordable homes which could be secured via a legal agreement under S106 of the Town and Country Planning Act. The applicant has submitted an acceptable sequential test showing that there are no available sites within non-Green Belt areas which could accommodate the proposed development at this time, thereby meeting the requirements of Policy GN5 in the WLLP.
- 7.8 Therefore I am satisfied that the proposed development is in accordance with Policies RS1 and RS2 in the WLLP and paragraph 89 of the NPPF and is therefore acceptable in principle.

#### Principle of Development - Isolated Homes

- 7.9 In terms of sustainability, whilst I note the recommendations made within the NPPF, affordable housing within the Green Belt is an acceptable form of development by virtue of both local and national policy subject to the restrictions as outlined above. Green Belt areas will generally have less sustainability links than sites located within settlement areas. However a sequential test has shown that no suitable sites are currently available to accommodate this development within non-Green Belt areas (including settlement areas). I am satisfied that there remains a need for affordable housing within the Scarisbrick parish and therefore this identified need and the lack of suitable sites within non-Green Belt areas outweighs the issues that may arise due to the location of the site. Notwithstanding this however, I am satisfied that there are some sustainable links to the site as it is located in between two settlement areas of Scarisbrick/Bescar. There is bus stop located further to the east providing public transport links to Southport and Burscough.

There is also a church and primary school along the A570 to the west within reasonable distance to the site, whilst Southport provides further amenity opportunities to the east which is accessible via public transport.

- 7.10 On the basis of the above I am satisfied that the proposal does not conflict with requirements of paragraph 55 of the NPPF.

#### Impact on Green Belt

- 7.11 The proposed development would result in the loss of an area of land which is currently open and undeveloped. The NPPF advises that the essential characteristics of Green Belts are their openness and permanence and encroachment into the countryside should be avoided. However, the NPPF also advises that limited affordable housing is an acceptable form of development in the Green Belt. This exception to the general resistance of new buildings in the Green Belt is not accompanied by a threshold. That is, it is not only affordable housing which preserves the openness of the Green Belt or that does not conflict with the purposes of including land within it that is acceptable; the NPPF advises that limited affordable housing is acceptable with the only caveat being that it is for local community needs under policies set out in the Local Plan.
- 7.12 In addition to the above, the proposed development would be located close to the eastern boundary of the site and the neighbouring business/residential properties which front onto Southport Road in this area. There are further residential dwellings on the opposing side of the road to the east. Due to its location therefore, the proposal would be seen in the context of the existing wider built development to the east which would in turn mitigate the impact of the proposal on the openness of the Green Belt.

#### Siting, Layout and Residential Amenity

- 7.13 As mentioned earlier, the application is submitted in outline form seeking to establish the principle of development only. Details of layout, scale and appearance have been reserved for consideration at a later date.
- 7.14 Notwithstanding the above, indicative information has been provided in respect of layout and design. The information provided at this stage indicates that the site could accommodate the provision of four semi-detached dwellings whilst providing suitable parking and amenity provisions, together with sufficient interface distances from the neighbours to the east. In this respect I am satisfied that a suitable layout could be accommodated.
- 7.15 In terms of scale and appearance, the indicative details provided are considered acceptable although I would raise some concern over the proposed roof design as this appears to include an element of design which would be out of character in the locality. Design issues can be considered further at the required reserved matters stage.

- 7.16 I am satisfied that the indicative information provided demonstrates that the proposed development can be accommodated within the site in accordance with the requirements of the NPPF and Policy GN3 of the Local Plan.

### Highways

- 7.17 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states development should incorporate suitable and safe access and road layout design in line with the latest standards.
- 7.18 Details of the site access are also reserved for consideration at a later date. However on the basis of the information provided, the Highway Authority is satisfied that the proposed development would not impact upon highway safety or the free of traffic in the local area. The applicant has provided satisfactory details of sight lines and provision for vehicles to enter/exit the highway in a forward gear by provision of a slip road. Furthermore the applicant has satisfactorily demonstrated that the proposal can accommodate appropriate parking to serve the needs of the proposal.
- 7.19 Further details of the proposed access would be required at the reserved matters stage, however I am satisfied that the proposal can satisfy the requirements of Policy GN3 and IF2 of the Local Plan in terms of highway safety and parking.

### Landscaping

- 7.20 There is some existing landscape screening along the eastern boundary of the site. As this application does not deal explicitly with layout/scale, it remains unknown as to the impact of the proposal on the present boundary treatments and this matter would be considered further at the reserved matters stage. However I am satisfied that a development could be accommodated on site with minimal intrusion into this boundary area. In addition, the applicant would be required to provide tree survey and landscaping information at a later date and when the full details of the proposed development are known.

### Summary

- 7.21 In summary, I am satisfied that the principle of four affordable dwellings is acceptable and can be accommodated on site in a manner which is compliant to the relevant policies set out in the Local Plan.

## **8.0 RECOMMENDATION**

- 8.1 That the decision to grant planning permission be **delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice Chairman** of the Planning Committee subject to the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 to secure:-

(a) the terms and conditions of the affordable housing

8.2 That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation 7.1 above be subject to the following conditions:

**Conditions**

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Before any part of the development hereby approved is commenced approval shall be obtained from the Local Planning Authority for the reserved matters namely the layout, scale and appearance of the building(s), means of access and landscaping (including landscape maintenance) of the site.
3. No development shall take place until full details and samples of the external brickwork and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no garages, extensions, alterations, porches, garden sheds, out buildings, greenhouses, swimming pools, hardstandings or means of enclosure shall be erected or undertaken without the express written permission of the Local Planning Authority.
5. No development shall take place until a scheme for the sustainable foul and surface water drainage of the development, including any necessary attenuation measures, has been submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before first occupation and maintained in accordance with the scheme for the duration of the development.
6. The proposed hardstandings shall be made of a porous materials or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the site boundaries.
7. No development shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas. Trees and shrubs planted shall comply with BS. 3936(Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). Within a period of 9 months from the date when any part of the development is brought into use the approved landscaping scheme shall be carried out. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.
8. No development shall take place until full details of the finished levels of all parts of the site, including the floor levels of all buildings, have been submitted to and approved in

writing by the Local Planning Authority. The development shall be implemented in accordance with those details.

9. No development shall take place until details of the proposed screen walls and/or fences have been submitted to and approved by the Local Planning Authority. Such walls and/or fences shall be erected as an integral part of the development and completed to each dwelling before that dwelling is first occupied.
10. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
11. The level of the new driveway shall be constructed 0.150m above the carriageway channel line of Southport Road
12. 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 approved materials.
13. 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 be available for use before the development is brought into use and maintained thereafter
14. Visibility splays measuring 2.4 metres by 102 metres in both directions from each vehicle access to be provided, measured along the centre line of the proposed new access from the continuation of the nearer edge of the existing carriageway of Southport Road, to the satisfaction of the Local Planning Authority shall be provided before the access is brought into use. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.
15. No part of the development shall be commenced until all the highway works within the adopted highway have been constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority as part of a section 184 agreement, under the Highways Act 1980.

### **Reasons**

1. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline and the matters referred to in the Condition are reserved for subsequent approval by the Local Planning Authority.
3. 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. In order to avoid conflict with the Local Planning Authority's policy of strict control of development in the Green Belt and to ensure compliance with Policy GN1 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and the National Planning Policy Framework.

5. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. 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.
9. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To prevent stones and mud being carried onto the public highway to the detriment of road safety
11. To safeguard the future reconstruction of the highway
12. To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users
13. Vehicles reversing to and from the highway are a hazard to other road users
14. To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Transport Policy in the Local Plan
15. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

### **Notes**

1. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.
2. The new vehicular access, 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. The applicant is advised to contact the Environment Directorate before works begin on site. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for "vehicular crossings".

### **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  
GN5 - Sequential Tests  
RS1 - Residential Development  
RS2 - Affordable and Specialist Housing  
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.

<b>No.5</b>	<b>APPLICATION NO.</b>	2016/0054/ARM
	<b>LOCATION</b>	Land At The Junction With Sluice Lane New Road Rufford Lancashire
	<b>PROPOSAL</b>	Approval of Reserved Matters - Erection of 48 dwellings (including details of access, appearance, landscaping, layout and scale).
	<b>APPLICANT</b>	Jones Homes (Lancashire) Ltd
	<b>WARD</b>	Rufford
	<b>PARISH</b>	Rufford
	<b>TARGET DATE</b>	26th April 2016

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## **1.0 PREVIOUS RELEVANT DECISIONS**

1.1 2012/1090/OUT – GRANTED (13.02.2014) Erection of up to 51 dwellings including details of access.

## **2.0 OBSERVATIONS OF CONSULTEES**

2.1 LEAD LOCAL FLOOD AUTHORITY (23.02.2016) – No objection to the proposed development subject to the inclusion of recommended conditions.

2.2 ENVIRONMENT AGENCY (22.06.2015 & 25.04.2016) – No objection. Under the revised site layout, the proposed attenuation pond has been moved further away from the Boundary Sluice watercourse which is welcomed.

2.3 HIGHWAY AUTHORITY (06.05.2016) – No objection. The proposed development site layout including the site access is acceptable. Conditions and advice notes are recommended.

2.4 ENVIRONMENTAL HEALTH (SCIENTIFIC OFFICER) (04.03.2016) – No objection in relation to any contaminated land issues.

2.5 ENVIRONMENTAL HEALTH (17.02.2016) – No objections. Conditions are recommended in relation to electric vehicle charging points and an environmental management plan.

2.6 MERSERYSIDE ENVIRONMENTAL ADVISORY SERVICE (08.06.2016) – The applicant has submitted appropriate information in respect of both water voles and invasive plant species. As documented under the Outline permission, site mitigation is required in respect of breeding/nesting birds and loss of boundary hedgerows.

2.7 UNITED UTILITIES (08.02.2016) – No objection provided conditions in respect of foul and surface water are attached to any approval.

2.8 LANCASHIRE CONSTABULARY (04.02.2016) – Security measures recommended



### **3.0 OTHER REPRESENTATIONS**

- 3.1 WEST LANCASHIRE CONSERVATION ADVISORY PANEL (18.02.2016) – The panel objected to the proposed layout of the housing on the grounds that there is not sufficient landscape buffer at the corner of the site (closest to Liverpool Road). The two houses closest to this corner would be too dominant (particularly at 2.5 stories) and should be pushed back to lessen the impact on the boundary and help preserve the rural setting of the Conservation Area (amended plans have been received since these comments were made).
- 3.2 A total of 12 representations have been received from 10 neighbouring properties. A summary of the issues raised is as follows:

Result in additional demand on traffic

Impact on local drainage systems, this is already at capacity

Detrimental to local village character

Two-storey houses are inappropriate along the south-west side of New Road. These would be out of character and will have a detrimental effect on the appearance of the village and the Conservation Area

The access onto New Road is a major concern and will form a dangerous junction.

The site access should be off Sluice Lane

Impact on the safety of pedestrians and drivers, increased risk around children crossing the road

Harm to the character and appearance of the Conservation Area.

Loss of green space

Impact on neighbouring views

Increase of noise in the area, loss of peaceful sense of space

Increase of noise and light pollution

Land is not sustainable for 48 properties

Increase in population will impact on standard of living in the area

Parking issues in the area will be impacted upon

Overlooking of neighbouring homes/gardens

Loss of privacy, natural light and shadowing to neighbouring properties

Inappropriate frontage along New Lane, single storey properties would be more suitable

Impact on the Sluice and possibility of increased flood risk

Impact on local junctions

The trees bordering the Sluice should be retained

The speed limit along New Road should be reduced to 20mph and speed bumps added

The properties close to Sluice Lane will invade the privacy of the cottages along Sluice Lane

### **4.0 SUPPORTING INFORMATION**

- 4.1 Design and Access Statement  
Preliminary Geo-Environmental Summary

## **5.0 RELEVANT PLANNING POLICIES**

5.1 The National Planning Policy Framework (NPPF) (including Technical Guidance to the NPPF) and the West Lancashire Local Plan (2012-2027) (NPPF) provide the policy framework against which the development will be assessed.

5.2 The site lies within the settlement area of Rufford. Therefore, the following applies:

### National Planning Policy Framework (NPPF)

Section 1 Building a strong, competitive economy

Section 4 Promoting sustainable transport

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

Section 10 Meeting the challenge of climate change, flooding and coastal change

Section 11 Conserving and enhancing the natural environment

Section 12 Conserving and enhancing the historic environment

### Relevant West Lancashire Local Plan (2012-2027)

Policy SP1 – A Sustainable Development Framework for West Lancashire

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy RS1 – Residential Development

Policy RS2 – Affordable and Specialist Housing

Policy IF2 – Enhancing Sustainable Transport Choice

Policy IF3 – Service Accessibility and Infrastructure for Growth

Policy EN1 – Low Carbon Development and Energy Infrastructure

Policy EN2 – Preserving and Enhancing West Lancashire's Natural Environment

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

5.4 Additionally, the following supplementary planning guidance is material to the case:

SPD – Design Guide (Jan 2008)

## **6.0 OBSERVATIONS OF THE DIRECTOR OF DEVELOPMENT AND REGENERATION**

### The Site

6.1 The site is located at the junction of Sluice Lane and New Road and extends to approximately 2ha. The site is bound to the south by the watercourse Boundary Sluice which also provides a distinction between the settlement area and Green Belt land. To the north, east and west of the site are neighbouring residential properties of varying styles. Rufford Conservation Area lies to the immediate east of the site, on the opposing side of New Lane.

## The Proposal

- 6.2 This is a reserved matters application for the erection of 48 dwellings. The application includes details of site layout, scale, appearance and landscaping. The site access off New Road has previously been approved under the Outline permission for the site. The proposed dwellings will comprise of:

18 x 5 bed dwellings  
16 x 4 bed dwellings  
4 x 3 bed dwellings  
10 x 2 bed dwellings

Of these, 14 units (10 x 2 bed and 4 x 3 beds) would be provided as affordable housing. Under the terms of the legal agreement entered into under the Outline permission, these houses would be provided as a mix of social rent and shared ownership units.

- 6.3 The proposed development provides a frontage onto New Road and to the junction area between New Road and Sluice Lane. An attenuation basin is proposed close to the rear of the site and the Boundary Sluice. An area of public open space is proposed to be located close to the attenuation basin and Boundary Sluice which is in accordance with the on-site open space provision agreed under the Outline permission for the site. In addition, links are proposed from the area of open space to the footpath which runs adjacent to the Boundary Sluice.

## Principle of Development

- 6.4 The principle of a residential development on the site has already been established through the approval of outline permission under planning reference 2012/1090/OUT. There have been no significant policy changes in the interim which may have affected this decision, therefore I am satisfied that the principle of development remains compliant with the aims and objectives of the NPPF and Policy RS1 of the Local Plan.

## Siting, Layout and Design

- 6.5 Policy GN3 in 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 characteristic of the site and its surroundings. New development is required to be of a high quality design and have regard to visual amenity and complement its surroundings through sensitive design, including appropriate siting, orientation and scale.
- 6.6 The proposed layout offers a legible scheme with clear routes for vehicle and pedestrian movement throughout. A mixture of property styles is proposed, all of which are 2-stories in height, which is particularly evident along the New Lane frontage. The design of properties along New Road, which are set back from the site boundary by between 10-15m, is considered acceptable as is the inclusion of a dormer bungalow next to the

northern boundary of the site. It is considered that the dormer bungalow would ease the transition between the development site and the existing neighbouring bungalows in this particular area. It is considered that the corner of Sluice Lane and New Road has been dealt with appropriately with the proposed dwelling in this area set back from the junction to minimise its dominance in this prominent location. The dwellings proposed along Sluice Lane would again generally sit back from the highway boundary, reducing their impact on this relatively narrow road.

- 6.7 Elsewhere in the site, I am satisfied that the proposed dwellings relate well to one another and whilst there is general uniformity in terms of layout, there is also a subtle irregularity to the siting of dwellings towards the rear of the site which results in an interesting and varied scheme.
- 6.8 Each dwelling would benefit from a private amenity area. These generally meet and exceed the recommended garden lengths specified in the Council's SPD. The site as whole would also benefit from the proposed area of public open space.
- 6.9 On balance I am satisfied that design, layout and scale complies with relevant local plan policies and the Council's Design Guide and would not adversely affect the character and appearance of the local area.

#### Impact on Residential Amenity

- 6.10 Policy GN3 in the WLLP requires new development to retain or create reasonable levels of privacy, amenity and sufficient garden/outdoor spaces for occupiers of the proposed and neighbouring properties. Further detailed advice on interface distances is provided within the Council's SPD Design Guide. The Design Guide states that there should be a minimum distance of 21m between dwellings with principal windows in each elevation and a distance of 12m between main elevations and those that do not contain primary windows of habitable rooms.
- 6.11 In terms of the relationships between the proposed dwellings, I am generally satisfied that the proposed layout accommodates the required interface distances. Where this is not the case, for example plots 41 and 42, I am satisfied that the resulting impact has been designed out by ensuring that outlook is focused away from the neighbouring property. In addition, and in respect of the relationship between plots 20 and 26 and 21 and 25, the interface distance is slightly less than the required 21m. However, these dwellings are also slightly off-set from each other and consequently I am satisfied that no significant harm would arise.
- 6.12 The proposed development site is surrounded by neighbouring properties to the north, east and west. Firstly, I am satisfied that the relationships which would be formed between the properties fronting onto New Lane and the existing properties on the opposing side of New Lane are acceptable, as significant interface distances would remain. Similarly, I am satisfied that the proposed layout would retain an appropriate relationship between the dwellings proposed in an around the New Lane/Sluice Lane junction and those existing

properties which front onto Liverpool Road. Whilst the proposed dwellings (plots 33, 34 and 48) would face towards the end property facing Liverpool Road (No. 59 Liverpool Road) an interface distance of approximately 25-30m would remain.

- 6.13 Along Sluice Lane, there a couple of dwellings which face towards the development and which are located along the edge of the road. These properties would face towards the side elevation of plots 32 and the access road serving this dwelling. In accordance with the Council's SPD there is approximately 13m between the side elevation of plot 32 and the front elevation of the neighbouring property along Sluice Lane (the southern-most dwelling of the pair of semis). There would be no habitable rooms within the side facing elevation at plot 32 and therefore I am satisfied that this relationship is acceptable. The site cuts around existing detached dwellings on the north side of Sluice Lane. These would back onto the site and in particular to plots 24-26. I am satisfied that suitable interface distances would remain in this area to ensure the retention of reasonable amenity for the occupants/future occupants of these dwellings.
- 6.14 With respect to the neighbouring properties to the north, the site bounds the existing bungalows along New Road and the rear gardens of neighbouring properties which front onto Brick Kiln Lane. There would be a suitable inset from the site boundary with no. 27 New Road. A single detached garage would be located between the proposed dwelling and this neighbouring property. Furthermore, plot 1 would contain a dormer bungalow which would have no side facing habitable room windows (there would be one door at ground floor only). Owing to these measures, I am satisfied that the proposed relationship between the proposed development and No. 27 New Road would be acceptable. A number of proposed dwellings would be located along the northern boundary of the site and adjacent to the rear gardens of properties in Brick Kiln Lane. Direct overlooking issues would not occur as there would be no habitable room windows facing towards north (there are a number of bathroom/en-suite windows at first floor level but these would be maintained with obscure glazing). The proposed properties in this area would result in a significant presence along the northern boundary however this area is significantly removed from the rear of the neighbouring properties and as such I am satisfied that the proposal would result in the retention of reasonable levels of amenity for the occupants of neighbouring properties in Brick Kiln Lane.
- 6.15 On balance therefore I am satisfied that the proposed development would satisfy the requirements of Policy GN3 in respect of neighbouring amenity.

#### Impact on Conservation Area

- 6.16 Whilst no part of the application site lies within the Rufford Park Conservation area, it does lie adjacent to this heritage asset and it is therefore appropriate to consider the impact of the proposed development on the character and appearance of the conservation area. This impact was considered under the approved outline scheme but in the absence of full details it was not possible for a complete assessment. However, the principle of a residential scheme on this site was accepted as it was found that it would not be harmful to the setting of the conservation area.

- 6.17 The setting to the Rufford Conservation Area is largely based around the rural landscape and sense of openness provided by the historic enclosure of the Parkland to Rufford New Hall. The main impact on the setting of the conservation area would be on views toward it from the south. To minimise this impact, the proposed scheme has been revised since its original submission in order to set back the corner dwelling further from the highway and reduce its scale. Furthermore, the revised siting would allow for the provision of space to provide some screening in this area which would further soften the impact of the development on the setting of the conservation area. It is also relevant to note that the areas of the conservation area which are in close proximity to the development site are not free from development but contain residential developments of varying design and size.
- 6.18 Whilst being mindful of the Council's duty under Section 72 of the P(LBCA) Act I am satisfied that the proposed development would not cause harm to the setting of the Rufford Park Conservation Area and in this respect is compliant with the NPPF and Policy EN4 of the Local Plan.

#### Highways and Parking

- 6.19 The site access off New Road has already been approved under the outline planning permission. The accompanying legal agreement requires the applicant to provide a financial contribution of £46,000 to upgrade nearby bus stops and to fund an investigation and improvements of the road marking and signs at the existing junctions of New Road with Holmeswood Road and Liverpool Road North to slow approach speeds, highlighting of the junctions and advance warning of the junctions.
- 6.20 In terms of parking provision, a mixture of detached and integral garaging is proposed along with off-road frontage parking. I am satisfied that each dwelling has been afforded an appropriate parking provision.
- 6.21 In terms of manoeuvring, the proposed site layout has been considered by the Highway Authority who is satisfied that the layout is acceptable. On this basis I am satisfied that vehicles can manoeuvre safely within the site and access and egress would not cause adverse harm to highway safety or the free flow of traffic in the local area. On this basis I am satisfied that the proposed is compliant with Policy GN3 and IF2 in the WLLP.

#### Trees and Biodiversity

- 6.22 There is no significant tree cover existing within the boundary of the site, a condition is recommended to ensure that a suitable landscaping scheme is incorporated within the development to assimilate it appropriately within its surroundings.
- 6.23 As considered under the approved outline scheme, the proposal would result in the loss of the existing hedge along New Road. It is proposed that this would be replaced with a low level brick wall and the planting of a new hedge row on the inner side of the wall. The

hedgerow does not meet the criteria for Priority Habitat as it is species poor and dominated by Hawthorn and Privet but all boundary hedgerows are considered valuable in the context of the site as they provide ecological connectivity. As the existing hedgerow would be replaced and would include appropriate species, I am satisfied that suitable compensatory planting can be provided to mitigate for the ecological loss of the existing hedgerow.

- 6.24 The applicant has submitted a water vole report which sets out a mitigation strategy to protect water vole during works. The main concern in this respect is the potential impact from the proposed drainage connection to the Boundary Sluice. However the mitigation strategy is considered to be acceptable and its implementation would be secured by a planning condition.
- 6.25 The applicant has also submitted an invasive species method statement. The survey recorded evidence that invasive species management has already started and the extent of invasive species on site has reduced since 2012. The submitted report sets out methods for the total eradication of invasive species and these methods are considered acceptable and can be secured through a planning condition.
- 6.26 Subject to the imposition of conditions, I am satisfied that the proposed development is compliant with Policy EN2 of the Local Plan.

