



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

1 February 2017

TO: COUNCILLORS G DOWLING, C COOPER, I ASHCROFT, MRS P BAYBUTT, T DEVINE, D EVANS, C MARSHALL, D MCKAY, M NIXON, D O'TOOLE, R PENDLETON, E POPE, A PRITCHARD, MRS M WESTLEY AND A YATES

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET, ORMSKIRK L39 2DF** on **THURSDAY, 9 FEBRUARY 2017** at **7.30 PM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to read '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** 1059 - 1060
- 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.)
- 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** 1061 - 1062
- To receive as a correct record the minutes of the meeting held on the 12 January 2017.
- 7. PLANNING APPLICATIONS** 1063 - 1168
- To consider the report of the Director of Development and Regeneration.

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

**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			
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.	<p>I have a pecuniary interest because</p> <p>it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) and 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</p> <p>or</p> <p>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) and 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</p>	<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.	<p>I have a disclosable pecuniary interest (Dispensation 20/09/16) or a pecuniary interest but it relates to the functions of my Council in respect of:</p> <p>(i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease.</p> <p>(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.</p> <p>(iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay.</p> <p>(iv) An allowance, payment or indemnity given to Members</p> <p>(v) Any ceremonial honour given to Members</p> <p>(vi) Setting Council tax or a precept under the LGFA 1992</p>	<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 20/9/16-19/09/20)	<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: Thursday, 12 January 2017

Start: 7.30pm

Finish: 7.45pm

PRESENT:

Councillor: G Dowling (Chairman)
Cooper (Vice-Chairman)

Councillors: I Ashcroft Mrs P Baybutt
T Devine D Evans
C Marshall D McKay
M Nixon D O'Toole
R Pendleton E Pope
A Pritchard Mrs M Westley
A Yates

Officers: Director of Development and Regeneration (Mr. J. Harrison)
Head of Development Management (Mrs. C. Thomas)
Legal and Member Services Manager (Mr. M. Jones)
Planning Appeals Officer (Ms. E. Woollacott)
Member Services/Civic Support Officer (Mrs. J.A. Ryan)

In attendance: Councillor Owens (Derby Ward)
Councillor Delaney (Scott Ward)

54 APOLOGIES

There were no apologies for absence received.

55 MEMBERSHIP OF THE COMMITTEE

There were no changes to the membership of the Committee.

56 URGENT BUSINESS

There were no urgent items of business.

57 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

58 DECLARATIONS OF PARTY WHIP

There were no declarations of Party Whip.

59 MINUTES

RESOLVED: That the minutes of the meeting held on the 8 December 2016 be approved as a correct record and signed by the Chairman subject to noting that Councillor Evans in respect of minute 50 (approval of the minutes of the meeting held on 10 November 2016) had asked that his

abstention against the motion to approve the minutes be recorded.

60 PLANNING APPLICATIONS

The Director of Development and Regeneration submitted a report on planning application 2016/0756/FUL as contained on pages 1041 to 1053 in the Book of Reports and on pages 1057 to 1058 giving details of late information.

RESOLVED That planning application 2016/0756/FUL relating to the Ropers Arms, 52 Wigan Road, Ormskirk be approved subject to the conditions in the report and with an additional condition as detailed on page 1058 of late information.

(Note: In accordance with Regulatory Procedure Rule 7(b) Councillor Owens spoke in connection with Planning Application 2016/0756/FUL).

.....
- CHAIRMAN -

1.



PLANNING COMMITTEE
9 FEBRUARY 2017

Report of: Director of Development and Regeneration

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

SUBJECT: PLANNING APPLICATIONS

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.

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

CONTENT SHEET

<u>Report No</u>	<u>Ward</u>	<u>Appn No</u>	<u>Site Location & Proposal</u>	<u>Recommendation</u>
1	Skelmersdale North	2016/1220/FUL	3 Mere Close Skelmersdale Lancashire WN8 8RN New pitched roof to replace existing flat roof on front elevation (retrospective).	Planning permission be granted. Pages 6 - 11
2	Scarisbrick	2016/1050/FUL	4 Bescar Lane Scarisbrick Lancashire L40 9QN Demolition of existing industrial units and construction of five residential units (3 to 4 bed).	Planning permission be granted. Pages 12 - 26

3	Derby	2016/1160/HYB	<p>Edge Hill University St Helens Road Ormskirk Lancashire L39 4QP</p> <p>Hybrid planning application for the erection of student accommodation (Phase 12) and a new University library, comprising; i) in full, the erection of three and four storey buildings to provide 250 no. student bedrooms and communal facilities, together with associated hard and soft landscaping and external works, and; ii) in outline, a library building with associated hard and soft landscaping, open space, access routes and external works, with all matters reserved.</p>	<p>Planning permission be granted.</p> <p>Pages 27 - 46</p>
4	Derby	2016/1291/WL3	<p>Land At The North-eastern End Of Holly Close Westhead Lancashire</p> <p>Change of use of grassed areas to provide 10 allocated parking spaces for residents of 18-36 Holly Close.</p>	<p>Planning permission be granted.</p> <p>Pages 47 - 51</p>

5	Burscough West	2016/0932/FUL	Land To The East Of 801 To 804 Merlin Park Ringtail Road Burscough Lancashire Construction and operation of a 10MW peaking power generation plant and ancillary equipment.	Planning permission be granted. Pages 52 - 60
6	Ashurst	2016/0665/FUL	Land To The South Of Ashurst Road Ashurst Skelmersdale Lancashire Residential development 45 No. 2, 3 and 4 bedroom dwellings together with associated works.	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. Pages 61 - 76

7	Aughton And Downholland	2016/1008/FUL	Aughton Institute Bold Lane Aughton Ormskirk Lancashire L39 6SG New two storey dwelling and integral garage at land to the rear of Aughton Institute.	Planning permission be granted. Pages 77 - 86
8	Aughton And Downholland	2016/1183/FUL	Charlton Quarry Drive Aughton Ormskirk Lancashire L39 5BG Demolition of existing dwelling and erection of replacement dwelling.	Planning permission be refused. Pages 87 - 95

No.1 APPLICATION NO.	2016/1220/FUL
LOCATION	3 Mere Close Skelmersdale Lancashire WN8 8RN
PROPOSAL	New pitched roof to replace existing flat roof on front elevation (retrospective).
APPLICANT	Mr Stephen Armstrong
WARD	Skelmersdale North
PARISH	Unparished - Skelmersdale
TARGET DATE	30th January 2017

1.0 REFERRAL

- 1.1 This application was to be dealt with under the Councils delegation scheme, however, Councillor Furey has requested that it be referred to the Planning Committee to consider the impact on neighbouring amenity.

2.0 PREVIOUS RELEVANT DECISIONS

None

3.0 CONSULTEE RESPONSES

None

4.0 OTHER REPRESENTATIONS

- 4.1 The Council has received 10 letters of objection from 8 nearby properties, 2 of which are from residents of Mere Close. The objections received are on the following grounds:

Material planning observations:

The design of the pitched roof is incompatible within the street view as the design of one frontage differs from its neighbour;

The proposed roof extension is alleged to cross the boundary onto the flat roof of the adjacent neighbouring property. Works were done without the consent of the neighbouring owner;

The works carried out to the property materially affect the appearance of the front elevation.

Observations of works not requiring planning permission:

The conversion of the garage reduces the amount of off road parking for the application property;

The distance between the front of the property and the public footpath is 4.2m which does not meet standards set out by LCC Highways (4.8m).

Other observations:

Discrepancies have been pointed out regards the date work started;

The 'existing' plan submitted does not indicate other works that have been carried out to the property i.e. change of garage door for window, alteration to front door and windows at ground floor;

It is alleged that work has been conducted over the boundary line and as such the attached neighbour has not had the opportunity to object to the work before it commenced and a party wall agreement has not been entered into;

Maintenance of the flat roof at number 1 Mere Close is inaccessible as a result of the works;

The application contravenes the human rights of the occupier at number 1 Mere Close as defined in the Human Rights Act 1998 Protocol 1 Article 1 and Article 8, as the neighbour has been deprived of the peaceful enjoyment of part of their property due to the damage and damp allegedly caused by the development.

5.0 SUPPORTING INFORMATION

- 5.1 The applicant has submitted a confirmation email outlining that works have been carried out within the boundary of number 3 Mere Close.

6.0 LOCAL PLAN ALLOCATION

- 6.1 The site is located within the settlement area of Skelmersdale as designated as a Regional Town in the West Lancashire Local Plan.

6.2 National Planning Policy Framework

Requiring good design

6.3 West Lancashire Local Plan (2012-2027)

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

6.4 Supplementary Planning Document, Design Guide (Jan 2008)

7.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

The Site

- 7.1 The property is a semidetached dwelling located to the south of Mere Close, close to the junction with Romiley Drive. To the front of the property is a hardstanding area. The area is made up of predominantly two storey, residential dwellings.

The Proposal

- 7.2 This application seeks retrospective planning permission for a pitched roof to replace the existing flat roof to the front of the dwelling at ground floor level.
- 7.3 The new roof spans the full width of the dwelling (7.70m) and has a mono pitched roof design with a ridge height of 3.50m and eaves of 2.40m.
- 7.4 The ridge tiles are Marley Double Roman roof tiles coloured in smooth brown.

Assessment

- 7.5 The main considerations for the determination of this application are;
Design / appearance
Impact upon neighbouring properties

Design / impact upon street scene

- 7.6 Policy GN3, criterion vi of the West Lancashire Local Plan states that *where proposals involve extensions to existing buildings, its design should relate to the existing building, in terms of design and materials, and should not detract from the character of the street scene.* Supplementary Planning Document, Design Guide gives further advice for extensions to dwellings and states that extensions should be; *subservient in size, scale and mass to the original dwelling and never dominate or be disproportionate to the existing dwelling and should have a built form which relates to the character and appearance of the existing property.*
- 7.7 Within the street scene there are other examples of ground floor, pitched roof front extensions. Particularly of note are the neighbouring dwellings of 5 and 7 Mere Close which have also introduced a pitched roof to replace the flat roof. It is noted that in the case of these extensions however, the roof design does not run the full width of the dwellings. Having assessed the development in its context I am satisfied that the mono pitched roof design does not impact detrimentally upon the street scene nor does it introduce an incongruous feature. I am satisfied that the choice of materials in terms of colour and scale are acceptable and assimilate well into the street scene and the host building. Overall I am satisfied that the design, scale and materials of the extension are acceptable and in compliance with Policy GN3 of the Local Plan.

Impact upon adjoining land uses

- 7.8 Policy GN3 of the Local Plan states that developments should 'retain reasonable levels of privacy, amenity and sufficient garden / outdoor space for occupiers of the neighbouring and proposed properties.'

- 7.9 Noting the scale of the development I am satisfied that the pitched roof would not result in a loss of privacy or light to the neighbouring properties and would not result in an overbearing feature. Consequently the proposal accords with Policy GN3 of the Local Plan as it would retain reasonable levels of amenity for all neighbouring properties.
- 7.10 The alleged structural damage caused is not considered to amount to a material planning consideration.

Other aspects raised by neighbours

Encroachment onto the neighbouring property (1 Mere Close)

- 7.11 The applicant submitted a Certificate A as part of the application submission. Certificate A should only be submitted if the applicant is the sole owner of the land to which the application relates. This was challenged in writing by the attached neighbour at 1 Mere Close. This neighbour alleged that some of the works (about 25mm) encroached over the party boundary into land which is owned by him. The neighbouring owner of 1 Mere Close has also submitted to the Council a number of structural surveys which support his claim however these have not been independently verified.
- 7.12 As a consequence the applicant was asked to confirm in writing that all the works had been carried out within the boundary of 3 Mere Close. The applicant has confirmed this in an email to the Council dated 13th January 2017.
- 7.13 It is the Council's understanding that there is a civil case between the two parties running in the background to this application as the neighbour also claims that the works undertaken by the applicant have caused structural damage to his property.
- 7.14 The neighbour continued his claim that works have been carried out on land within his ownership and as such a Land Registry search was carried out and legal advice sought by the Council.
- 7.15 The Land Registry search has been inconclusive in regards to the encroachment claim. The Land Registry plans do not show the site in such detail to shed light on this particular issue which is considered to be encroachment of some 25mm.
- 7.16 Legal advice received outlines that it is the Applicant's responsibility to file the correct form of Certificate. However, in this case, the Applicant contents that he has done so. It is the advice of the legal team therefore that the neighbour would need to provide evidence of the alleged encroachment.
- 7.17 The neighbour has stated that he believes the application to be invalid if the incorrect Certificate is served. Legal advice has also been sought on this aspect.

The case of *Main v Swansea City Council* (1985) 49 P. & C.R. 26 has confirmed that, if the incorrect Certificate has been completed, this would not automatically make the grant of planning permission void. In deciding whether to quash a decision, the court would look at:

The nature of the irregularity;

The identity of the applicant seeking relief;

The lapse of time;

The effect on other parties including the general public.

- 7.18 In regards to this application it has not been sufficiently demonstrated by the neighbour that the incorrect Certificate has been served. As such it is not clear whether or not the permission (if granted) would be invalid because of incorrect ownership notice. The legal advice is that the filling of an incorrect Certificate would not necessarily invalidate the permission unless and until a successful challenge is made. At the current time I am satisfied that the application is valid and should be determined on that basis.

Other works carried out to property

- 7.19 A number of neighbouring responses also point out that other works have been carried out to the property which do not appear in the description of development for this application. These works include:

Removal of garage door and replacement with window;

Conversion of integral garage to habitable room;

Removal of existing front door and window and replacement front door.

- 7.20 As part of the enforcement investigation into the site it was determined that the above works did not require planning permission.

- 7.21 In the case of the conversion of the garage there was no restrictive condition which limited the use of the garage for parking only. Furthermore no change of use had taken place as the garage was in domestic use and the converted room is also in domestic use, therefore no material change to the property has taken place and as such permission is not required.

- 7.22 In the case of alterations to the windows and doors these works were carried out under permitted development rights.

- 7.23 It is noted that the plans submitted by the applicant reference an 'existing' front elevation which depicts the above alterations already being made. I am satisfied that the submission of this plan is adequate to make an assessment of the proposal sought (pitched roof) as the other changes did not require planning permission and would not have a bearing on the determination of these matters.

Highways / parking concerns in direct response to the conversion of the garage

- 7.24 As outlined above the conversion of the garage to a habitable room did not require planning permission. Consequently the Council has no control over the levels of off road parking at the site. I appreciate that neighbouring responses received have raised concerns regards insufficient parking levels but as this falls outside of the control of the Council it cannot form a material planning consideration for the development sought which is for the introduction of a pitched roof only.

Summary

- 7.25 I consider the proposed development is in accordance with Policy GN3 of the West Lancashire Local Plan (2012-2027) and the Council's SPD Design Guide and that the development would not be detrimental to the character and appearance of the street scene or the host building nor would it impact upon the amenity or privacy of neighbouring properties. Consequently the proposal is recommended for approval.

8.0 RECOMMENDATION

That planning permission be GRANTED:

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

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.

No.2 APPLICATION NO.	2016/1050/FUL
LOCATION	4 Bescar Lane Scarisbrick Lancashire L40 9QN
PROPOSAL	Demolition of existing industrial units and construction of five residential units (3 to 4 bed).
APPLICANT	Mr Chris Watson
WARD	Scarisbrick
PARISH	Scarisbrick
TARGET DATE	9th December 2016

1.0 REFERRAL/DEFFERAL

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Marshall and Prichard have requested it be referred to Committee to consider the impact on neighbour amenity, drainage, highway safety and rail safety.

2.0 PREVIOUS RELEVANT DECISIONS

- 2.1 E/2014/0048/UAU Without planning permission change of use of storage building to vehicle repair
- 2.2 1996/1071 - Conversion of part of an existing storage building to a Post Office and general store. GRANTED 17.03.1997
- 2.3 1990/1437 -Use of office building as dwelling. GRANTED 04.01.1991
- 2.4 1990/0662 - Outline-residential development. Outline Planning REFUSED 13.07.1990

3.0 OBSERVATIONS OF CONSULTEES

- 3.1 United Utilities (08.11.16) – No objections
- 3.2 Environmental Health (Scientific Officer) (10.11.16) No objections
- 3.3 Electricity North West (10.11.16) – Advice given
- 3.4 LCC Highways (30.11.16) – No objections
- (08.12.16) - I have viewed the swept path drawings and they are acceptable

- 3.5 Environmental Health (09.01.17) No objections subject to imposition of conditions to improve the level of mitigation from noise from the railway line and road.
- 3.6 Network Rail (30.11.16) Places a holding objection

Network Rail has concerns with this development with respect to the proximity of the proposed property to the railway boundary. Network Rail cannot see how the building can be constructed and maintained without requiring access to railway land. A minimum 2m gap between the building and the railway boundary would be sufficient to facilitate maintenance and construction of foundations and above ground building. The developer should then include a 2m strip along the edge of the structure to the railway boundary.

Amended plans received to address this concern.

(12.01.17) – No objections; It is noted that the developer has added in a 2m gap to the railway boundary.

4.0 OTHER REPRESENTATIONS

- 4.1 Scarisbrick Parish Council (08.11.16) Objects; This is a proposed development in an area of historic flooding problems and 5 new properties may create problems with drainage for both new and existing properties in the immediate area. The proposal also sits close to flood zone 1.

- 4.2 I have received 2 letters of objection from neighbouring properties:

Loss of privacy – overlooked by three properties;

Loss of trees;

Drainage issues in the area – my house flooded 3 times. UU fitted 2 non return valves and since then I have not been flooded. Therefore there should be no increase in the water in the brook which could overwhelm this system;

Possible asbestos roofs on existing buildings;

Water surface pipe runs across the site and empties into the brook which is yards from my property – would not want to see an increase in sewerage.

5.0 SUPPORTING INFORMATION

- 5.1 Arboricultural Assessment
Noise Assessment
Extended Phase 1 Ecological Assessment
Planning Supporting Document with Viability 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 Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD

West Lancashire Local Plan 2012-2027 DPD

Policy GN1 – Settlement Boundaries
Policy GN3 – Criteria for Sustainable Development
Policy GN4 – Demonstrating Viability
Policy RS1 – Residential Development
Policy EC1 – The Economy and Employment Land
Policy EN2 – The Rural Economy
Policy EN2 – Preserving and Enhancing West Lancashire's Natural Environment
Policy GN5 – Sequential Tests

Supplementary Planning Advice

SPD – Design Guide (January 2008)
SPD – Development in the Green Belt

7.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

The Site

- 7.1 The application site is 0.95 acre site located on Bescar Lane adjacent to Bescar Lane train station in Scarisbrick. The site is occupied by five large industrial units. The site is bounded to the north by the railway line, to the east and south by residential properties and to the west by open fields. The site is located in the Green Belt.

The Proposal

- 7.2 This application seeks planning permission for the demolition of the existing industrial units and construction of 5 detached dwellings.

Assessment

- 7.3 The site falls within a Green Belt area of Scarisbrick and is also classed as being an employment site, as such there are two policy areas that need to be considered to assess the principle of the development. These are:

The impact of the development upon the Green Belt and;
The loss of an existing employment site

Principle of Development – Green Belt

- 7.4 Policy GN1 of the Local Plan states that ‘development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies’.
- 7.5 Para 88, of the NPPF states, “*When considering any planning application local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.*” As such the Council must establish whether the proposal constitutes inappropriate development and establish the level of harm to the Green Belt.
- 7.6 The NPPF states that the construction of new buildings in the Green Belt is inappropriate, subject to six exception criteria. The development would, in principle, meet one of the exception criteria in that the proposal involves complete redevelopment of previously developed land (brownfield land), but to comply with this exception the development must not have a greater impact on the openness of the Green Belt than the existing development or conflict with the purpose of including land within it.
- 7.7 A site development assessment has been carried out which has been useful to make a direct comparison between the existing and proposed built development. Presently the site is occupied by buildings with a total volume of 13,380m³, the volume of the proposed 5 dwellings amounts to 2,758m³ resulting in an 80% reduction in built volume on the site. The largest building currently on the site has an eaves and ridge height of 8.7m and 11.3m. The proposed dwellings will have an eaves and ridge height of 4.5m and 8.7m which results in an overall reduction in height.
- 7.8 The proposed development will also have a smaller overall footprint than the existing built development and is sited generally where existing built development exists. Therefore, I am satisfied that the development will not have a greater impact on the openness of the Green Belt in comparison to the existing development, and therefore the proposed redevelopment of the site complies with the NPPF in this regard.

Principle of Development - Loss of an existing employment site

- 7.9 Policy EC1 ‘The Economy and Employment Land’ of the West Lancashire Local Plan states that the re-development of existing individual employment sites for

other uses will be considered where a viability case can be put forward (in line with Policy GN4) and where the provisions of Policy EC2 and EC3 are met, where relevant.

- 7.10 Policy EC2, 'The Rural Economy', states that the Council will protect the continued employment use of existing employment sites in rural areas. This could include any type of employment use, including agriculture and farming, and is not merely be restricted to B1, B2 and B8 land uses. Where it can be robustly demonstrated that the site is unsuitable for an ongoing viable employment use (in accordance with the requirements of Policy GN4), the Council will consider alternative uses where this is in accordance with other policies in the Local Plan. Policy GN4 'Demonstrating Viability' seeks to retain existing commercial / industrial (B1, B2 or B8) and retail (A1). Policy GN4 sets three tests and any proposal involving the loss of these uses must meet at least one of the three tests.
- 7.11 Within the supporting statements the reasons outlined for the loss of the employment use at this site are this is a remote location, close to existing residential properties. A viability statement has been submitted which explains that the site has been marketed continuously since June 2013 and no substantial enquiries were forthcoming relating to business use. Most enquiries related to residential redevelopment proposals. There is no current employment use on the site and hasn't been for three years so there will be no loss of employment.
- 7.12 In terms of whether it is financially viable to redevelop the site for another user or as a mixed use site (if a willing buyer or occupier were found) it is clear to see that there are a number of constraints which would limit commercial development at this site. The buildings age, size and format, the limited site area and parking facilities, restricted access for commercial activity and noise and disturbance concerns due to the close proximity of housing are all such factors which lead me to conclude that the site is unviable to redevelop for the existing use or for a mixed use site. I consider that it would be unproductive to protect the site for an employment use and therefore the principle of allowing the site to be developed for residential purposes is acceptable, in accordance with advice in the NPPF and Policies EC1 and EC2 of the Local Plan.

Principle of Development - Sustainability of Location

- 7.13 Paragraph 55 of the NPPF is also relevant to the proposal and states that 'local planning authorities should avoid new isolated homes in the countryside' in order to maintain a sustainable distribution of development, except in a number of special circumstances.
- 7.14 With recent appeal decisions there appears to be no strict definition of the term 'isolated' to date; however, the focus of appeal decisions suggest the relevant test is the sustainability of the location. It is this Council's interpretation of these

decisions that an isolated dwelling would be one that is not close or within walking distance of local services such as doctors, schools, public transport or health facilities and one that relies heavily on the use of a private motorised transport.

- 7.15 In my view, the location of this site would not be classed as isolated as it is accessible by public transport as Bescar railway station is adjacent and a bus route and bus stop is at the end of Bescar Lane (0.1 miles away). The dwellings would also lie amidst other residential development.

Design and External Appearance

- 7.16 Policy GN3 of the West Lancashire Local Plan DPD (2012-2027) states that new development should add to the distinctive character and visual amenity of the area. 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, and that the importance of spaces between buildings is recognised.
- 7.17 The proposal is five detached dwellings which will be served by a shared driveway off Bescar Lane. Plot 1 is located at the entrance to the site with its main elevation facing Bescar Lane. It will have four bedrooms and an integral garage. Plot 2, 3 and 4 will sit along the rear of the site facing the shared driveway and will have 3 bedrooms and integral garages. Plot 5 will be sited in the north eastern corner of the site adjacent to the railway line and will have 4 bedrooms and an integral garage. This leads to a mixed development, with differing house types as advocated in Policy GN3 and the Design Guide SPD.
- 7.18 The houses would be two storey and therefore in keeping with the scale of other residential dwellings in the area. Bescar Lane has a mix of two storey and bungalows, detached and semi-detached and older and more modern build properties. A traditional rural approach has been taken to the design of the dwellings. The design concept of unit type 1 mimics a traditional cart shed with hayloft above. Unit type 2 and 3 are more modern in design whilst retaining traditional features. Overall, I consider the design of the dwellings relate well to the surrounding properties and the local area in general.

Impact upon neighbouring properties

- 7.19 Policy GN3 of the West Lancashire Local Plan states that development should “retain or create reasonable levels of privacy, amenity and sufficient garden / outdoor spaces for occupiers of the neighbouring and proposed properties”.
- 7.20 The garden depths proposed are broadly in line with advice given in the Design Guide SPD, and where gardens depths do fall slightly short of the recommended

10m depth the proposed gardens are sufficiently wide enough to compensate for this and offer a reasonable standard of amenity for future occupiers.

- 7.21 The interface distances provided between new and existing properties comply with standards given in the Design Guide SPD. In terms of the potential impact on the amenities of existing residents, the nearest residential dwellings would be numbers 6, 8 and 10 Bescar Lane. The dwelling at plot 1 would not have any side elevation windows and would be situated 16m away from numbers 8 and 10 Bescar Lane. The dwellings at plots 2, 3 and 4 have been sensitively designed so that no first floor windows are proposed on the front elevation to minimise the loss of privacy to the occupants of number 10 Bescar Lane and their rear garden area, which abuts the boundary of this site. The porthole windows are located above eye level so cannot be looked out of by residents in the first floor rooms. They are intended as an architectural feature and a means to bring in some additional natural light. The dwelling at plot 5 would be situated 12m away from number 6 Bescar Lane, a detached bungalow and proposes no side elevation windows (with the exception of a ground floor garage window). In response to concerns raised by number 10, the agent has confirmed that the existing hedgerow on the southern boundary will be retained.

Highways

- 7.22 The Highway Engineer has assessed the proposal and is satisfied adequate visibility splays can be achieved at the site entrance. The submission also demonstrates that adequate parking areas are provided within the site. A vehicle tracking swept path analysis has been submitted which demonstrates that a refuse truck can enter and exit the site and manoeuvre within it. I concur with the view of the Highway Engineer that the proposed development would have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

Impact on Ecology

- 7.23 An Extended Phase 1 Ecological Assessment has been submitted with the application in accordance with Policy EN2 of the Local Plan.
- 7.24 The Ecological Assessment concludes that there is no evidence to suggest that any of the habitats on site are currently supporting any protected species such as great crested newts, water voles, bats and badgers. Due to the suitable habitat (hedge, scattered trees, scrub and buildings) present for breeding birds, it is recommended that site works take place outside the peak bird breeding season. Whilst no bats were found the report recommends that the new development should integrate at least 2 bat/bird boxes. The recommendations set out in the Ecological Assessment will be subject to a planning condition.

Impact on Trees

- 7.25 An Arboricultural report has been submitted. The site features moderate value trees within and around the site. There are two Yew trees to the front of the site proposed for removal. A Pine tree close to plot 2 is also proposed for removal. A number of trees are to be retained and ground protection and fencing is proposed for these trees during construction and a condition will be imposed to secure this. A landscaping scheme which proposes replacement tree planting is suitable for the site.

Drainage

- 7.26 A Drainage Statement has been submitted with the application which states that foul water from the 5 dwellings is to be connected to the existing main foul drain which is considered acceptable. In terms of surface water drainage the applicant has indicated soakaways are to be used. The site is currently covered in hard standing or buildings and has limited capacity for rain to infiltrate into the ground. The applicant calculates that the proposed development will result in 44% of the site being soft landscaped, 21% hard landscaped and 34% building. The scheme offers the opportunity for betterment in relation to the existing situation as the development will result in a reduction in impermeable area. United Utilities and the Council's Drainage Engineer have requested that prior to the commencement of development a surface water drainage scheme, based on the hierarchy of drainage options in the NPPF with evidence of an assessment of the site conditions is submitted to, and approved in writing by the Local Planning Authority. Drainage details will be required by a planning condition. Subject to the imposition of appropriate conditions, I am satisfied that the surface water can be adequately dealt with and the development will not worsen the risk of flooding in the vicinity of the site.

Noise

- 7.27 The application site abuts a railway line to the north of the site and a noise survey has been submitted to address this. I have sought advice from Environmental Health who have raised concern about noise from the train line negatively affecting the proposed residential properties.
- 7.28 The noise assessment concludes from the survey taken that with a 10dB attenuation provided by an appropriate noise barrier, that noise levels in ground floor rooms for daytime use will meet guideline levels for residential amenity but that first floor bedrooms with open windows will not meet guideline levels for either day or night time use. Further to this it concludes that the guideline figure for maximum decibel levels in bedrooms at night is significantly exceeded but as the train line has limited use during the night time period that the effect of this is very limited.

- 7.29 The Environmental Health Officer is satisfied with the predicted attenuation from the installation of an appropriate noise barrier of 10dB and so the use of a condition to require an acoustic fence of good density is required. It is worth noting that the acoustic fence is not only required along the boundary line with the railway line on plot 5 but because the garden areas are to either side of the dwelling that these areas will also require the protection afforded by an acoustic fence along both lengths of the garden. This will reduce the noise levels in the garden areas so that they are within guideline levels.
- 7.30 The Environmental Health Officer recommends that given the proximity of the site to the railway, to protect the amenity of future residents of plot 5 a whole house mechanical ventilation system is required rather than the use of trickle vents or other passive ventilation means. A high specification acoustic glazing is also required to the bedroom windows to Plot 5. This in addition to the alternative ventilation will result in acceptable residential amenity in the bedrooms during the night. The noise report suggests that Plot 1 will be unduly affected by noise and vibration from the road. Therefore the Environmental Health Officer advises that the front elevation windows to Plot 1 should be afforded a high specification acoustic glazing and alternative ventilation system. Plots 2-4 have the main windows on the side elevations and so perpendicular to the railway line and are each in turn further away from the railway line. The Environmental Health Officer recommends that the acoustic glazing and alternative ventilation is also installed to at least the master bedrooms of these properties as these are located on the side elevation.
- 7.31 Subject to mitigation measures proposed by the Environmental Health Officer being imposed through conditions I am satisfied that the location of the dwellings is acceptable and noise levels within the properties would not be harmful to the amenities of future residents.

Summary

- 7.32 In my view the principle of the proposed development is acceptable. The development is not considered to have a significant impact on neighbour amenity, highway safety, the character or appearance of the area or on any protected species or habitats. Subject to suitable conditions the proposed development is considered to be compliant with the NPPF and Policies GN1, GN3, GN4, RS1, IF2, IF3, EN2, EC1 and EC2 in the Local Plan.

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 L01 Rev A, L02, L03, L05, G01, G02, G03, G04, G06, G08 A01 and A02 received by the Local Planning Authority on 5th October 2016
Plan reference G05 received by the Local Planning Authority on 14th October 2016
Plan reference GA003 Rev P1, GA001 Rev P1 and GA002 REV P1 received by the Local Planning Authority on 6th December 2016
Plan reference L04 received by the Local Planning Authority on 7th December 2016
3. No development above slab level shall take place until full details and samples of the external brickwork, roofing materials and render 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) (England) Order 2015 (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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no window shall be added to any property until details of the positioning, size and design have been submitted to and approved in writing by the Local Planning Authority.
6. Prior to the commencement of the use of the development hereby approved, the first floor porthole window on the front elevation of plots 2, 3 and 4 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.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, garages shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority.
8. Within 9 months from the date when any part of the development hereby approved is first brought into use the approved landscaping scheme shall be carried out. All 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). 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.

9. 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.
10. No development shall take place until details of the design and implementation of an appropriate foul drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Foul and surface water shall be drained on separate systems
11. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

As a minimum those details shall include evidence of an assessment of the site conditions to include details of any existing drains, site investigation and test results to confirm infiltrations rates, including:

- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding of the receiving surface waters, including watercourses, and confirmation of the proposed floor levels to be used;
- b) Evidence that flood flows resulting from rainfall up to and including a 1 in 100 year (including an allowance for climate change) rainfall event will be managed within the site at designated temporary storage locations unless it can be shown to have no material impact by leaving the site in terms of nuisance or damage, or increase river flows during periods of river flooding; and
- c) A sustainable drainage management and maintenance plan for the lifetime of the development.

The scheme shall be implemented in accordance with the approved details prior to first occupation of the approved dwelling(s), or on completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details

12. No development above slab level shall take place until full details and samples of the hardstanding have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the proposed hardstanding 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 curtilage of the dwelling house.
13. Prior to the occupation of any of the dwellings, a scheme shall be submitted to and approved by the Local Planning Authority that specifies the provisions to be made for the control of noise emanating from the railway line and road (Bescar Lane). These provisions should include specific details of acoustic glazing to each of the five individual plots along with details of an alternative means of ventilation to habitable rooms.

14. A scheme detailing the acoustic fence specification to be installed between the northern boundary of Plot 5 and the railway line and along the length of both the west and east garden boundaries to Plot 5 shall be submitted to and approved by the Local Planning Authority. The fence shall be erected on site prior to occupation of the dwelling and retained and maintained in good condition thereafter.
15. Development that would disturb nesting birds should be avoided during the nesting season (March to August inclusive). If works do need to be carried out during this period, then a further survey of the site to confirm the absence of nesting birds should be undertaken and the results submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site.
16. Details of two bat/bird boxes to be installed on site shall be submitted to and approved in writing by the Local Planning Authority. The bat/bird boxes shall be installed on site prior to the first occupation of any dwelling.
17. 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.
18. The new estate road for the development 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
19. The proposed access road and turning area shall be completed in accordance with the details shown on the approved plan prior to occupation of the first dwelling, and the off street car parking for each dwelling shall be provided prior to occupation of the associated dwelling.
20. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of an appropriate legal agreement, under the Highways Act 1980.
21. The mitigation proposals set out in section 6 of the Arboricultural Assessment for Development received on 5th October 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 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. 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 Policy GN1 and 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 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.
7. To allow for vehicles visiting the site to be parked clear of the highway 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.
8. 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.
9. 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.
10. This information is required before the commencement of development, 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
11. This information is required before the commencement of development, 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
12. This information is required before the commencement of development, 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
13. To safeguard the amenity of the occupiers of the proposed properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
14. To safeguard the amenity of the occupiers of the proposed properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
15. 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.
16. 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.

17. 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.
18. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative and to ensure the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
19. To allow for vehicles visiting the site to be parked clear of the highway and to assimilate the new car parking areas within the site 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.
20. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/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 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.
21. 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.

Notes

1. 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 is advised to contact the County Council's Highway Development Control Section on lhscustomerservice@lancashire.gov.uk or by writing to the Highway Development Control Manager, Cuerden Mill Depot, Cuerden Way, Bamber Bridge, Preston, PR5 6BJ quoting the planning application number in either case.
2. The highway is not to an adoptable layout and will remain private. With regard to condition 2 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 and search for "construction of estate roads".
3. 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 GN4 - Demonstrating Viability

Policy RS1 - Residential Development

Policy EC1 - The Economy and Employment Land

Policy EN2 - The Rural Economy

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

Policy GN5 - Sequential Tests

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.

No.3 APPLICATION NO.	2016/1160/HYB
LOCATION	Edge Hill University St Helens Road Ormskirk Lancashire L39 4QP
PROPOSAL	Hybrid planning application for the erection of student accommodation (Phase 12) and a new University library, comprising; i) in full, the erection of three and four storey buildings to provide 250 no. student bedrooms and communal facilities, together with associated hard and soft landscaping and external works, and; ii) in outline, a library building with associated hard and soft landscaping, open space, access routes and external works, with all matters reserved.
APPLICANT	Edge Hill University
WARD	Derby
PARISH	Unparished - Ormskirk
TARGET DATE	8th March 2017

1.0 PREVIOUS RELEVANT DECISIONS

- 1.1 2015/1149/FUL GRANTED (12.02.2016) - Full planning application for the demolition of single-storey building and erection of three-storey university building. Amendments to the vehicular and pedestrian access to the university campus from Ruff Lane and associated landscaping works.
- 1.2 2015/1122/FUL GRANTED (23.06.2016) - Erection of a new wall and railings and entrance gates, along the frontage of the campus on St Helens Road in 2 No. sections between 85 St Helens Road and the driveway to Crossfield Hall, and across the frontage of the former curtilage of The Hawthorns and 1-3 Slack House Cottages and the adjacent attenuation pond.
- 1.3 2015/0418/FUL GRANTED (15.06.2015) - Erection of two temporary boiler plant containers with 2.7m high fence (renewal of planning permission 2010/0265/FUL).
- 1.4 2015/0253/FUL GRANTED (05.05.2015) - Erection of student accommodation comprising 24 No. bed spaces with associated landscaping and external works.
- 1.5 2014/1220/FUL GRANTED (02.03.2015) - Erection of student accommodation comprising 144 no. bed spaces with associated landscaping and external works.

- 1.6 2013/1195/FUL GRANTED (21.01.2014) - Erection of student accommodation (Phase 8) comprising 245 no. bedspaces arranged in 3 no. blocks with associated landscaping, public realm and amenity spaces.
- 1.7 2012/1120/FUL GRANTED (14.01.2013) – Erection of student accommodation (Phase 7) comprising 144 bed spaces arranged in 2 three storey blocks.
- 1.8 2012/1139/FUL GRANTED (30.01.2013) - Erection of creative edge media building (including tv, film and media studios, computer laboratories, forensic laboratories, multimedia laboratory, recording studios, teaching and learning space, exhibition area, cafe/social space, changing rooms, staff offices and other generic spaces); with associated landscaping and public realm works.
- 1.9 2012/1122/FUL GRANTED (27.03.2013) - Erection of student accommodation (phase 6) comprising 129 bedspaces arranged in 5 three storey blocks, creation of a lake, associated landscaping and amenity spaces.
- 1.10 2012/0692/FUL GRANTED (09.10.2012). Variation of condition no. 2 imposed on planning permission 2011/0504/FUL to vary phasing of development and consequential variation of condition nos. 3, 5, 17, 18, 19, 20, 21, 22, 28, 30 and 31. Variation of condition nos.14 (car parking management strategy) and 27 (use of new access) imposed on planning permission 2011/0504/FUL.
- 1.11 2012/0317/FUL GRANTED (29.05.2012). Extension to existing theatre to provide new entrance, box office and landscaped external performance space.
- 1.12 2012/0178/FUL GRANTED (24.04.2012). Extension to existing theatre to provide new social space, bar and meeting area and creation of a patio area facing the arboretum.
- 1.13 2011/1129/COU GRANTED (09.12.2011). Retention of use of land for the temporary storage of clay, top-soil and sub-soil for a period of twelve months.
- 1.14 2011/1079/FUL GRANTED (29.02.2012). Erection of student accommodation (384 units) comprising six separate three storey blocks including associated landscaping.
- 1.15 2011/0504/FUL GRANTED (27.02.2012). Provision of new sports & recreation complex incorporating: erection of sports building and outdoor sports facilities, pitches and games courts, associated landscaping, lighting and boundary treatments. Formation of new signal-controlled junction with the A570 St Helens Road and internal access road to serve as the principal entrance to the whole campus. The provision of permanent car parking (708 from temporary to permanent and 230 new permanent spaces) and associated lighting and landscaping. Creation of woodland planting, wetland pond and trim-trail. Engineering works to re-profile the site and to facilitate the development.