#### Drainage

- 6.27 It is a requirement of Policy GN3 that new development does not result in unacceptable flood risk or drainage problems.
- 6.28 The applicant has confirmed that foul water from the development would discharge to the public sewer system. Although this connection would require approval from United Utilities, I am satisfied that the principle is acceptable.
- 6.29 In terms of surface water, the applicant is proposed that surface water would be directed to an attenuation basin located towards the rear of the site. Here, surface water would be held and released into the Boundary Sluice in a controlled manner. There is an existing outfall located at the northern bank of the Sluice which would be used as part of the scheme.
- 6.30 Paragraph 103 of the NPPF requires priority use to be given to SUDS in respect of new developments and that means that the preferred means of surface water drainage for any new development is via infiltration. The second preferred means is via a watercourse. In this case the applicant has suitably discounted infiltration due to ground conditions within the site and therefore I am satisfied with the principle of the proposed method of surface water drainage. However further details are required to ensure that that the proposed development can be adequately drained and that there is no flood risk on or off the site. These details, together with full details of the outfall into the Sluice, are required to be

submitted before any development takes place and this is secured by a condition on the Outline scheme.

### Planning Obligations

- 6.31 The Outline permission granted for the redevelopment of this site is the subject of a legal agreement requiring the developer to provide 30% of the units as affordable housing, an area of on-site public open space, an off-site public open space contribution and a financial contribution towards highway improvements which include the upgrade of the bus stop adjacent to the site and the funding of improvements to road markings and signs at nearby junctions. These obligations reflect the relevant policy requirements at the time outline permission was granted and remain part of the proposed development which must be delivered in line with the terms of the agreement. A deed to vary this agreement is proposed and the variation relates to securing the terms of the affordable housing, including the location and phasing of this housing and obligating the management of the open space to the developer.

### Summary

- 6.32 In summary, it is considered that the proposed development is acceptable in terms of layout, appearance and scale and that an appropriate landscaping scheme can be accommodated to assimilate the development into its surroundings. I am satisfied that the proposed development would allow for the provision and retention of reasonable levels of amenity for the occupants of future and neighbouring properties. I find that the proposed development is compliant with the Local Plan in respect of drainage, highways and ecology and remains subject to the conditions imposed under the approved outline scheme.

## **7.0 RECOMMENDATION**

- 7.1 That the decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice Chairman of the Planning Committee subject to the applicant entering into a deed of variation (planning obligation) under S106 of the Town and Country Planning Act 1990 to secure:-

the terms and conditions of the affordable housing  
the long term management of the on-site Public Open Space

- 7.2 That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation 7.1 above be subject to the following conditions:



## **Conditions**

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:-

BH/LP1/SL/01 and BH/LP1/SS/01 received from the Local Planning Authority on 13th June 2016

HOL - P - 01 Rev A (The Holly) received from the Local Planning Authority on 7th June 2016

GAR - P - 01 Rev A, BAY - P - 01 Rev A, BIRCH - P - 01 Rev A, BOW\_P - 01 Rev A, BOW\_P - 02 Rev A, CON - P - 02 Rev A, CON - P - 01 Rev A, HAM - P - 002 Rev B, HAM - P - 001 Rev B, HAMB - P - 001 Rev A, HAMB - P - 002 Rev A, HOL - P - 01 Rev A (The Holcombe), HOL - P - 02 Rev A, KNGT - P - 002 Rev B, KNGT - P - 001 Rev B, LATCH - P - 02 Rev A, STA - P - 01 Rev A, STRT - P - 01 Rev A, STL - P - 01 Rev A, HAND - P - 01 Rev A received by the Local Planning Authority on 26th January 2016

BH/LP1/BTD/01 received by the Local Planning Authority on 18th January 2016

2. No dwelling or dwellings shall be occupied until the estate streets affording access have been completed in accordance with the Lancashire County Council Specification for Construction of Estate Roads.
3. Before any development takes place a construction plan shall be submitted to and approved in writing by the local planning authority. The plan shall include the method and details of construction including vehicle routing to the site, construction traffic parking and any proposed temporary closing of roads or streets. No construction traffic or deliveries shall enter/exit during traffic at peak periods or wait on the public highway. The approved plan shall be implemented and adhered to at all times during the construction of the development.
4. No dwelling shall be occupied or brought into use until the associated car parking bays have been provided in accordance with the approved plans. The car parking bays shall thereafter be retained for vehicular parking and shall be kept clear of obstructions.
5. Before construction works start on site an environmental management plan setting out measures to be undertaken during construction to control noise and dust emissions, hours of working and any other areas of potential environmental impact shall be submitted to and approved in writing by the Local Planning Authority. Work shall be carried out only in accordance with the approved plan. The plan should include:
  - (i) Adequate measures to control dust emissions
  - (ii) Adequate measures to control noise emissions. In particular no activity that results in noise being audible at the boundary of the development site shall occur outside the hours (i) 0800 - 1800, Monday to Friday (ii) 0800 to 1300, Saturdays. No such activity shall occur on Sundays and Bank Holidays
6. The mitigation measures outlined in section 5 of the Water Vole Mitigation Strategy (Including an Updated Water Vole Survey, ERAP, May 2016) shall be adhered to at all time during and after construction of the development hereby approved.

7. The methods for the eradication of Himalayan Balsam (and Yellow archangel if it is rediscovered) from the site as outlined in Section 2.1 to 2.4 of the Invasive Species Survey and Method Statement, ERAP, May 2016 shall be adhered to at all times during and after the construction of the development hereby approved.
8. Tree felling, vegetation clearance works, demolition, site preparation and development works that may affect nesting birds shall not be carried out between March and August (inclusive), unless the absence of nesting birds has been confirmed by further surveys or inspections and details of these are submitted to and approved in writing by the local planning authority.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no window shall be added to any of the dwellings within plots 1, 7, 8, 16 and 17 (as shown on plan BH/LP1/SL/01 received by the Local Planning Authority on 13.06.2016) hereby approved until details of the positioning, size and design have been submitted to and approved in writing by the Local Planning Authority.
10. Prior to the occupation of the dwellings within plots 7, 8, 16 and 17 (as shown on plan BH/LP1/SL/01 received by the Local Planning Authority 13.06.2016), the first floor north facing windows shall be fitted with obscure glass (Pilkington level 3 or equivalent) and shall be non-opening or top hung and shall remain thus fitted at all times thereafter.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no garages, extensions, alterations, porches, garden sheds, out buildings, greenhouses, swimming pools, hardstandings or means of enclosure shall be erected or undertaken without the express written permission of the Local Planning Authority.

### **Reasons**

1. 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.
2. To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.
3. To maintain the operation of local streets and through routes in the area during construction, particularly during peak periods
4. To ensure the effective use of the car parking areas.
5. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

7. For the avoidance of doubt and to ensure compliance with the provisions of Policies GN3 and EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To protect the privacy 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.
11. The character and location of the properties are such that the Local Planning Authority wish to exercise maximum control over future development in order to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Notes**

1. Your attention is drawn to the fact that the Conditions that were imposed on the Outline planning permission for this development still apply and must be complied with in the implementation of this approval.
2. The Environment Agency has a right of entry to Boundary Sluice by virtue of Section 172 of the Water Resource Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act.
3. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Community Services for further information by emailing the County Council's Highways Development Control Section on [lhscustomerservice@lancashire.gov.uk](mailto:lhscustomerservice@lancashire.gov.uk) or by writing to the Highways Development Control Manager, Winckley House, Cross Street, Preston PR1 3LT, quoting the planning application number in either case.

### **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  
RS1 Residential Development  
IF2 Enhancing Sustainable Transport Choice

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.

<b>No.6</b>	<b>APPLICATION NO.</b>	2016/0407/FUL
	<b>LOCATION</b>	Telephone Exchange Liverpool Road Rufford Ormskirk Lancashire L40 1SB
	<b>PROPOSAL</b>	The installation of a 12m high monopole mast with attached antenna and GPS unit (overall height 14.8m), an equipment cabinet and electric meter cabinet.
	<b>APPLICANT</b>	Arqiva Ltd
	<b>WARD</b>	Rufford
	<b>PARISH</b>	Rufford
	<b>TARGET DATE</b>	3rd June 2016

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## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme, however, former Councillor Houlgrave requested that it be referred to Committee to consider the impact on local residents and the Conservation Area.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 2002/0012 – REFUSED - Development by Telecommunications Code System Operator - Erection of 13m high timber monopole with two antennae, one 0.3m dish and one 0.6m dish (overall height 15m); installation of equipment cabinet.

## **3.0 OBSERVATIONS OF CONSULTEES**

- 3.1 Environmental Health (03.05.16) – No Objection

## **4.0 OTHER REPRESENTATIONS**

- 4.1 I have received 29 letters of objection from neighbouring residents; their concerns are summarised as follows:

Not appropriate or in keeping with Rufford Conservation Area.

In close proximity to several Grade I and II listed buildings including Rufford Old Hall National Trust site, St Mary's Church and the Hesketh Arms pub.

Detract from the overall appearance of the village.

Out of character and unsympathetic to the village setting as no comparable structures in height.

Due to the height, position in the village and elevation it will be visible from three main routes through our village.

It is surrounded by trees within which there is a large but not yet fully mature sycamore tree. The sycamore tree will at full maturity be higher than this mast but are we to assume that the trees will be pruned to stop them growing and obscuring the mast as para 3.6 of

the planning and heritage statement implies that they interfere with its' functioning. These trees are deciduous and there is only screening by mature trees for six months of the year and therefore will not mitigate the adverse visual impact to the village for substantive amounts of the year.

The site is home to a colony of bats which are seen at dusk. Any microwave radiation emitted from or received by the proposed antenna will interfere with the ability of these creatures who use sonar for navigation and hunting.

Mast is too close to the local school and preschool nursery and will be a health threat to children and local residents.

Too close to residential properties. Concerns about microwave radiation emitted from a mast identified by WHO in 2011.

In order to erect the structure of this height it will be necessary to use large equipment and the entrance to the site is narrow and on a busy bend of the A49, opposite the junction with B5246. In order for cranes or lifting equipment to enter the site they will damage roots and canopy of the trees.

Application on this site for a similar scheme was previously rejected.

4.2 Rufford Parish Council (13.05.16) – Objects; In the Conservation Area.

4.3 Rufford Village Society (10.05.16) – Objects; the mast is within the Rufford Park Conservation Area, in the middle of the village and close to Rufford Primary School and the Pre-School.

4.1 CPRE (19.05.16) - Objects

CPRE Lancashire is generally supportive of telecommunications developments, regarded permitted development rights if under 15 metres in height, except in Article 2(3) land, which includes Conservation Area designated land under The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. In this instance the application is located within a Conservation Area, and due to the adverse impact likely on this occasion we object to the proposal. Furthermore it is not clear whether the applicant has adequately demonstrated alternative options or alternative locations. Without prejudice, I recommend mitigation methods (camouflaging) if the development is permitted.

4.5 West Lancashire Conservation Areas Advisory Panel (26.05.16) – No Objections

## **5.0 SUPPORTING INFORMATION**

5.1 The following supporting documents have been submitted:

Supporting Technical Justification  
Planning and Heritage Statement  
Arboricultural Method Statement  
Arboricultural Implications Assessment

## **6.0 RELEVANT PLANNING POLICIES**

- 6.1 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.

The site is located within the settlement area of Rufford and the Rufford Park Conservation Area as designated in the West Lancashire Local Plan 2012-2027 DPD.

### **West Lancashire Local Plan 2012-2027 DPD**

GN1 - Settlement boundaries

GN3 - Criteria for sustainable development

IF3 - Service accessibility and infrastructure for growth

EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

### **Supplementary Planning Advice**

SPD – Design Guide (January 2008)

## **7.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

### The Site

- 7.1 The application site is situated on the northern side of Liverpool Road, close to the junction with Church Road and set within the grounds of an existing telephone exchange.

### The Proposal

- 7.2 This application seeks planning permission for the installation of a 12m high monopole mast with attached antenna and GPS unit with an overall height of 14.8m. An equipment cabinet and electric meter cabinet is also proposed.
- 7.3 The mast is required as part of the Government's Smart Metering programme to roll out, between 2014 and 2020, smart electricity and gas metres to homes and small businesses across Great Britain. In order to deliver these benefits, a network of radio base stations needs to be built to connect customers Smart Meters with their energy supplier. A base station consists of a cabinet or cabinets containing radio transmitting and receiving equipment and an electrical power system coupled to a set of antennas. The base station communicates with Smart Meters in the local area. The main function of the mast is to elevate the antennas above obstacles such as tall trees, buildings or valley sides that would otherwise block radio signals and prevent coverage from being provided.

### Assessment

#### Principle of Development

- 7.4 Policy IF3 of the West Lancashire Local Plan (2012-2027) DPD supports the delivery of broadband and communications technology to all parts of the Borough and will encourage and facilitate its use in line with national policy.
- 7.5 In terms of national policy, paragraphs 42 - 46 of the National Planning Policy Framework (NPPF) published in 2012 are relevant and support the expansion of electronic communication networks. The Smart Meter initiative is a key part of the Government's programme to cut greenhouse gas emissions. It is also a key project in the UK's National Infrastructure Plan and will form part of the UK's critical National Infrastructure and help deliver the aspirations set out in Section 10 of the NPPF.
- 7.6 The new installation is proposed on land at Rufford Automatic Telephone Exchange, which is already in an established telecommunications use, in order to provide coverage to Rufford and the surrounding area. Utilising an existing established telecommunications site is considered to be preferable to the creation of a new site (paragraph 43 of the NPPF) in order to avoid the proliferation of masts.
- 7.7 Therefore, in principle, the proposal is considered to be acceptable providing that it accords with other local plan policies.

#### Design, Scale and Impact upon the Conservation Area

- 7.8 Policy GN3 states that proposals for development should have regard to the visual amenity and complement any attractive attributes within its surroundings through sensitive design, including appropriate siting, orientation, scale, materials, landscaping where appropriate.
- 7.9 Conservation Areas are defined under s.69 of the P(LBCA) Act 1990 as being areas of "*special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance*". There is a need to consider whether the proposal would meet the statutory duty to preserve or enhance the character or appearance of the Conservation Area. In assessing proposals, the P(LBCA) Act requires that decision makers (in this case the Council) consider character and appearance separately and that proposals need to satisfy the test above in both aspects.
- 7.10 The proposed replacement mast with antenna will be 14.8m high and will be located approx. 9m east of the existing Telephone Exchange building, in the corner of the tarmac car park area, behind a planted screen of trees and shrubs. The proposed equipment cabinet will be located approx. 1m to the south of the mast, while the Meter Cabinet will be located approx. 4m to the east of the mast, on a concrete base.
- 7.11 It is acknowledged that there will be a degree of visual harm caused through the erection of the proposed mast since it will be viewed slightly above the top of the tree canopy. However, the site is adjacent to a main road and will be viewed against the backdrop of associated highway structures such as lamp posts (approx. 6m high) and telegraph poles.



It will be partially screened by existing trees which surround the site and range in height to a maximum of 12m. Given that the proposed location of the mast is not a principle view within the Conservation Area and that the mast will be seen in context with the other tall street furniture in the surrounding area and obscured by the trees which surround the site, I would consider the proposal to cause less than substantial harm to the character and appearance of the Rufford Park Conservation Area. The mast will be constructed from ungalvanised steel that will weather to a dull grey. The equipment is also constructed from steel and aluminium in light grey. As such I am happy that the mast blends with the existing street lamps in the area.

- 7.12 In terms of using other sites, justification has been submitted. Five other sites have been considered along with various locations on agricultural land, however it has been confirmed that these sites are unsuitable for various reasons, including unwilling land owners and interference from high voltage lines. Locations along Liverpool Road and Diamond Jubilee Road have also been considered in the style of 'street furniture' however these would lead to a greater impact on the Conservation Area and the Grade II Listed Church than the proposed site. Therefore, I am satisfied that the applicant has examined the potential for alternative locations in the surrounding area.
- 7.13 The proposals would be considered under the NPPF P.134 as development which would cause less than substantial harm to a designated Heritage Asset. This needs then to be balanced against the public benefits of the proposals. In this case, paragraphs 42 - 46 of the National Planning Policy Framework (NPPF) are relevant which support the expansion of electronic communication networks. The Smart Meter initiative is also a key part of the Government's programme to cut greenhouse gas emissions and part of the UK's National Infrastructure Plan, helping to deliver the aspirations set out in Section 10 of the NPPF.
- 7.14 Overall I would conclude that the proposal would represent less than substantial harm to the Conservation Area and I would consider this minor harm to be outweighed by the public benefit of the installation of such a unit to wider infrastructure improvements.

#### Impact on Trees/Biodiversity

- 7.15 Policy EN2 of the West Lancashire Local Plan 2012-2027 DPD 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.
- 7.16 I have obtained the views of the Council's Arboricultural Officer with regard to the existing trees and shrubs on site. A key factor in the proposed siting of the mast is the opportunity to take advantage of the screening provided by mature trees located along the Liverpool Road frontage. It is proposed to minimise the impact on the root protection zone of the trees by installing the mast and equipment cabinet on the edge of the existing tarmac car park rather than within the grassed area to the east. Consequently, the electric meter cabinet and the power cable route will require some limited shrub removal within the site but no trees will be removed. Crown lift works to the sycamore tree (T3 on plan) will be

necessary to facilitate the installation of the mast. A suitable Arboricultural Method Statement has been submitted which details these works.

- 7.17 Further clarification was sought on the relationship between the proposed mast and the trees to determine whether or not the functioning of the mast could be affected due to the close proximity of the trees. The mast is a passive structure with its sole role to elevate the Omni antenna to a height where it can provide the required radio signal coverage to Rufford and beyond. It is the antenna rather than the mast that provides the Smart Metering coverage. As radio signals can be affected by trees and buildings, the antenna has been elevated above the adjacent trees and an allowance has been made for tree growth. Whilst continuing tree growth can affect the coverage provided, limited pruning may be required in the future, which is considered to be acceptable. Overall, works to implement the proposals are not likely to lead to any notable loss of amenity. The submitted arboricultural information is considered acceptable and has been agreed by the Council's Arboricultural Officer.
- 7.18 Given there will be no tree loss as a result of the development and the mast and equipment would be sited on an existing hard surface I am satisfied that the development would not result in significant harm to biodiversity or protected species.

#### Impact on Residential Amenity

- 7.19 The nearest residential property lies over 10m away from the proposed site, on The Paddock. The applicant states in the supporting information that the proposed base station has been designed, and will be constructed and operated in accordance with all relevant health and safety requirements, including the guidelines of the International Commission for Non-Ionising Radiation Protection (ICNIRP) as adopted in the EU Council Recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0Hz to 300GHz). The ICNIPR guidelines are accepted by the UK Government as the appropriate safeguard to public health (paragraph 46 of the NPPF).
- 7.20 In respect of the objections received – there are currently no restrictive planning policies for the siting of telecommunications in close proximity to schools or other community facilities. With reference to paragraph 46 of the NPPF this states that “Local Planning Authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications systems or determine health safeguards if the proposal meets International Commission guidelines for public exposure”. Therefore, in respect of potential health impacts, the applicant has confirmed compliance with ICNIRP guidelines therefore these grounds of objection are not a material planning consideration.

#### Impact on Highways

- 7.21 It is clear that the proposed mast would be sited on an existing area of hard surfacing which could be used for vehicular parking in association with the telephone exchange. However this is an automatic telephone exchange and no permanent members of staff are

based here, apart from an engineer who visits the site for maintenance purposes. As such I am satisfied that sufficient car parking will remain at the site and the proposed mast would not have a detrimental impact on highway conditions in the vicinity of the site.

#### Other matters

- 7.22 Planning permission was refused in 2002 for a telecommunications mast situated to the rear of the telecommunications building (ref 2002/0012) due to its siting in a visually prominent position and detrimental impact on the character and appearance of the Conservation Area. At that time, Members took the view that coverage plots showed very limited increase in coverage gained by the proposal and that a more thorough search outside the conservation area needed to be carried out. Since this planning decision both local and national planning policies have changed and I am satisfied that the current mast is acceptable in both siting and design and the need for the equipment has been justified.

#### Summary

- 7.23 In summary, the principle of the proposal is considered to be acceptable. Whilst I acknowledge that there will be some degree of visual impact it is considered that this is a minor harm outweighed by the public benefit of the installation of such a unit to wider infrastructure improvements. As such I consider that the proposal accords with policies IF3, EN2, EN4 and GN3 of the West Lancashire Local Plan (2012-2027) DPD.

### **8.0 RECOMMENDATION**

- 8.1 That planning permission be GRANTED subject to the following conditions:

#### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan reference Proposed Elevation, Proposed Site Plan, Equipment Cabinet Dimensions received by the Local Planning Authority on 8th April 2016.  
Plan reference Location Plan received by the Local Planning Authority on 7th July 2016.
3. Within 6 months of the mast no longer being required as part of the Smart Metering Network, it shall be removed and the land cleared and restored in accordance with a detailed scheme that shall previously have been submitted to and approved in writing by the Local Planning Authority.
4. The measures contained in the Arboricultural Method Statement received by the Local Planning Authority on 27th June 2016 shall be fully implemented during construction.
5. The existing trees shall be retained and before site works commence they shall be protected with stout fencing constructed to BS5837:2012, to contain the branch spread of the trees. Such fencing shall remain and be adequately maintained for the duration of the development operations. Within this fencing no development operations may take place including the storage or dumping of materials or plant, the lighting of fires, the siting of

temporary huts or the raising or lowering of ground levels. All dead or damaged existing trees specified for retention shall be replaced with trees of such size and species approved in writing by the Local Planning Authority.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. The character and location of the site are such that the Local Planning Authority wish to exercise maximum control over future development in order to comply with the provisions of Policy GN1 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To protect the trees and shrubs and thereby retain the character of the site and the area and to ensure that the development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To safeguard the health of the trees and so ensure that the proposed development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### **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

IF3 - Service accessibility and infrastructure for growth

EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

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

<b>No.7</b>	<b>APPLICATION NO.</b>	2015/1243/FUL
	<b>LOCATION</b>	9 Tan House Lane Parbold Wigan Lancashire WN8 7HG
	<b>PROPOSAL</b>	Proposed residential development on land to the rear of 9-15 Tan House Lane, comprising of 4 detached dwellings with new access road.
	<b>APPLICANT</b>	S & I Developments Ltd
	<b>WARD</b>	Parbold
	<b>PARISH</b>	Parbold
	<b>TARGET DATE</b>	24th March 2016

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## **1.0**    **REFERRAL**

1.1    This application was to be dealt with under the Council's delegation scheme, however Councillor Blake has requested that it be referred to the Planning Committee to consider the impacts of the proposed development on the nearby properties and to discuss concerns regarding drainage and over-development of the site.

## **2.0**    **PREVIOUS RELEVANT DECISIONS**

### No. 9 Tan House Lane

- 2.1    2016/0616/FUL - Demolition of existing garage and erection of attached garage to front. Two storey extension to rear, single storey side extension, internal alterations to provide larger kitchen/utility area and other alterations to front and side of dwelling - Pending consideration
- 2.2    2016/0295/FUL - Demolition of existing garage and erection of attached garage to front. Two storey extension to rear, single storey side extension, internal alterations to provide larger kitchen/utility area and other alterations to front and side of dwelling - Refused
- 2.3    2015/1192/FUL - Demolition of existing garage and erection of attached garage at front. Two storey extension to rear, single storey extension and alterations to provide larger kitchen/utility area and other alterations to front and side of dwelling - Refused

### Enforcement

- 2.4    E/2016/0080/UBW - Demolition of garage without planning permission - Case Closed (planning permission not required)

### Rear garden of 15 Tan House Lane

- 2.5    2014/1124/NMA - Non-material amendment to planning permission 2011/0394/FUL - Re-alignment of boundary wall - REFUSED

- 2.6 2014/1107/CON - Approval of details reserved by condition nos. 3, 4, 5, 6, 7, 8 and 11 on planning permission 2011/0394/FUL relating to brickwork and roofing materials, bin store details, boundary treatment details, schedule for works affecting nesting birds, Tree Protection Method Statement, Bat and Barn Owl mitigation proposals and surface water drainage scheme / percolation test / Surface Water Soakaway calculations - WITHDRAWN
- 2.7 2014/0444/FUL - Proposed new access - REFUSED
- 2.8 2011/0394/FUL - Erection of one detached two storey dwelling. Creation of new vehicular/pedestrian access - GRANTED

### **3.0 CONSULTEE RESPONSES**

#### **3.1 LCC Highways (22/02/16) (summary)**

Tan House Lane (U361) has been categorised as a local access road and is within a 20mph zone. Sight lines of 2.0m x 25m are required in both directions measured from the centre line of the access. The applicant should provide accurate details of the required sight line requirement, before determining the application, ensuring the entire sight line requirement is fully over land fully within the applicants control and/or over the adopted highway.