- 1.16 2010/1028/FUL GRANTED (27.10.2010). Extension to entrance and provision of access ramp to gymnasium.
- 1.17 2010/0999/FUL REFUSED (15.10.2010). Use of land as a temporary car park.
- 1.18 2010/0786/FUL GRANTED (14.10.2010). Erection of new campus building. (the Hub).
- 1.19 2010/0526/FUL REFUSED (30.07.2010). Use of land as temporary car park.
- 1.20 2009/1151/FUL GRANTED (19.01.2010). Extension to provide new gym
- 1.21 2009/1052/FUL GRANTED (10.02.2010). Erection of student accommodation (144 units) comprising three separate blocks of between two and three storeys in height; associated access roads and landscaping.
- 1.22 2009/0606/FUL GRANTED (07.09.2009). Use of land for temporary car park.
- 1.23 2009/0605/FUL GRANTED (07.09.2009). Retention of existing temporary car park.
- 1.24 2009/0481/FUL GRANTED (07.09.2009). Erection of two storey facilities management and IT building together with stand-alone substation. Associated car parking and landscaping.
- 1.25 8/2008/0460/FUL ALLOWED ON APPEAL (29.05.09). Demolition of 87 and 89 St Helens Road and erection of student accommodation (240 units) comprising four separate blocks of between three and four storeys in height; associated drop off and parking area and landscaping.
- 1.26 8/2007/1502/FUL GRANTED (21.02.2008). Erection of three-storey business school building.
- 1.27 8/2007/0834/FUL GRANTED (30.07.2007). Use of land for temporary car parking (501 spaces) and associated internal road improvements.
- 1.28 8/2006/0734 GRANTED (15.08.2006). Extension to existing car parking area and erection of bus shelter.
- 1.29 8/2006/0433 GRANTED (26.06.2006). Erection of two and three storey general teaching and learning building and associated lecture theatre.
- 1.30 8/2004/1259 GRANTED (13.12.2004). Erection of Performing Arts Centre consisting of 3 storey teaching block, additional storey above existing two storey

Arts and Science building, link to existing Rose Theatre including main entrance area, foyer and ancillary accommodation.

- 1.31 8/2003/0413 GRANTED (22.05.03). Reserved Matters – Erection of part two storey/part three storey building for educational/teaching use.
- 1.32 8/2002/0200 GRANTED (13.02.03). Outline. Erection of three 2 – 3 storey buildings for educational/teaching use (including siting and means of access).
- 1.33 8/2002/0093 GRANTED (30.04.2002). Erection of three-storey building for teaching purposes & associated landscaping works.
- 1.34 8/2002/0087 GRANTED (16.05.2002). Creation of lake with associated groundworks; access road with car parking facilities; landscaping and mounding.

2.0 OBSERVATIONS OF CONSULTEES

- 2.1 Highways (22.12.16) – The University has an existing commitment that students living on campus are not permitted to bring a car onto campus as established by the University’s car parking policy. On this basis, the new development will have minimal impact on local roads and the access junctions into the campus from the A570 St Helen’s Road. The applicant should provide adequate secure covered cycle parking facilities at ground level outside the residential blocks. Recommends planning conditions in respect of construction management and cycle parking.
- 2.2 Housing (03.01.17) – In most circumstances student halls of residence fall outside the Housing Act 2004, the Local Authority should still apply the same standards as those required under the Private Sector, particularly in the case of new developments.
- 2.3 Principal Engineer (20.12.16) - No objections to this application, principally because the university has adopted a master plan in which it is recognised that the use of SuDS is of benefit. The existing drainage systems seem to be well managed and have been designed to cater for further development within the campus in the long term. Flood risk has clearly been considered to an acceptable level.
- 2.4 Lead Local Flood Authority (10.01.17) – Object to the application and recommend refusal of planning permission until further information has been submitted. The proposed scale of development may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed. The submitted Drainage Strategy and Flood Risk Assessment contain contradictory information with the proposal being to use infiltration to drain the development. The submitted trial pits do not show sufficient infiltration with the tests being abandoned due to slow

infiltration. There is insufficient information to demonstrate that this is a feasible drainage strategy and there are no alternative drainage proposals.

2.5 Lead Local Flood Authority (17.01.17) – Withdraw objection to the proposed development which will be acceptable subject to the inclusion of conditions relating to surface water drainage.

2.6 Environmental Health (06.01.17) – No objection to the application in principle. The application is in the middle of the Edge Hill site approximately 130m to the nearest premises and surrounded by existing Edge Hill buildings. For both phases recommend a condition requiring a construction environmental management plan.

2.7 United Utilities (16.01.17) – No objection provided conditions requiring foul and surface water are drained on separate systems and details of surface water drainage are submitted prior to commencement of development.

3.0 OTHER REPRESENTATIONS

3.1 Lancashire Constabulary (20.12.16) – No objections but recommend several security measures.

4.0 SUPPORTING INFORMATION

4.1 The applicant has submitted the following supporting documents:

Renewable Energy and Sustainability Statement (Nov 16)

Utilities Statement (Nov 16)

Ecological Appraisal (Nov 16)

Waste Management Statement (Nov 16)

Design and Access Statement (Oct 2016)

Landscape Statement

Crime Impact Statement (Nov 2016)

Drainage Strategy and Flood Risk Assessment (Nov 2016)

Arboricultural Assessment (November 2016)

Planning and Heritage Statement (November 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 proposals will be assessed.

5.2 The site is located within the Key Service Centre of Ormskirk as designated in the West Lancashire Local Plan 2012-2027 DPD. The main building of the college campus is locally listed (LLB90).

NPPF

Building a strong, competitive economy
Promoting sustainable transport
Requiring good design
Meeting the challenge of climate change, flooding and coastal change
Conserving and enhancing the natural environment
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
EC4 Edge Hill University
RS3 Provision of Student Accommodation
IF2 Enhancing Sustainable Transport Choice
IF3 Service Accessibility and Infrastructure for Growth
EN2 Preserving and Enhancing West Lancashire's Natural Environment
EN4 Preserving and Enhancing West Lancashire's Built Environment

Supplementary Planning Advice

Supplementary Planning Document Design Guide (January 2008) (SPD).

6.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

The Site

- 6.1 Edge Hill University is located approximately 1km south east of Ormskirk Town Centre on the A570 St Helens Road. The existing campus is broadly rectangular in shape and comprises three main areas – the western campus mainly concealed from public view and landlocked by existing residential properties along St Helens Road and Ruff Lane which includes modern academic buildings and student accommodation set amongst landscaped areas, the central campus containing the main 1930's buildings and other academic and accommodation buildings which have been recently redeveloped, and the eastern campus which mainly includes engineered terraces and accommodates synthetic and natural playing pitches and campus car parking.
- 6.2 The site which is the subject of this application comprises the original campus athletics track and in-field sports pitch, and the four quadrants formed at the outer corners of the track circuit. These areas are grassed and contain landscape planting and groups of trees. The tree group at the northeast corner of the running track is protected by a Tree Preservation Order (TPO).

- 6.3 The site is enclosed by development on three sides. The Forest Court student accommodation lies to the south west, which is a three storey pitched roof building dating from the 1990s. The three storey mansard southern wing of the 1935 Main Building lies to the west, and above it to the northeast and extending around the northern edge of the site, is the two and single storey Wilson Centre and the adjacent (former) Sporting Edge building. The eastern side is enclosed by the Chancellors Court student residences, the eastern campus lake and pedestrian avenue and the Creative Edge Media Centre.
- 6.4 The southern corner of the site provides the connection and point of entry to the campus from the main car park and all students and visitors to the campus arriving via the main St Helens Road vehicle entrance.

The Proposal

- 6.5 This applicant has submitted a hybrid application, comprising full (detailed) and outline components as follows:

Full application

The erection of student accommodation (Phase 12) comprising three and four storey buildings to provide 263 no. student bedrooms and communal facilities, together with associated hard and soft landscaping and external works.

Outline application (all matters reserved)

The erection of a new University Library building with associated hard and soft landscaping, open space, access routes and external works.

- 6.6 The student accommodation would be located on the southern part of the application site and would provide 263no. single en-suite study bedrooms, and is likely to be delivered in two phases with the first phase (182no. rooms) being completed for the beginning of the 2017/18 academic year in September 2017.
- 6.7 The accommodation would be arranged in 3no. detached blocks that are designed to create two informal courtyards. All of the development blocks would be 4 storey with the exception of the two northern wings of the western block which would be located adjacent to the University Main Building. This wing facing the Main Building and its northeast return would be limited to a lower scale of 3 storey. Each building would be constructed from red facing brick and fitted with a shallow mono-pitched roof with overhanging eaves.
- 6.8 Unlike the earlier phases of student accommodation development within the campus, the Phase 12 accommodation would provide 25no. townhouse units arranged in a vertical format, rather than bedrooms in a cluster flat format arranged horizontally on a single floor. Three sizes of townhouse are proposed

to accommodate student households of 8, 9 or 12 people, with each providing a communal kitchen, social dining space, lounge and entrance lobby at ground floor level, with a staircase giving access to either 8, 9 or 12 study bedrooms on two or three floors.

- 6.9 The proposed library would occupy the northern part of the site. To the front of the library there would be a lawn area which would be connected to the main east/west pedestrian route through the campus. The building would be four storey and have a maximum footprint of 3,761 sqm, a maximum floorspace of (GIFA) of 8,5000 sqm, and a maximum height of 18m (4 storey).

Principle of Development

- 6.10 The application site lies within the original University campus. Policy EC4 of the WLLP states that the Council will support the continued growth, development and improvement of Edge Hill University and its facilities, and will promote improving the accommodation offer and concentrate new student accommodation within the existing campus.
- 6.11 The policy therefore supports the continued growth, development and improvement of the University and its campus facilities, and as such a new library on the campus is considered acceptable in principle subject to compliance with other relevant Local Plan policies. Key Principle (iii) of Policy EC4 advocates improving the University accommodation offer and concentrating new student accommodation within the campus in accordance with Policy RS3. Therefore, the principle of student accommodation on the site is acceptable.

Current Demand for on-Campus Student Accommodation

- 6.12 Policy RS3 of the WLLP states that proposals for the construction of purpose-built student accommodation will be supported within the University Campus where the need for increased provision of student accommodation associated with Edge Hill University is demonstrated by evidence.
- 6.13 The overarching accommodation objective for the University is set out in their 'Residential Accommodation Strategy 2013-2020' and summarised in their Estates Strategy 2013-2020, and is to provide residential accommodation on or near the campus for a high proportion of students to maximise their contribution to, and enjoyment of, campus life.
- 6.14 As part of this objective the University is committed to providing every new undergraduate student accepting a place to study and citing Edge Hill as their preferred UCAS first choice, a guaranteed offer of on-campus accommodation for their first year. Edge Hill has been working towards this objective since 2007/08 and following a number of student residence developments the gap between demand and supply has been significantly narrowed.

- 6.15 Approval of Phase 11 student residences (ref: 2015/1047/FUL) has increased the overall stock of on-campus accommodation to 2,258 bedspaces. Whilst the additional 168no. bedspaces developed in Phase 11 have reduced the 15% deficit (310 no. bedspaces) of purpose built cluster flat accommodation for first year undergraduates that existed at the beginning of the 2015/16 academic year, it did not close the gap completely and approximately 142 first year students were unaccounted for.
- 6.16 However, for the current 2016/17 academic year, the University took the decision to ensure that rather than continuing to place un-accommodated students in off-site private accommodation as in previous years, all full time first year undergraduate students applying for a place in on-campus accommodation would be successful. This was achieved by reducing the number of committed bedspaces reserved for older 2nd and 3rd year returning students wishing to remain on campus and diverting the released stock to first year undergraduate provision.
- 6.17 As such, there was no shortfall in first year undergraduate on-campus provision for the current year from the 1st September 2016. However, whilst this saves the cost of securing off-site accommodation and reduces drop-out rate, it does mean that the University is not able to honour its commitment to providing on-campus accommodation to as many returning full time 2nd and 3rd year students as possible that wish to remain in on-campus accommodation, of which there has been a marked increase in the number of applications.
- 6.18 For this reason, to both counter the loss of campus bedspaces diverted to undergraduate accommodation in the current 2016/17 year and to increase the overall stock of purpose-built accommodation for full time older year students, the proposed Phase 12 scheme is intended to be exclusively occupied by returning 2nd and 3rd Year students wishing to remain on campus in 2017/18 onwards.
- 6.19 On the basis of unmet student needs and demand and the University's allocation priority it can be seen that there is a demand for on-campus student accommodation and the provision of a further 263 bedspaces would contribute towards meeting this requirement.

Loss of Playing Field and Sports Facilities

- 6.20 The development would remove the former running track and in-centre athletics field and sports pitch. However, upgraded replacement facilities have already been provided elsewhere on the campus.

Design and Appearance

- 6.21 Policy GN3 of the WLLP advocates that development should have regard to visual amenity and complement or enhance any attractive attributes and / or local distinctiveness within its surroundings through sensitive design, including appropriate siting, orientation, scale, materials, landscaping, boundary treatment and detailing.
- 6.22 The student residences are designed to provide vertically configured townhouses rather than horizontally planned cluster flats that have been the subject of recent development on the campus. However, their design would be broadly consistent with previous phases of student of accommodation, using brick elevations with regular window patterns and low pitch standing seam metal roofs. The accommodation blocks are also similarly designed around a series of social and semi-private courtyard spaces. The student residences would be predominantly 4 storey dropping to 3 storey adjacent to the University Main Building; 4 storey is not typical within the University Campus with most of the more recent development which is located on the outer perimeter of the campus being 3 storey. I consider that 4 storey student residences would be acceptable here as the site is well within the campus away from its outer edges and would be seen as the backdrop to other developments on the campus, the buildings would therefore not appear overbearing or over dominant in this location, in accordance with Policy GN3 of the Local Plan.
- 6.23 Whilst the design of the library would be subject to an application for reserved matters, this application does include scale parameters to ensure that the building would have a maximum footprint of 3761m² and a maximum height of 18m. In terms of the library, the scale of the building is considered acceptable and whilst its detailed design will be considered at reserved matters stage the Design and Access Statement submitted as part of this application states that its design is likely to be informed by the more modern teaching buildings on campus, this contemporary approach to its design is considered acceptable and in keeping with recent developments within the site.
- 6.24 The area to the front of the library will be an open green space and serve to connect the Central campus to the Eastern campus and the route to the main car park. I consider that the existing route from the car park does not provide an attractive entrance point to the wider campus, and the provision of a green space in this location offers the opportunity to design a more suitable entrance point.

Heritage

- 6.25 The accommodation blocks lie within the setting of the University Main Building which although not listed is a locally important building, and is considered to be a non-designated heritage asset. Policy EN4 states that there is a presumption in

favour of the protection and enhancement of existing non-designated heritage assets which have a particular local importance or character which it is desirable to keep. The setting of this building is maintained by the new blocks being approximately 24m from the facing elevation of the Main Building and limited to three storey in height on the northwest elevation.

- 6.26 The proposed library is not a detailed proposal at this stage but nonetheless it would be sufficient distance from the Main Building so as not to affect its setting.

Impact on Residential Amenity

- 6.27 Policy GN3 of the WLLP states that development should retain or create reasonable levels of privacy and amenity. The proposed accommodation blocks would be sited a significant distance from the nearest residential properties on St Helens Road and Scarth Hill Lane, and at this distance it is considered that there would be no undue impact to residential amenity.

Car Parking and Highway Safety

- 6.28 The University has an existing commitment that students living on campus are not permitted to bring a car onto campus as established by the University's car parking policy. On this basis, an additional 263 bedspaces would not increase the demand for on campus parking at the site. There is an adjacent car park and in accordance with the University's traffic arrangements drop-off is only allowed here when students arrive or leave at the end of term. On this basis it is considered that the development would have a minimal impact on local roads and the access junctions into the campus from the A570 St Helens Road.
- 6.29 In accordance with Policy IF2 of the Local Plan, cycle parking should be incorporated into the development. This can be secured by the use of a planning condition.

Ecology

- 6.30 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. An Ecological Survey has been submitted with the application which provides a secondary survey for bats at the site following an initial scoping survey, and assesses any other ecological impacts that may arise as a result of the development.
- 6.31 The report concludes that the development is unlikely to impact roosting bats. Various good practice measures that should be followed during the course of the development are recommended and these will be secured by planning condition.

A condition will also be placed on any approval granted which requires vegetation clearance to take place outside of the bird nesting season to avoid any potential impact on nesting birds. There will also be a requirement for bat and bird boxes to be installed within the site to encourage wildlife.

Trees and Landscaping

- 6.32 The applicant has submitted an Arboricultural Impact Assessment (AIA) that accurately covers the existing tree resource on the site. The Survey has identified that there are a variety of both native and non-native species trees on the site.
- 6.33 There are 21 trees to be removed to make way for the development, 12 of which are semi mature and the remaining 9 are early mature trees. As a group the trees could be described as having high visual amenity value, but individually are classed as mainly low grade (C value) trees.
- 6.34 To facilitate the layout it is inevitable that there will be a loss of trees and although the removal of the 21 trees will have a negative impact on the amenity value of the arboriculture resource of the site, the majority of trees on the application site will be retained, including the woodland groups at the corners of the running track. However a detailed landscape scheme will be required by condition to ensure mitigation for this loss.
- 6.35 The development will require construction activities to take place within the root protection area of some trees that are to be retained. To protect them from any potential negative impacts from construction activities appropriate tree protection measures will be secured by planning condition.
- 6.36 In terms of impact on trees and landscaping the development is considered acceptable and in accordance with Policy EN2 of the Local Plan.

Drainage

- 6.37 The site extends to 1.7 hectares and as such a Flood Risk Assessment has been submitted with the application. The proposed development has a total impermeable area of 0.6685ha, which would be an increase in the impermeable area compared to the existing 0.3ha and would result in an increase in the Peak Rate of run-off from the site.
- 6.38 Soakaway testing has been completed on the site and it has been found that the use of a soakaway system is viable. Therefore, it is proposed that soakaways will be formed using below ground attenuation crates for both the residential and the library development. In terms of surface water drainage requirements the application accords with policy GN3 of the WLLP. Conditions will be imposed to secure full details of the drainage strategy.

- 6.39 It is proposed that foul drainage from the development will discharge to one of the combined public sewers which are located at the western and eastern boundaries of the proposed development site. The proposed drainage scheme satisfies the statutory consultees and accords with Policy GN3 of the Local Plan.

Summary

- 6.40 It is considered that the principle of developing the site for student accommodation and a new University Library is acceptable and that the scheme complies with the relevant policies in the WLLP.