Whilst the proposal is for a private drive, the length of the proposed drive means that plot 5 is approx. 124m from the access onto Tan House Lane. A turning head is required to allow refuse vehicles to turn within the site

Whilst I would consider that the applicant has provided adequate parking for the size of properties I have concerns that Plot 5 has no turning facility to enable vehicles to enter/exit in a forward gear.

The Development Control Section is unable to support this application in its present form.

#### **3.2 LCC Highways (16/03/16) (Summary)**

The amended plans show the relocation of the car port on Plot 4, this has reduced the driveway to the front of the car port to 3.8m in length. This is below the minimum required to be counted as parking, therefore, based on the West Lancashire Local Plan and the car parking provision for Plot 4 is not to the recommended minimum.

Whilst the proposal is for a private drive, the length of the proposed drive means that plot 5 is approx. 124m from the access onto Tan House Lane. The proposed turning head is not to a prescribed "Access Way" turning head from Lancashire County Council Residential Design Guide therefore the applicant must prove the turning head layout by swept path analysis for a twin axel refuse vehicle. The applicant should provide accurate

details of the required turning head before determining the application and the turning head should be protected under condition, for perpetuity.

3.3 LCC Highways (06/04/16)

I have viewed the revised plan and would consider that the turning and parking area is now adequate therefore in respect of drawing no. PL K72/01 Rev H I have no highway objections. I would request that the height of any boundary treatment to the access drive of No 9 at the entrance should not exceed 1.0m to allow adequate visibility when exiting.

Conditions recommended

3.4 Environment Agency - no comments

3.5 Environmental Health

I have no objections to this application in principle however, there is likely to be noise associated with the construction of the new dwellings and there are existing residential properties surrounding the site. As such if the application is approved I would recommend that a condition regarding timings of construction work is applied.

3.6 United Utilities

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

In respect of drainage United Utilities will have no objection to the proposal and therefore request no conditions are attached to any approval.

3.7 MEAS

This application does not include works to 9 Tan House Lane. No further bat survey is required as the report concludes that trees on site have negligible potential for use by roosting bats.

Conditions recommended in relation to avoiding works within the bird breeding season

3.8 Parbold Parish Council

Parbold Parish Council objects to any building whatsoever on this garden land. The Council have noted the following policies and sections of the Local Plan: Chapter 7.8 (Garden Land Development), Chapter 3 (Trees and Landscaping), Policy GN3 and Policy RS1

Noticeably there is no allocation of land for housing developments within the Local Plan for Parbold, whilst this Policy makes it quite clear that in considering proposals for residential development on garden land, careful attention must be paid to relative policies. If such matters cannot be satisfied then residential development should not be permitted.

The following issues affect residents of Tan House Lane, Alderbrook Drive and Brandreth Drive:

Loss of privacy - amenity - light

Flooding - slope of the land - especially in view of recent serious flooding in the area.

Land drainage issues - especially in view of recent serious flooding in the area. Footpath - increased danger to school children and parents with pushchairs from vehicles exiting on to what is already a very busy road. Light & noise pollution

Other concerns are raised in respect of loss of Trees and Wildlife - loss of habitat.

#### **4.0 OTHER REPRESENTATIONS**

4.1 Letters of representation have been received from 16 addresses and raising concerns in regard to the following issues:

Drainage/Flooding - the development would exacerbate the significant surface water flooding problems in the local area;

Vegetation - the development will affect the trees which provide a wide range of biodiversity and habitats for local wildlife. The trees are also important in soaking up the surface water in the local area. The trees will impact on the residents of the proposed properties which will lead to pressure to fell them;

Policy - the development does not comply with local policies which resist development in residential gardens;

Highways - Tan House Lane is used by pedestrians and vehicles accessing the nearby school. There are concerns regarding future safety and traffic congestion in the area. There is a lack of visibility caused by the fencing and hedging of 7 Tan House Lane;

Residential amenity - the neighbouring properties will be overlooked and will lose their privacy.

#### **5.0 SUPPORTING INFORMATION**

5.1 Design and Access Statement, Ecological Survey, Copy of emails between agent and United Utilities regarding drainage and Arboricultural Impact Assessment and Method Statement.

#### **6.0 LOCAL PLAN ALLOCATION**

6.1 The application site is located within the Key Sustainable Village of Parbold as designated in the West Lancashire Local Plan Proposal Map.

6.2 National Planning Policy Framework (NPPF)

West Lancashire Local Plan 2012-2027 DPD



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

Supplementary Planning Document - Design Guide (January 2008)

## **7.0 SUMMARY OF ISSUES**

### ***Site***

- 7.1 The site comprises an L-shaped area of land which includes part of the side garden to 9 Tan House Lane and extends behind the properties of 11, 13 and 15 Tan House Lane. The land was formerly garden associated with nos. 9 and 15. There are two individual trees and two groups of trees on the land which are protected by Tree Preservation Orders.
- 7.2 The site is surrounded by residential properties with Brandreth Drive to the west of the site and Alderbrook Drive to the south. The garden of no. 17 Tan House Lane lies adjacent to the eastern boundary.

### ***Proposal***

- 7.3 The application proposes the erection of four two-storey detached properties which are annotated on the site plan as plots 2, 3, 4 and 5. Each dwelling would have four bedrooms.
- 7.4 The dwellings would be accessed via a new shared driveway which would run between nos. 7 and 9 Tan House Lane using the side garden of no. 9. Each property would have an attached car port and there would be parking for at least two additional cars on each plot.
- 7.5 Plots 2, 4 and 5 would have a maximum ridge height of approx. 8.2m and footprint of approx. 190m<sup>2</sup>. Plot 3 would have a maximum height of approx. 8.4m high and a footprint of approx. 170m<sup>2</sup>.

### ***Assessment***

- 7.6 The main considerations for this application are:

Principle of development;  
Visual appearance/design;  
Residential amenity;  
Trees / Landscaping;  
Highways;

Drainage;  
Biodiversity.

*Principle of development*

- 7.7 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. In relation to development on garden land policy RS1 states *"When considering proposals for residential development on garden land, careful attention will need to be paid to relevant policies, including, but not limited to, those relating to the amenity of nearby residents, the character of the immediate area, vehicle access, biodiversity and design."*
- 7.8 The site is within the settlement area of Parbold and as such the principle of residential development in this location is acceptable subject to the proposal complying with all other planning policy.

*Visual appearance/design*

- 7.9 The NPPF and policy GN3 of the West Lancashire Local Plan 2012-2027 DPD together with the Council's Supplementary Planning Document on Design require that development should be of a high quality design, integrate well with its surroundings, promote sustainable development principles and respect its setting.
- 7.10 The properties in the immediate area vary in style, size and design. It is my view that the plot sizes for the proposed dwellings would be largely commensurate with others in the local area in particular with those properties on Tan House Lane and Brandreth Drive. It is my view the proposal would not result in over-development of the site. The proposed amenity areas for each dwelling would be at least 13m depth which is more than adequate to comply with the requirement of the SPD which advises a minimum depth of 10m. In my view, the design of the properties reflects the general characteristics of the nearby dwellings and the proposed materials would be in keeping with the character of the local area.
- 7.11 Amendments have been made during the course of the application to reduce the scale of the buildings; in particular the heights have been lowered so that each property would be two storey in height. Whilst the proposed properties would still be large, on balance, I consider the size of the properties would respect the character of the local area and therefore would comply with the requirements of policy GN3 and the SPD.

*Residential amenity*

- 7.12 Policy GN3 requires that new development should retain reasonable levels of privacy and amenity for occupiers of the neighbouring properties.

- 7.13 The SPD - Design Guide states the minimum distance between buildings, on similar levels, facing back to back is 21m. Where there is a difference in ground or first floor levels between properties the SPD states it is necessary to increase the level of separation to avoid overlooking.
- 7.14 There is a difference in the land levels between the proposed dwellings and the existing properties on Alderbrook Drive however I am satisfied that, due to the proposed separation distance of approx. 25m and the existing mature landscaping, the proposed development would not result in significant overlooking of neighbouring properties.
- 7.15 The height of the dwellings has been reduced during the course of the application and I am satisfied the proposed building would not cause undue overshadowing or dominance of nearby properties.
- 7.16 On that basis I consider the proposed dwellings would not cause significant adverse impact on the residential amenity of neighbouring properties and would therefore comply with the requirements of policy GN3.

#### *Trees / Landscaping*

- 7.17 Policy EN2, part 3, states that “*development involving the loss or damage to trees of significant amenity will only be permitted where the development is required to meet a need that could not be met elsewhere and where the benefits of the development clearly outweigh the loss or damage*”. The policy also states that all development should “*Avoid encroachment into the canopy area or root spread of trees considered worthy of retention.*”
- 7.18 Although the Design and Access Statement makes no reference to the trees it is apparent the layout is reasonably sympathetic to the existing tree cover and the higher grade trees. The Council’s Arboricultural Officer has visited the site and assessed the proposal and the tree works identified in the Arboricultural Impact Assessment are considered to be acceptable. Furthermore the method statement for the construction of driveway surfaces within the root protection areas of two TPO trees as shown on the site plan is also considered to be satisfactory.
- 7.19 Several notable trees in plot 4 would be removed to accommodate the house however having regard to the amount of tree cover on the site the loss of these trees would not cause a significant impact to the area. It would be desirable however to provide some compensatory planting along the southern boundary of plot 5 which would provide and enhance screening to the neighbouring property. I consider that a suitable condition requiring details of further landscape information relating to this plot would be appropriate.
- 7.20 Other landscaping information is also required including details of the position of the protective fencing for trees, maintenance specification for the new planting and a management plan for trees along the southern boundary. It is my view these details can also be secured by a suitable condition.

- 7.21 Subject to appropriate conditions I am satisfied that the proposed development would not cause harm to the protected trees within the site or cause a significant loss of tree cover as a whole and therefore the development complies with policy EN2.

#### *Highways*

- 7.22 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states development should incorporate suitable and safe access and road layout design in line with latest standards. Development should prioritise the convenience of pedestrians and provide safe, convenient and attractive pedestrian and vehicular access. Parking should be provided for each dwelling in accordance with policy IF2.
- 7.23 Amendments to the proposal have been made during the course of the application and the layout now incorporates a suitable turning area for larger vehicles, such as refuse vehicles, and adequate parking and turning areas for cars associated with the dwellings are provided. The proposal has been assessed by the County Surveyor who is satisfied that, subject to appropriate conditions in respect of the access, visibility splays and parking/turning areas, the proposal would not adversely impact highway safety in the vicinity of the site.
- 7.24 The proposal would therefore comply with the requirements of policies GN3 and IF2 in the Local Plan.

#### *Drainage*

- 7.25 Paragraph 103 of the NPPF states that, when determining applications, LPAs should ensure flood risk is not increased as a result of development and only consider development appropriate in flood risk areas where it can be demonstrated that the most vulnerable development is located in areas of lowest flood risk and the development is appropriately flood resilient and resistant and gives priority to Sustainable Drainage Systems. Policy GN3 states that the Council will ensure development does not result in unacceptable flood risk or drainage problems and, with the exception of water compatible uses and key infrastructure, requires development to be located away from Flood Zones 2 and 3.
- 7.26 The site is located within Flood Zone 1, the area of lowest potential flood risk, where it is considered appropriate to build more vulnerable development such as dwellinghouses; however neighbours have raised concerns that the proposed development would cause an additional problem in the local area in respect of surface water drainage and flooding. Indicative details have been submitted with the application which indicate both foul and surface water would connect to the combined sewer. United Utilities have indicated that they would not object to this approach.
- 7.27 However it is necessary for the development to comply with the requirements of paragraph 103 of the NPPF in respect of consideration for Sustainable Drainage Systems. On that

basis further investigations are required, as before surface water can be allowed to connect to mains drainage the applicant must demonstrate that there are no more sustainable solutions available e.g. water infiltration or directing of water to a watercourse. In practice, it may be that further investigations show that water cannot satisfactorily infiltrate or connect to a watercourse in which case connection to the public sewer would be required. However, I am satisfied that a suitable surface water scheme can be designed in relation to this site which will not result in a worsening of the existing situation in the local area. Full details of the Surface Drainage scheme will be required by condition and the scheme is considered compliant with Policy GN3 and advice in the NPPF.

### *Biodiversity*

- 7.28 Policy EN2, Part 2, 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 or absence 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.
- 7.29 Concerns have been raised that the trees within the site are a habitat for protected species specifically bats. The application was accompanied by an ecology survey which has been assessed by the Council's Ecological Advisor. The survey concludes that the trees on site have negligible potential for use by roosting bats. I am satisfied the proposed development would have no significant impact on protected species or their habitats and therefore complies with the requirements of policy EN2. A condition is recommended to avoid works within the bird breeding season.

### *Summary*

- 7.30 Given the above I consider that the proposal would be in keeping with the character of the local area, would not cause significant harm to protected trees, highway safety, biodiversity or the amenity of neighbouring properties and would not increase surface water discharge. The proposal is therefore considered to satisfactorily meet the requirements of Policies RS1, IF2, EN2, GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD and should be recommended for approval.

## **8.0 RECOMMENDATION**

- 8.1 That the application should be GRANTED subject to the following conditions:

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-

Site location plan received by the Local Planning Authority on 3rd December 2015, drawing no. PL K721/01 received on 15th June 2016 and drawing nos. PL K721/05, /06, /07, /08, /09, /10, /12, /13, /14 and /15 received on 1st July 2016.

3. No development shall take place until a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions has been submitted to and approved in writing by the Local Planning Authority.  
The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 5l/s.
4. No development shall take place until a sustainable drainage management and maintenance plan for the lifetime of the development has been submitted to the Local Planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
  - a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
  - b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, 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.The development shall subsequently be completed, maintained and managed in accordance with the approved plan.
5. No development shall take place until full details and samples of the external brickwork and roofing materials and details of the materials for the construction of the access road and areas of hardstanding have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
6. Before any development takes place visibility splays measuring 2.0 metres by 25 metres in both directions, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Tan House Lane, shall be provided before the new access is brought into use and the land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.
7. Before any development takes place details of on site facilities for the cleaning of the wheels of vehicles leaving the site and such equipment to be used to prevent mud and stones being carried onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be used for the full period of site clearance and construction and the roads adjacent to the site shall be mechanically swept as required during the full clearance and construction period.
8. Before any of the hereby permitted dwellings are first occupied the accessway from Tan House Lane into the site shall be constructed to a minimum width of 5.5m and this width

shall be maintained for a minimum distance of 10m measured back from the nearside edge of the carriageway.

9. The turning and parking areas including the car ports shall be constructed in accordance with the approved plans and the hereby permitted dwellings shall not be occupied until these facilities and the vehicular access thereto have been provided. These facilities shall be kept permanently available for the parking and turning of motor vehicles.
10. No development shall take place until full details of the finished levels of all parts of the site, including the floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those details.
11. The driveway surfaces within the root protection areas of the TPO trees shall be constructed entirely in accordance with the method statement received by the Local Planning Authority on 3rd December 2015.
12. No development shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. The landscaping scheme shall show:
  - the location, species and number of all existing trees and hedges to be retained and all proposed trees, shrubs and hedges
  - the location of all existing and proposed grassed and hard surfaced areas
  - details of maintenance and management for all new planting and for the existing trees along the southern boundary
  - details of protective fencing for existing treesTrees and shrubs planted shall comply with BS. 3936(Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). Within a period of 9 months from the date when any part of the development is brought into use the approved landscaping scheme shall be carried out. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.
13. Before any development takes place the protective fencing for existing trees approved pursuant to condition 12 shall be erected in its entirety and shall remain in place for the duration of site clearance and construction works.
14. No development above slab level shall take place until details of the proposed screen walls and/or fences have been submitted to and approved by the Local Planning Authority. Such walls and/or fences shall be erected as an integral part of the development and completed to each dwelling before that dwelling is first occupied.
15. No tree felling, scrub clearance, hedgerow removal, vegetation management, shall 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 trees, scrub and hedgerows shall be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected shall be submitted to and agreed in writing by the Local Planning Authority prior to any further works taking place.
16. Construction work, which is audible from the boundary of any noise sensitive receptor, shall only take place between the hours of 08:00 – 18:00 on Monday to Friday inclusive, 08:00 – 13:00 hours on Saturdays with no such working on a Sunday or local or national public holiday. The receipt of any materials or equipment for the construction of the site is not allowed outside the said hours, unless otherwise approved in writing by the local planning authority having been given a minimum of two working days' notice of the

occurrence of the proposed event. Fixed and mobile plant used within the site during the construction period shall not incorporate 'bleeping' type warning devices that are audible at the boundary of any noise sensitive property unless otherwise approved in writing by the local planning authority.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To ensure that the proposed development can be adequately drained, to ensure that there is no flood risk on or off the site resulting from the proposed development, to ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development to reduce the flood risk to the development as a result of inadequate maintenance, to ensure that water quality is not detrimentally impacted by the development proposal 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. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance, to identify the responsible organisation/body/company/undertaker for the proposed SuDS and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To ensure that the 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.
6. To ensure adequate visibility for the drivers of vehicles entering and leaving the site 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.
7. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users 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.
8. To enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users 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.
9. To allow for the effective use of parking areas and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.



11. To safeguard the health of the trees and so ensure that the proposed development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. To enable an inspection of the landscaping scheme to take place and thereby ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
13. To protect the trees and thereby retain the character of the site and the area and to ensure that the development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
14. To prevent unsightliness and visual intrusion and so ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
15. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
16. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Notes**

1. The highway is not to an adoptable layout and will remain private. With regard to condition 8 it is advised the carriageway construction is based on the Lancashire County Council Specification for estate roads 2011 edition. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for "construction of estate roads".
2. The applicant is advised that the new site access will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Environment Directorate before works begin on site. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for "278 agreement".

### **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

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.

<b>No.8</b>	<b>APPLICATION NO.</b>	2016/0421/FUL
	<b>LOCATION</b>	Land To The South-east Of 26 - 30 Robin Lane Hilldale Parbold Lancashire
	<b>PROPOSAL</b>	Erection of agricultural building and hardstanding together with access from highway.
	<b>APPLICANT</b>	Mr R BELL
	<b>WARD</b>	Parbold
	<b>PARISH</b>	Hilldale
	<b>TARGET DATE</b>	28th June 2016

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## **1.0 REFERRAL**

- 1.1 This application was to be dealt with under the Council's delegation scheme; however Councillor Whittingham has requested that it be referred to the Planning Committee to consider the impact on highway safety, trees and Green Belt.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 2014/1051/FUL (REFUSED and APPEAL DISMISSED) Retention of agricultural building, access track and access from highway.
- 2.2 T/2012/0104/TPO (GRANT CONSENT SUBJECT TO CONDITIONS) T2 Chestnut Crown lift over road; T5 Chestnut Crown lift over road and field 5 to 6 metres secondary branches only; T6 Chestnut Remove 1 to 2 lower branches over road and crown lift some lower branches over the field.

### Enforcement

- 2.3 E/2014/0200/UBW - Without planning permission the formation of a vehicular access, access track, turning area and hardstanding, and erection of a building. Enforcement Notice served 29.01.15 and complied with.
- 2.4 E/2014/0087/UAU - Without planning permission, the change of use of land from agricultural to a mixed use of agricultural and residential /domestic use ancillary to the residential use of the adjacent property 28 Robin Lane. Enforcement Notice served 29.01.15 and complied with.

## **3.0 OBSERVATIONS OF CONSULTEES**

- 3.1 LCC Highways (31.05.2016) – Object unless the applicant can overcome the issues raised below and by providing an acceptable speed survey at the new junction over a week showing numbers of vehicles passing the site in both directions, the speeds of the vehicles and the 85 percentile speed of the vehicles.

Robin Lane (B5246) is a classified road which has been categorised as a secondary distributor road with a speed limit of 30mph which would require sight lines of 2.4m x 43m in both directions. Due to the existing hedges/trees there is no visibility to the east of the access onto Robin Lane which is a danger for vehicles exiting the access and other highway users.

During my site visit it was evident that some vehicles were travelling in excess of the 30mph limit and a traffic count carried out in 2013 recorded the 85<sup>th</sup> percentile speed of the road as 37mph east bound and 38mph westbound.

Clause 7.5 from Manual for Streets recommends the sight line requirement for roads with an 85<sup>th</sup> percentile speed greater than 37.5mph should be based on the requirements set out in Design Manual for Roads and Bridges. Using Design Manual for Roads and Bridges and a 85<sup>th</sup> percentile speed the recommended sight line requirement is 2.4x94m to the east of the access and 2.4x90 to the west of the access.

3.2 Director of Leisure and Wellbeing (19.05.16) – No objections

3.3 United Utilities (18.05.16) – No objections subject to drainage conditions

#### **4.0 OTHER REPRESENTATIONS**

4.1 Hilldale Parish Council (16.05.16) - The access road comes out onto a very busy road at a particularly bad bend creating a serious hazard for vehicles. The road is used by large numbers of HGV's, cars, cyclists, tractors and pedestrians. The development conflicts with Policy G1 of West Lancashire Local Plan. As the development is in the Greenbelt this will result in inappropriateness and loss of openness and no special circumstances have been identified. There are several well established trees on the site. These could be endangered as they provide amenity and screening value.

4.2 I have received one neighbouring objection that refers to concerns that sheep are only on the field in the summer, the building should not be used for the applicant's car repair business, loss of view and unsuitable building for this area of the countryside.

#### **5.0 SUPPORTING INFORMATION**

5.1 The following supporting documents have been submitted in support of the planning application:

Planning Statement  
Landscape and Visual Impact Assessment  
Tree Report

## **6.0 RELEVANT PLANNING POLICIES**

6.1 National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the West Lancashire Local Plan (WLLP) provide the policy framework against which the development proposals will be assessed. The application site is located within the Green Belt. The following policies are therefore relevant:

### **6.2 National Planning Policy Framework (NPPF)**

Supporting a prosperous rural economy

Requiring good design

Protecting Green Belt land

Conserving and enhancing the natural environment

Facilitating the sustainable use of materials

### **West Lancashire Local Plan 2012-2027 DPD (WLLP)**

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy EN2 – Preserving and Enhancing West Lancashire's Natural Environment

Supplementary Planning Document – Design Guide (January 2008)

Supplementary Planning Document - Development in the Green Belt (October 2015)

## **7.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

### **The Site**

7.1 The application site is a small parcel of land sited on the south side of Robins Lane Hilldale. The site is indicated on plans as being 0.03 hectares. The locality generally can be characterised as semi-rural, although the site appears as open countryside and is located within the Green Belt. The applicant's residential property along with two other dwellings are located to the north-west of the site, separated by a small wooded area. To the south of the site lie open agricultural fields and to the north are residential properties within the village of Hilldale.

### **The Proposal**

7.2 It is proposed to erect an agricultural building. The building measures 7.5m wide x 7.5m long x 3.9m high and is located in the NW corner of the site adjacent to Robin Lane. The building is intended to be used for housing a small flock of sheep and storage of a tractor, feed and equipment associated with sheep and chickens. It is constructed of grey and brown pressed metal cladding. An area of hardstanding is also included within the scheme directly to the east of the building off the short access drive from Robin Lane.

## Background

- 7.3 A previous application on this site to retain an agricultural storage building, hardstanding and access track was refused in 2014 and dismissed at appeal. The reasons for refusal were:
1. The formation of the access track and manoeuvring areas constitute inappropriate development in the Green Belt that results in harm by virtue of inappropriateness and loss of openness and has not been justified by very special circumstances. The development therefore conflicts with Policy GN1 in the West Lancashire Local Plan (2012-2027) Development Plan Document and the National Planning Policy Framework.
  2. The agricultural building and access track would be located in the middle of a field where it would unduly detract from the openness and visual amenity of the Green Belt, prejudice the efficient use of the land and fail to make best use of existing field boundary screening and therefore conflict with Policies GN1 and GN3 in the West Lancashire Local Plan 2012-2027 DPD and the National Planning Policy Framework.
  3. The size of the agricultural building is unduly large for the size of holding and proposed use and would detract from the openness of the Green Belt and visual amenity of the semi-rural location thereby conflicting with Policies GN1 and GN3 in the West Lancashire Local Plan 2012 to 2027.
  4. The applicant has failed to demonstrate the need for the development could be met elsewhere, where it does not adversely impact on trees of significant amenity and screening value or that the use of the hard standing areas within the root protection areas of protected trees will not result in harm to the long term health of the protected trees. The development proposal therefore fails to meet the requirements of Policy EN2 in the West Lancashire Local Plan (2012-2027) Development Plan Document.
- 7.4 The current application aims to address the above reasons for refusal in that the building has been relocated closer to Robin Lane with a shorter access track and reduced hardstanding.

## Principle of Development

- 7.5 Policy GN1 in the WLLP states that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies.
- 7.6 Paragraph 79 of the NPPF sets out the government's view that great importance is attached to Green Belts. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of

Green Belts are their openness and their permanence. Paragraph 89 of the NPPF states *'a local planning authority should regard the construction of new buildings as inappropriate in Green Belt'*. Exceptions to this include *"buildings for agriculture and forestry"* and *"provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with purposes of including land within it"*. In my view, whilst the agricultural activity on the site is limited at present, I accept that the proposed building is intended to be used for agricultural purposes and therefore the building element of the development does not represent inappropriate development. This view was also shared by the Inspector when dealing with the previous appeal on the site.

- 7.7 Paragraph 90 of the NPPF provides that certain other forms of development are also not inappropriate, provided that they preserve the openness of the Green Belt. Engineering operations are included and in this case the access track and hardstanding are considered to be engineering operations. The revised location of the building closer to Robin Lane results in a much shorter length of access track and a reduced visual prominence. Whilst an area of hardstanding has been retained adjacent to the building, this is considered to be commensurate in size and scale to the building and associated land holding. As such I consider this element of the development has been reduced in size and does not represent inappropriate development.
- 7.8 On the issue of inappropriate development I therefore conclude that neither the building nor the hardstanding constitute inappropriate development in the Green Belt and are acceptable in principle.

#### Impact on Green Belt

- 7.9 In terms of the impact of the development upon the openness and character of the Green Belt, it is my opinion that the development has been located as close as possible to existing built development within the village of Hilldale – thus minimising any further encroachment on to the open Green Belt.
- 7.10 In terms of the height and scale of the building and the size of the hardstanding, I am of the opinion that it is proportionate to the size of the unit and the scale of operations undertaken.
- 7.11 Therefore taking this justification into consideration, that the principle of the development is acceptable and noting the existing boundary screening I am of the opinion that the development would not have a detrimental impact upon the Green Belt and the revised location of the building and the absence of the longer access track is acceptable and addresses some of the reasons why planning permission was previously refused.
- 7.12 Within the NPPF Local Planning Authorities are also encouraged to support economic growth in rural areas by taking a positive approach to new development. In order to maintain prosperous rural economies the sustainable growth of rural businesses should be

supported and the development of agricultural businesses should be promoted. It is my view the development should be supported as advocated within the NPPF.

### Siting, Scale and Design

- 7.13 Policy GN3 of the West Lancashire Local Plan DPD (2012-2027) states that proposals should consider the scale of new development and ensure that the height and massing is appropriate in relation to the neighbouring properties and the surrounding environment.
- 7.14 Guidance within Part Three of the Council's Design Guide states that new development should be of an overall scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that the building's height, scale and form including roofline do not disrupt the visual amenities of the streetscene and impact on any significant wider landscape views.
- 7.15 The size and height of the building have been reduced when compared to the previously refused application to further reduce its visual impact. The proposed building would be approx. 3.9m in height and built of timber with a grey pressed metal roof. The height, design and type of materials are typical of this type of rural agricultural building and I am satisfied the proposed development now complies with the requirements of policy GN3.

### Impact on Trees

- 7.16 Policy EN2 of the Local Plan encourages the retention of important trees and landscapes. Many of the trees around the boundary of the site are subject to a TPO and make a significant contribution to the visual amenity and landscape quality of the locality. The access is located between mature existing TPO trees and the creation of a new surface would have implications for these trees. Appropriate construction and materials would be required to avoid root damage and this can be required by condition.
- 7.17 The Council's Arboricultural Officer has considered the proposed position of the agricultural building and considers, on balance, the location to be acceptable subject to the imposition of appropriate planning conditions to ensure the existing trees are protected during construction.

### Impact upon neighbouring properties

- 7.18 The nearest neighbouring residential property is no. 27 Robin Lane, which is located on the opposite side of Robin Lane. Whilst the building would be visible in the winter months, at the distance of approximately 30m and with significant tree screening, I am satisfied the proposal would not have any direct impact on the amenities of neighbouring residential properties in compliance with Policy GN3 of the Local Plan.



## Highways

- 7.19 The access to the site is close to a bend in Robin Lane and the applicant claims that an access has existed at this point for a number of years. Whilst it may be apparent that a more informal access existed, there is no evidence that it was in regular use. The highway authority has concerns that the required visibility to the east cannot be achieved due to the existing trees and hedgerow along the boundary with Robin Lane. LCC have also advised that if an acceptable speed survey at the access point was undertaken over a week showing numbers of vehicles passing the site, the speeds of vehicles and the 85<sup>th</sup> percentile speed and if such a survey indicated that a reduction in visibility splay was acceptable, comments could be reviewed. However, at the present time LCC retain their objection.
- 7.20 I acknowledge the concerns of the highway authority along with the location of the access close to a bend in Robin Lane. However, in my view, an access has existed to this parcel of land in the past as is evidenced by a gate previously positioned on the land and photographs of the site taken prior to the recent access upgrade. The current agricultural operations on the land are minor and even if they were to intensify, the area of land involved is small and vehicular movements infrequent. As such, I find it difficult to justify a refusal of the application based upon the present position. Indeed this was not a reason for refusal on the previous application. Given these factors I conclude that it would be unreasonable to require a speed survey to be carried out and the re-use of the access for the purposes stated would not result in a severe impact on highway safety and would not warrant a refusal of planning permission.

## Summary

- 7.21 Given the above I consider that the proposal would not unduly affect the openness of the Green Belt and would not adversely impact on the character or appearance of the local area. The proposed development is reasonably necessary for the purposes of agriculture and results in a limited impact upon the adopted highway. In my view the proposal meets the requirements of Policies GN3 and GN1 of the West Lancashire Local Plan 2012-2027 DPD and should be recommended for approval.

## **8.0 RECOMMENDATION**

- 8.1 That planning permission be GRANTED subject to the following conditions:

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan reference CF6400 - 002 Rev F received by the Local Planning Authority on 29th April 2016.

3. The materials used for the building hereby approved shall be implemented as indicated on the approved plans and application form; however, notwithstanding the submitted plan, full details of materials to be used in the construction of the access and hardstanding shall be submitted to and approved in writing by the local Planning Authority before the access is brought into use. For the avoidance of doubt, the area of hardstanding shall be constructed of porous material.
4. The site must be drained using a total separate drainage system. For the avoidance of doubt, no surface water flows generated from the site will be allowed to connect with the public sewerage system via direct or indirect means.
5. No construction of the building or hardstanding shall take place until a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions has been submitted to and approved in writing by the Local Planning Authority.  
The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.  
The development shall be completed in accordance with the approved details.
6. The existing trees shall be retained and before site works commence they shall be protected with stout fencing constructed to BS5837:2012, to contain the branch spread of the trees. Such fencing shall remain and be adequately maintained for the duration of the development operations. Within this fencing no development operations may take place including the storage or dumping of materials or plant, the lighting of fires, the siting of temporary huts or the raising or lowering of ground levels. All dead or damaged existing trees specified for retention shall be replaced with trees of such size and species approved in writing by the Local Planning Authority.
7. No development shall take place until a Method Statement detailing measures to be taken during construction to protect the health of the existing trees has been submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved Method Statement shall be fully implemented during construction.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. 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. To secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD.
5. To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG and to accord with Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD.

6. To protect the trees and shrubs and thereby retain the character of the site and the area and to ensure that the development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To protect the trees and shrubs and thereby retain the character of the site and the area and to ensure that the development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

**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:  
Policy GN1 - Settlement Boundaries  
Policy GN3 - Criteria for Sustainable Development  
Policy 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.

<b>No.9</b>	<b>APPLICATION NO.</b>	2016/0497/OUT
	<b>LOCATION</b>	Hughes Mushroom Farm Course Lane Newburgh Wigan Lancashire WN8 7UB
	<b>PROPOSAL</b>	Outline - Construction of seven dwellings following the demolition of the existing commercial premises, including the creation of a new highway access following the demolition of an existing dwelling (including details of access, layout and scale).
	<b>APPLICANT</b>	K Hughes & Co Ltd
	<b>WARD</b>	Newburgh
	<b>PARISH</b>	Newburgh
	<b>TARGET DATE</b>	3rd August 2016

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## **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 Planning Committee to consider the impact of the development upon the amenity of the local residents.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 2013/1192/COU GRANTED - Change of use of former mushroom farm buildings to Use Class B8.
- 2.2 2010/0921/FUL REFUSED (DISMISSED ON APPEAL) - Demolition of existing mushroom farm and erection of four detached dwellings and garages.
- 2.3 2009/1100/FUL WITHDRAWN - Demolition of existing mushroom farm and erection of 4 detached dwellings with garages.
- 2.4 2005/1008 WITHDRAWN – Outline - Erection of 9 Bungalows.
- 2.5 2000/1121 REFUSED - Provision of turning area for wagons and car park.

## **3.0 CONSULTEE RESPONSES**

- 3.1 UNITED UTILITIES (18/5/16) – No objections subject to conditions being attached for drainage details.
- 3.2 ENVIRONMENTAL HEALTH OFFICER (10/6/16) – No objections subject to a condition being attached restricting the demolition/construction phase to certain hours etc.
- 3.3 LCC HIGHWAYS (1/6/16) – No objections subject to conditions regarding visibility splays, car and secure cycle parking, construction details.

## **4.0 OTHER REPRESENTATIONS**

### 4.1 NEWBURGH PARISH COUNCIL (26/5/16) -

Access: This was a previous concern and the proposed access is an improvement which allows for emergency services and utilities as well as for traffic from the proposed residential development;

Siting: The proposal uses the current footprint and in general offers no greater impact on surrounding properties than the existing buildings. There is a considerable amount of land surrounding the residential area. We would expect to see information about the proposed treatment of this land and whether it is to be included as garden or remain as Green Belt;

Scale: The proposal is appropriate in terms of replacement for existing buildings.

Newburgh Parish Council supports this outline proposal in principle. If it is granted we look forward to the opportunity to comment on a more detailed application.

### 4.2 I have received 5 letters of representation making the following comments:

Always thought this was Green Belt – when did it become Brownfield?

Would set a precedent;

Owner will benefit from neglecting the site;

Site is clearly being used for some purpose – vans visiting;

Documentation refers to site being dilapidated and unusable – down to neglect;

Ecological Assessment is totally inadequate;

Loss of privacy and light;

Land is prone to flooding – this may worsen;

If planning permission is granted this should only be for 7 bungalows;

Inspector's comments from previous appeal are relevant;

Disappointed Windy Ridge property will be demolished;

Layout looks crowded;

Should be totally balanced and objective view of Planning Committee;

Detrimental to openness of the area;

Development should be restricted to existing footprint.

## **5.0 SUPPORTING INFORMATION**

### 5.1 The following documents have been submitted in support of the planning application:

Planning Statement

Economic Appraisal

Ecological Assessment

Drainage Statement

## **6.0 LOCAL PLAN ALLOCATION**

- 6.1 The National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the West Lancashire Local Plan 2012-2027 DPD (WLLP) provide the policy framework against which the development proposals will be assessed.

The site is located within the Green Belt. The following policies are therefore relevant:

### **National Planning Policy Framework**

Promoting Sustainable Transport  
Delivering a wide choice of high quality homes  
Requiring good design  
Protecting Green Belt land  
Conserving and enhancing the natural environment

### **West Lancashire Local Plan (2012-2027) DPD**

Policy SP1 – A sustainable Development Framework for West Lancashire  
Policy GN1 – Settlement Boundaries  
Policy GN3 – Criteria for Sustainable Development  
Policy RS1 – Residential development  
Policy IF2 – Enhancing Sustainable Transport Choice  
Policy EN2 – Preserving and Enhancing West Lancashire’s Natural Environment  
Policy IF4 - Developer Contributions

### **Supplementary Planning Documents/Guidance**

Design Guide (Jan 2008)

## **7.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

### The Site

- 7.1 The site is located on the south side of Course Lane in Newburgh, behind a row of houses. It contains a number of vacant agricultural/ industrial buildings all single storey but of various heights. The site previously operated as a mushroom farm and more recently part of the site was used as a B8, storage and distribution use. The site itself is industrial in appearance. Access into the site is via a narrow path between two residential properties on Course Lane. It is located in the Green Belt, however immediately to the north of the site the row of residential dwellings fronting Course Lane are located in the rural settlement area of Newburgh.

### The Proposal

- 7.2 Outline planning permission is sought for the redevelopment of the site for residential use with the erection of 7 bungalows. Details of the proposed access, layout and scale have been provided. The existing buildings will be demolished as well as the demolition of a

bungalow located along Course Lane known as 'Windy Ridge'. This will allow the creation of a new vehicular access off Course Lane and the existing access will be permanently closed.

### Site History

- 7.3 For many years the site was utilised as a mushroom farm (an agricultural use). When this business vacated the site, the premises were left unoccupied for a number of years. In 2010 planning application 2010/0921/FUL was refused and dismissed at appeal for the demolition of the buildings and the erection of four detached dwellings and garages. The reasons for refusal related to the negative impact the development would have upon the openness of the Green Belt and the character of the area. Subsequently, planning application 2013/1192/COU granted planning permission for the change of use of the site to a B8 use. In 2014 the B8 use was implemented by the occupation of one of the buildings by a tenant storing goods. This tenant vacated the premises in January 2015 and the buildings have remained vacant ever since.

### Principle of Development – Green Belt

- 7.4 Planning application 2010/0921/FUL was refused and dismissed at appeal when PPG2 Green Belts was applicable in terms of National Planning Policy. The NPPF has now superseded PPG2.
- 7.5 Due to guidance provided in the NPPF in respect of development within the Green Belt, it is important to consider the status of the land, in the first instance, and ascertain whether or not it constitutes '**previously developed land**'.
- 7.6 Based on the information submitted with the application, planning permission 2013/1192/COU for the change of use of the site to B8 use was implemented in 2014. Whilst only part of the site was occupied for this use the permission covered the whole of the site. Consequently, the whole of the site carries a 'brownfield' status.
- 7.7 The NPPF advises that the construction of new buildings should be regarded as inappropriate development in the Green Belt. A number of exceptions to this are listed and bullet point 6 is of relevance to the proposed development. This confirms that the "*limited infilling or partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development*" is considered as not inappropriate development. Policy GN1 advises that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies.

### Impact on Green Belt

- 7.8 The development proposed may only be acceptable if it conforms to bullet point 6 of paragraph 89 of the NPPF, with the threshold being a greater impact on the openness of

the Green Belt and the purposes of including land within it than the existing development. At this point it should also be noted that the definition of previously developed land provided in the NPPF advises that this constitutes “*land which is or was occupied by permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed)...*”

- 7.9 The proposed development involves the erection of 7 bungalows within a brownfield site along with the associated roads, car parking and gardens. The proposed units would be located on a similar footprint to the existing buildings which would be completely demolished. The submitted plans include calculations of the existing footprint/volumes along with the proposed footprint/volumes. Based on these calculations, the proposed development would result in a net loss of footprint of 1871m<sup>2</sup> and a net loss in volume of 11617 m<sup>3</sup>. This would therefore constitute a considerable reduction in terms of the actual built development on the site and an overall gain in terms of the openness of the Green Belt.
- 7.10 The spread of development across the site also needs to be considered. The proposal would confine the built form within the areas of the site where the existing buildings are located. However, the plots in the southern area of the site would utilise land (which is currently free from built form) to have extensive rear garden areas. As referred to above, the NPPF states that it should not be assumed that the whole of the curtilage should be developed.
- 7.11 If this land was omitted from the site layout it is likely that it would become land locked and of no real use. I consider that the incorporation of this land into the garden areas of the proposed units to be a reasonable proposition, and subject to the removal of permitted development rights for the erection of outbuildings and extensions, the openness of the Green Belt should be maintained.
- 7.12 The plans submitted indicate that the tallest building existing on the site is 7.4m high, with the majority of the buildings ranging between 3.6m – 4.7m high. The proposed bungalows would have a maximum height of 5.08m. At this height, I consider that the development would have a negligible impact upon the openness of the Green Belt and the landscape in this area. Consequently, I consider that the Green Belt tests for the development of a brownfield site as referred to in paragraph 89 of the NPPF have been met and there will be no materially greater impact upon the openness of the Green Belt as a result of the proposed development.

#### Principle of Development – Isolated Homes

- 7.13 Paragraph 55 of the NPPF is considered to be relevant to the proposed development given the nature of the site location. This advises that “*local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances*”. It is my view that the proposed development would not result in the creation of isolated homes given that the site is within reasonable walking distances of local services and is located close by to a main bus route.



## Principle of Development - Loss of Employment Site

- 7.14 Policy EC1 in the Local Plan confirms that the redevelopment of existing individual employment sites for other uses will be considered where a viability case can be put forward (in line with Policy GN4 in the WLLP) and where the provisions of Policy EC2 and EC3 are met, where relevant.
- 7.15 The planning application is supported by a robust report by Fitton Estates which details a number of reasons as to why the site is unsuitable either for refurbishment or for a mixed-use development. The report highlights that the quality of the accommodation on site is seriously substandard and inferior when compared to accommodation found on purpose built industrial/business estates of which there is a plentiful supply of within the Borough. A costings appraisal for the redevelopment of the site for commercial purposes has also been provided. This demonstrates that a commercial redevelopment option is unviable.
- 7.16 In terms of a mixed use scheme, the report by Fitton Estates states that as there is little track record in the locality, and it is not feasible to assess the suitability of this site against a mixed use scheme as none are available from which to evidence and draw comparisons.
- 7.17 The physical constraints of the site, being close to residential properties, also poses a major problem when considering the site for commercial/employment use. The Fitton's report states that impracticable restrictions (i.e. hours of use) would be required to make any commercial redevelopment acceptable in terms of residential amenity. This would significantly reduce developer interest in the site.
- 7.18 Overall therefore, I consider that the information provided by Fitton Estates is comprehensive and meets with the requirements of the relevant policies in the WLLP.

## Layout

- 7.19 The Council's SPD Design Guide advises interface distances of a minimum of 12m should be provided between main elevations and those that do not contain primary habitable rooms, and a minimum distance of 21m between buildings facing back to back. Rear garden areas should have a minimum depth of 10m. The submitted layout is arranged in a cul-de-sac layout and provides adequate spacing between the proposed and existing dwellings located along Course Lane. The proposed garden areas are satisfactory.

## Impact on neighbouring/future occupant's amenity

- 7.20 As referred to in the aforementioned paragraph, the Council's SPD Design Guide outlines the interface distances required between proposed dwellings. These should, in principle, ensure that the amenities of each dwelling are generally protected from their neighbours. As the proposed layout adheres to these interface distances, the proposed development should not result in a detrimental loss of residential amenity for the surrounding occupants.

7.21 A new access to the site is proposed off Course Lane. This will be created by the demolition of an existing property (Windy Ridge) fronting onto Course Lane. As a result, the site access will sit between two other residential properties (Rose Heath and Quarry View) along Course Lane. Whilst use of the access will create some additional noise and disturbance to these neighbouring properties, given the small scale of the development, I do not consider the location of the proposed new access would be unacceptable on neighbouring amenity grounds.

#### Highway Safety and Car Parking

7.22 The existing access to the site is very narrow and unsuitable to support a residential development when assessed against modern day standards. This will be permanently closed the a new access will be created by the demolition of Windy Ridge which is located approximately 15m to the east of the existing access. I consider that this will result in a much improved site access than the existing access arrangements. The County Highways Surveyor concurs with this view and has raised no objections to the proposed new access.

7.23 Car parking provision, cycle parking and Electric Vehicle Recharging Points (EVR's) for the site should meet with the requirements of Policy IF2 in the WLLP and Annex F (parking standards). These requirements will be required by condition.

#### Drainage

7.24 At this outline stage no details of the drainage scheme have been submitted other than a statement to confirm that surface water will not be discharged to a combined sewer and will be drained on a separate system, likely to be a soak-away. A condition will be attached requiring details of the drainage scheme at Reserved Matters stage.

#### Ecology & Protected Species

7.25 Policy EN2 of the WLLP seeks to protect priority species and their habitat. An Ecological Assessment has been undertaken of the site and buildings. This found no evidence of bats, breeding birds or Barn Owls during the survey period. As such, the report concludes that the proposed development will cause no significant loss of habitat or impact on protected species.

#### Summary

7.26 The proposed development is acceptable in principle and accords with the relevant parts of the NPFF and policies within the WLLP.

### **8.0 RECOMMENDATION**

8.1 That outline planning permission be GRANTED subject to the following conditions:

## **Conditions**

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall take place until approval has been obtained from the Local Planning Authority for the reserved matters namely the appearance of the bungalows and the landscaping (including landscape maintenance) of the site.
3. The development shall be carried out in accordance with plan reference: A101 Rev 4 received by the Local Planning Authority on 3rd May 2016 insofar as it relates to the site layout, means of access to the site and scale (height) of the development.
4. No development shall take place until full details and samples of the external brickwork and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
5. No development shall take place until a scheme for the foul and surface water drainage of the development, including any necessary attenuation measures, has been fully agreed with the relevant statutory body/bodies, and until written evidence of that agreement has been provided to and acknowledged in writing as acceptable by the Local Planning Authority.
6. No works on the construction phase shall take place until a scheme detailing the method of demolition and removal of the resultant material has been submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented in full throughout the demolition phase.
7. No dwelling shall be occupied until all the highway works within the adopted highway have been constructed in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.
8. No dwelling shall be occupied until visibility splays measuring 2.4 metres by 78 metres in both directions are provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Course Lane, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.
9. The existing access shall be physically and permanently closed and the existing footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads (concurrent with the formation of the new access).
10. The new estate road/access between the site and Course Lane shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.
11. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed street within the development have been submitted to and approved by the local planning authority. The street shall thereafter be

- maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.
12. Prior to commencement of any part of the development hereby approved, including site clearance, ground preparation, or drainage works, a facility shall be provided by which the wheels of all vehicles leaving the site can be cleaned. The wheels of all vehicles leaving the site during all stages of implementation shall be cleaned so that they do not carry any mud, soil, grit or other such materials onto the public highway.
  13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no garages, extensions, alterations, porches, garden sheds, out buildings, greenhouses, swimming pools, hardstandings or means of enclosure shall be erected or undertaken without the express written permission of the Local Planning Authority.
  14. A contaminated land investigation shall be carried out in respect of the proposed development site in order to identify whether there are substances in, on or under the land with potential to cause harm to human, ecological, environmental, structural or controlled water receptors, and to assess the degree of risk posed by those substances to each receptor.