7.0 RECOMMENDATION

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

For that part of the development approved in full:

Conditions

1. The development hereby granted full planning permission 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 references:

3804-300 Rev A – Hybrid Location Plan
3804-301 Rev A – Hybrid General Arrangement Plan
MLD_16118 01 –Phase 12 Landscape Masterplan
MLD_16118 02 – Campus Wide Planting Philosophy

received by the Local Planning Authority on 07.11.16

Plan references:

3804-302 Rev C – Hybrid Site Layout Plan
3804-303 Rev C – Phase 12 Ground Floor Plan
3804-304 Rev C – Phase 12 First Floor Plan
3804-305 Rev C – Phase 12 Second Floor Plan
3804-306 Rev C – Phase 12 Third Floor Plan
3804-307 Rev C – Phase 12 Roof Plan
3804-308 Rev D – Phase 12 Elevations
3804-309 Rev D – Phase 12 Elevations
3804-310 Rev D – Phase 12 Elevations
3804-311 Rev D – Phase 12 Elevations
3804-312 Rev A – Phase 12 Elevation Reference Sheet

- received by the Local Planning Authority on 30.11.16.
3. No above ground construction 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. Foul and surface water shall be drained on separate systems.
 5. No construction shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, 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 floor levels in AOD;

b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

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

e) A timetable for implementation, including phasing as applicable;

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the student accommodation, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained in accordance with the approved details.

6. No construction shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

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

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;

c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to the student accommodation being brought into use. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

7. No above ground construction 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 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.
9. The development shall be carried out in accordance with the details included in the Ecological Appraisal November 2016.
10. Prior to any works commencing on site, a construction environmental management plan (CEMP) shall be submitted to the local planning authority and approved in writing. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, lighting and dust resulting from the site preparation, demolition, groundwork and construction phases of the development.

11. Prior to the occupation of the student accommodation details of a cycle parking scheme shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in full before first occupation of the development.
12. No development shall take place until a Construction Plan has been 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, vehicle cleaning and construction traffic parking. The approved Construction Plan shall be implemented and adhered to during the construction 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 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.
5. To ensure that the proposed development can be adequately drained and that there is no flood risk on or off the site resulting from the proposed development.
6. 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 sustainable drainage system.
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 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.
9. 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.
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. The Council wishes to support cycling as a sustainable mode of transport in accordance with Policy IF2 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.

For the part of the development hereby approved in outline:

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. Details of the reserved matters set out below shall be submitted to the local planning authority for approval within 3 years from the date of this permission:
 - i) access
 - ii) layout
 - iii) scale
 - iv) external appearance
 - v) landscaping

Approval of all reserved matters shall be obtained from the local planning authority in writing prior to commencement of development.

3. Future application for the approval of reserved matters for the University Library and related open space and landscaping works shall be carried out in accordance with the development parameters shown on the hybrid site layout plan 3804-302 Rev c.
4. Foul and surface water shall be drained on separate systems.
5. No construction shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, 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 floor levels in AOD;

b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;

The scheme shall be implemented in accordance with the approved details prior to the library being brought into use. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

- 6. No construction shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

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

- 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;

- c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to the library being brought into use . Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

- 7. 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 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.
- 9. The development shall be carried out in accordance with the details included in the Ecological Appraisal November 2016.

10. Prior to any works commencing on site, a construction environmental management plan (CEMP) shall be submitted to the local planning authority and approved in writing. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, lighting and dust resulting from the site preparation, demolition, groundwork and construction phases of the development.
11. No development shall take place until a Construction Plan has been 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, vehicle cleaning and construction traffic parking. The approved Construction Plan shall be implemented and adhered to during the construction of the development.

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 as to the extent of development authorised by this permission and to ensure the completed scheme reflects the proposals submitted and assessed under this application.
4. To secure proper drainage and to manage the risk of flooding and pollution.
5. To ensure that the proposed development can be adequately drained and that there is no flood risk on or off the site resulting from the proposed development
6. 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 sustainable drainage system.
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 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.
9. 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.
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.

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

EC4 Edge Hill University

RS3 Provision of Student Accommodation

IF2 Enhancing Sustainable Transport Choice

IF3 Service Accessibility and Infrastructure for Growth

EN2 Preserving and Enhancing West Lancashire's Natural Environment

EN4 Preserving and Enhancing West Lancashire's Built 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.

No.4 APPLICATION NO.	2016/1291/WL3
LOCATION	Land At The North-eastern End Of Holly Close Westhead Lancashire
PROPOSAL	Change of use of grassed areas to provide 10 allocated parking spaces for residents of 18-36 Holly Close.
APPLICANT	West Lancashire Borough Council
WARD	Derby
PARISH	Unparished - Ormskirk
TARGET DATE	8th February 2017

1.0. PREVIOUS RELEVANT DECISIONS

1.1 None

2.0 OBSERVATIONS OF CONSULTEES

2.1 Estates – awaiting at time of writing report

2.2 Lancashire County Council Highways – awaiting at time of writing report

3.0 OTHER REPRESENTATIONS

3.1 1 letter of support has been received.

4.0 SUPPORTING INFORMATION

4.1 None.

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.

The site is located within the rural settlement area of Westhead which is designated as a small rural village in the West Lancashire Local Plan 2012-2027 DPD.

West Lancashire Local Plan 2012-2027 DPD

GN1 Settlement Boundaries
GN3 Criteria for Sustainable Development

Supplementary Planning Advice

SPD – Design Guide (January 2008)

6.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

The Site

- 6.1 The application site relates to three areas of land within Holly Close, Westhead. Holly Close is made up of two storey dwellings on the entrance but bungalow dwellings around the head of the cul-de-sac. At the head of the cul-de-sac is a central grassed area around which the bungalows are arranged. It is this section of Holly Close which forms the basis of this application.

The Proposal

- 6.2 This application seeks planning permission for change of use from grassed open space to car parking. The proposed would create a total of 10 parking spaces and would be laid out in three areas:

To the front of no 32 – 36 Holly close and providing 3 spaces;

To the front of no 24-26 Holly Close and providing 5 spaces;

On the square parcel of grass to the front of number 18 and to the side of number 16 Holly Close and providing 2 spaces.

- 6.3 The application also includes the associated laying of tarmacadam and new kerbs, extending the dropped kerb to the front of number 16 and the relocation of existing street lights.

Assessment

Highways

- 6.4 Policy IF2 of the West Lancashire Local Plan (WLLP) provides detailed criteria relating to transport choices in development. It states that proposals for additional parking provision should consider local circumstances to justify a proposal, which include levels of local parking provision and any local parking congestion issues.
- 6.5 There is currently a shortfall in parking provision in Holly Close with many of the properties not having dedicated parking spaces. It was clear at the time of a site visit that there are problems associated with parking in the area. As a consequence there are significant levels of on-street parking including half-on,

half-off verge parking and vehicles blocking each other in. These sporadic arrangements can obscure visibility from existing driveways and inter-visibility between vehicles and pedestrians. I consider there is a clear need and justification to provide additional formalised parking in the locality from highway safety and local amenity points of view. The proposals to create formalised parking areas would improve parking provision for residents, and alleviate pressure on remaining landscaped areas.

- 6.6 Each parking space would exceed the minimum parking standard set out in Manual for Streets (4.80 x 2.40m) measuring 5m x 2.50m. In the case of spaces 18 and 20 these spaces fall within the existing grass verge to the front of number 18 and the proposal introduces an extended dropped kerb. These spaces are long enough (5m) to avoid encroachment onto the existing footway in this locality which is to remain therefore there will be no conflict with existing pedestrian provision here.
- 6.7 In all cases there is sufficient turning area to enable vehicles to turn within the head of the cul-de-sac to allow them to exit Holly Close in a forward gear.
- 6.8 I am satisfied that the proposed parking areas would not result in a highway hazard in the local vicinity and would in fact remove a number of parking related issues. I am satisfied that the proposal meets with the requirements of Policy IF2 of the Local Plan.

Loss of Green spaces

- 6.9 Whilst the proposal would remove parts of the grassed areas which contribute to the overall quality of the appearance of the estate I note that due to the significant parking pressures here several of these areas are already informally used for parking which, during wet weather, will result in the areas being cut-up and detract from the visual amenity of the area. The formalisation of the parking on the estate should reduce the necessity to park on the remaining green spaces to better preserve the areas that would remain. On balance, I consider the remaining areas will be sufficient to retain the overall characteristic of the estate development.

Impact upon trees

- 6.10 There are two trees on the site a Silver Birch and Whitebeam (Sorbus), both of which would be retained as part of the proposal. The provision of parking spaces to the front of number 32 would mean that the works would finish about 3m from the base of the Whitebeam tree. It is unlikely that the development would encroach into the Root Protection Area (RPA) of this tree and as such I am satisfied that the proposal would not impact upon the life of this tree thereby being in accordance with Policy EN2 of the Local Plan.

Local Amenity

- 6.11 The locations of the proposed parking areas are such that I am satisfied that they will not result in any significant adverse impact on the neighbouring land uses despite the concentration of parking in these areas.

Summary

- 6.12 It is considered that the overall benefits of creating formalised parking areas outweighs the loss of some of the open space within the road and I consider the development to be in accordance with policy GN1, GN3, EN2, EN3 and IF2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

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 proposed site plan received by the Local Planning Authority on 07.12.2016.
3. Notwithstanding the approved plan, 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.

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 development minimises the potential of flash flooding in the interest of local amenity and that the development, therefore, 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
EN2 Preserving and Enhancing West Lancashire's Natural Environment
EN3 Provision of Green Infrastructure and Open Recreation Space
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.

No.5 APPLICATION NO.	2016/0932/FUL
LOCATION	Land To The East Of 801 To 804 Merlin Park Ringtail Road Burscough Lancashire
PROPOSAL	Construction and operation of a 10MW peaking power generation plant and ancillary equipment.
APPLICANT	Rydberg Development Company Limited
WARD	Burscough West
PARISH	Burscough
TARGET DATE	8th December 2016

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme. However, Councillor Evans and Councillor Pritchard have requested it be referred to Planning Committee to consider the impact of the noise levels from the development, drainage, CO2 levels, the use of employment land and the disruption this may cause to the local area during the construction phase.

2.0 PREVIOUS RELEVANT DECISIONS

- 2.1 None.

3.0 OBSERVATIONS OF CONSULTEES

- 3.1 UNITED UTILITIES (4/10/16) – No objection subject to conditions being attached which require the drainage of foul and surface water on separate systems, the submission of a surface water drainage scheme based on the hierarchy of drainage options in the NPPF and details of a sustainable drainage management and maintenance plan.
- 3.2 ENVIRONMENTAL HEALTH OFFICER (25/11/16) – No objections to reduced fence height.

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
Noise Impact Assessment
Air Quality Assessment
Ecological Survey
Heritage Desk Based Assessment
Transport Statement
Landscape Appraisal

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 Yew Tree Farm Strategic Development Site within Burscough. The following policies are therefore relevant:

National Planning Policy Framework (NPPF)

Building a strong, competitive economy
Promoting sustainable transport
Requiring good design
Conserving and enhancing the natural environment
Meeting the challenge of climate change, flooding and coastal change

West Lancashire Local Plan 2012-2027 DPD (WLLP)

SP1 – A Sustainable Development Framework for West Lancashire
SP3 – Yew Tree Farm, Burscough
GN3 – Criteria for Sustainable Development
EC1 - The Economy and Employment Land
IF2 – Enhancing Sustainable Transport Choice
EN1 – Low Carbon Development and Energy Infrastructure
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

Supplementary Planning Document – Yew Tree Farm, Burscough- Final Masterplan (February 2015)

Supplementary Planning Document - Design Guide (2008)

7.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

The Site

- 7.1 The site sits within the Yew Tree Farm Strategic Development Site and is located in its north-western corner. It is located immediately to the west of Merlin Park which is a business park located within the wider industrial estate. Higgins Lane is located to the north. Immediately to the south of the site is a high mound

created by a spoil heap beyond which lies a pond which was built as part of the SUDS for Merlin Park. To the north and east of the site is open land.

The Proposal

- 7.2 Planning permission is sought for the erection of a 10MW peaking power generation plant with ancillary equipment. This will involve the following:

Siting of 5 no. 2MW gas fired engine-driven electricity generation sets which will be housed in acoustically insulated weather proof steel containers. Each container will have dimensions of 3.3m x 10.3m x 5.5m high. Each engine will have an exhaust flue to a maximum height of 6m;

Associated equipment will include - 1 no. switchgear container, 1 no. waste lube oil tank, 3 no. transformers, 1 no. gas kiosk and 1 no. DNO metering and substation.

The compound will be surrounded by a close boarded 3m high acoustic fence.

- 7.3 The purpose of the facility is to provide electricity at short notice to meet peaks in demand within the local electricity network. The applicant advises that this typically happens when existing or established sources of generation are unable to provide sufficient electricity or when there are short periods of particularly high demand. At such times, this type of plant can be activated at short notice to meet any deficit in supply. This sort of generation is known as “Embedded Generation” and the applicant advises that this type of flexible peaking power generation forms a particularly important part of renewable energy infrastructure, because renewable sources, notably wind and solar energy are supplies that are dependent on the time of day and weather conditions.
- 7.4 The applicant indicates that the National Grid has estimated that for every 8KW of wind power added to the grid, 1KW of reserve or back up energy generated by facilities like this type of plant is required. The applicant indicates that traditional power stations are not designed to meet short term demand and therefore with the increasing amount of energy being provided from renewable sources, a much greater dependence will be placed on sources of reserve power provided by developments such as the proposed generating plant.
- 7.5 The applicant advises that the generating plant will be connected to the Local distribution network not to the National Grid with consequent benefits to the security of local supply. The engines are fuelled by natural gas and burn the fuel which in turn rotates the generators creating electricity which is then exported to the network. A new connection to a gas pipeline close to the site on Ringtail Road will be made under permitted development rights and a new pipeline would be laid along Ringtail Road and into Merlin Park. Connection to the electricity grid

will be via a new connection to the Electricity North West site at Warpers Moss Lane.

- 7.6 It is anticipated that the development would have an operational life of 15-20 years after which it would be decommissioned.

Principle of Development

- 7.7 Falling with the Yew Tree Farm Strategic Development site, Policy SP3 and the SPD Masterplan for this site require 10ha of employment land. The site is located within the employment area of the Yew Tree Farm Masterplan and is therefore in principle acceptable.
- 7.8 Policy EC1 of the WLLP states that on Strategic Employment Sites, the Council will require a mix of industrial, business, storage and distribution uses (B1, B2 and B8) and will allow A1 retail warehouses on a like-for like basis of existing A1 premises. The proposed use involves an industrial process as gas is converted into electricity and I consider it therefore falls within the B2 use class. I therefore consider that its siting within the employment area of the Strategic Development Site is acceptable in principle.
- 7.9 Policy EN2 in the Council's Local Plan refers to zero and low carbon energy infrastructure and indicates that the Council will deliver climate change mitigation and energy security measures by supporting proposals for renewable, low carbon or decentralised energy schemes providing that they can demonstrate that they will not result in harm to the local environment. In this case whilst the proposed generating plant is not in itself a renewable energy scheme the applicant advises that the plant is required to support renewable energy technologies and with the growth of renewable forms of energy delivering the nation's electricity, a network of peaking power generation plants will be required.
- 7.10 The Department of Energy and Climate Change published a Gas Generation Strategy in 2012 which indicated that gas as a flexible source of generation, emits half the CO₂ of coal and will be needed to help balance the low carbon technologies that Government policies will bring forward. The report indicates that gas will provide crucial capacity to ensure the security of energy supply. I therefore consider that this application is compliant with the aims of Policy EN2 in the Local Plan and the provision of a peaking power generation plant is in line with Government energy strategy.

Design, Scale and Layout

- 7.11 Policy GN3 of the WLLP advocates good design principles. The Council's SPD Design Guide requires that new commercial development, regardless of location, should be a focus to promote high quality design in order to enhance the overall quality of the built environment, both aesthetically and functionally.

- 7.12 The proposed containers housing the engines and the ancillary structures are not akin to the buildings on Merlin Park. However, the proposed compound will be surrounded by a 3m high close boarded acoustic timber fence which will screen the compound and its contents from the wider area. Whilst the proposed fence is of a significant height, this area is allocated for employment use and reads as part of the existing industrial estate. Consequently, I consider that the design and scale of the development is acceptable in this location. Furthermore, the existing tree belt to the north and east will be retained as part of the development and will assist in screening the development from wider viewpoints.
- 7.13 The layout of the development will incorporate the parking and vehicle manoeuvring areas in the western part of the site, thereby having an access off the existing service road for Merlin Park. The equipment will be contained to the north of the site, allowing the southern part to be used throughout the construction period and for maintenance purposes. This layout appears practical, I am therefore satisfied that the proposed development is acceptable in terms of design, scale and layout and is compliant with Policy GN3 of the WLLP.

Impact upon Neighbouring Uses

- 7.14 The nearest residential properties to the application site are located to the far north on Crabtree Lane and north-east along Higgins Lane. The proposed development has the potential to impact on the environment and neighbouring residents in respect of noise and air pollution. Consequently, the application has been accompanied by a noise assessment and an air quality report.
- 7.15 The information submitted with the application suggests that the likely pattern of use of the plant will be between the hours of 4.30pm - 7.30pm, being the hours of peak demand for electricity usage and the engines would not run at night. Based on this and the results of the noise survey, the Environmental Health Officer (EHO) has advised that provided the noise levels are conditioned to a maximum noise level of 29dB(A), there should be no adverse impact on the neighbouring residential premises.
- 7.16 In relation to air quality, the pollutant of concern associated with this process is Nitrogen Dioxide. The proposed facility will be fired by natural gas which is a relatively 'clean' fuel compared to others such as diesel and types of biomass. The important consideration during the operational phase of this proposed installation is the stack emissions. The scheme shows there will be five exhaust stacks, each of 6 metres in height. This is the minimum height necessary. The submitted air quality assessment predicts that short term NO₂ concentrations will be within acceptable levels for this proposed type of limited use facility and will not give rise to any significant adverse effects.

- 7.17 Subject to the recommended conditions by the EHO being attached, I am satisfied that neighbouring amenity will be maintained and the proposal is therefore compliant with Policy GN1 in this respect.

Highway Safety and Car Parking

- 7.18 Access to the site will be via the service road within Merlin Park. Once complete, the site will operate with little need for human intervention, thus the site will be unmanned on a day to day basis with only 2 part-time roles required to maintain the site. This will mean very little traffic visiting the site. Therefore, in terms of additional traffic on the highway network, once the proposed development is operational this will be negligible. The limited amount of traffic to the site is reflected in the proposed car parking spaces which totals 2 no. spaces. Policy IF2 of the WLLP does not cover this type of use when specifying car parking standards. Based on the nature of the proposal in that there will be no visitors to the site other than two part-time staff, I consider that limited car parking is warranted. Subject to conditions the Highways Officer has raised no objections to the proposed development.

Flood Risk and Drainage

- 7.19 In terms of the principle of development relating to flood risk, the application site is entirely within Flood Zone 1, the least susceptible to flood risk. The compound will sit on hardcore laid on a permeable membrane. This is likely to provide a sustainable drainage solution for the site. The structures are temporary in nature and will not require connection to the mains sewer. Full details of surface water management will be secured by condition.