The investigation should be carried out by appropriately qualified and experienced consultants.

The investigation shall begin with a desk study that adequately characterises the site, including its geography, geology, hydrology and historical use. From this a conceptual site model shall be produced, based on the past and intended use of the site and identifying all potential pollutant linkages.

If the desk study and conceptual site model identify potential pollutant linkages, an intrusive site investigation shall be carried out in accordance with BS10175:2001 'Investigation of Potential Contaminated Sites - Code of Practice' and any other relevant Government guidance current at the time.

The investigation shall take the form of a sufficient number of sampling points arranged spatially so as to ensure adequate cover of the site, especially those areas intended for use as gardens and landscaped areas, or where concentrations of contaminants are anticipated.

Sufficient samples must be obtained to characterise the soils, and in addition to soil samples, shall include ground and surface water samples where the conceptual model demands. Additionally, monitoring for landfill gas shall be carried out where appropriate and the results assessed against the latest version of the CIRIA report. The samples shall be analysed for a full suite of organic and inorganic contaminants. The analysis must be carried out at a laboratory that is UKAS accredited, and which complies with the Environment Agency's MCERTS standard in respect of each contaminant.

Sample results shall be screened against Government Soil Guideline Values (SGV) where these are available. Where these are not available, the results must be screened using clearance values that have been derived using best available toxicological data using a statistical model acceptable to the Local Planning Authority (LPA). In those cases where values are exceeded, more detailed site-specific risk assessments must be carried out to decide whether remediation is required. These assessments must be carried out using best toxicological data for the contaminant concerned, and by means of a statistical model acceptable to the LPA...

Where the investigation confirms the presence of contamination likely to cause harm to receptors, whether human or otherwise, a remediation scheme shall be devised that will result in the contamination being dealt with so as to remove the risk to receptors and make the site suitable for its intended use.

The results of the desk study and site investigation, together with details of any proposed remediation, shall be approved by the LPA before development of the site commences. Any remediation scheme approved shall be carried out as part of the development of the site, and shall be followed by a validation report sufficient to prove that the remediation has been effective. This report must also be approved by the LPA.

Where it is evident that a risk to controlled waters may exist, the Environment Agency must be consulted and any requirements made by them must be carried out.

15. Construction/demolition work, which is audible from the boundary of any noise sensitive receptor, shall only take place between the hours of 08:00 - 18:00 on Monday to Friday inclusive, 08:00 - 13:00 hours on Saturdays with no such working on a Sunday or local or national public holiday. The receipt of any materials or equipment for the construction of the site is not allowed outside the said hours, unless otherwise approved in writing by the local planning authority having been given a minimum of two working days notice of the occurrence of the proposed event.

### **Reasons**

1. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline and the matters referred to in the Condition are reserved for subsequent approval by the Local Planning Authority.
3. 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.
4. 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.
5. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. 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.
8. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To ensure adequate visibility for the drivers of vehicles entering and leaving the site 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. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
13. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users 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.
14. In order to avoid conflict with the Local Planning Authority's policy of strict control of development in the Green Belt and to ensure compliance with Policy GN1 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and the National Planning Policy Framework.
15. To ensure that the development is adequately protected against potentially contaminated land and so complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
16. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Notes**

1. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.
2. With regard to condition 11 it is advised the carriageway construction is based on the Lancashire County Council Specification for estate roads 2011 edition. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for "construction of estate roads".
3. The applicant is advised that the new site access, will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and

supervision of the works. The applicant is advised to contact the Environment Directorate before works begin on site. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for "278 agreement".

4. The applicant is advised that to discharge condition 10 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes
5. This consent does not give approval to a connection being made to the County Council's highway 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:

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy RS1 - Residential development

Policy IF2 - Enhancing Sustainable Transport Choice

Policy EN2 - Preserving and Enhancing West Lancashire's Natural Environment

Policy IF4 - Developer Contributions

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.

<b>No.10 APPLICATION NO.</b>	2016/0251/FUL
<b>LOCATION</b>	153 Aughton Street Ormskirk Lancashire L39 3LG
<b>PROPOSAL</b>	Alterations and extensions to 'small student HMO' bungalow to form two storey 'larger HMO' with 12 beds.
<b>APPLICANT</b>	Mr N MacFarlane
<b>WARD</b>	Knowsley
<b>PARISH</b>	Unparished - Ormskirk
<b>TARGET DATE</b>	18th May 2016

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## **1.0 DEFERRAL**

- 1.1 This application was deferred at June's planning committee in order for officers to seek to negotiate a reduction in the number of students proposed and to seek improvements to the design of the extension.
- 1.2 The applicant has chosen not to reduce the number of proposed students nor amend the design of the extension. Instead they have submitted a street scene plan and 3D view of the finished building to support the proposal, and remain of the opinion that the design and use of the property as a 12 bed HMO is acceptable in this location.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 2010/0022/FUL: APPROVED - New vehicular access.
- 2.2 2010/0163/FUL: WITHDRAWN - Demolition of existing bungalow and erection of a three storey apartment block comprising 9 multi-occupancy apartments.
- 2.3 2010/1195/FUL: REFUSED - Demolition of existing bungalow and erection of two dwelling houses.
- 2.4 2011/1104/FUL: WITHDRAWN - Demolition of existing bungalow and erection of 3 storey detached dwelling on part of site for use as house of multiple occupancy, including provision of car parking.
- 2.5 2011/1105/FUL: WITHDRAWN – Demolition of existing bungalow and erection two storey dwelling on part of site with living accommodation within the roof space and provision of 2 no. car parking spaces.
- 2.6 2012/0856/FUL: REFUSED - Demolition of existing bungalow and erection of 3 storey detached dwelling on part of the site for use as a house of multiple occupancy, including car parking provision.



- 2.7 2012/0857/FUL: REFUSED - Demolition of existing bungalow and erection of two storey dwelling with living accommodation within the roof space on part of the site, including car parking provision

### **3.0 OBSERVATIONS OF CONSULTEES**

- 3.1 Environmental Health (29.04.16) – No Objections
- 3.2 LCC Highways (21.04.16) – No Objections

Due to the location of the site from the University and based on recent planning inspectorate comments regarding Houses of Multiple Occupancy it is recommended that the applicant provides a minimum of 50% parking. (12 bed x 50% = 6 parking spaces). The applicant has provided the required number of parking spaces.

### **4.0 OTHER REPRESENTATIONS**

- 4.1 I have received 15 letters of objection from neighbouring residents and a petition with 43 signatures; their concerns are summarised as follows

Overdevelopment of the site

Inadequate car parking

The existing plans show a single storey side extension having being built, however this is inaccurate as it is not built, it is a building site

Noise disturbance from people and vehicles entering and leaving the site

Loss of privacy from overlooking of rooms to properties to the rear and side of the site

Traffic congestion in the area

Inappropriate in this quiet family residential area.

- 4.2 New Ormskirk Residents Group (19.04.16) Objects;

Policy GN3 aims to safeguard residential amenity and the enlarged HMO will act against this requirement for the adjacent properties and those to the rear. The rear elevation would have 5 first floor windows overlooking the properties to the rear.

The plans are inaccurate showing an extension to the east which is not yet built

The parking provision provided would be inadequate for 12 residents and would increase noise and disturbance to neighbouring properties

Property is opposite a fire station and a busy road and there is no provision for on street parking

The provision of toilet facilities is not ideal, only 1 toilet on first floor for 6 bedrooms

This is overdevelopment of an existing bungalow.

### **5.0 SUPPORTING INFORMATION**

- 5.1 The applicant has advised the following:

The required car parking already exists under permitted development more than 5 years ago. So we are only repositioning the 4 spaces already created.

Our experience over the last 25 years is that student car parking has been in the region of 21%. Or 1 space in 4/5 students and that's why we have ample spaces. Students can't park at the college so tend not to bring their cars even if they have one.

The proposed development is an extension to the existing property. The rear roof will be taken off and most of the existing walls built on at the rear.

The side extension has been started and can continue under permitted development. Permitted development also allows a rear extension of 4m on our current HMO.

Also we are not aware of any complaints issued since the existing HMO has been in use over the last 8 years.

The application submitted is in response to numerous pre application enquiries and applications and after pre-application discussions.

## **6.0 RELEVANT PLANNING POLICIES**

- 6.1 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.

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

### **West Lancashire Local Plan 2012-2027 DPD**

GN1 Settlement Boundaries

GN3 Criteria for Sustainable Development

RS3 Provision of Student Accommodation

IF2 Enhancing Sustainable Transport Choice

### **Supplementary Planning Advice**

SPD – Design Guide (January 2008)

## **7.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

### The Site

- 7.1 The site is located to the south of Aughton Street and is currently occupied by a relatively small white rendered bungalow which has a long rear garden. The site sits between a pair of semi-detached dwellings to the west (numbers 157 and 155 Aughton Street) and a row of modern terraced dwellings to the east (Town End Close). Directly to the rear of the property are two bungalows. The immediate surrounding area is predominantly residential. There is a partially completed extension on the side (east) elevation of the dwelling, which it has been confirmed could be constructed under permitted development (PD) rights.

- 7.2 The entrance to Ormskirk Fire Station lies directly opposite the site, and the roundabout junction with County Road/Holborn Hill lies approximately 60m to the west. The site lies just outside Ormskirk Town Centre on a main transport route and is within the main settlement area of Ormskirk. The application form states that the property is used as a House in Multiple Occupation (HMO) for 4 students. Although the applicant states that if the single storey side extension is implemented then the number of students which can be accommodated at the property will rise to 6.

### The Proposal

- 7.3 This application seeks planning permission for various extensions to the existing building to provide a 12 bedroom HMO. The application constitutes a change of use from a small class C4 HMO to a large HMO.
- 7.4 The extensions would include raising the height of the existing roof by 1.7m to provide accommodation in the loft space, erecting a two storey side extension with a varying eaves height and erecting a two storey rear extension which involves raising the eaves height at the rear from 2.5m to 4.4m

### Assessment

#### Principle of Development

- 7.5 The application site is currently used as a HMO. Therefore the proposal relates to the extension of a HMO rather than the creation of a new additional HMO or purpose built student accommodation; although the application is for a substantial extension of the existing property. The property would be extended to add an additional storey in order to provide a total of 12 bedrooms (six on the ground floor and six on the first floor) for use by students.
- 7.6 Policy RS3 provides guidance on the provision of new purpose built accommodation and also on the conversion of properties to HMOs. This particular application does not fall into either category. However this application does constitute a change of use from a small HMO to a large HMO and Policy RS3 advises that when assessing proposals for a change of use to an HMO regard should be had to the potential clustering of HMO's and or purpose built student accommodation and the effects of this on nearby properties. The proposed development will not result in clustering as I am not aware of any other HMO's within this particular block. The effects of the development on nearby properties is assessed below.

#### Impact on Residential Amenity

- 7.7 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD and the Council's SPD Design Guide allow development provided it retains or creates reasonable levels of privacy and amenity for occupiers of the neighbouring properties.

- 7.8 I note letters of objection from local residents in relation to the impact on residential amenity including noise and disturbance.
- 7.9 The adjacent property (155 Aughton Street) lies immediately to the west of the application site. This property is one half of a pair of semi-detached dwellings and has a long single storey outrigger. Principal windows are located on its facing gable towards the proposed development. Concern was raised with the applicant that two principal windows were proposed on the west elevation (serving bedroom 2 and 7) which directly face the gable end of 155 Aughton Street, which also has principal windows. The distance between these windows would be 7m - 10m which falls short of the minimum distance between principal windows (21m) prescribed in the Council's SPD Design Guide and will result in overlooking. Amended plans have been received which show the first floor side elevation window serving bedroom 7 being obscure glazed and non-opening to overcome the issue of overlooking number 155. Two roof lights in bedroom 7 will provide light into the room and a cross section of this room has been submitted which demonstrates that the occupier has a view out through the roof lights and will therefore have a reasonable level of amenity. In terms of the ground floor window serving bedroom 2, the applicant has overcome the issue of overlooking of number 155 by proposing to erect a 1.8m high fence along the boundary between the two properties which will provide a screen.
- 7.10 The adjacent property (5 Town End Close) lies immediately to the east of the application site at the end of a terraced row. The dwelling as extended would be sited approximately 2.2 metres from the gable wall of number 5. However there are no principal habitable room windows on this gable, or on the gable of the application property. Furthermore the two storey side extension has been staggered to reduce the impact on the occupier of number 5. Therefore I do not consider that the proposal will have a detrimental effect on the privacy or outlook of the adjacent property.
- 7.11 Other properties located within Town End Close (numbers 1 to 4) lie to the south east of the application site. A distance of approximately 29 metres will remain between habitable room windows on the front of the existing properties and those on the rear of the extended dwelling. The garden areas of numbers 6, 6a and 6b Prescott Road are adjacent to the rear boundary of the site. The boundary will be approximately 22 metres from the rear elevation of the extended dwelling. I consider that the privacy and outlook distances between the application property and adjacent dwellings is acceptable and in accordance with Policy GN3 of the West Lancashire Local Plan Publication Document 2012-2027.
- 7.12 Vehicle access to the site is proposed running parallel with the eastern boundary of No.155 Aughton Street, thereby adjacent to its eastern gable and its private garden. The parking area to the rear would accommodate 4no. vehicles and it is considered that the comings and goings associated with the movement of these vehicles would not give rise to a significant impact on the amenities of occupiers of no.155.
- 7.13 Concern has been raised in respect of the intensification of the use to accommodate 12 students, and the potential for increased noise and disturbance. However, the site is located on a busy road which is one of the main routes into Ormskirk from the west, with a

Fire Station on the opposite side of the road and a bus stop immediately to the east, and therefore there is already a degree of noise and activity in the locality of the site. I consider that on balance, in this particular location an increase in the number of students residing on the premises would not increase noise and disturbance to a point which would warrant refusal of the application. I have consulted the Council's Environmental Protection department with regard to the application and no objections have been raised. Furthermore as previously stated this application does not result in a clustering of student properties in the immediate vicinity of the application site. Therefore in this regard, I consider that proposal to be compliant with Policies RS3 and GN3 in the Local Plan.

#### Design / Impact on the Street Scene

- 7.14 Policy GN3 of the West Lancashire Local Plan states that in the case of extensions to existing buildings, the proposal should relate to the existing building, in terms of design and materials.
- 7.15 The main alteration when viewed from the wider street scene would be the increase in the height of the roof of the building and the extension to the side. However, having regard to the two storey properties either side of the existing bungalow and provided that suitable materials were used, this alteration is considered acceptable in the street scene in compliance with policy GN3.

#### Impact on Highways/Parking

- 7.16 Access to the site is via an existing access from Aughton Street. The property would have two parking spaces on the site frontage and four to the rear of the property. LCC Highways have been consulted on the application and have raised no objections as the minimum of 50% parking has been provided (12 bed x 50% = 6 parking spaces). The site lies in a sustainable location close to public transport and I am satisfied that the proposed development would have no significant impact on the adopted highway or the free flow of traffic in this location.

#### Summary

- 7.17 The principle of allowing an extension to the existing HMO is acceptable. The design of the extensions would be acceptable in the street scene. Whilst there would be an increase in the number of students residing on the premises, given the application site location, in a busy part of Ormskirk where there is already a degree of activity, on balance the proposed development would not increase noise and disturbance or impact on the amenities of nearby residents to a level which would warrant refusal of the application. Adequate car parking is also provided.

## **8.0 RECOMMENDATION**

- 8.1 That planning permission be GRANTED for the following reasons:

## **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan reference '2161/15/loc' received by the Local Planning Authority on 04.03.16.  
Plan reference '2161/151a' received by the Local Planning Authority on 04.05.16.  
Plan reference '2161/15/2c' received by the Local Planning Authority on 06.05.16.
3. All external brickwork and roofing materials shall be identical to those on the existing building in respect of shape, size, colour and texture. If the applicant or developer has any doubts as to whether the proposed materials do match they should check with the Local Planning Authority before commencement of the building works.
4. The property shall be occupied by no more than 12 residents at any one time.
5. The screen fence along the boundary with the application site and no.155 Aughton Street shall be installed prior to the extension being brought into use and shall be maintained as such thereafter.
6. The car park shall be surfaced or paved and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.
7. The proposed hardstanding shall be made of a porous material or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the site boundaries. The development shall be maintained as such thereafter.
8. Prior to the commencement of the use of the development hereby approved the first floor window(s) on the western elevation shall be fitted with obscure glass (Pilkington level 3 or equivalent) and be non-opening and shall remain so fitted at all times thereafter for the duration of the development.
9. No development shall take place until a landscaping maintenance scheme is submitted to and approved by the Local Planning Authority. Thereafter the site shall be maintained in accordance with the approved landscaping maintenance scheme at all times.

## **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. 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. 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.
5. To protect the privacy 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. To allow for the effective use of parking areas and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

7. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### **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  
RS3 Provision of Student Accommodation  
IF2 Enhancing Sustainable Transport Choice

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.

<b>No.11</b>	<b>APPLICATION NO.</b>	2015/0729/OUT
	<b>LOCATION</b>	Land To The South Of Stopgate Lane Simonswood Lancashire
	<b>PROPOSAL</b>	Outline - Employment development comprising B2 & B8 uses including ancillary office accommodation together with associated ancillary infrastructure
	<b>APPLICANT</b>	Peel Land And Property
	<b>WARD</b>	Bickerstaffe
	<b>PARISH</b>	Simonswood
	<b>TARGET DATE</b>	19th November 2015

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## **1.0 RECENT RELEVANT PLANNING HISTORY**

- 1.1 2014/0542/FUL Development of a single wind turbine generator with a maximum height to blade tip of 102 metres above ground level, vehicle access tracks, crane pad, sub-station building and construction compound. APPROVED
- 1.2 2013/1188/SCR Screening Opinion - Development comprising a mix of industrial units for uses falling within Classes B1, B2 and B8 together with an ecology park and sustainable drainage area. (Development is NOT EIA development)

## **2.0 CONSULTEE RESPONSES**

- 2.1 NATURAL ENGLAND (01.09.15) - No comments
- 2.2 LCC MINERALS (07.09.15) – The application is in a mineral safeguarding area and has the potential to sterilise coal, sand and gravel and silica sand resources. The Council will need to consider this when determining the application.
- 2.3 LCC LEAD LOCAL FLOOD AUTHORITY (10.09.15) – No objection subject to conditions.
- 2.4 ENVIRONMENT AGENCY (15.09.15 and 06.04.16) - Object as the indicative plans involve building within 8m of the Main River Simonswood Brook 2 and would be unlikely to receive EA Consent for the works as it will restrict emergency access to the watercourse and the balancing pond may interfere with natural geomorphological processes (the plans are indicative only and the site layout will be submitted at the Reserved Matters stage when this issue can be addressed).
- 2.5 LCC ARCHAEOLOGY (24.09.15) - Recommend a condition requiring a programme of archaeological investigation and recording be undertaken prior to the start of development.
- 2.6 UNITED UTILITIES (18.12.15) - No objection subject to conditions.



- 2.7 MERSEYSIDE ENVIRONMENTAL ADVISORY SERVICE (25.09.15 and 15.02.16) A wintering bird survey is required for the site and one was not initially submitted (one was subsequently submitted for completeness); however a review of the information submitted to support the wind turbine application on the same site in 2014 has provided sufficient evidence to enable the impacts of the development to be assessed. It is concluded that the construction and operation of the site will have no significant effect on Martin Mere SPA and Ramsar and the Ribble and Alt Estuaries SPA and Ramsar European protected sites and an HRA informed by a winter bird survey is not necessary in this instance as pink footed geese were not recorded within or close to the site although a large numbers of geese are still present in the wider area.

The building on site was assessed as having low bat roost potential and the site does provide suitable habitat for great crested newt and the Council does not need to consider the proposals against the three tests in the Habitat Regulations. Evidence of water vole was recorded and the stream must be re-surveyed prior to the start of works and the results used to inform the SUDs design. Recommend conditions and welcome the proposals for an ecology park to mitigate for loss of habitat.

- 2.8 LCC HIGHWAYS (30.09.15 and 28.04.16 and 07.06.16)  
LCC initially had concerns regarding accessibility of the site, speed and weight limit along Stopgate Lane and distributions of various vehicle types, although site access was considered to be acceptable. There were also concerns regarding the indicative internal layout. As such, it was considered the site did not comply with the NPPF. Subsequently further information was provided by the applicant, a footway/cyclepath was provided on the south side of the site with a crossing point on Perimeter Road and a proposal to increase the carriageway width and reduce the speed limit outside the site on Stopgate Lane from 60mph to 40mph. LCC Highways are now satisfied that the proposal is acceptable subject to conditions and S278 Agreements being entered into.

### **3.0 OTHER REPRESENTATIONS**

- 3.1 KNOWSLEY COUNCIL (13.01.16 and 05.05.16)  
Object to the application on highway grounds as the TA requires updating, lack of pedestrian and cycle facilities, unsustainable location, trip distribution needs to consider vehicle classification due to environmental weight limits in the area, BankLane/Shevingtons Lane junction over capacity and lack of passive surveillance on the proposed route through the south of the site.

### **4.0 SUPPORTING INFORMATION**

- 4.1 In addition to a Planning Statement setting out the planning policy position, the application is supported by the following:  
Transport Assessment and Travel Plan  
Minerals Information  
Statement on Trees

Wintering Bird Survey  
Ecological Surveys  
Noise Assessment  
Property Market Report  
FloodRisk Assessment and Drainage Strategy  
Design and Access Statement

## **5.0 RELEVANT PLANNING POLICIES**

- 5.1 The National Planning Policy Framework (NPPF), the National Planning Policy Guidance (NPPG) and the West Lancashire Local Plan (2012-2027) (WLLP) provide the policy framework against which the development will be assessed.
- 5.2 The site is allocated as Protected Land within the Local Plan. The site also falls within the Mineral Safeguarding Area as designated under Policy M2 of the Joint Lancashire Minerals and Waste Local Plan.
- 5.3 Relevant West Lancashire Local Plan policies:  
SP1 – A Sustainable Development Framework for West Lancashire  
GN1 – Settlement Boundaries  
GN3 – Design of Development  
EC1 - The Economy and Employment Land  
IF2 – Enhancing Sustainable Transport Choice  
IF3 – Service Accessibility and Infrastructure for Growth  
IF4 – Developer Contributions  
EN1 – Low Carbon Development and Energy Infrastructure  
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment  
EN3 – Provision of Green Infrastructure and Open Recreation Space  
EN4 – Preserving and Enhancing West Lancashire’s Built Environment

In addition the following supplementary documents are material considerations:  
SPD – Design Guide (Jan 2008); and  
Relevant Joint Lancashire Minerals and Waste Local Plan Policies:  
Policy M2 – Safeguarding Minerals

## **6.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

### The Site

- 6.1 The application site is located to the south of Stopgate Lane in Simonswood, at the junction with Pingwood Lane and Shevington’s Lane along the eastern edge of the borough boundary with Knowsley. The site extends to approximately 13.3 hectares and is broadly rectangular in shape, comprising greenfield open flat and mostly agricultural land at present.
- 6.2 The site is bounded to the north by an existing mature hedgerow beyond which is

Stopgate Lane with Green Belt and agricultural land to the north. To the east of the site is an area of open land beyond which is a large industrial building used for cold storage. There is also a large single 500kw 75m high (103m to blade tip) wind turbine located within the eastern part of the site. To the south lies Simonswood Industrial Park and to the west is an area of shrub/trees with Pingwood Lane beyond and residential development forming part of Kirkby on the far side of Pingwood Lane. The main river Simonswood Brook, runs south to north through the western part of the site.