Ecology

- 7.20 Policy EN2 in the Local Plan seeks to protect biodiversity by resisting development, which would destroy or adversely affect important wildlife habitats. An Ecological Survey has been undertaken in respect of the site. This noted that the site itself is covered in hard standing and there is also a spoil heap present. Within 100m of the site is a pond which has a Habitat Suitability Index score of 0.66 (average) for great crested newts (GCN) but there are no records of this species within 500m of the site. On this basis, the survey recommends mitigation measures in order to protect GCN and other reptiles. These recommendations will form planning conditions. I am therefore satisfied that the development is acceptable in respect of Policy EN2 of the WLLP.

Trees and Landscaping

- 7.21 As referred to earlier, there is an existing tree belt along the northern and eastern boundaries. This will be retained and will remain unaffected by the proposed

works. The submission of a landscaping scheme is recommended to help screen the development and this can be secured by condition.

Summary

- 7.22 Subject to conditions, I am satisfied that the proposed development is acceptable in principle in this location and will not have a detrimental impact upon neighbouring residential amenity. The design, layout and scale are all acceptable in this location. The proposal therefore complies with the relevant parts of the NPPF and the relevant policies within the WLLP.

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 38524-AWP-ZZ-00-DR-D-0001 Rev A received by the Local Planning Authority on 15th December 2016.

Plan reference 38524-AWP-ZZ-00-DR-D-0002 Rev 2 received by the Local Planning Authority on 18th January 2017.

Plan reference 38524-AWP-ZZ-00-DR-D-0003 and 0006 Rev 0 received by the Local Planning Authority on 6th September 2016.

Plan reference 38524-AWP-ZZ-00-DR-D-0005 Rev 1 received by the Local Planning Authority on 18th January 2017.

Plan reference ENQ6540-01-1009-D-A and ENQ6540-01-1013-D-A received by the Local Planning Authority on 6th September 2016.

3. The mitigation measures contained in section 3.2 of the Ecology Report dated 28th August 2016 shall be implemented in full throughout the duration of the development.
4. The plant shall be limited to a maximum operation of 2,000 hours running per calendar year. Should this be exceeded a further Air Quality Assessment will be required to be submitted to and approved in writing by the Local Planning Authority in order to ensure Air Quality has been adequately maintained. The assessment should identify any potential mitigation measures required to maintain air quality should be provided in accordance with a timetable to be agreed in writing with the Local Planning Authority.

5. The rating level of noise emitted from the site during operation shall not exceed 29dB(A)LAeq,15min at any time as measured or calculated at the boundary of Crabtree Cottage, Crabtree Lane and 102 and 124 Higgins Lane, Burscough. All measurements and assessments shall be done in accordance with BS 4142:2014.
6. 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.
7. Foul and surface water shall be drained on separate systems.
8. Prior to the commencement of any development, 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 shall be 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.

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 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.
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 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.

7. To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027
8. 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 Policy GN3 of the West Lancashire Local Plan 2012-2027

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

SP3 - Yew Tree Farm, Burscough

GN3 - Criteria for Sustainable Development

EC1 - The Economy and Employment Land

IF2 - Enhancing Sustainable Transport Choice

EN1 - Low Carbon Development and Energy Infrastructure

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.

No.6 APPLICATION NO.	2016/0665/FUL
LOCATION	Land To The South Of Ashurst Road Ashurst Skelmersdale Lancashire
PROPOSAL	Residential development 45 No. 2, 3 and 4 bedroom dwellings together with associated works.
APPLICANT	Gleeson Homes Ltd
WARD	Ashurst
PARISH	Unparished - Skelmersdale
TARGET DATE	22nd September 2016

1.0 PREVIOUS RELEVANT DECISIONS

1.1 None.

2.0 CONSULTEE RESPONSES

2.1 LCC SCHOOL PLANNING TEAM (10/1/17) – Education contribution is not required.

2.2 WLBC SCIENTIFIC OFFICER (5/8/16) – No objections.

2.3 WLBC ENVIRONMENTAL HEALTH (14/7/16) – No objections. Recommend conditions for electric vehicle charging points, environmental management plan and to restrict the hours of construction.

2.4 WLBC ENGINEER (18/1/17) - Satisfied with the drainage proposals subject to conditions.

3.0 OTHER REPRESENTATIONS

3.1 I have received 2 letters from neighbouring residents making the following comments:

Will introduce an upheaval to residents in the area;

Increased traffic;

Overuse of facilities/services;

Destruction of one of few remaining urban open spaces in an over populated area;

Affect car parking at nearby school.

3.2 I have received a letter from the NHS Trust who occupies a building to the south-west of the site:

Extra volume of cars will cause congestion issues for staff, patients and emergency vehicles using Health Centre;
Health Centre car park is already used by residents to park their vehicles.

4.0 SUPPORTING INFORMATION

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

Planning Statement
Design and Access Statement
Viability Appraisal
Drainage Statement
Flood Risk Assessment
Open Space Provision Statement
Affordable Housing Statement
Transport Statement
Economic Impact Report
Arboricultural Impact Assessment
Phase 1 Habitat and Bat Roost Report
Site Investigation Report

5.0 LOCAL PLAN ALLOCATION

- 5.1 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.
- 5.2 The site lies within the settlement boundary of Skelmersdale, partly on land formerly housing a college building (now demolished) and partly on land allocated as a playing field and an area of green infrastructure and open recreation space in the West Lancashire Local Plan. The following policies are relevant:

NPPF

Promoting sustainable transport
Delivering a wide choice of high quality homes
Requiring good design
Promoting healthy communities
Meeting the challenge of climate change, flooding and coastal change
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
RS1 – Residential Development
RS2 – Affordable and Specialist Housing
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 Cultural and Heritage Assets

Supplementary Planning Document – Design Guide (January 2008)
Supplementary Planning Document – Provision of Public Open Space in New Residential Developments (July 2014)

6.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

The Site

- 6.1 The site extends to approximately 1.39 hectares and is broadly rectangular in shape. The land rises north and eastwards towards Ashurst Road. It is currently a greenfield site with some remnants of a former car park and street lighting in the south-west of the site. There is a recently erected sub-station also in the south-west corner of the site. The site is bounded by a mature wooded area within which is a children’s play area to the east; Ashurst Road to the north, with a primary school and residential properties beyond; residential properties of Lulworth to the south-east, fronted by a footway; a grassed area, car park and health centre to the south-west; and the rear of shops and a community centre to the west.

The Proposal

- 6.2 The planning application relates to the erection of 45 no. 2, 3 and 4 bed dwellings. The development will be accessed from the north, off Ashurst Road and will be arranged around one internal spine road with 3 shared service roads off this.

Principle of Development

- 6.3 The NPPF supports the supply of new homes in sustainable locations. Policy SP1 of the Local Plan re-iterates this approach. The proposed dwellings are located partly on land covered by the above policy and RS1 of the Local Plan and partly upon land allocated as greenspace under Policy EN3 of the Local Plan.

- 6.4 Given the site's location within the Skelmersdale settlement area, the general principle of housing on the site is considered acceptable, subject to policies relating to design, affordable housing and other technical requirements. However, part of the site lies within an area allocated as "greenspace" and the crux of whether housing on this particular site is, in principle, acceptable, lies with whether the tests in part 2(a) of Policy EN3 can be satisfied.
- 6.5 Policy EN3 sets out the Council's expectations for "green infrastructure", a term used to summarise the variety of functions of open spaces including parks, sports facilities, play areas, natural and semi-natural open spaces, footpaths or green corridors, allotments and the inland waterways and canal network. It is acknowledged that whilst the Borough appears to have an abundance of open green spaces as a result of its rural setting, the main issue relates to deficiencies in certain types of open space and sports facilities and poor access to these spaces for local communities.
- 6.6 The first part of the above policy outlines the key priorities to support green infrastructure provision and the second part sets out the criteria that development resulting in the loss of greenspace should adhere to. Part 2(a) is key in the consideration of this planning application. It states that:
- 6.7 *Development that results in the loss of existing open space or sports and recreation facilities (including school playing fields) will only be permitted if one of the following conditions are met:*
- i) The open space has been agreed by the Council as being unsuitable for retention because it is under-used, poor quality or poorly located;*
 - ii) The proposed development would be ancillary to the use of the site as open space and the benefits to recreation would outweigh any loss of the open area; or*
 - iii) The successful mitigation takes place and alternative, improved provision is provided in the same locality.*
- 6.8 The proposed development does not meet criteria ii) or criteria iii). It therefore rests for criteria i) to be satisfied. An Open Space Assessment has been submitted in support of the planning application. This states that the Council's most up to date evidence on the quantity and quality of existing open space provision is found in the 2009 Open Space Study. This confirms that Skelmersdale with Up Holland has an abundance of informal open space which is of generally low quality. Provision of amenity greenspace in the town exceeds 2ha per 1000 population measured against a recommended standard of 1.35ha. In addition, within 2 miles of the site are numerous formal play areas, playing fields, parks and areas of amenity space. Indeed, there is a play area immediately to the east of the site. The Council's Leisure Service have advised that, as the site is not owned by the Council, it is unlikely that it would be

developed as a formal playing field and as part of the Leisure Strategy - it is now preferable to create fewer larger play areas rather than more small sites. Of significance is the existing play area adjacent to the site to the east. This would benefit from improvement as compensation for the loss of the larger informal greenspace. Consequently, the applicant has offered £45,000 to contribute to the improvement of open space within the locality. Taking the above into consideration I am satisfied that the loss of this green space is compliant with Policy EN3 of the WLLP.

Affordable and Specialist Housing

- 6.9 Policy RS2 of the WLLP requires 20% of the units within developments of 15 or more to be affordable in this area of Skelmersdale. The proposal does not include any specific affordable units and on this basis the application has been supported by a Viability Assessment. This has been assessed by external Consultants who concluded that the applicant's sales predictions are too low and that the proposed dwellings could achieve higher sales values than the applicant identifies. Adopting the higher sales values, the Consultants suggest that the scheme would be able to support 6 affordable units. However the applicant disputes this position and indicates that the scheme would not be viable should this approach be adopted as they dispute the fact that the products would sell for the prices suggested by the Consultant.
- 6.10 This issue has been discussed at length throughout the course of the planning application. The applicant contends that they specialise in the provision of low cost 'home ownership' housing with the proposed sales revenues deduced from the knowledge and experience from 40+ development sites delivered in the north of England in very similar areas. The applicant indicates that Gleeson Homes operate a housing model that caps prices and that in essence they are delivering a development that provides all of the dwellings on site at a low cost price. They contend that the 'Gleeson' product is therefore essentially an 'affordable model' and one that has been accepted by other Local Authorities. When considering developing in an area Gleeson indicate that they consult Government figures regarding wage levels in the local area. Using a multiplier, the level of mortgage that can be afforded by the majority of people in the locality is determined. The affordable level of mortgage is compared to an assessment of house prices in the area and the prices are adjusted to whichever is the lowest. Having considered this matter in detail and carried out research into typical sales prices of comparable house types within Skelmersdale, I consider in this case the scheme can be considered to be delivering housing that is below the average market price for similar housing types in the area. Therefore it can be considered to be a low cost development.
- 6.11 In order to ensure that the sales prices for dwellings on the site do not exceed those predicted, the applicant has offered to enter into a S106 agreement which will cap the prices of each unit, Therefore, whilst on the face of it the proposed

development does not appear compliant with policy RS2 in respect of traditional models of affordable housing provision, under the circumstances described, I am satisfied that the housing delivered on this site will represent low-cost housing, and subject to the aforementioned S106 is acceptable.

- 6.12 With regards to providing homes for the elderly, all the units will comply with Part M Category 1 of Building Regulations and in doing so will benefit from level access, downstairs w/c and accessible wall mounted sockets for people who have reduced reach. In addition, Gleeson offer free adaptations to their dwellings for registered disabled occupants, which may include installing wet rooms and changes to the internal configuration.
- 6.13 It is the ambition of the Council to see the growth of Skelmersdale and this scheme offers wider regeneration benefits to the local area. It has proved difficult to deliver housing in the locality and in this particular case, with the safeguards of a S106 agreement in place, I consider this scheme will deliver a form of discounted market housing which will meet the Council's ambitions to deliver development in a sustainable location and to provide affordable low cost home ownership.

Open Space

- 6.14 For a development of this size, the Council's SPD relating to the Provision of On-Site Public Open Space requires the provision of on-site open space based on 13.5m² per new bedroom. The proposed development does not include any on-site public open space. Where a development does not meet the public open space requirements set out in the SPD, a clear and robust justification is required as to why the requirements are not met. Given the contribution of £45,000 as referred to in paragraph 6.8, along with the fact that there is an existing play area immediately adjacent to the site, and, the large availability of open space in the wider locality, I consider that the circumstances are such that the need for on-site provision can be relaxed in this instance. Furthermore, any on-site provision would result in a reduction of the units, thereby further compromising the viability of the scheme.

Design/Layout

- 6.15 Policy GN3 of the WLLP together with the Council's SPD Design Guide state that new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale or roofline.
- 6.16 The proposed layout offers a legible scheme with clear routes for vehicle and pedestrian movement throughout. A mixture of detached and semi-detached properties are proposed, all of which are 2-stories in height. The layout

incorporates a 10m set-back from Ashurst Road, maintaining a green verge along the frontage of the site. Along the northern boundary, facing Ashurst Road, the majority of plots will face outwards onto this aspect. In the south-eastern corner of the site the development adjoins with the residential area of Lulworth which is separated by an existing footpath. The relationship with those existing properties on Lulworth is acceptable given their orientation angled away from the new development and the interface distance that will remain.

- 6.17 Each dwelling would benefit from a private amenity area. These generally meet the recommended garden lengths specified in the Council's SPD. Off-road car parking would also be provided for each plot through a mixture of side parking and frontage parking.
- 6.18 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.

Residential Amenity

- 6.19 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.
- 6.20 In terms of the relationships between the proposed dwellings, I am generally satisfied that the proposed layout accommodates the required interface distances. Where the interface distance is slightly less than the required 21m, dwellings are off-set from each other, as such I am satisfied that no significant harm would arise.
- 6.21 As referred to earlier, properties located on the adjoining Lulworth estate are located on the opposite side of an existing footpath in the south-eastern corner of the site. The Lulworth properties are orientated on an easterly angle, thereby not directly overlooking the proposed development. Although the interface distance between the rear boundaries of plots 7 and 8 and the existing units on Lulworth does come within 6m, given the off-set positioning of the Lulworth properties, I am satisfied that this relationship is acceptable.
- 6.22 Located to the south-west of the application site is an existing Health Centre and to the west is a small retail block located on Lyndale. The nearest plots to these neighbouring uses are located sufficient distance so to provide adequate amenity levels for the future occupants.

- 6.23 The NHS Trust has submitted a letter in response to the proposed development raising concerns that the development may impact upon car parking for the Health Centre. As referred to in paragraph 6.12 of my report, the site layout incorporates adequate off-street car parking for each plot, thereby avoiding the need to overspill into the surrounding roads/car parks. I have also received a couple of letters from neighbouring residents who are concerned with the potential increase in traffic. The Highway Authority is satisfied that development will not have a severe impact on highway capacity within the area (see paragraph 6.25 below).
- 6.24 On balance therefore, I am satisfied that the proposed development would satisfy the requirements of Policy GN3 in respect of neighbouring amenity.

Highways

- 6.25 A new access off Ashurst Road will serve the site. The new access can accommodate the required visibility splays of 2.4m x 43m in each direction. Based on the trip analysis contained in the submitted Transport Statement, the Highway Authority consider that the proposed development would not have a severe impact on highway capacity within the immediate vicinity of the site. As requested by the Highway Authority, a footpath will be provided on both sides of the site access continuing in both directions along Ashurst Road linking with the subways under Ashurst Road. Adequate car parking has been provided for the proposed development in line with Policy IF2 of the WLLP.

Drainage

- 6.26 It is a requirement of Policy GN3 that new development does not result in unacceptable flood risk or drainage problems, on or off site.
- 6.27 The NPPF along with the NPPG 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 there is no watercourse to which the site has access. Therefore, surface water will be discharged at an attenuated rate to the public sewer. The Council's Engineer is 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 are required to be submitted before any development takes place and this will be secured by a condition. 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.

Trees and Landscaping

- 6.28 The planning application is supported by an Arboricultural Impact Assessment. There are a number of trees in the vicinity of plot 6 including Birch, Maple Willow and Thorn and adjacent to plot 33 is a multi-stemmed White Poplar tree. The layout has been revised to accommodate these trees and to avoid any future conflict. On this basis, the Council's Arboricultural Officer is satisfied that the proposals comply with Policy EN2 in this respect. A landscaping condition is recommended to ensure that a suitable landscaping scheme is incorporated within the development to assimilate it appropriately within its surroundings.

Ecology

- 6.29 Policy EN2 in the Local Plan also seeks to protect biodiversity by resisting development, which would destroy or adversely affect important wildlife habitats. An Ecological Survey has been undertaken in respect of the site. This noted that the site itself is covered grassland with remnants of a car park hardstanding. The large area of grassland was found to have no significant ecological value. The site was found to have limited potential for foraging bats which is concentrated along the eastern, western and southern boundaries. Therefore, no further survey work in respect of bats is required. In terms of breeding birds, the report concludes that the site offers limited opportunities for breeding birds but recommends that if possible, site clearance works are phased to avoid the main bird breeding season. I am therefore satisfied that the development is acceptable in respect of Policy EN2 of the WLLP.

Financial Benefits

- 6.30 The scheme will also deliver financial benefits in the form of New Homes Bonus which would equate to approximately £314,148 over a 6 year period. The development is CIL liable, however it falls within the exclusion zone of Skelmersdale and so no CIL payment will be received in this instance.

Summary

- 6.31 In summary, although the proposed development will result in the loss of land designated as open space in the WLLP, the payment of £45,000 will go towards offsetting this loss and upgrading existing areas of open space. In terms of affordable housing the scheme offers discounted market housing on all the proposed units, offering low cost home ownership on a variety of house types. The proposed development is acceptable in terms of layout, appearance and scale and 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. Subject to

conditions I am satisfied that the proposed development is compliant with the Local Plan in respect of drainage, highways and ecology. In principle I consider this scheme should be supported as it will deliver housing in a sustainable location and will offer wider regeneration benefits to the area.

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 planning obligation under S106 of the Town and Country Planning Act 1990 to secure,

the payment of £45,000 towards the improvement of existing area(s) of open space within the locality;

the capping of the sales values on each of the units.

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 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 237-0-001 G received by the Local Planning Authority on 15th December 2016.

Plan reference 237-0-002 B received by the Local Planning Authority on 15th December 2016.

Plan reference 201/1F, 202/1F, 301/1G, 302/1G, 304/1E, 307/1B, 309/1E, 401/1G, 404/1F, received by the Local Planning Authority on 15th June 2016.

Plan reference 403/1H received by the Local Planning Authority on 23rd June 2016.

3. No development above slab level 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. The new estate road for 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 the site and shall be further extended before any development commences fronting the new access road.
5. No part of the development shall be commenced until the visibility splays measuring 2.4 metres by 43 metres in both directions have been provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Ashurst Road, 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.
 6. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 1995 and the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority.
 7. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.
 8. No development shall take place until a Traffic Management Plan for the construction works has been submitted to and approved in writing by the local planning authority. This shall include:
 - The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials used in the construction of the development
 - Storage of such plant and materials.
 - Wheel Washing facilities
 - Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should be made)
 - Routes to be used by vehicles carrying plant and materials to and from the site
 9. No development shall take place until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that the estate streets serving each phase of the development will be completed to. Thereafter development should be completed in accordance with the approved plan.
 10. No dwelling or dwellings shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Lancashire County Council Specification for Construction of Estate Roads.
 11. No development shall be take place until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been

submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

12. No development shall take place until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until 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.
13. No development shall take place until details of the design and implementation of an appropriate foul drainage scheme have been submitted and approved in writing by the local planning authority.
14. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

- a) Evidence of an assessment of the site conditions to include any existing surface water flow routes on to and from the development site;
- a) Demonstration that surface water run-off will not exceed pre-development run-off rates and volumes. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;
- b) 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), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding of the receiving surface waters, including watercourses;
- c) Evidence that flood flows resulting from rainfall up to and including a 1 in 100 year (including a +30% allowance for climate change) rainfall event will be managed within the site at designated temporary storage locations unless it can be shown to have no material impact by leaving the site in terms of nuisance or damage; and
- d) Evidence that the design of the site ensures that, so far as is reasonably practicable, flows resulting from rainfall in excess of a 1 in 100 year rainfall events are managed in exceedance routes that minimise the risks to people and property.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the agreed management and maintenance plan

15. No development shall commence until details of an appropriate management and maintenance plan for the proposed SuDS for the lifetime of the development have been submitted which, as a minimum, shall include:
 - a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company;
 - b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the proposed SuDS (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.
 - c) means of access for maintenance and easements where applicable.The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.
16. 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.
17. The recommendations contained in section 5.2 of the Extended Phase 1 Habitat Survey and Bat Roost Potential Survey shall be implemented in full throughout the site clearance phase of the development.
18. 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.
19. Prior to the first occupation of any dwelling, that dwelling shall be provided with an electric vehicle charging point which shall be retained for that purpose 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. 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 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.
5. 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.
6. To allow for vehicles visiting the site to be parked clear of the highway 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 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.
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 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, in accordance with Policies GN3 and IF2 of the West Lancashire Local Plan DPD 2012-2027.
10. 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, in accordance with Policies GN3 and IF2 of the West Lancashire Local Plan DPD 2012-2027.
11. 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 in accordance with Policies GN3 and IF2 of the West Lancashire Local Plan 2012-2027 DPD.
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 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.
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 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.
 16. 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.
 17. 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.
 18. 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.
 19. In order to enhance sustainable transport choice and to accord with the provisions of Policy IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

1. The Applicant is advised to obtain the written approval of the Local Highway Authority for the details required under Condition 7, prior to the submission of such details to the Local Planning Authority in seeking to discharge the said condition. Such details, as may be submitted to the Local Highway Authority, could be subject to technical and safety assessments / audits, which may result in changes to the layouts and alignments as shown on any indicative layout(s) approved by virtue of the planning permission. The applicant is advised that the Local Planning Authority may reject details submitted to them for the discharge of the condition without evidence of technical approval from the Local Highway Authority.
2. The applicant is advised that to discharge condition 12 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.
3. The applicant is advised to obtain a technical approval for all estate street details from the Local Highway Authority prior to the submission of such approved details.

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

RS2 - Affordable and Specialist Housing

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 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.

No.7	APPLICATION NO.	2016/1008/FUL
	LOCATION	Aughton Institute Bold Lane Aughton Ormskirk Lancashire L39 6SG
	PROPOSAL	New two storey dwelling and integral garage at land to the rear of Aughton Institute.
	APPLICANT	The Aughton Institute
	WARD	Aughton And Downholland
	PARISH	Aughton
	TARGET DATE	14th March 2017

1.0 REFERRAL/DEFFERAL

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

2.0 PREVIOUS RELEVANT DECISIONS

- 2.1 None

3.0 OBSERVATIONS OF CONSULTEES

- 3.1 United Utilities (13.10.16) No Objection

- 3.2 Network Rail (04.10.16) No Objections in principle. It should be noted that the developer appears to have included Network Rail land in their red line proposal. The developer has stated that the land is within their ownership in Cert A however, this does not appear to be the case. Therefore, the developer should remove Network Rail land from their proposal. Network Rail would object to its land being used in third party proposals without agreement. If the developer believes that the land in question is within their ownership then they will need to submit documentation showing land ownership to Network Rail for review.

Network Rail (09.01.17) – Clarification provided and no further objections in relation to Land Ownership

- 3.3 Highways (27.10.16) No Objections

I am of the opinion that the applicant has provided adequate access and parking for the proposed property

- 3.4 Environmental Health (07.11.16 & 10.11.16) – No Objections

4.0 OTHER REPRESENTATIONS

- 4.1 I have received three letters of objection from two neighbouring properties. Concerns are summarised as follows:

Loss of privacy and overlooking – the orientation of the proposed dwelling faces directly to the rear of our house and garden and would cause significant loss of privacy. The proposed orientation of the house causes loss of privacy and overlooking to the two adjacent properties (north and south) whereby positioning the property towards the applicants own open aspect bowling green would be a less intrusive solution. A shadowing study should be considered for the impact on the property to the north;

Massing – the proposed height of the dwelling is taller than the neighbouring properties;

Trees – As noted in the Ascerta report the proposed triple car garage impedes on a root protection zone for a tree on our property (ref T8). We strongly suggest that strategy Option 1 within the report is followed as a protection strategy by reducing the garage footprint. This is also relevant due to the United Utilities 3m protection zone for the main sewer. The proposed trees would also block sunlight to my property. It is proposed to take up a hedge that is in my ownership;

Highways – I see no information regarding emergency vehicle access and a swept path analysis which we were required to submit for our application. The vehicle access route so close to the Institute building does not look safe being so close to the entrance and footway of a social club hosting events and children's parties;

Drawings – the site location plan is extracted and does not show the wider area and surrounding buildings and is hand drawn, not clear presentation and in an ordnance survey format;

Landscape plan – would request a date for completion of landscaping plans as per submission within any planning conditions;

Concerned the proposed trees are close to my boundary and will result in a loss of light to my property.

- 4.2 Aughton Parish Council (14.11.16) - Concerned about the over-development of this backland location in totality. An additional access at this particular location alongside the bowling green and onto the Aughton Institute car park could detrimentally affect pedestrian and highway safety.

5.0 SUPPORTING INFORMATION

Arboricultural Impact Assessment
Landscape Scheme
Drainage Strategy

6.0 RELEVANT PLANNING POLICIES

- 6.1 The site is located within the settlement of Ormskirk and Aughton as designated in the West Lancashire Local Plan 2012-2027 DPD

West Lancashire Local Plan 2012-2027 DPD

SP1 – A Sustainable Development framework for West Lancashire

GN1 – Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 - Residential Development

IF2 – Enhancing Sustainable Transport Choice

EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

Supplementary Planning Advice

SPD – Design Guide (January 2008)

SPD – 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 vacant piece of land situated to the rear of the Aughton Institute off Bold Lane in Aughton. It is bounded to the north and south by dwellings, to the east by a railway line and to the west by the bowling green associated with Aughton Institute.

The Proposal

- 7.2 This application seeks planning permission for a two storey dwelling with attached triple garage. The proposed dwelling will measure 8.5m by 13m with a maximum height of 8m. A single storey element measuring 5m by 4.5m is proposed and the attached triple garage will measure 10m by 6.5m.
- 7.3 Access to the site is proposed off Bold Lane, through the Aughton Institute car park adjacent to an established residential access serving number 39. It is proposed to take up a 5m strip of Bowling Green to the south in order to provide an access driveway; however it is proposed to extend the existing bowling green to the north to ensure no net loss of playing surface.

Assessment

Principle of Development

- 7.4 The proposed development is situated within the Main Settlement Area of Aughton designated as a Key Service Centre in the Local Plan. Within Key Service Centres residential development will be permitted on brownfield sites, and on greenfield sites not protected by other policies, subject to the proposals conforming with all other planning policy. I consider this greenfield site provides suitable opportunity for residential development.

Design, Layout and Impact on Amenity

- 7.5 Policy GN3 of the West Lancashire Local Plan DPD (2012-2027) states that new development should add to the distinctive character and visual amenity of the area. 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, and that the importance of spaces between buildings is recognised. Policy GN3 also allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring and proposed properties.
- 7.6 There is a mix of dwelling types in the immediate area surrounding the site including detached, semi-detached, and dormer bungalows and the site itself is bounded by new build properties. In principle, I have no objections to the erection of this detached two storey dwelling in this location as it is of similar scale and design to the recently approved dwelling at number 39 which has a height of 8m (ref 2016/0659/FUL).
- 7.7 The siting of the dwelling is such that it will provide sufficient outdoor space, car parking areas and maneuvering space compliant with the Council's Supplementary Planning Guidance Design Guide. The dwelling has been sited so that it meets the minimum spacing distances prescribed in the Council's Design Guide. At least 23m will be achieved between the main rear elevation of the proposed dwelling and the rear elevation of the recently constructed 11c Bold Lane. There will be at least 25m between the front elevation of the proposed property and the rear elevation of number 18 Ledson Grove and nearly 30m between the rear elevation of the proposed dwelling and the side elevation of number 39 Bold Lane. I acknowledge the objections raised by neighbouring properties in relation to the proposed development and overlooking. Whilst I appreciate that there are clear views of the development, particularly at first floor, I am satisfied that no adverse levels of overlooking or loss of privacy will occur as the interface distances are compliant with the SPD Design Guide and Policy GN3.

Impact on Trees & Biodiversity

- 7.8 Policy EN2 of the West Lancashire Local Plan 2012-2027 DPD seeks to resist the loss of trees of significant screening and amenity value.
- 7.9 The site has numerous mature trees in and around the footprint of the proposed development as well as on and adjacent to land proposed for the new access. The submitted Arboricultural Impact Assessment indicates that several trees and a hedge will need to be removed to facilitate the development. The majority of these trees are classed as poor quality and the Council's Arboricultural Officer is satisfied that the removal is acceptable subject to replacement planting.
- 7.10 Concern has been expressed by a neighbouring occupant about the impact of the proposed garage on a tree in the neighbouring garden. In terms of the impact of the triple garage on this tree, a Cypress listed as T8 on the tree survey, pile and beam foundations are proposed to be used for construction of the garage in order to limit excavations and disturbance to the tree. The Arboricultural Officer is satisfied that appropriate planning conditions can mitigate the impact of the development on the trees to be retained in and around the site.
- 7.11 A landscaping scheme has been submitted which includes the planting of 16 trees and native hedgerows along the boundary of the site. I have sought the advice of the Arboricultural Officer who is of the view that the proposed scheme is adequate mitigation for the loss of trees and vegetation across the site and once established will add to the biodiversity of the area as a whole. The landscaping scheme will also soften the impact of the development and provide a valuable screen. I therefore consider the proposed development complies with Policy EN2 of the Local Plan.
- 7.12 In terms of impact upon biodiversity, although a number of trees will be removed; compensatory native planting is proposed so I consider there will be no net loss of ecological value.

Highways

- 7.13 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states development should incorporate suitable and safe access and road layout design. Access to the site is proposed through the car park of Aughton Institute. A similar arrangement exists for the neighbouring dwelling, and whilst the development will result in an increase in cars visiting the site, I do not consider that this will have a detrimental impact upon highway safety due to the limited nature of additional traffic travelling to and from just one additional dwelling. I note that a three bay garage is proposed and there would be additional parking available on the site which would satisfy the parking requirements. The Highway Authority have been consulted with regard to the application and consider the access and parking arrangements to be satisfactory.

Network Rail & Land Ownership

- 7.14 Network Rail raised concern that part of the site appeared to be within their ownership. However the applicant has clarified that none of the application site is within Network Rail's ownership. Subsequently Network Rail has confirmed that there is no land ownership issue in respect of the application and withdrawn their objection.

Drainage

- 7.15 A Drainage Strategy has been submitted with the application which states that *'The ground strata in the area comprise cohesive soils, which would be of low permeability, and thus soakaways would not be viable on this site. Furthermore, it is understood that the presence of the railway land to the east of the site would preclude the use of infiltration methods of drainage, as Network Rail would object to such a proposal in the proximity of their land'*. The Council's Drainage Engineer has requested to see evidence that a soakaway will not work through an appropriate assessment described above, or a written confirmation from Network Rail regarding the proximity of infiltration methods near their land is unacceptable. He also requires that prior to the commencement of development a surface water drainage scheme, based on the hierarchy of drainage options in the NPPF with evidence of an assessment of the site conditions is submitted to, and approved in writing by the Local Planning Authority. Drainage details will be requested by a planning condition.

Adjustments to the Bowling Green Boundary

- 7.16 Policy EN3 seeks mitigation or alternative provision of recreation facilities on development proposals which result in the loss of existing recreation facilities. It is proposed to take up a 5m strip of bowling green to the south in order to provide an access driveway; however it is proposed to extend the existing bowling green to the north, so no net loss will occur. A condition will be imposed to secure this.

Summary

- 7.17 I consider the proposed development acceptable in principle and that the details accord with Policies GN3 and EN2 and advice given in the Council SPD Design Guide.

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 Elevations (03), Plans (02) and Topographical Survey (16D043/001) received by the Local Planning Authority on 26th September 2016

Plan reference Planting Plan (P.682.16.03) received by the Local Planning Authority on 11th January 2017.

Plan reference Site Plan 01 Rev A received by the Local Planning Authority on 12th January 2017.

Plan reference Location Plan received by the Local Planning Authority on 17th January 2017.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no extensions or out buildings shall be erected or undertaken without the express written permission of the Local Planning Authority.
4. No development above slab level 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 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. No development shall take place until details of the design and implementation of an appropriate foul drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Foul and surface water shall be drained on separate systems
7. 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 5 l/s. The dwelling shall not be occupied until the approved drainage scheme has been provided.
8. No development above slab level shall take place until full details and samples of the hardstanding have been submitted to and approved in writing by the Local

Planning Authority. For the avoidance of doubt the proposed hardstanding 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 curtilage of the dwelling house.

9. Within 9 months from the date when any part of the development hereby approved is first brought into use the approved landscaping scheme shall be carried out. All 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). 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.
10. No development shall take place until an Arboricultural 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. The Arboricultural Method Statement should demonstrate how the operations on site are to take place with due regard to tree protection and, in particular, working in proximity to the Root Protection Area. As described with the AIA, this statement will be required to address the finer details such as: potential for tree root damage by way of - vehicular access in to and out of the site, assessment of any level changes, installation of temporary ground protection, locations of any service runs, installation of any new hard surfacing, car parking and storage areas for any required materials.
11. 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.
12. No development shall take place until full details of the extension to the Bowling Green, including any landscaping details, have been submitted to and approved in writing by the Local Planning Authority. The works to construct the proposed access to the new dwelling shall not be carried out until the bowling green extension has been completed in accordance with the approved details.

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 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.

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. 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. This information is required before the commencement of development, 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. This information is required before the commencement of development, 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. This information is required 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
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. This information is required before the commencement of development to allow the Local Planning Authority to have sufficient information to assess the effect on the trees and thereby ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. 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.
12. This information is required before the commencement of development, to ensure this recreation facility is retained and that the development, therefore, complies with the provisions of Policies GN3 and EN3 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:

SP1 - A Sustainable Development framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 - Residential Development

IF2 - Enhancing Sustainable Transport Choice

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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

No.8 APPLICATION NO.	2016/1183/FUL
LOCATION	Charlton Quarry Drive Aughton Ormskirk Lancashire L39 5BG
PROPOSAL	Demolition of existing dwelling and erection of replacement dwelling.
APPLICANT	Mr Alexander Bruce Ross Porteous
WARD	Aughton And Downholland
PARISH	Aughton
TARGET DATE	26th January 2017

1.0 REFERRAL/DEFFERAL

- 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 impact on the Conservation Area

2.0 PREVIOUS RELEVANT DECISIONS

- 2.1 1996/0863 GRANTED Conservation Area Consent to demolish outbuilding

- 2.2 1996/0864 GRANTED Single storey rear extension.

- 2.3 1998/0701 GRANTED Conservation Area Consent to demolish porch

- 2.4 1998/0457 GRANTED Double garage and porch

- 2.5 Planning Permission and Conservation Area Consent (CAC) were sought in 2009 (ref 2009/0040/FUL and 2009/0200/CAC) for the demolition of Charlton and the erection of a replacement dwelling. At that time both the planning application and CAC application were recommended for refusal and went before Planning Committee for consideration. Members deferred the application for 6 months to allow time for the applicant to carry out and submit a structural assessment and detailed heritage report. However, the applicant lodged an appeal against non-determination of the application within the prescribed timescale. The application was referred back to Planning Committee to seek their views and the Committee determined that the application was unacceptable in principle on the grounds that:

1. The proposal conflicts with Policies GD 1 and EN 4 of the West Lancashire Replacement Local Plan and advice given in PPG15: Planning and the Historic Environment, and SPD Design Guide as it fails to provide sufficient justification

for the demolition of a building identified as making a positive contribution to the character and appearance of the Granville Park Conservation Area.

2. The proposal conflicts with Policies GD 1 and EN 4 of the West Lancashire Replacement Local Plan and advice given in PPG15: Planning and the Historic Environment, and SPD Design Guide as the proposed replacement dwelling does not preserve or enhance the character or appearance of the Granville Park Conservation Area by virtue of its design and use of materials.

- 2.6 The appeal decision was made on 2nd February 2010 with the Inspector dismissing both appeals and refusing planning permission and conservation area consent for demolition of the dwelling.

3.0 OBSERVATIONS OF CONSULTEES

- 3.1 United Utilities (05.01.17) – Advice given.

- 3.2 Highways (17.01.17) – No objections

4.0 OTHER REPRESENTATIONS

- 4.1 WEST LANCASHIRE CONSERVATION AREA ADVISORY PANEL (15.12.16) – Objects; on the grounds that the existing property is a ‘positive’ building in terms of the character and appearance of the Conservation Area and forms part of a group with other properties on Quarry Drive. Panel felt the height, mass and design of the proposed house would be inappropriate in the Conservation Area. Panel also felt that structural measures where available to retain the current building.

- 4.2 Aughton Parish Council (16.12.16) – No objections providing the demolition of this property was essential for 'health and safety' reasons and the proposed replacement dwelling would preserve or enhance the character of Granville Park Conservation Area

- 4.3 I have received 3 letters of objection from neighbouring properties. Concerns are as follows:

We wonder why it is necessary to demolish a lovely Victorian house situated amongst other similar homes on a quiet un-adopted drive. These houses were built in the late 1800's and mostly have been very well maintained and cared for and appear to have no structural problems. Our own house and neighbouring properties including Charlton were identified as having a positive impact on the Conservation Area. As such it seems undesirable for such properties to be demolished unless this is practically unavoidable;

If the Council determine that there is no practical alternative we have no objection to the design of the proposed replacement dwelling, which generally seems in keeping with the neighbourhood;

We hope that the method statement for the construction, or indeed any alternative remedial processes, will ensure that the utilities that run under Quarry Drive, and Quarry Drive itself, are not damaged by heavy vehicles or materials being transported over them;

Concerned construction works would affect heavily wooded nature of Quarry Drive – due to large scale vehicles, heavily material being delivered, Quarry Drive is already in a poor state of repair with numerous small potholes and after heavy rain is awash. At present the only heavy traffic using it is a weekly visit by the refuse collectors.