- 6.3 The site is split into two sections by the existing access to the Simonswood Industrial Park off Stopgate Lane.

#### The Proposal

- 6.4 This application is seeking outline planning permission with all matters reserved for employment development comprising a mix of B2 and B8 uses. Whilst access is not included, an indicative layout does show four separate access points onto Stopgate Lane.
- 6.5 The Indicative plan also shows how the site would include a sustainable drainage area and ecology park at the western end of the site, landscaping and a layout of varying size industrial units with their associated parking and manoeuvring areas and internal access roads.

#### Principle of Development

##### *National Planning Policy Framework*

- 6.6 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and is a material consideration in planning decisions. The NPPF sets out three dimensions to sustainable development - economic, social and environmental. Paragraph 19 of the NPPF advises that the planning system should do "*everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.*"

##### *West Lancashire Local Plan*

- 6.7 As the development is outside a settlement boundary but not in the Green Belt, Policy GN1 (b) is relevant. The whole of the application site is located within an area allocated as Protected Land. Policy GN1 (b) states "*Development on Protected Land will only be permitted where it retains or enhances the rural character of the area*" and goes on to provide three exceptions to this that may be permitted should a sequential site search not identify a more suitable site, none of which the application would fall within. It is clear that the proposed development would not retain or enhance the rural character of the area, and so the application is not in accordance with the Local Plan. With regard the material considerations to be taken into account alongside the Local Plan policy, the applicant raises several for consideration.

- 6.8 Firstly, the applicant's Planning Statement suggests that the extent to which the current land use of the site, and its adjoining uses, has a rural character is a relevant material consideration. I disagree somewhat since in allocating the site as Protected Land, the Inspector who examined the Local Plan would have raised concerns about the nature of the land in question being allocated as such if he did not consider it to be of a rural character. Furthermore, the majority of the site is an open field that, according to the applicant's Planning Statement, is used for agricultural purposes. While the industrial buildings on the existing adjoining employment area are visible from the application site, this does not mean that the site itself does not have rural character. Nonetheless, I acknowledge that since the Local Plan examination in 2013 a 75m high single turbine has been erected on part of the site, thereby partially reducing the rural character of the area.
- 6.9 I consider that the applicant has misinterpreted the Local Plan by suggesting that more employment land is needed outside settlement boundaries. While paragraph 6.8 of the Local Plan acknowledges that there are few viable brownfield sites within the Borough to help meet that part of the 75 ha WLLP employment land requirement that cannot be accommodated on existing employment land allocations, the Local Plan released greenfield land from the Green Belt and Protected Land to meet this shortfall. Paragraph 6.8, or any other part, of the Local Plan does not in any way envisage that the satisfaction of employment need will involve land outside the settlement boundaries set in the Local Plan. If it had done so, the Local Plan could not have been found sound by the Inspector.
- 6.10 At the time of the Local Plan Inquiry, the applicant submitted a legal challenge to its adoption based upon the allocation of this site as Protected Land. The applicant refers to a file note agreed between the Council and the applicant in relation to the subsequent withdrawal of this legal challenge, referring to the type of issues that would need to be addressed for any application on this site to be successful. It was advised that if the applicant were subsequently able to demonstrate that there would be a realistic prospect of delivering employment development on this site that could not be met elsewhere and that such development would therefore be brought forward and lead to realistic job creation, then there would be a basis for the Council to consider whether there are sufficient grounds to override the planning policy objection to the principle of industrial development in this location.
- 6.11 In submitting this application, the applicant has sought to provide this evidence through submission of a Property Market Report and details of an analysis of the supply of, and demand for, distribution space within the Liverpool City Region.
- 6.12 In terms of realistic prospect of delivery, the applicant's track record of delivering employment land and much larger projects is unquestioned and the evidence for a general growth in demand for employment land in the Liverpool City Region is also acknowledged. Therefore, it is reasonable to consider that a speculative employment development planned by the applicant in question would likely have a realistic prospect of being delivered. In order to assure the Council on this matter, any permission could be conditioned so as to ensure the development would commence within a shorter time period than general.

- 6.13 The applicant has provided little evidence of interest in the units at Simonswood proposed in the application. While I appreciate the fact that the development is speculative and that the applicant has not marketed the site because it has not received planning consent, this means that there is no guarantee that the application site would be occupied were the Council to grant permission for the development proposals. However, considering the investment required to bring forward the site, even on a speculative basis, I am of the view that the development wouldn't be entertained without the applicant having some knowledge that there is demand in the market for this type of development.
- 6.14 With regard to genuine prospects of job creation, if the site were to be delivered and occupied quickly there is no doubt that jobs would be created on the site in the short-term. However, all the information submitted by the applicant points to the primary beneficiary of this job creation being Knowsley, as the applicant repeatedly alludes to Simonswood effectively being an extension of Knowsley Industrial Park. Indeed, I would concur with this view, given that the site is relatively inaccessible, especially by public transport, from West Lancashire's main population centres. Notwithstanding the applicant's and my view that the jobs created by the proposed development primarily benefit Knowsley, I acknowledge that neither the applicant nor the Council have any control over who applies for the jobs created once the development is occupied, or where those individuals live.
- 6.15 The applicant, Peel Holding, has sites in Wirral Waters that are soon to be redeveloped, amongst other port developments. They have indicated that current occupiers from these sites could be accommodated and/or relocated on the application site since it is not essential for many of the existing businesses or those wanting to expand, to be near a port. The relocation of these businesses would free up space for the proposed Wirral Waters and other port developments. While I can see the reasonableness of assuming that businesses will need to be relocated from the Wirral, there is no certainty that the businesses involved will choose Simonswood for the relocation. The other factor with regard to relocation is the question of whether there are other, more suitable, allocated employment sites available in West Lancashire to accommodate the relocated businesses. 19 ha of allocated employment land remains available at XL Business Park in Skelmersdale and over 10 ha of new employment land is allocated in Burscough as part of the Yew Tree Farm Strategic Development Site. In addressing this concern, the applicant submitted further information on the "*Analysis of the Supply of, and demand for, distribution space within the Liverpool City Region*". This report is independent of the applicant and identifies a clear need for the release of additional employment land and notes a significant lack of sites in excess of 5ha. The adjacent land at Fredericks Dairies was assessed in the study as being a suitable location of B2/B8 development as was the existing Simonswood Industrial Estate. It therefore follows that the application site would also be considered a suitable site upon which to address the employment need. In addition, since the above report post-dates the evidence base for the Local Plan, it considered all the allocated sites within West Lancashire and concluded that there was additional need for employment land over and above the allocated sites. The applicants claim therefore that by bringing forward the application site, it will not prejudice the other

allocated sites in West Lancs.

- 6.16 In my view, the further information submitted by the applicant regarding the demand for employment land in the Liverpool City Region and the impact of the new Liverpool 2 container terminal at the Port of Liverpool does provide a compelling case for the need for a greater supply of employment land in the City Region over the coming years, and I would agree with the applicant's assertion that the 75 ha employment land requirement in the Local Plan is a minimum figure. The issue of delivery of employment land is important, and it is acknowledged that there has been a lack of employment land delivery in West Lancashire in recent years. As such, West Lancashire is not currently delivering the 5 ha of employment land a year anticipated in the Local Plan. While national planning policy does not require a local planning authority to demonstrate a 5-year supply of employment land in the way it does for housing, this lack of delivery is an important material consideration in this application and one that carries significant weight in favour of the proposal.
- 6.17 Weighing all of the above into the balance, the lack of employment land delivery and the anticipated demand for employment land over the next few years in the Liverpool City Region are considered to be significant material considerations to justify a departure from Policy GN1 (b) of the adopted Local Plan.

#### Access, Traffic and Highways

- 6.18 The application is supported by a Transport Assessment (TA) which assesses the impact of the proposal on the surrounding highway network and includes the following:
- The relevant transport-related policies and guidance documents used to assess the scheme;
  - The methodology employed to assess the impact of the proposed development on the local transport network;
  - Baseline highway conditions around the site are set out;
  - The assessments of the impact of the additional traffic on the local highway network
- 6.19 All vehicular access to the site will be from Stopgate Lane and for indicative purposes a number of separate access points are shown, although this could change once the Reserved Matters are submitted. Stopgate Lane is a narrow road between 5 and 5.5m and features a 60mph speed limit which changes to 30mph on the approach to the junction with Pingwood Lane. There is a 7.5t weight restriction for vehicles to the east of the site up to Siding Lane.
- 6.20 Lancashire County Council and Knowsley Council identified numerous issues with the information presented in the original TA, including consideration for necessary mitigation. Subsequently, the applicant's highway consultants took on board some of the suggestions made to improve the scheme and further analysed the trip distributions and junction capacity analysis. As a result, LCC are now satisfied, subject to conditions and the entering into a S278 Agreement, the application is acceptable. As part of the

improvements required, it is necessary to widen Stopgate Lane in front of the site to 7.5m and provide a 2m wide footway on one side of the road. Each individual access point will require appropriate visibility splays once the Reserved Matters applications are submitted. It is also proposed to reduce the speed limit to 40mph for the length of Stopgate Lane fronting the site and to provide a 3.5m wide lit footway/cyclepath within the site along the southern edge to link through to Pingwood Lane and incorporate a pedestrian crossing point to the residential area in Simonswood, Kirby, to the west.

- 6.21 Knowsley Council have still maintained their objection to the scheme primarily due to the TA having been undertaken on the basis of a B2 development, not incorporating or assessing the impact of B1 development on the site. The introduction of B1 uses would dramatically affect the analysis of traffic generation and impact on junctions. It is likely that the more B1 uses there are, the less HGV's but more cars and vans or light trucks would use the site and consequently be more likely to use routes through adjacent residential areas, with a particular impact on the Shevingtons Lane/Bank Lane junction in Simonswood.
- 6.22 In order to address the concerns of Knowsley, the applicant has clarified that the use of the proposed development will be for B2 (general industrial) and B8 (storage and distribution) with the B1 uses being ancillary only and the description of development has been amended accordingly. This will result in fewer B1 derived vehicle trips i.e. smaller vehicles and cars with the resultant reduction in vehicles entering the residential areas of Kirby. I am therefore satisfied that the impact of the development on highway conditions within the vicinity of the site will not be so significant as to warrant a refusal of planning permission.

#### Site Design and Layout

- 6.23 As this proposal is in outline only, details of a specific layout are not for consideration at this stage. However, the applicant has submitted an indicative layout. The approach taken by the applicant builds on the existing green infrastructure within the site, including the more wooded area to the west of the site, to ensure the developed areas are integrated into the existing landscape and to provide an area of ecological mitigation for the resultant loss in greenfield land and hedges, all based around the existing river running through the site.
- 6.24 Whilst I consider the indicative layout as amended integrates well with the surrounding area in respect of pedestrian and cycle access and the SUDs requirement and ecology park are beneficial, the density and layout of the industrial units would not meet current car parking and manoeuvrability standards in this area of low accessibility. Therefore, the site layout does not fully accord with Policy GN3 at this time. Given this application is in outline, in the event of an approval this issue could be addressed at a reserved matters stage when a full and detailed site layout would be considered.

### Impact on Neighbouring Land Uses and Noise

- 6.25 It is necessary to consider the impact of the proposed development on the amenity of existing surrounding land uses, including neighbouring residents. As this application is in outline, only an illustrative layout has been provided indicating that the industrial units would be located a considerable distance from the nearest residential properties at Simonswood and Wood House Farm to the north. Should the proposal be considered acceptable in outline, then a more detailed Reserved Matters application will be required to be submitted to assess the detailed implications upon neighbouring amenity with particular regard to the properties off Shevington's Lane.
- 6.26 However, given the proposed development is for employment use, the impact of noise upon neighbouring residents needs to be assessed. Paragraph 123 of the NPPF advises that planning policies and decision makers should (inter-alia) avoid noise giving rise to significant adverse impacts on health and quality of life as a result of new development. The applicant submitted a noise assessment which recommends a number of noise control measures including building specifications, noise limits imposed for fixed items of plant, restrictions on service yards and roller shutter doors during the night time hours and a 3m high acoustic barrier along the western boundary. The Council's Environmental Health Officer is satisfied that, provided the measures identified to control noise break-out are implemented, the proposal is acceptable. A Construction Environmental Management Plan (CEMP) can be required to be submitted and this would provide the necessary measures to control noise levels, hours of working, construction traffic routing, construction barriers to protect habitats etc. This detail could be imposed by condition.
- 6.27 Finally, in terms of the additional traffic that will be generated as a result of this development, any HGV's or vehicles over 7.5t in weight would be unable to pass along residential routes to and from the site due to existing weight restrictions. On balance I consider the development, subject to conditions, meets the requirements of Policy GN3 of the Local Plan.

### Surface Water, Drainage and Flood Risk

- 6.28 Local Plan Policies GN3 and IF3 both seek to ensure flood risk is avoided / mitigated through development and that proposals for new development can be appropriately accommodated by existing water and drainage infrastructure. United Utilities has confirmed that there is an easement crossing the western area of the site and a strategic trunk main crosses the site. No development will be permitted over either and it will be necessary to re-assess the internal layout when considering any Reserved Matters application. The site will be drained on separate systems and foul water will be connected to the public sewer at the western end of the site.
- 6.29 In terms of surface water, this will be collected from the site and directed to new adopted surface water drainage networks, which in turn outfall to a large attenuation pond at the western end of the site adjacent Simonswood Brook. Flows will then be restricted to



greenfield run-off rates to the watercourse. The western part of the site is located within Flood Zone 3, the classification most at risk of flooding. In order to ensure there is no risk of flooding, all buildings will be set at least 300mm above existing ground levels. The Environment Agency and the Lead Local Flood Authority have confirmed that they are satisfied with the submitted Flood Risk Assessment and the principles of the surface water drainage strategy. The EA object only to the fact that the illustrative layout indicates development within 8m of the bank of Simonswood Brook; however, as the application is in outline, the layout of any future Reserved Matters application can be designed so as to ensure no development encroaches into the main river easement. I am satisfied that the proposed development demonstrates compliance in principle with the NPPF and Local Plan Policy regarding drainage and flood risk.

#### Biodiversity, Trees and Landscape

- 6.30 To achieve sustainable development, the planning system should seek environmental gains, should contribute to protecting and enhancing the natural environment and help to improve biodiversity. The NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the natural environment, including moving from a net loss of biodiversity to achieving net gains for nature (NPPF Para 6-10).
- 6.31 I note that the development of this site will inevitably affect its existing biodiversity value, particularly given its current greenfield status and use for agricultural purposes. However, any development on the land must be carried out in such a way that respects the biodiversity value and conservation and enhancement of the natural environment is achieved. Policy EN2 in the Local Plan requires that development proposals must seek 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.
- 6.32 The ecological impact of the proposed development has been informed by an ecological assessment, including surveys for bats, breeding birds, water vole, badger, great crested newt and impact on qualifying habitat for wintering birds.
- 6.33 The application site is located in an area (known as an Impact Risk Zone) which could have the potential to support qualifying features within or in close proximity to the designated sites of the Ribble and Alt Estuaries, Mersey Estuary and Martin Mere SPA, Ramsar and SSSI site. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010 (as amended) (the 'Habitat Regulations').
- 6.34 The Council is a competent authority for the purposes of the Habitat Regulations and in considering the European site interest, regard must be had for any impacts that the proposed development may have. Regulations 61 and 62 of the Habitat Regulations set out a series of steps and tests that should be followed in assessing whether development could potentially affect a European Site. These steps are commonly referred to as the 'Habitats Regulations Assessment' process.

- 6.35 Merseyside Environmental Advisory Service (MEAS) have been consulted and conclude that construction and operation of the site will have no likely significant effect on the European protected sites and a detailed Habitats Regs Assessment report is not required because pink footed geese were not recorded within, or close to, the site during the survey and very few numbers of other qualifying features were recorded, therefore the proposals will not displace significant numbers of foraging qualifying bird species and although pink footed geese were still present in the wider area they did not use the site, or its immediate surrounds for foraging.
- 6.36 MEAS also conclude that the Council does not need to consider the proposals against the three tests in the Habitat Regulations with regards bats and great crested newts as no evidence of roosts was found. Evidence of water vole was recorded alongside Simonswood Brook. It is recommended that the brook be re-surveyed for water vole prior to the start of works and the results of the survey used to inform the SUDs design and any mitigation required. This can be secured by condition. Japanese Knotweed was found within the site and a method statement should be submitted that shows the extent of the weed and methods to eradicate it. This can also be secured by condition.
- 6.37 The present site offers bat foraging and bird breeding habitat which will be significantly reduced by the proposed development; however the creation of an ecology park, provided it is planted with similar native species, will provide mitigation for the loss of habitat and on balance the development is considered to comply with Policy EN2 of the Local Plan and the NPPF.
- 6.38 In respect of trees within the site, they are of a self-set, small and scrubby nature within the overall vegetated area of scrub hawthorn and bramble. The indicative layout shows that the area of trees and woody shrubs will be removed to accommodate the development; however, as part of the proposals, an area to the west of the site (12% of the overall site) will be dedicated as a SUDs area and ecology park. Existing vegetation in this area will be retained and enhanced and managed to enhance biodiversity and create habitats for invertebrates, birds and water voles in accordance with Paras 6-10 of the NPPF.

#### Landscape and Visual Impact

- 6.39 Policy GN3 (4) and EN2 (6) require that development takes advantage of its landscape setting by having regard to the different landscape character types across the Borough. Development should maintain or enhance the distinctive character of the landscape within which it is located. Having reviewed the indicative layout and supporting information I consider the proposal includes elements which would seek to achieve this by creating an ecology park. However, in terms of the impact on the broader landscape, the site itself does not fall within any Landscape Character designation. The proposed development will inevitably change the landscape within which it is located and will essentially move the built-up edge of Simonswood/Kirby further north-east but will remain a well-defined area. This parcel of land will no longer be seen as an open green space fronting the Industrial Estate to the south, but will be seen as a visual expansion of the Industrial Park. In this

sense it is acknowledged that the rural character of the parcel of land will be lost but that it will be seen against the backdrop of the industrial park to the south and the settlement boundary of Kirby to the west.

### Heritage

- 6.40 The NPPF defines a heritage asset as *a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest*. The accompanying National Planning Policy Guidance (NPPG 2014) defines a non-designated heritage asset as *buildings, monuments, site, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets*. There are no heritage assets, either designated or identified by the Council as “buildings of local interest” within the site.
- 6.41 Notwithstanding the above, the County Archaeologist has identified that the site includes the former sites of Warren’s Farm, Stopgate Farm and Stopgate Inn which used to lie in a former hunting forest extant in the 13th Century. It is probable that there will be buried remains within the site from these farmsteads which merit examination and recording prior to their destruction. A programme of archaeological investigation and recording is recommended prior to the start of development and this can be required by condition in accordance with para 141 of the NPPF.

### Mineral Safeguarding Area

- 6.42 Policy M2 of the Joint Lancashire Minerals and Waste Local Plan safeguards areas of land around mineral deposits and sets out that within these areas, planning permission will not be supported for any form of development that is incompatible with working the minerals, unless the applicant can demonstrate that specific criteria have been met.
- 6.43 This application is supported by details of data held on the British Geological Survey Minerals UK information which confirms that there is potential for deep coal and possible silica sand on the site. The applicant advises that the characteristics of the surrounding land uses, the ecology interest and watercourse on the site, the limited size of the site and the uncertainty of mineral resources being found, it is considered that it would be commercially unviable and environmentally unacceptable to extract minerals from the application site. As such the exemption requirements of Policy M2 of the Lancashire Minerals and Waste Local Plan have been engaged so it is not necessary to undertake prior extraction in advance of the proposed residential development. LCC have been consulted in respect of this application and raise no objections.

### Summary

- 6.44 Although the principle of development on Protected land is generally not acceptable, in this case I am satisfied that there are significant material considerations to justify a departure from Local Plan policy in this regard – namely the realistic prospect of delivery

of employment land and employment opportunities. There are no other technical issues that cannot be resolved at Reserved Matters stage and the development is considered to comply with all other relevant Local Plan policies.

## **7.0 RECOMMENDATION**

7.1 That the decision to grant planning permission be approved subject to the following conditions:

### **Conditions**

1. Application for approval of reserved matters must be made not later than the expiration of two years beginning with the date of this permission and the development must be begun not later than the expiration of three years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Before any part of the development hereby approved is commenced, approval shall be obtained from the Local Planning Authority for the Reserved Matters, namely the access, layout, scale and appearance of the buildings and landscaping of the site.
3. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan Reference "Stopgate Lane - Simonswood" indicative layout received by the Local Planning Authority on 13th July 2015;  
Plan Reference Vectos VN30270-D104.1 - 7.3m Carriageway and 2m footpath received by the Local Planning Authority on 8th July 2016;  
Plan Reference Vectos VN30270-D104.2 - 7.3m Carriageway and 2m footpath received by the Local Planning Authority on 8th July 2016;  
Plan Reference Vectos VN30270-D102 - Proposed Pedestrian/Cycle Way received by the Local Planning Authority on 8th July 2016.
4. Development shall not begin until a phasing plan for the whole of the site and for the highways works referred to, has been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall identify the provision of infrastructure, access, employment units and the ecology park. Development shall be carried out in accordance with the approved phasing plan unless otherwise agreed in writing by the Local Planning Authority.
5. No development shall take place until full details of the finished levels of all parts of the site, including the floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those details.
6. The estate road for each phase (as set out in the phasing plan) of the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within that phase.
7. Car parking courts within each phase shall be surfaced or paved in porous materials in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan,

before the use of the industrial units hereby permitted within the relevant phase become operative.

8. The off-site highway improvement works, which are also subject to a S278 Agreement under the Highway Act, as are follows.  
Widening of Stopgate Lane to 7.3m as indicated on Plan Refs: VN30270-D104.1 and VN30270-D104.2  
Provision of 2m footway on south side of Stopgate Lane as indicated on the above plans;  
Provision of Pedestrian Crossing on Pingwood Lane  
Amendment to Speed Restriction along Stopgate Lane  
For clarity, all the measures outlined above shall be implemented in accordance with a Section 278 Agreement prior to occupation of the first industrial unit.
9. No construction works shall commence on each phase of development (as set out in the phasing plan) until a scheme for the construction of the internal access road, cycleway and footway networks for that phase of development has been first submitted to, and approved in writing by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved details.
10. No building on each phase of development shall be occupied until a travel plan for that phase has been submitted to and agreed in writing with the Local Planning Authority. The approved travel plan shall be implemented in full.
11. There shall not at any time in connection with the development hereby permitted be planted hedges, trees or shrubs over 600mm above the road level within any visibility splay required to maintain safe operation for all users.
12. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v) Adequate measures to control mud, soil and other matter deposited on the public road and pavement surfaces in the vicinity of the development, and provision shall be made for keeping these areas free from such matter as may arise from the site.
  - vi) Adequate measures to control dust emissions. The procedures and measures for the control of dust during the construction phase will be incorporated into a Dust Management Plan (DMP) to be used by contractors throughout this phase. All measures highlighted in Table 23 of the submitted Air Quality Assessment (Ref No:34001R6) should be incorporated into this plan. The DMP will be developed and agreed with the Local Authority prior to the commencement of the construction activities.
  - vii) a scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site);
  - viii) a Management Plan to identify potential ground and water contaminants; details for their storage and how water courses will be protected against spillage incidents and pollution during the course of construction;
  - ix) the routing of construction vehicles and deliveries to site, and

x) a scheme to control noise during the construction phase which, for the avoidance of doubt, shall comprise of the following:

Construction work, which is audible from the boundary of any noise sensitive receptor, shall only take place between the hours of 08:00 - 18:00 on Monday to Friday inclusive, 08:00 - 13:00 hours on Saturdays with no such working on a Sunday or local or national public holiday. The receipt of any materials or equipment for the construction of the site is not allowed outside the said hours, unless otherwise approved in writing by the local planning authority having been given a minimum of two working days' notice of the occurrence of the proposed event. Fixed and mobile plant used within the site during the construction period shall not incorporate 'bleeping' type warning devices that are audible at the boundary of any noise sensitive property without prior written consent of the local planning authority.

13. Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds, including a check for breeding swallows, shall not be undertaken between the months of March to August inclusive unless the absence of nesting birds has been confirmed by further surveys or inspections. Such surveys shall be carried out by a suitably qualified and experienced ecologist. If nesting birds (or dependent young) are found to be present, works shall be delayed until such time as nesting is complete and the young have fledged.
14. No development shall take place on a phase until a construction environment management plan (CEMP) for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in full. The plan shall provide for:

#### Surveys

- Details of measures to mitigate impacts on biodiversity including a timetable of mitigation works relative to site investigation, site preparation and site clearance;
- A further survey to determine the presence or absence of water voles. Should water voles be found to be present, a detailed mitigation and enhancement scheme for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to occupation of any building on that phase of development.

#### Invasive Species (schedule 9 of the Wildlife and Countryside Act 1981 (as amended))

- A method statement for approval that includes the following:  
A plan showing the extent of the plant;  
What methods will be used to prevent the plant spreading further, including demarcation; and  
What methods of control will be used, including details of monitoring.
- A validation report is then required confirming the remediation treatment carried out and that the site has been free of the invasive species for 12 consecutive months for approval in writing by the Local Planning Authority.

#### Priority Habitats and Bats

- Evidence that details and features that provide opportunities for roosting bats will be protected during works (such as root protection zone fencing).

15. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Flood Risk Assessment and Drainage Strategy Report, Stopgate Lane, Simonswood, Kirby, Merseyside, Thomasons, Contract No. 7109, 7th February 2014) and all mitigation measures detailed within the FRA:

The mitigation measures shall be fully implemented prior to occupation and subsequently 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 in consultation with the lead local flood authority.

16. This site must be drained using a total separate drainage system in full accordance with the FRA submitted. For the avoidance of doubt, no surface water flows generated from the site will be allowed to connect with the public sewerage system via direct and or indirect means.

17. As part of any reserved matters application and prior to the commencement of any development the following details shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Lead Local Flood Authority.

1. Surface water drainage scheme which as a minimum shall include:

a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;

b) The drainage scheme should demonstrate that the peak surface water runoff rate from the development to the sustainable drainage system for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event does not exceed the peak greenfield runoff rate for the same event in line with Standard S2 of the Non-Statutory Technical Standards for Sustainable Drainage Systems. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

c) Flood water exceedance routes, both on- and off-site;

d) A timetable for implementation, including phasing where applicable;

e) Site investigation and test results to confirm infiltrations rates;

f) Details of water quality controls and SuDS treatment train.

The scheme shall be fully implemented and subsequently maintained, 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.

18. No development shall commence on each phase (as set out in the phasing plan) until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of that phase of the development have been submitted which, as a minimum, shall include:

1. a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company

2. b) 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;
3. c) Means of access for maintenance and easements where applicable.

The scheme shall be implemented in accordance with the approved details in accordance with the Phasing Plan. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

19. Prior to the first occupation of any industrial unit, that unit shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.
20. The development carried out by this planning permission shall be carried out in accordance with the Miller Goodall Noise Assessment Report Number 100786 Dated March 7th 2014 and all mitigation measures detailed within the Noise Assessment.
21. Prior to occupation of any building on the site, the proposed Pedestrian/Cycle Way along the southern edge of the site indicated on plan Ref VN30270-D102 shall be provided in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall include, but not be limited to, cross-sections of the path, details of lighting, details of levels, details of surfacing and management and maintenance of the path.
22. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological investigation and recording. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.
23. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2006 (as amended), or in any subsequent Orders or statutory provision re-enacting the provisions of these Orders, the buildings and associated land shall be used for B2 (general industrial) and B8 (storage and distribution) purposes only .

### **Reasons**

1. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline and the matters referred to in the condition are reserved for subsequent approval by the Local Planning Authority.
3. 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.
4. To define the permission and in the interests of the proper development of the site in accordance with Policies EC1 and GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. 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.
6. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To allow for the effective use of the parking areas in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.



8. In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To allow for the effective use of the parking areas in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To ensure that the development provides sustainable transport options in accordance with Policy IF2 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To ensure adequate visibility splays are maintained at all times and to ensure that the development complies with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. To maintain the operation and safety of the local highway network during site preparation and construction and in the interests of residential amenity in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
13. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
14. In the interests of protecting biodiversity so to ensure compliance with Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
15. To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site, to prevent flooding elsewhere by ensuring that surface water is discharged from the site at the pre-development greenfield runoff rate for all events and to reduce the risk of flooding to the proposed development and future occupants in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
16. To reduce the risk of flooding to the proposed development and future occupants in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
17. To ensure that the proposed development can be adequately drained, to ensure that there is no floodrisk on or off the site resulting from the proposed development and to ensure that water quality is not detrimentally impacted by the development proposal in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
18. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
19. In the interests of sustainable transport choice and to comply with Policy IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
20. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

21. To promote sustainable measures in accordance with Policy IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
22. To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site in accordance with Policy EN4 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
23. In order to enable an assessment of the highway impact in the local area and to safeguard the safety and interests of the users of the highway and 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. Flood Defence consent:

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written Consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Main River Simonswood Brook.

Simonswood Brook within the site is designated a Main River and is therefore subject to Land Drainage Byelaws. In particular, no trees or shrubs may be planted, fences, buildings, pipelines or any other structure erected within 8 metres of the top of the bank/retaining wall of the watercourse without the prior written Consent of this Agency. In this particular case it is essential that this 8 metre strip is preserved for access purposes.

We have a right of entry to the Simonswood Brook by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act. Please contact our Flood Risk Officer Robert Van on 01772 714147 to discuss our access requirements.

The Flood Defence Consent will control works in, over, under or adjacent to main rivers (including any culverting).

Your Consent application must demonstrate that:

- there is no increase in flood risk either upstream or downstream.
- access to the Main River network and sea/tidal defences for maintenance and improvement is not prejudiced.
- works are carried out in such a way as to avoid unnecessary environmental damage.
- details of tying in to culvert upstream including any hard protection.

Mitigation is likely to be required to control: off site flood risk.

The EA will not be able to issue Consent until this has been demonstrated.

2. For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given.

The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here: <http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>

## **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 - Design of Development  
EC1 - The Economy and Employment Land  
IF2 - Enhancing Sustainable Transport Choice  
IF3 - Service Accessibility and Infrastructure for Growth  
IF4 - Developer Contributions  
EN1 - Low Carbon Development and Energy Infrastructure  
EN2 - Preserving and Enhancing West Lancashire's Natural Environment  
EN3 - Provision of Green Infrastructure and Open Recreation Space  
EN4 - Preserving and Enhancing West Lancashire's Built Environment  
together with Supplementary Planning Guidance and all relevant material considerations. Whilst the Local Planning Authority recognises that the proposal does not fully comply with Policy/Policy GN1 (b) in the West Lancashire Local Plan 2012-2027 DPD it feels that special circumstances exist, namely the realistic prospect of delivery of employment land and employment opportunities. . It is considered that these special circumstances justify approval of the application as set out in the Officer's report. This report can be viewed or a copy provided on request to the Local Planning Authority.

<b>No.12 APPLICATION NO.</b>	2015/1140/FUL
<b>LOCATION</b>	Footpath To The North-west Of Yeadon Skelmersdale Lancashire
<b>PROPOSAL</b>	Development of a lit dual use foot/cycleway from Yeadon in Skelmersdale Town Centre, along the Tawd Valley to the junction of Summer Street and Marland, with an associated spur linking West Lancashire College directly to the route.
<b>APPLICANT</b>	Lancashire County Council
<b>WARD</b>	Birch Green
<b>PARISH</b>	Unparished - Skelmersdale
<b>TARGET DATE</b>	4th April 2016

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## **1.0 DEFERRAL**

- 1.1 This application was deferred at June's Planning Committee to allow Members to undertake a site visit.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 None.

## **3.0 CONSULTEE RESPONSES**

- 3.1 DESIGNING OUT CRIME OFFICER (24/2/16) – Recommendations made regarding security measures to reduce the opportunities for crime and disorder.
- 3.2 CANAL AND RIVER TRUST (1/3/16) – No requirement to consult in this case.
- 3.3 THE COAL AUTHORITY (7/6/16) – Concur with the recommendations of the Mine Workings Sources Study and Risk Assessment; that coal mining legacy potentially poses a risk to some parts of the route and that investigation works should be undertaken prior to work commencing in these areas to establish the exact situation regarding coal mining legacy issues on the site.
- 3.4 MEAS (15/3/16) – Recommend conditions be attached to the planning decision and a bat survey be undertaken.
- 3.5 SENIOR ENVIRONMENTAL HEALTH OFFICER (29/2/16) – No objections.
- 3.6 LCC HIGHWAYS (12/4/16 & 27/5/16) – No objections. Recommend conditions.

## **4.0 OTHER REPRESENTATIONS**

- 4.1 None.

## **5.0 SUPPORTING INFORMATION**

5.1 The following documents have been submitted in support of the planning application:

Planning Statement  
Ecological Assessment and Bat Survey

## **6.0 LOCAL PLAN ALLOCATION**

6.1 National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the West Lancashire Local Plan 2012-2027 DPD (WLLP) provide the policy framework against which the development proposals will be assessed.

6.2 The site is located within the Strategic Development Site of Skelmersdale and is located within Tawd Valley Park Biological Heritage Site as designated in the West Lancashire Local Plan DPD 2012-2027. The following policies are therefore relevant:

### **6.3 National Planning Policy Framework (NPPF)**

Ensuring the vitality of town centres  
Promoting sustainable transport  
Requiring good design  
Promoting healthy communities  
Conserving and enhancing the natural environment

### **West Lancashire Local Plan (WLLP) 2012-2027 DPD**

SP2 Skelmersdale Town Centre  
GN3 Criteria for sustainable development  
EN2 Preserving and Enhancing West Lancashire's Natural Environment  
EN3 Provision of Green Infrastructure and Open Recreation Space  
IF1 Maintaining Vibrant Town and Local Centres  
IF3 Service Accessibility and Infrastructure for Growth  
GN5 Sequential Tests  
IF2 Enhancing Sustainable Transport Choice

Supplementary Planning Document – Design Guide (January 2008)

## **7.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

### **The Site**

7.1 The application is made by Lancashire County Council and the site concerns an existing footpath which will be upgraded and extended within Tawd Valley Park. It will stretch from the north starting from the residential estate of Irwell and extends southwards for

approximately 2km joining with Skelmersdale Town Centre, south of the Library. Approximately halfway along the route the footpath will have a route off to meet with Inglewhite and West Lancashire College. The course of the footpath is dictated by the River Tawd which is located to the west.

### The Proposal

- 7.2 As described above, the proposal relates to the upgrading and extension of an existing footpath located within Tawd Valley Park. The intention is to create a 3m wide lit dual use foot/cycleway. Where already present the foot/cycleway will follow the existing footpath desire lines. Those sections of the route that are to be newly constructed will be timber edged, excavated to 180mm below finished surface and backfilled with close graded course and rolled asphalt. The route will be lit by 30m spaced 5m high LED lighting columns operated on a sensor trigger. Appropriate signage will be located along the route. The route to which this planning application relates is a total of 2,023m in length and 3m wide for the majority of its length. 1,546m of the route will be either new construction or resurfacing and widening of the existing path. For 447m of the foot/cycleway's extent, there will be no construction works only foot/cycleway markings on the existing path.

### Principle of Development

- 7.3 The 'golden thread' running through the NPPF is to promote sustainable development. At paragraph 7 of the NPPF, sustainable development is defined as having three dimensions; economic, social and environmental. The proposed development will contribute to all three of these dimensions. It will connect and draw people to the town centre, thereby supporting Skelmersdale's economy, it will encourage environmentally friendly modes of transport and it will allow people to engage with the natural environment whilst routing them to their destination and promoting better connectivity within the town.
- 7.4 Policy SP2 of the WLLP states that a key principle of the wider regeneration of Skelmersdale is to "ensure that the parks and open space in and around the Town Centre are integral to the regeneration and are more accessible to Skelmersdale's communities and visitors". It also states that the Town Centre should be reconnected with the surrounding communities through the building of new footpaths and cycleways. Policy SP2 has a number of key aims for this strategic site, one of which is listed as - "Major improvements to the Tawd Valley and the River Tawd corridor to make it a key feature of, and integrate it into, the town centre, with the creation of a Formal Park for the Town Centre adjacent to the Tawd Valley. In addition, general improvements will be made to the green infrastructure in the town along with conserving and enhancing biodiversity". The proposal also fits with the Council's Cycling Strategy and Town Centre Masterplan, as well as LCC's Local Transport Plan.
- 7.5 Policy EN3 of the WLLP requires all development to contribute to the green infrastructure by enhancing and safeguarding the existing network of green links. Therefore the principle of development complies with the NPPF and Policy EN3 in the WLLP.

## Design and Layout

- 7.6 In order for the footpath to be to an adoptable standard. The construction of the new areas of foot/cyclepath and the upgraded areas have been designed so to limit the impact upon this green asset. The route of the path is somewhat dictated by the River Tawd to the west, however this creates an attractive route through the Tawd Valley Park allowing users to appreciate the attributes of their surroundings thereby complying with Policy GN3 of the WLLP. In addition, the path will be adequately lit with sensorised lighting to create a safe and secure environment for users of this facility and to reduce opportunities for crime and anti-social behaviour. Whilst the scheme will introduce a footpath/cycle track where at present the park is uninterrupted by formal paths, it will increase accessibility and will not have a significant detrimental impact on the appearance of the landscape.

## Biodiversity

- 7.7 Tawd Valley Park is designated as a Biological Heritage Site (BHS). The site is designated for its Ancient Semi-Natural Woodland and scrub habitat, its biodiversity value is increased by the surrounding mosaic of river, wetland and grassland habitat. An Ecological Assessment and an Updated Activity Bat Survey has been submitted with the planning application.
- 7.8 Recommendations have been made within the Ecological Assessment to mitigate against any negative impacts upon the BHS. MEAS have been consulted in respect of this and is satisfied with the proposed recommendations which will form the basis of a planning condition.
- 7.9 In terms of the impact of the development on bats, the main area of concern has been the potential impact of the proposed lighting scheme. As described in paragraph 6.6 above, lighting will be provided by way of 5m high lighting columns spread at 30m distances. The lights will be on sensors so to avoid any unnecessary light pollution/spill. This chosen lighting scheme is a compromise in order to provide a safe, well lit route for pedestrians and cyclists, whilst limiting the impact upon bats within the area. I am therefore satisfied that this is acceptable and the impact upon bats will be minimal.
- 7.10 A repeat water vole survey will be undertaken immediately prior to works commencing. This will concentrate on areas where the development comes within 5m of the banks of the River Tawd. Overall therefore, I am satisfied the proposed development complies with Policy EN2 of the WLLP.

## Trees

- 7.11 The proposed works will infringe on Root Protection Areas (RPA) of trees along the route. The Council's Arboricultural Officer has assessed the method of construction and the materials to be used and is satisfied that there will be no detrimental impact upon the trees.

## Drainage

- 7.12 Drainage along the route will be predominantly natural using cross falls and cambers to achieve the free flow of surface water. As the river bank is being eroded towards the line of the proposed route, a new drainage ditch will be created between the two footbridges, located west of West Lancashire College. In addition, an existing ditch will be replaced at the northern end of the route, heading towards the junction with Mill Lane. Both the Environment Agency and the Canal and River Trust have no objections to the proposed development. Aside from the planning application, Flood Defence Consent is being sought from the EA as the route lies within 8m of the bank top of the River Tawd.

## Coal Mining

- 7.13 Paragraphs 120-121 of the NPPF require development proposals to demonstrate that the application site is safe, stable and suitable for development. Due to the path lying within a Coal Working Area, a Coal Mining Report has been submitted with the planning application. This advises that intrusive site investigation works are carried out prior to any works taking place on site – The Coal Authority have concurred with this view. Whilst I acknowledge the comments of The Coal Authority and normally a condition would be added to the decision notice to reflect this, given that the path already exists along part of the proposed route and any excavations to create the new path will be no deeper than 18cm, it is my view that to request intrusive site investigations would be overly onerous and unreasonable in this particular instance. I am therefore satisfied that the circumstances of the site and the proposed works do not warrant full intrusive site investigations.

## **8.0 SUMMARY**

- 8.1 The proposed development is acceptable in principle and will provide a much needed dual use route to Skelmersdale Town Centre from West Lancashire College and the surrounding residential areas. Subject to conditions satisfactory mitigation can be provided for any loss of biodiversity.

## **9.0 RECOMMENDATION**

- 9.1 That planning permission be GRANTED subject to the following conditions:

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-

Plan reference 1A of 1 Location Plan Overview received by the Local Planning Authority on 5th November 2015.



Plan reference 1A of 1 Construction Plan Overview received by the Local Planning Authority on 5th November 2015.

Plan reference 1B of 7 Construction Plan received by the Local Planning Authority on 5th November 2015.

Plan reference 2B of 7 Construction Plan received by the Local Planning Authority on 5th November 2015.

Plan reference 3C of 7 Construction Plan received by the Local Planning Authority on 5th November 2015.

Plan reference 4B of 7 Construction Plan received by the Local Planning Authority on 5th November 2015.

Plan reference 5A of 7 Construction Plan received by the Local Planning Authority on 5th November 2015.

Plan reference 6A of 7 Construction Plan received by the Local Planning Authority on 5th November 2015.

Plan reference 7D of 7 Construction Plan received by the Local Planning Authority on 5th November 2015.

Plan reference 1 of 7 Site and Construction Plan received by the Local Planning Authority on 5th November 2015.

Plan reference 2 of 7 Site and Construction Plan received by the Local Planning Authority on 5th November 2015.

Plan reference 3 of 7 Site and Construction Plan received by the Local Planning Authority on 5th November 2015.

Plan reference 4 of 7 Site and Construction Plan received by the Local Planning Authority on 5th November 2015.

Plan reference 5 of 7 Site and Construction Plan received by the Local Planning Authority on 5th November 2015.

Plan reference 6 of 7 Site and Construction Plan received by the Local Planning Authority on 5th November 2015.

Plan reference 1A of 3 Road Lighting and Illuminated Traffic Sign Cabling Works received by the Local Planning Authority on 5th November 2015.

Plan reference 2B of 3 Road Lighting and Illuminated Traffic Sign Cabling Works received by the Local Planning Authority on 5th November 2015.

Plan reference 3A of 3 Road Lighting and Illuminated Traffic Sign Cabling Works received by the Local Planning Authority on 5th November 2015.

3. The recommendations contained within section 6 of the 'Preliminary Ecological Assessment' dated 23rd April 2013 shall be carried out/adhered to throughout the duration of the development.
4. A repeat water vole survey shall be undertaken immediately prior to construction works. The area of survey shall concentrate on areas where the approved works come within 5m of the banks of the River Tawd. The survey shall be submitted to and approved in writing by the Local Planning Authority. Any proposed mitigation works shall be identified in an accompanying report which identifies a timetable for them to be carried out. Thereafter development shall proceed in accordance with the approved details.
5. The lighting scheme shall be implemented in accordance with the details submitted to the Local Planning Authority on the 5th November 2015 and shall be maintained as such for the duration of the development.
6. Within 3 months of the development commencing details of the proposed maintenance and management of the footpath/cycleway shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full for the duration of the development.
7. The details included in the Method Statement for treatment of Himalayan Balsam and Variegated Yellow Archangel dated May 2016 shall be implemented in full throughout the duration of the development.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To provide a safe and secure environment and to safeguard a protected species and so to ensure that the development complies with the provisions of Policies GN3 and EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To safeguard the safety and interests of the users of the footpath/cycleway 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.

7. To avoid the spread of invasive species and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

**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:

SP2 Skelmersdale Town Centre  
GN3 Criteria for sustainable development  
EN2 Preserving and Enhancing  
EN3 Provision of Green Infrastructure and Open Recreation Space  
IF1 Maintaining Vibrant Town and Local Centres  
IF3 Service Accessibility and Infrastructure for Growth  
GN5 Sequential Tests  
IF2 Enhancing Sustainable Transport Choice

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.