5.0 SUPPORTING INFORMATION

- 5.1 Planning Statement
 - Heritage assessment
 - Structural appraisal (2009)
 - Report on Movement (2013)
 - Carr Faulkner Associates Letter
 - Ecological Surveys
 - Arboricultural Impact Assessment
 - Design and Access Statement

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 of Aughton and the Granville Park Conservation Area as designated in the West Lancashire Local Plan 2012-2027 DPD

West Lancashire Local Plan 2012-2027 DPD

Policy GN3 – Criteria for Sustainable Development
Policy RS1 – Residential development
Policy EN2 – Preserving and Enhancing West Lancashire's Natural Environment
Policy EN4- Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

Supplementary Planning Advice

SPD – Design Guide (January 2008)

The draft Granville Park Conservation Area Appraisal 2016 is also relevant to the assessment of this application.

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

The Site

- 7.1 The application site comprises of a large detached dwelling situated on a quiet private residential road named Quarry Drive in Aughton. The property lies within the Granville Park Conservation Area.

The Proposal

- 7.2 This application seeks planning permission for the demolition of the existing dwelling and erection of a replacement dwelling. The application is largely a resubmission of the application which was submitted to the Council in 2009 and was dismissed on appeal by the Planning Inspectorate. The replacement dwelling would be sited on the existing footprint but extends forward by 1m and increases the depth of the property at first and second floor by approx 3m and increases the width to link up with the existing detached garage. The ridge height of the roof is 1m higher than the existing ridge to accommodate the additional living space in the roof. There are no proposed changes to the access or boundary treatment.

Assessment

Principle of Development

- 7.3 Policy RS1 states that residential development within the settlement of Aughton is acceptable in principle subject to the proposals conforming with all other planning policy. As the site lies within the Granville Park Conservation Area one of the main issues for consideration is the impact of the proposal on the character and appearance of the Conservation Area.

Impact on Conservation Area & Design & Appearance

- 7.4 Conservation Areas are defined under s.69 of the Planning (Listed Buildings and Conservation Area) 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 consider character and appearance separately and proposals need to satisfy the test above in both aspects.

- 7.5 Policy EN4 of the West Lancashire Local Plan requires development to preserve or enhance the area's character or appearance and in particular harmonise with its surroundings in terms of mass, scale, form, use of materials and overall design quality. This view is supported by National Planning Policy Framework (NPPF) paragraphs 131, 132 and 134.
- 7.6 The Council's Supplementary Planning Document Design Guide gives further advice, stating that development within a Conservation Area should always be sensitive to the character of the historic environment, be of a high quality in terms of design and the materials used and aim to enhance the character and appearance of the wider area.
- 7.7 Granville Park originated as a Victorian Residential Park consisting of large villas with fine architectural detailing set in substantial plots. The presence of the properties, built in the late C19 and early part of the C20 contribute positively to the area's character and appearance.
- 7.8 The application property, Charlton is a brick built two storey detached villa, dating from around the turn of the C20, with a projecting two storey gabled bay on one side and a ground floor canted bay on the other. The roof is covered with grey slates with decorative red ridge tiles and a finial above the bay gable. The main ridge is chamfered at each end with small hips. The house is one of a row of four older properties, of a similar age, on Quarry Drive which are part of the original development. They share common design features and there is considerable group value in the symmetry of detailing and massing between Charlton and its neighbour, Eastwood. This is glimpsed from the road despite the tree cover to the frontage.
- 7.9 The applicant has submitted Heritage and Historical reports which state that Charlton is of low intrinsic value significance as it was constructed some 40 years after the first wave of the Granville Park development and suggesting the loss of Charlton would be minimal to the Conservation Area. The report also states that the demolition and replacement building would not detract from the significance of the Conservation Area. However I have a different view, Charlton was assessed within the recent draft update of the Granville Park Conservation Area Appraisal as being a building which makes a positive contribution to the character of the Conservation Area. The property shares common key characteristics with other traditional properties within the Granville Park Conservation Area and forms part of the historic expansion of the 'residential park' on Quarry Drive. This assessment re-affirmed the view of the property held in the previous Character Appraisal undertaken in 1997. This Draft Appraisal was consulted upon during autumn 2016 and residents given the opportunity to make representations on the

Council's findings. No objections were made to the conclusions of the assessment of Charlton or the view that the building makes a positive contribution to the Conservation Area. Paragraph 138 of the NPPF states that the loss of a building which makes a positive contribution to the significance of a Conservation Area should be treated as causing harm to the Conservation Area and that the level of harm depends on the importance of the particular building. On this basis the loss of the property through its demolition would cause demonstrable harm to the character and appearance of the Conservation Area and should be a matter of last resort.

7.10 In support of the application, the applicant has commissioned and submitted a Structural Appraisal dated 2009, a Report on Movement dated 2013 and Carr Faulkner Associates letter dated 2016. The original Structural Appraisal from 2009 (submitted under the previous application) states that the original property has suffered significant foundation movement and the walls are becoming unstable. In order to stabilise the original property the report recommends new reinforced concrete foundations cast beneath the existing walls which could then be piled. The report indicates that this work would involve the removal of all of the ground floor and the first flight of stair case internally together with fixtures, fittings and services. There would be a need to stabilise the existing property prior to foundation work being carried out. It concludes that due to the significant re-building required, the most suitable solution would be to demolish the existing building and re-build. A further survey was undertaken in 2013 to take readings from the movement monitors that were installed in 2012 to monitor cracks identified in the 2009 report. This confirmed that the property is suffering progressive movement and that extensive work to stabilise the building, as discussed above, is required.

7.11 A letter from Carr Faulkner Associates dated June 2016 provides an updated position on the structural state of the property. It recognises the first report identified movement while the second confirmed that this movement to the front left of the property was progressive. The letter concludes that the presence of bands of peat below the left hand section of the property have caused the differential settlement. The Report outlines three options available to the property owner in light of this survey. These are:

To underpin the front left hand corner of the house. This is presented as the most economical solution to the structural issues affecting Charlton. There is some uncertainty about the exact extent of the works required.

To underpin the whole of the property. This is presented as a more expensive option with some further disadvantages related to damage to internal decoration etc.

To demolish the property and rebuild on the same footprint.

- 7.12 Neither the letter nor supporting information indicate that any remedial action has been taken to stabilise the property as recommended within the 2009 structural survey report. The options provided by the surveyors in the 2016 letter include the partial or complete underpinning of the building. Given the significance of the building to both the character and appearance of the Conservation Area it is my opinion that the options to undertake remedial structural works to retain the building are a preferable solution to the complete demolition and replacement of the property. Whilst no exact details have been provided regarding the extent of these works, their impact is very likely to be substantially less than demolition, which is currently proposed. No assessment of the costs of the proposed underpinning or viability in relation to the works suggested within the survey report has been submitted with the application for demolition and therefore I cannot factor this into my assessment. I would therefore conclude that the letter supplied by Carr Faulkner Associates does not provide sufficient justification for the demolition of Charlton.
- 7.13 The previous application for the demolition of the property and erection of a replacement dwelling was dismissed at Appeal in 2010 and this is a material consideration in the assessment of this application. The Inspector indicated that despite the structural issues, so long as it is reasonably practical to retain the existing house, the proposal to demolish and rebuild would not preserve the character of the Conservation Area. In my view, the reports submitted as part of this application do not provide sufficient new evidence to suggest that demolition is the only course of action available and in this respect it is difficult for me to come to a different conclusion from the Inspector in the previous appeal.
- 7.14 In terms of the replacement dwelling, the design and scale of the replacement dwelling is similar to that submitted under the previous application. In his appeal decision, the Inspector noted that the proposed new dwelling would be of a larger scale and massing than the existing house and whilst it replicates a nineteenth century style it is well proportioned and would relate comfortably to its setting within the plot and to neighbouring properties. I largely share that view and subject to appropriate detailing and external finishes I consider the design to be acceptable. However, the Inspector noted that the existing house has the intrinsic merit of retaining its original detailing and its historical connection with the area and commented that whereas the existing dwelling enhances the character and appearance of the area, the erection of the proposed new dwelling would merely not offend it.
- 7.15 Whilst I accept that the loss the property would not cause total or substantial harm to the Conservation Area the proposals to demolish Charlton would nevertheless represent “less than substantial harm” to the Granville Park Conservation Area. Paragraph 134 of the NPPF requires that less than substantial harm is then weighed against the public benefits of the proposal. Less than substantial harm in this respect does not equate to a less than substantial objection. I do not consider the demolition of Charlton, which has been assessed

as a building which makes a positive contribution to the Conservation Area, to provide any public benefit.

- 7.16 The test required under s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a strict one. The Council's duty to pay "special attention to the desirability of preserving or enhancing the character or appearance of a conservation area" requires careful consideration of any planning proposal. Recent Court judgements have stressed that once it is acknowledged that a proposal causes harm to a Conservation Area the Council is bound to give that harm considerable weight in the planning balance. Overall I conclude that the application to demolish Charlton and replace it with a new property would cause harm to the character and appearance of the Conservation Area and therefore would conflict with the Council's statutory duty and with the NPPF and Policy EN4 of the Local Plan.

Impact on Residential Amenity

- 7.17 Policy GN3 allows development provided it retains or creates reasonable levels of privacy and amenity.
- 7.18 In terms of potential impact upon the amenities of existing residents, the nearest property would be Eastwood, a detached two storey property. The replacement dwelling proposes a first floor en-suite window facing Eastwood, however this is proposed to be frosted glass. Although the proposal increases the height by 1m and the depth at first and second floor by approx 3m I do not consider this will cause significant overshadowing or overbearing impacts to surrounding properties and the interface distances between the proposed and existing properties comply with advice given in the Design Guide SPD.

Highways

- 7.19 The dwelling will be accessed via the existing private road – Quarry Drive. I consider sufficient parking can be provided within the site to meet with the recommendation of 3 parking spaces per 4+ bed property as per Policy IF2 of the West Lancashire Local Plan 2012-2027 DPD.

Impact on Trees

- 7.20 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 value will only be permitted where the development is required to meet a need that could not be met elsewhere.
- 7.21 To the front of the site are two mature trees subject to a Tree Preservation Order (TPO). The Arboricultural Officer is satisfied that the replacement dwelling would be a sufficient distance not to impact directly on these trees. The development

process would be likely to require some pruning to existing trees over the access drive. A condition could be imposed to ensure suitable protection measures in the form of fencing and a method statement for ground protection is submitted.

Impact on Ecology

- 7.22 Policy EN2 in the WLLP confirms that the need to take account of any potential impact on priority species or their habitat and to pay particular attention to the Habitat Regulations. This follows the advice provided at national level. It is a requirement of both local and national policy that appropriate surveys are submitted to address any impact or potential impact.
- 7.23 An ecological survey and bat survey has identified a small number of Common Pipistrelle bats are using the property and the garage. Mitigation measures have been proposed in the form of a bat box affixed to the south side gable elevation of the garage where a single Common Pipistrelle emerged. Additional provision for bats would take the form of an integrated bat box in a location and position to be determined. A condition could be imposed to ensure the mitigation measures proposed were implemented and the development therefore complies with Policy EN2 in the Local Plan.

Summary

- 7.24 The application fails to provide sufficient justification for the demolition of a building identified as a building making a positive contribution to the Granville Park Conservation Area, therefore the proposed development would fail to preserve or enhance the character or appearance of the Conservation Area contrary to the Council's statutory duty under S72(1) of the P(LBCA) 1990, the NPPF, policy EN4 of the Local Plan and guidance in the Council's Design Guide.

8.0 RECOMMENDATION

- 8.1 That planning permission REFUSED for the following reason:

Reasons for Refusal

1. The proposed development involves the demolition of an existing property which makes a positive contribution to the character and appearance of Granville Park Conservation Area. The loss of the existing dwelling would harm the character and appearance of the Conservation Area and fails to meet the Council's statutory duty under S.72 of the P(LBCA) Act 1990. The proposed development is contrary to Policy EN4 of the West Lancashire Local Plan 2012-2027 DPD, the guidance contained in Chapter 12 of the NPPF and the Council's Supplementary Planning Document Design Guide (January 2008).



PLANNING COMMITTEE

9th February 2017

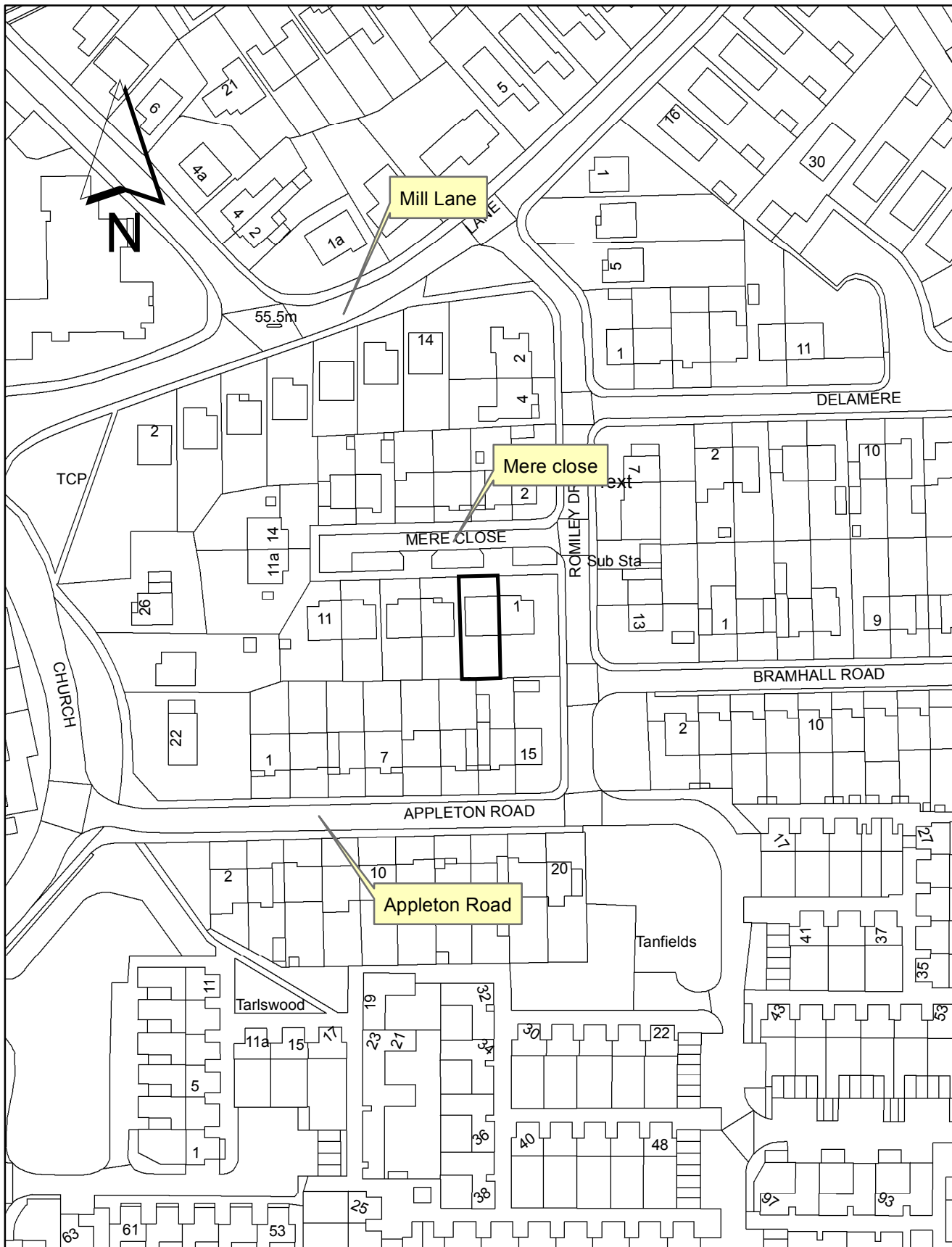
(Agenda Item 7)

PLANNING APPLICATION ITEMS

LOCATION PLANS

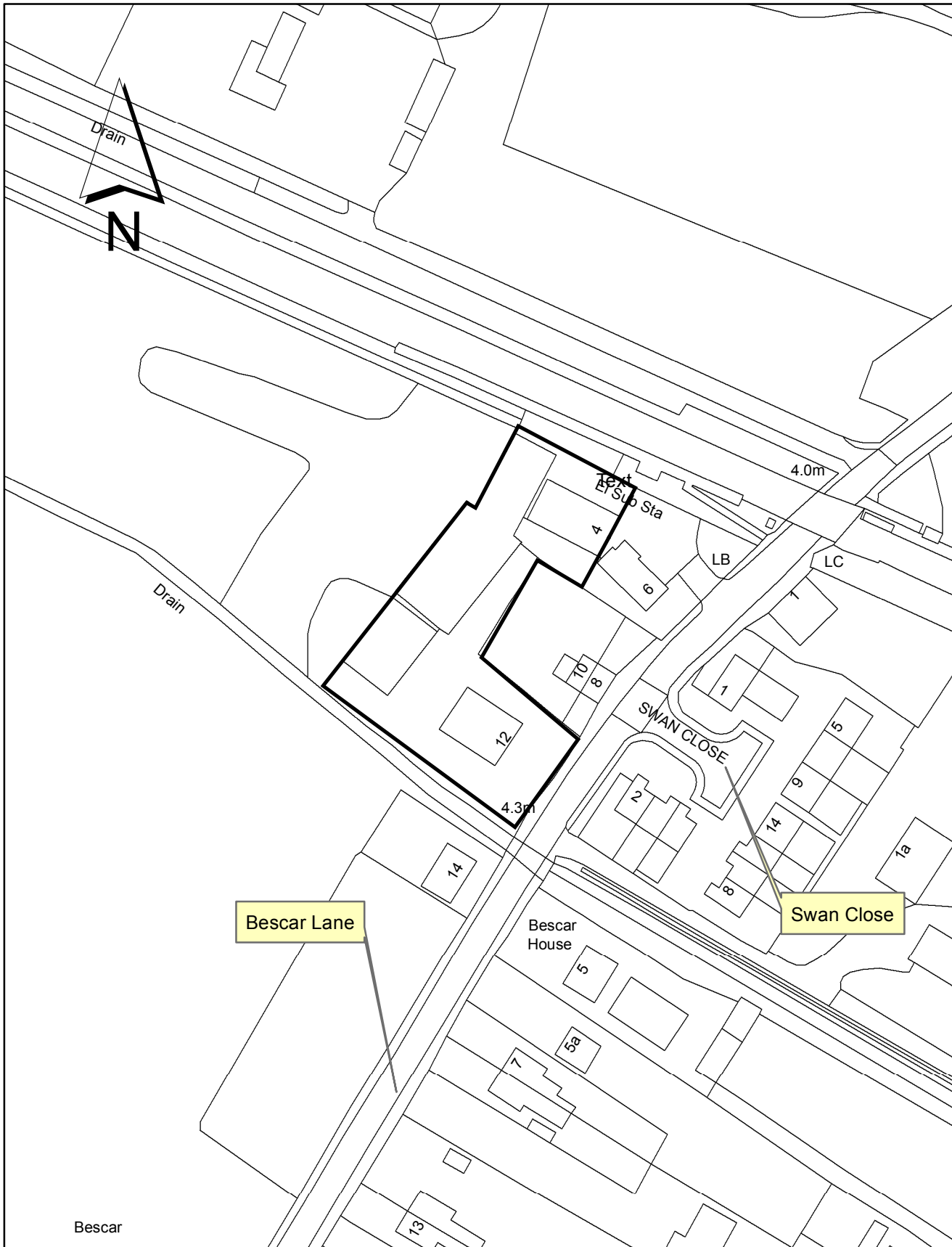


3 Mere Close, Skelmersdale WN8 8RN



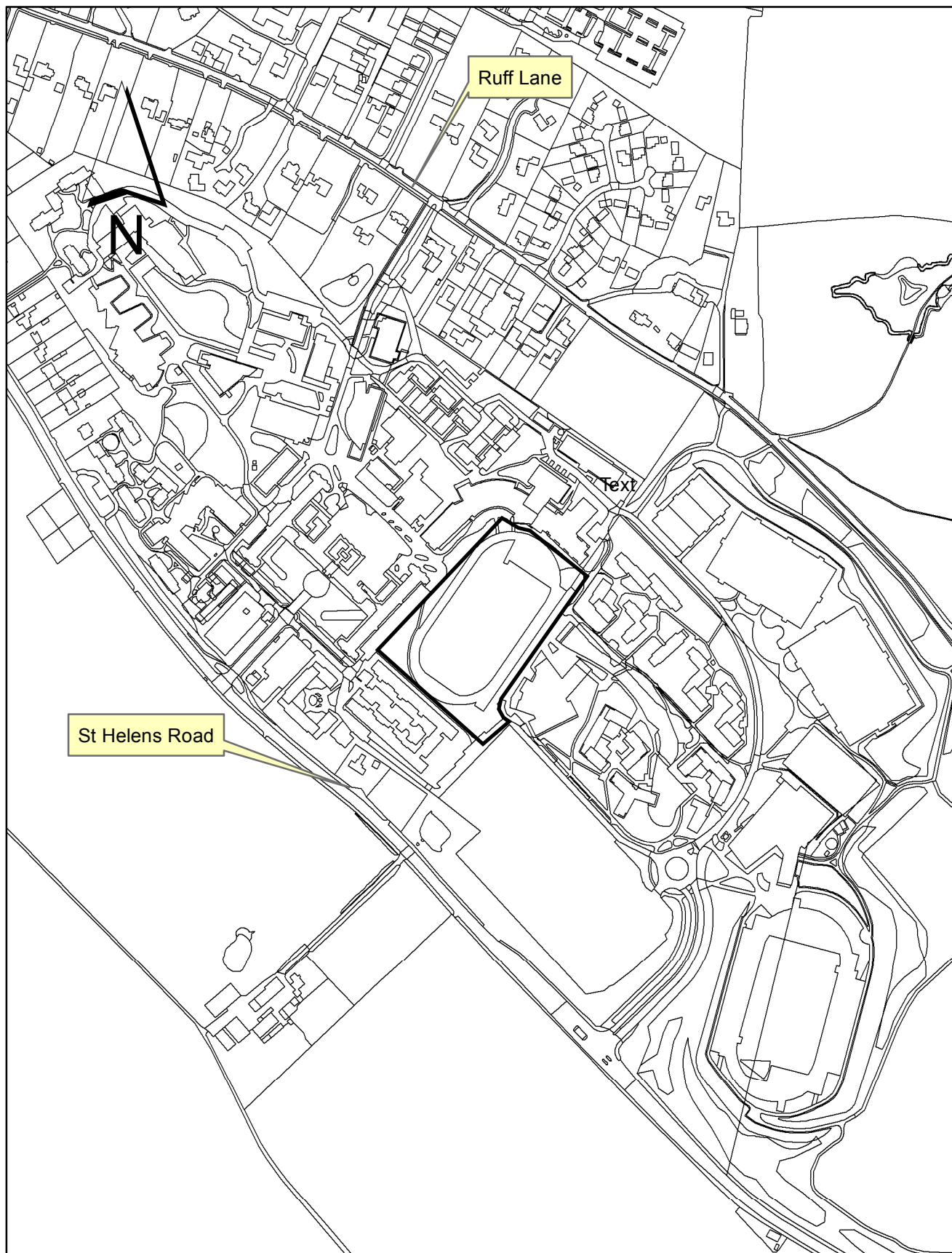


4 Bescar Lane, Scarisbrick L40 9QN



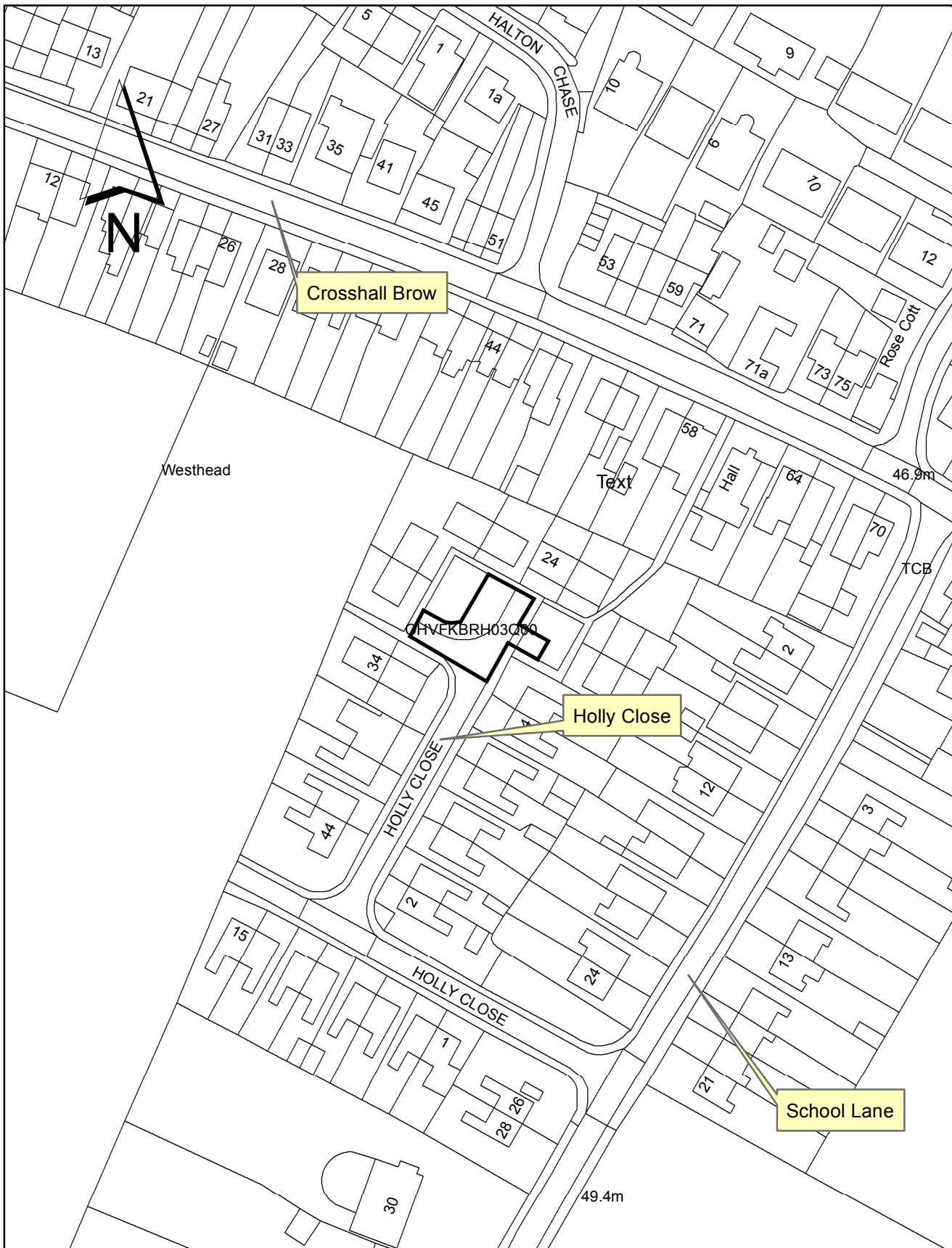


Edge Hill University, St Helens Road, Ormskirk L39 4QP



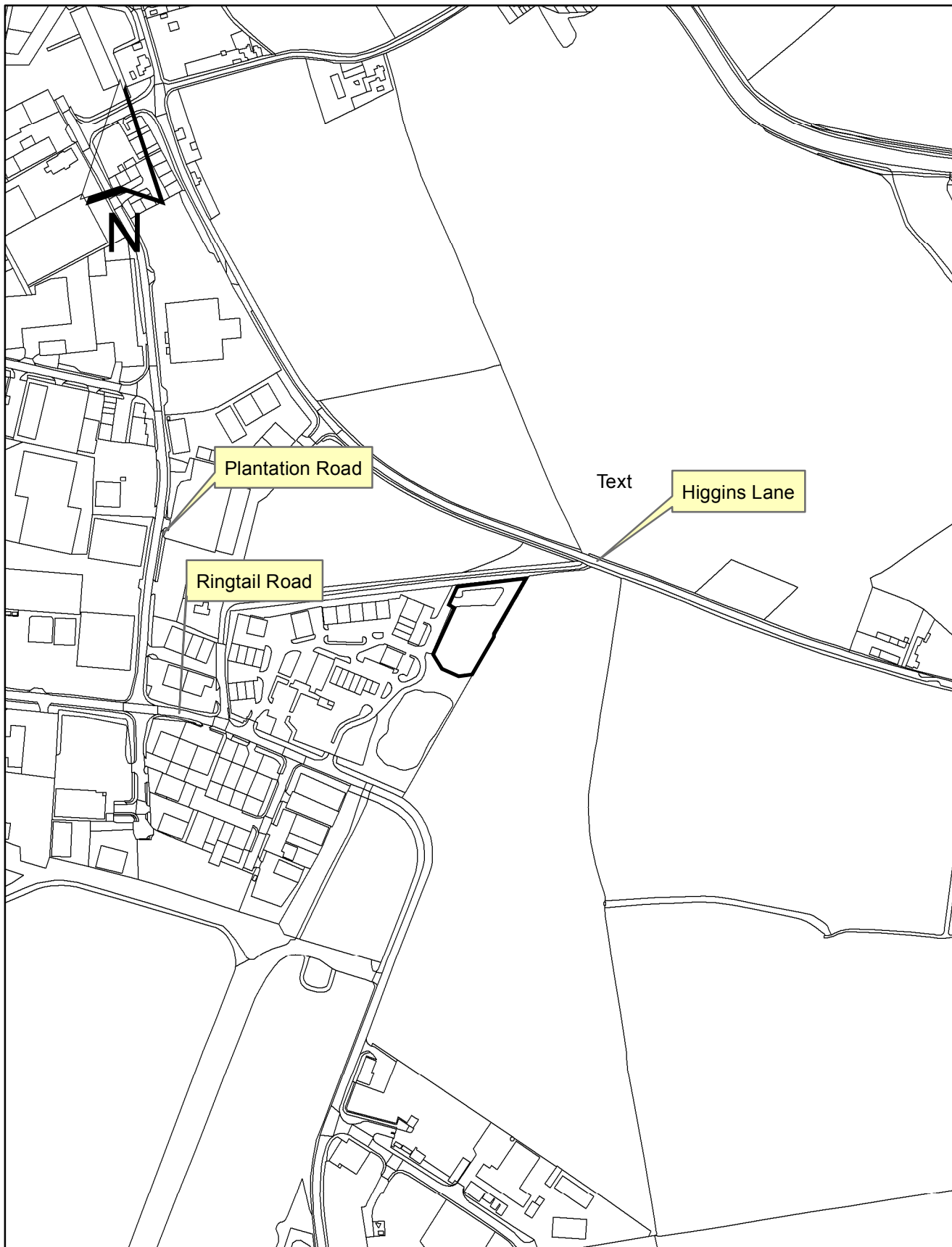


Land at the north-eastern end of Holly Close, Westhead
L40 6HS



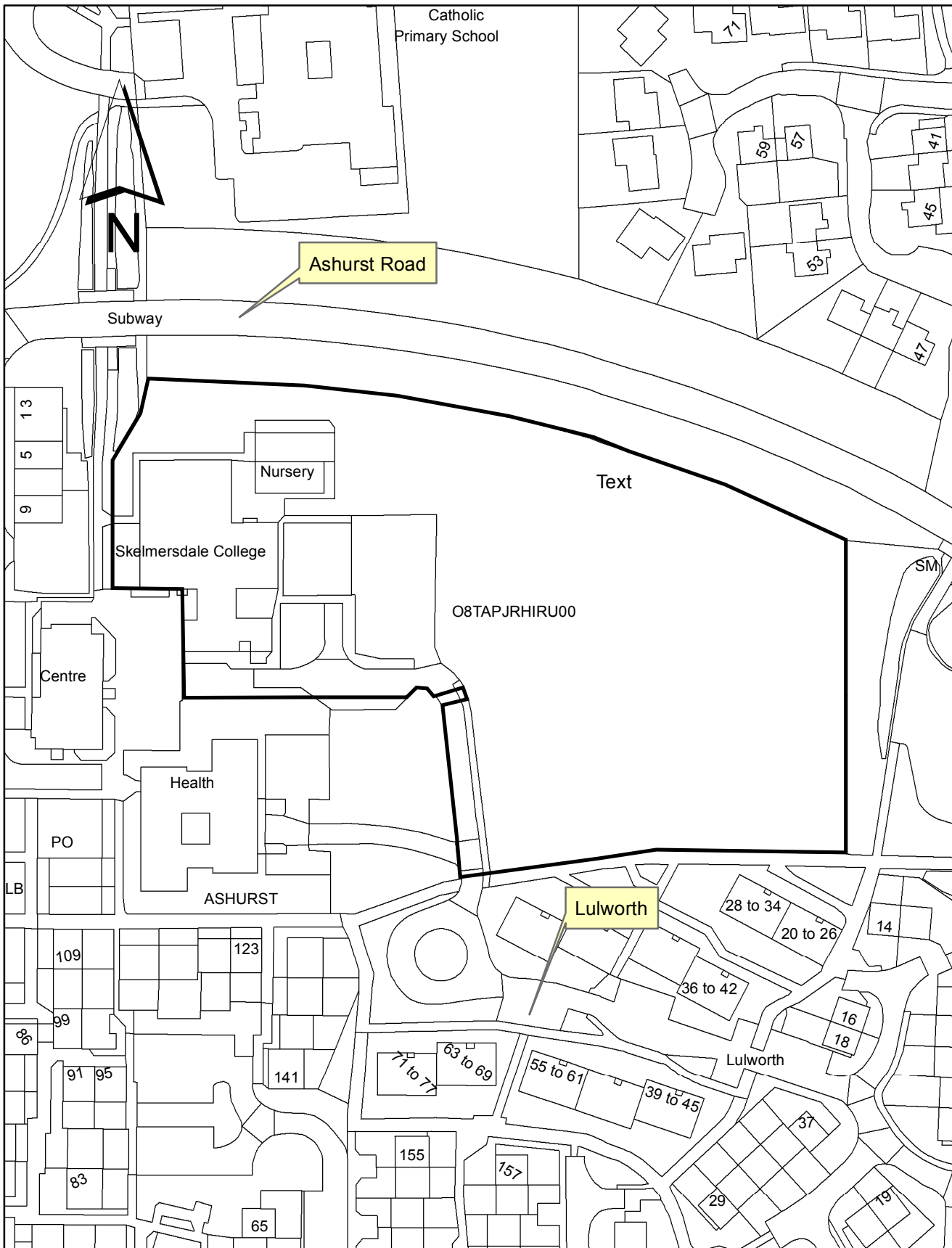


Land to the East of 801 to 804 Merlin Park, Ringtail Road, Burscough L40 8JY



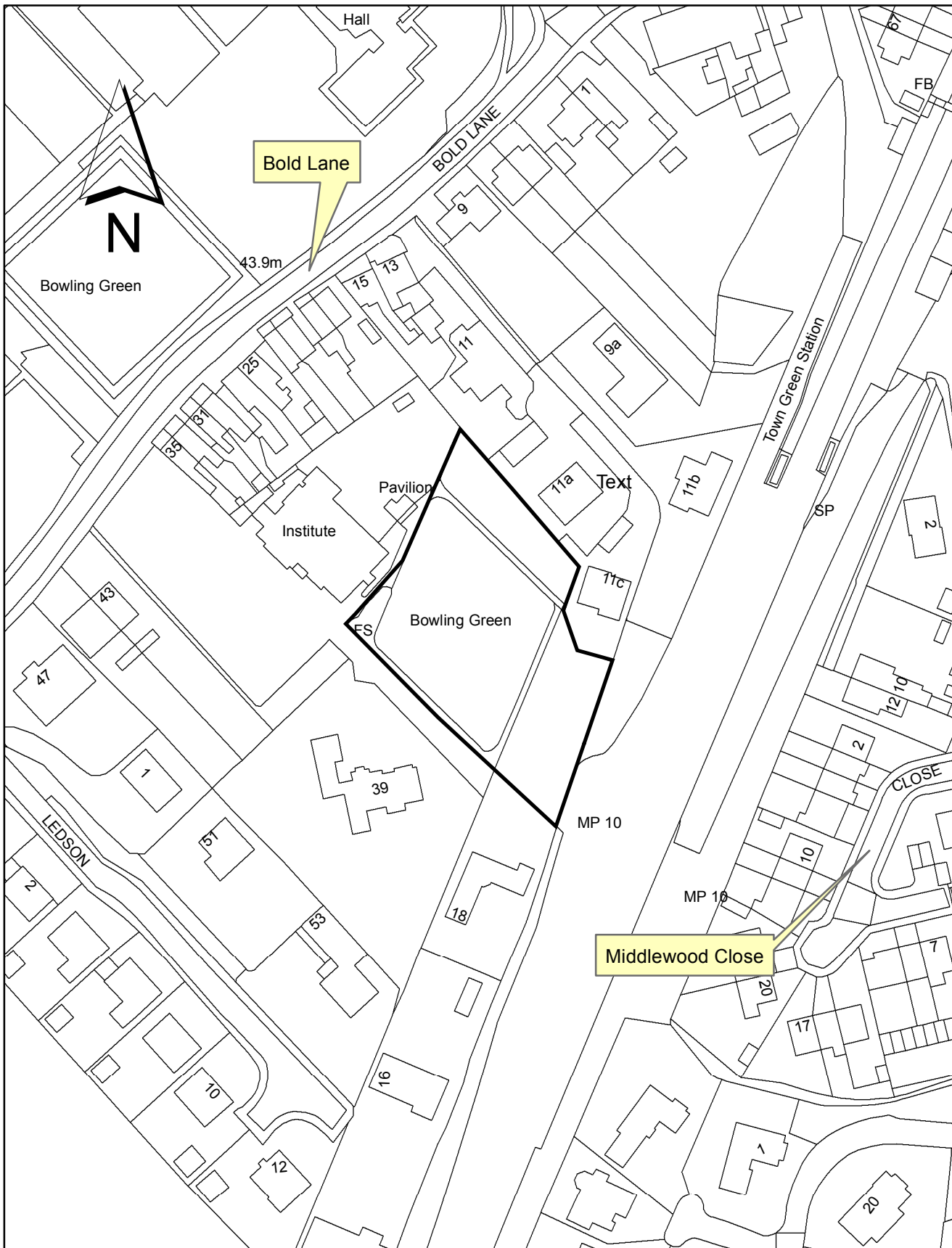


Land to the south of Ashurst Road, Ashurst, Skelmersdale
WN8 6TT





Aughton Institute, Bold Lane, Aughton L39 6SG





Charlton, Quarry Drive, Aughton L39 5BG