## **PLANNING COMMITTEE**

**28<sup>th</sup> July 2016**

**(Agenda Item 7)**

## **PLANNING APPLICATION ITEMS**

### **LOCATION PLANS**

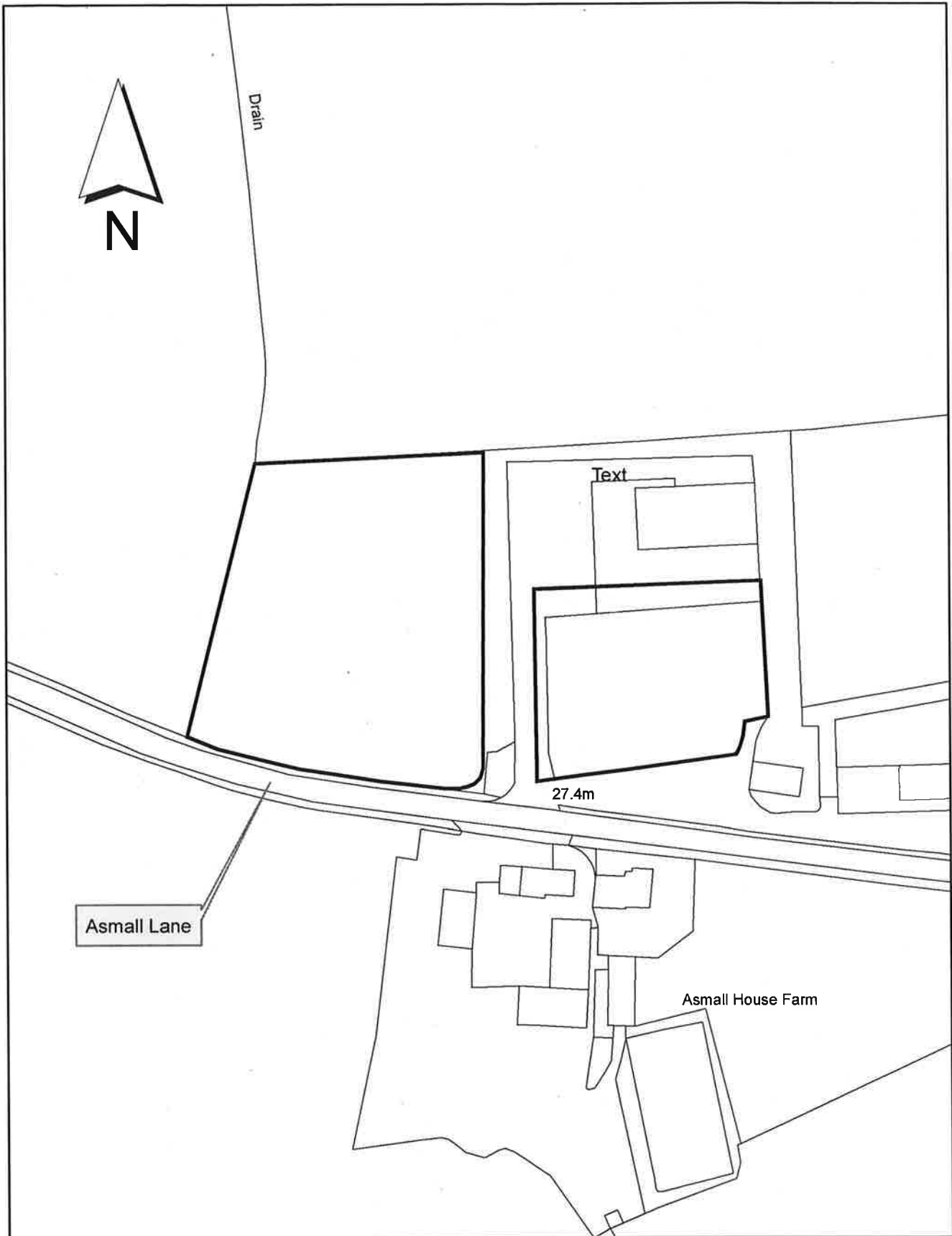
22 Church Street, Ormskirk L39 3AN



Land To The North Of Middle Place, Asmall Lane, Scarisbrick  
L40 8JL

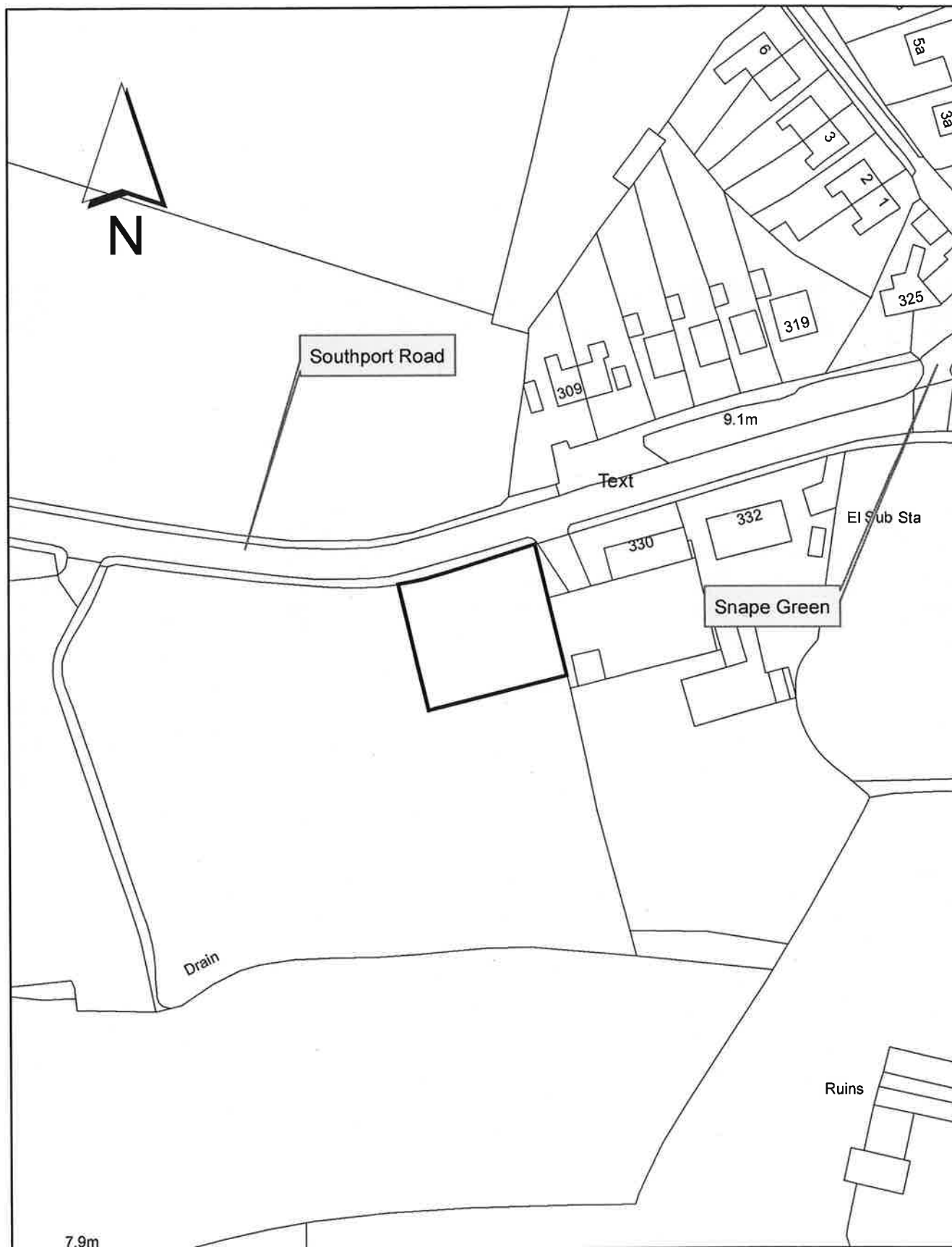


Middle Place, Asmall Lane, Scarisbrick L40 8JL





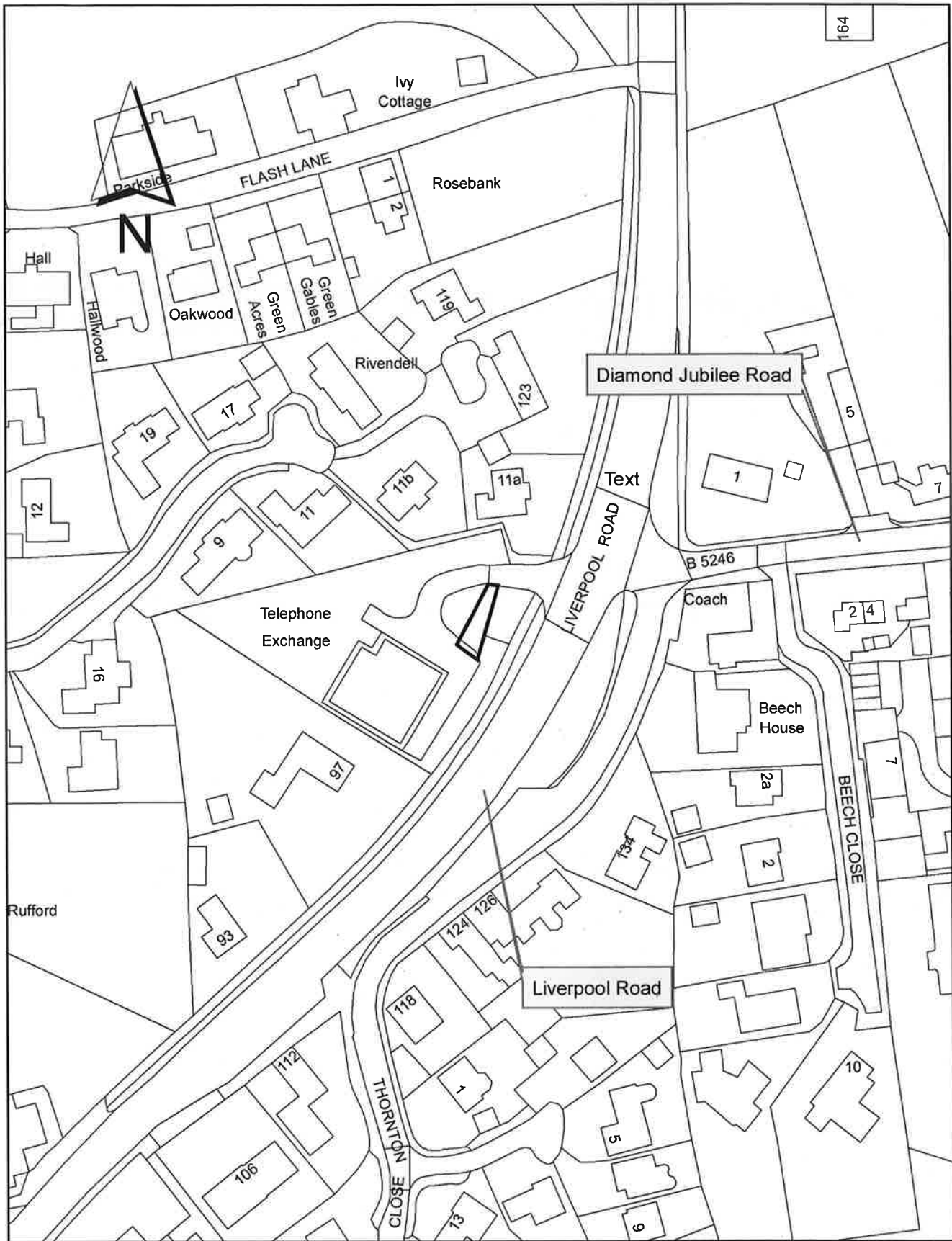
Land to east of Vincents Garden Centre, Southport Road, Scarisbrick PR8 5LF



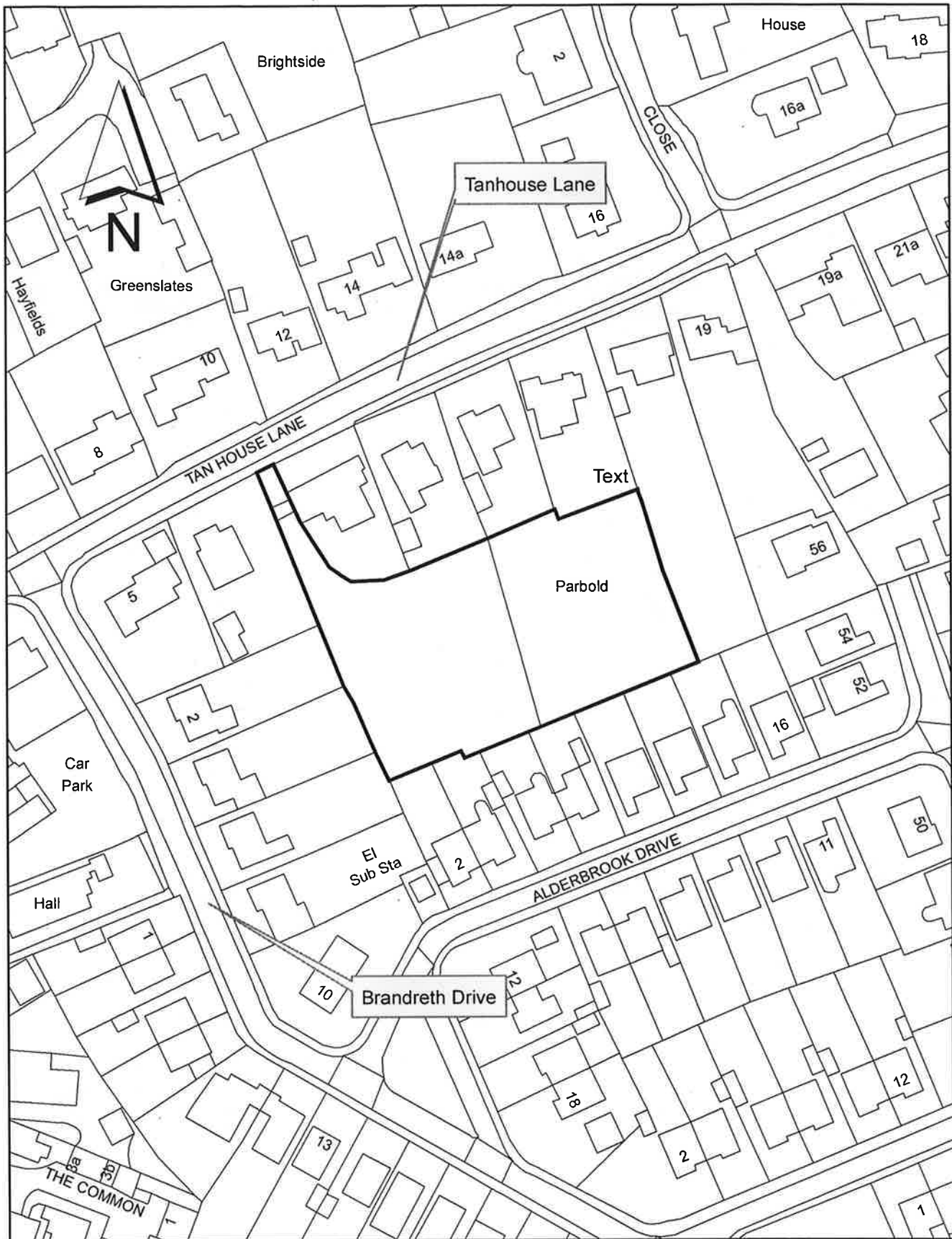
Land At The Junction With Sluice Lane, New Road, Rufford  
L40 1SP



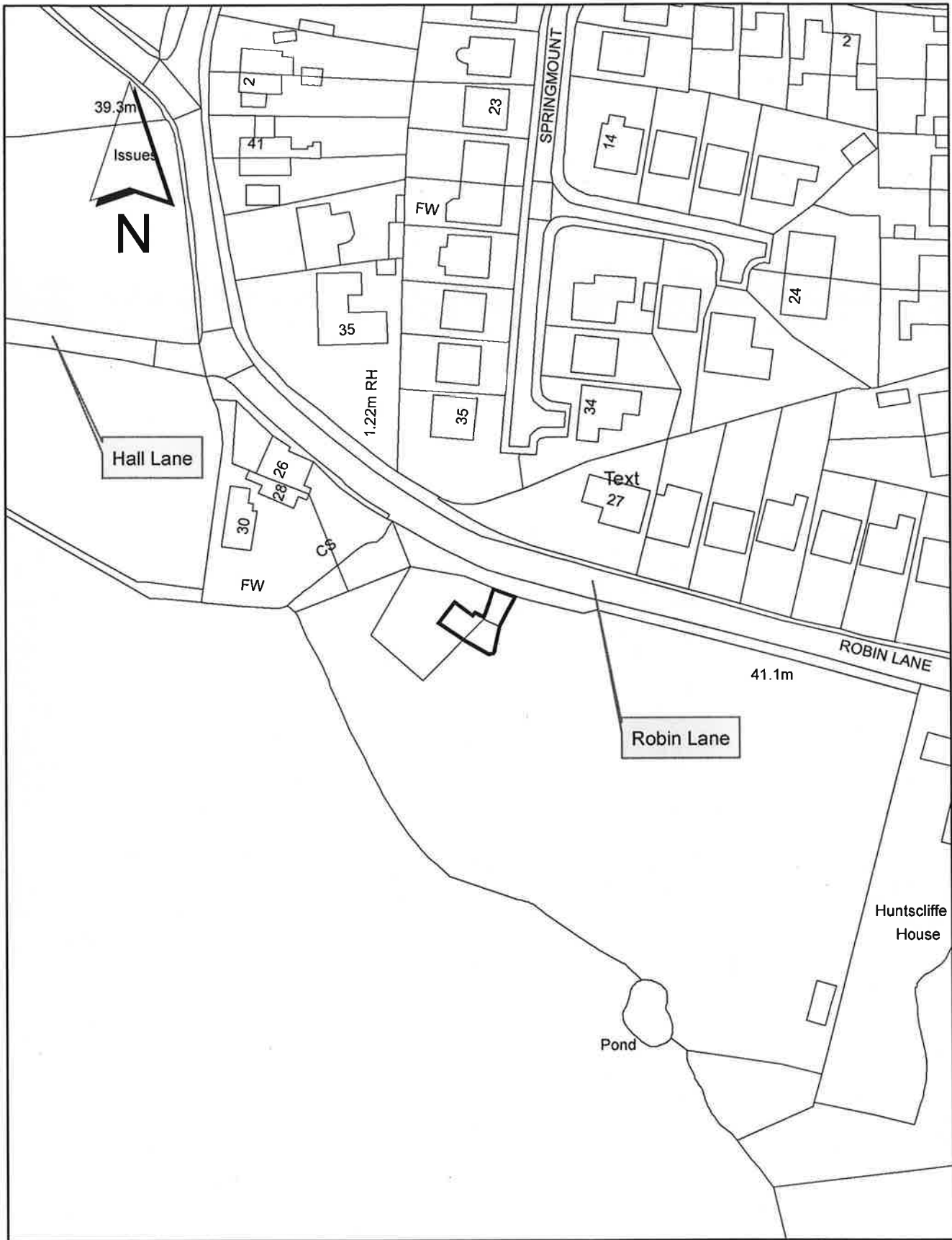
Telephone Exchange, Liverpool Road, Rufford L40 1SB



9 Tan House Lane, Parbold, Wigan WN8 7HG



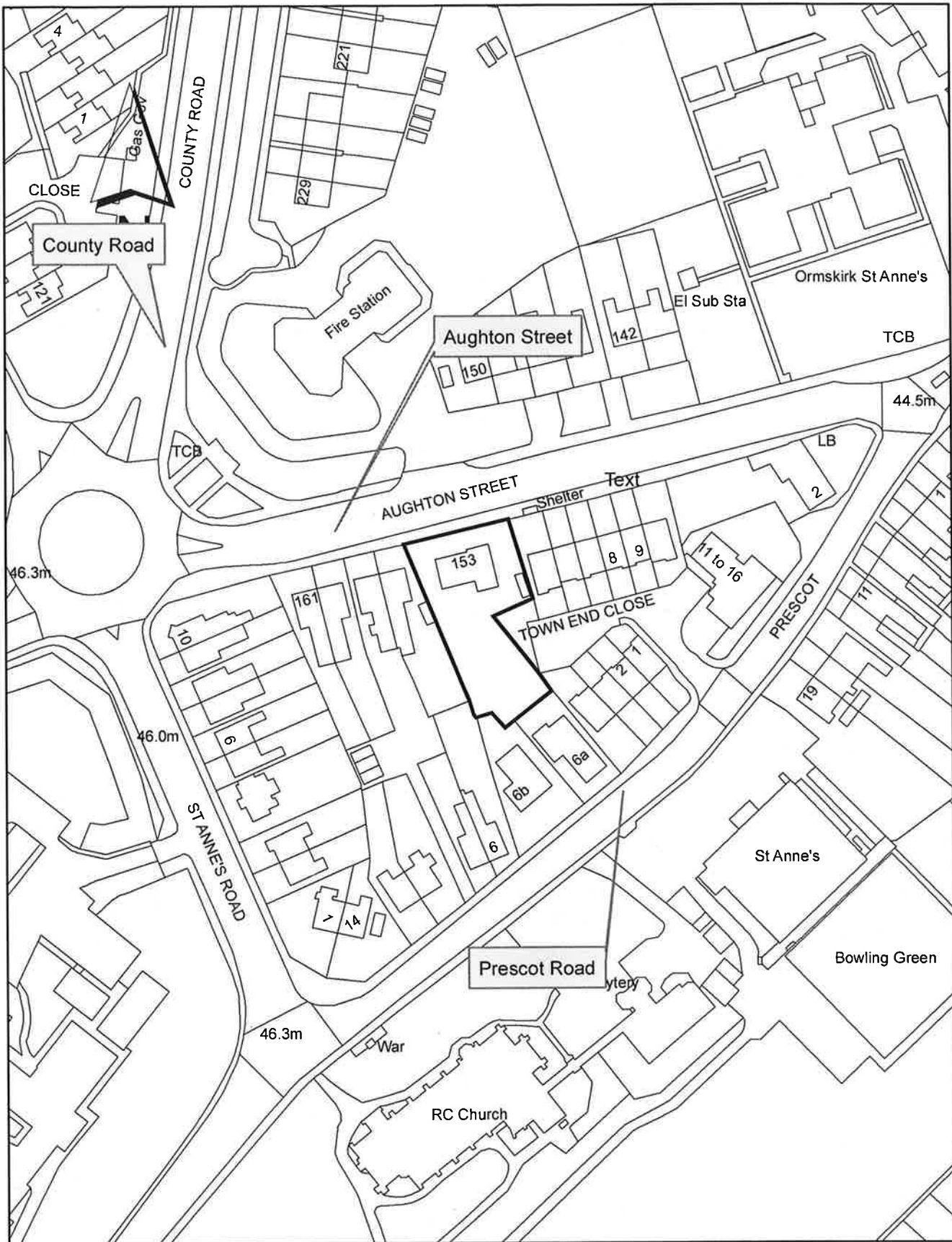
Land To The South-East Of, 26-30 Robin Lane, Hilldale Parbold  
WN8 7BE



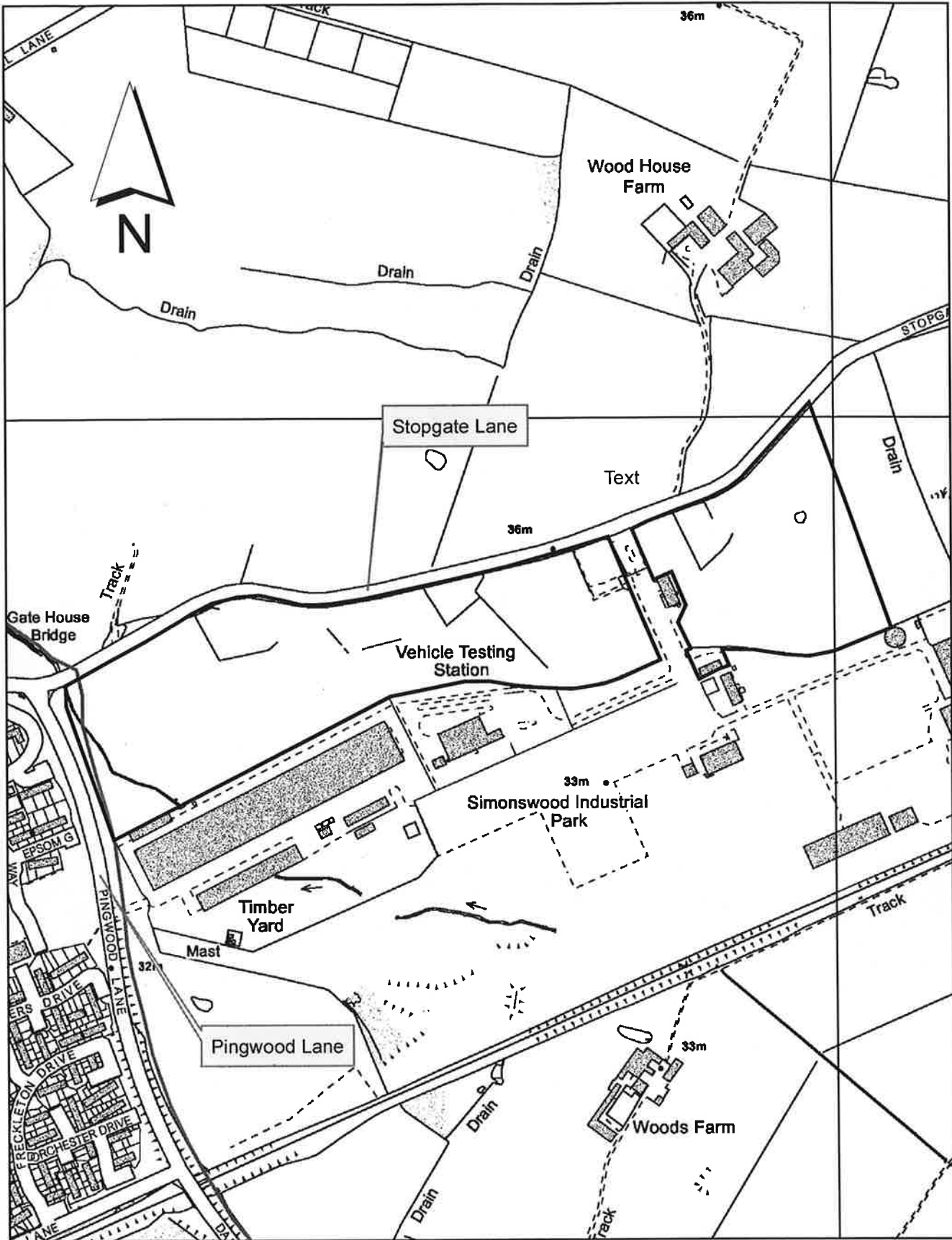
# Hughes Mushroom Farm, Course Lane Newburgh WN8 7UB



153 Aughton Street, Ormskirk L39 3LG



Land To The South Of, Stopgate Lane, Simonswood L33 4YA





# Footpath to the North-West of Yeadon, Skelmersdale WN8 6NH

