



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

Wednesday, 10 May 2017

TO: ALL MEMBERS OF THE PLANNING COMMITTEE

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET, ORMSKIRK L39 2DF** on **THURSDAY, 18 MAY 2017** at **7.30 PM** at which your attendance is requested.

Yours faithfully

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

Kim Webber
Chief Executive

AGENDA
(Open to the Public)

- 1. APOLOGIES**
- 2. MEMBERSHIP OF THE COMMITTEE**

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

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

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

urgency.

4. DECLARATIONS OF INTEREST 1 - 2

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 3 - 6

To receive as a correct record the minutes of the meeting held on the 13 April 2017.

7. PLANNING APPLICATIONS 7 - 152

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

8. DESIGNATION REGIME FOR LOCAL PLANNING AUTHORITIES 153 - 158

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

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

Interest

Employment, office, trade, profession or vocation

Sponsorship

Prescribed description

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

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

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

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

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

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

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

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

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

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

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

'a connected person' means

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

'body exercising functions of a public nature' means

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

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

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

Agenda Item 6

PLANNING COMMITTEE

HELD: Thursday, 13 April 2017

Start: 7.30 P.M.

Finish: 9.50 P.M.

PRESENT:

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

Councillors: I. Ashcroft
Mrs P Baybutt
T. Devine
D. Evans
J. Gordon
M. Mills
D. O'Toole
R. Pendleton
A. Pritchard
Mrs. M. Westley
D. 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)
Principal Planning Officer (Miss. T. Maguire)
Member Services/Civic Support Officer (Mrs. J.A. Ryan)

In attendance: Councillor Cotterill (Bickerstaffe Ward)
Councillor Delaney (Scott Ward)

75 APOLOGIES

There were no apologies for absence received.

76 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillors C. Marshall and Pope and the appointment of Councillors Westley and Gordon for this meeting only, thereby giving effect to the wishes of the Political Groups.

77 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no urgent items of business.

78 DECLARATIONS OF INTEREST

The Director of Development and Regeneration, Mr. J. Harrison declared an interest in respect of planning application 2016/1317/WL3 as the application was for land under the ownership of the Council which was being dealt within his Directorate and would therefore leave the Chamber during consideration of this item.

79 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

80 **MINUTES**

RESOLVED: That the minutes of the meeting held on the 9 March 2017 be approved as a correct record and signed by the Chairman.

81 **PLANNING APPLICATIONS**

The Director of Development and Regeneration, submitted a report on planning applications (all prefixed 2016 unless otherwise stated) as contained on pages 1334 to 1469 of the Book of Reports and on pages 1493 to 1496 giving details of late information and on page 1499 giving details of additional late information.

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

1317/WL3; 2017/0038/FUL;

B. That in respect of planning application 2015/0904/FUL relating to Burscough AFC, Victoria Park, Mart Lane, Burscough:-

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

Submission of an annual car parking strategy;
The use of the wintering bird migration land in perpetuity

(ii) That pursuant to recommendation (i) above having been satisfied, the application is referred to the Secretary of State for determination.

(iii) That subject to the application not being "called in" by the Secretary of State pursuant to (i) above, any planning permission granted by the Director of Development and Regeneration be subject to the conditions as set down on pages 1396 to 1401 of the Book of Reports but with Conditions 2 and 3 being amended as set out on page 1494 of the Late Information Report.

C. That planning application 1318/FUL relating to Land North of Junction with Liverpool Road South, Pippin Street, Burscough be approved subject to the conditions in the report but with the amendment of Conditions 4, 5, 6 and 9 as set out on page 1495 of the Late Information Report.

- C. That planning application 0078/FUL relating to 32 Ainscough Drive, Burscough be refused for the following reason:-

The proposed development conflicts with NPPF, Policy GN3 and EN2 of the West Lancashire Local Plan in that the loss of the frontage landscaping would have a detrimental impact on the character and appearance of the application property and the surrounding area. Furthermore, it would set a precedent that if repeated elsewhere would give rise to a significant adverse impact on the overall character and appearance of the estate associated with the nearby listed mill building.

- D. That planning application 1027/FUL relating to Land Rear of 153 to 167A Blaguegate Lane, Firwood Road, Lathom be deferred for one cycle to allow Officers to make sure all relevant correspondence is available to the public on the Council's Website.

- E. That planning application 0866/FUL relating to Houseboat Green Matters, Chapel Lane, Parbold be refused for the following reason:-

Due to its siting and prominent location on the canal bank, the proposed stable block would be harmful to both the openness and visual amenity of this part of the green belt, contrary to the NPPF and policies GN1 and GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

- F. That planning application 0479/FUL relating to Land Rear of 14A New Cut Lane, Halsall be deferred to seek clarification as to drainage issues.

- G. That planning application 1173/FUL relating to 14A New Cut Lane, Halsall be deferred to seek clarification as to drainage issues.

- H. That planning application 0077/FUL relating to 32 Ainscough Drive, Burscough be granted.

(Notes:

1. The Director of Development and Regeneration had declared an interest in respect of planning application 1317/WL3 relating to Land to the West of 15 Laburnum Drive, Skelmersdale and therefore left the Chamber during consideration of this item).
2. In accordance with the procedure for public speaking on planning applications on this Committee, members of the public spoke in connection with planning applications 0479/FUL, 2015/0904/FUL
3. Parish Clerk D. Bond from Halsall Parish Council spoke in connection with Planning Applications 0479/FUL.

4. Councillor Delaney left the meeting at the conclusion of planning application 2015/0904/FUL relating to Burscough AFC, Victoria Park, Mart Lane, Burscough and was not present for the remainder of the meeting.
5. Councillor Cotterill left the meeting at the conclusion of planning application 1027/FUL Land Rear of 153 to 167QA Blaguegate Lane, Firswood Road, Lathom and was not present for the remainder of the meeting.)

82 **PUBLIC SPEAKING AT PLANNING COMMITTEE**

Consideration was given to the report of the Borough Solicitor as contained on pages 1483 to 1492 of the Book of Reports the purpose of which was to note the success of the current Planning Committee Public Speaking Procedure and to recommend its continuation subject to minor amendments.

- RESOLVED:
- A. That the success of the current Planning Committee Public Speaking Procedure be noted.
 - B. That the Public Involvement in Meetings Working Group be informed that Planning Members wish to continue with the current Public Speaking Procedure, subject to the minor amendments indicated at Appendix 1 of the Report.

- CHAIRMAN -



PLANNING COMMITTEE
18 MAY 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	Bickerstaffe	2016/1027/FUL	<p>Land Rear Of 153 To 167A Blaguegate Lane Firswood Road Lathom Lancashire WN8 8ED</p> <p>Erection of 94 residential dwellings, associated access, landscaping, public open space, swale, pumping station, sub-station and associated works.</p>	<p>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.</p> <p>Pages 5 - 39</p>
2	Burscough East	2017/0194/FUL	<p>Sunnyside 14 Alexander Close Burscough Ormskirk Lancashire L40 5SR</p> <p>Erection of two detached bungalows with new/altered vehicle and pedestrian access from the public highway.</p>	<p>Planning permission be granted.</p> <p>Pages 40 - 47</p>

3	Halsall	2016/0479/FUL	<p>Land Rear Of 14A New Cut Lane Halsall Southport Lancashire PR8 3DN</p> <p>Erection of two dwellings both with private rear gardens, in-curtilage car parking and served by a new access road.</p>	<p>Planning permission be granted.</p> <p>Pages 48 - 62</p>
4	Halsall	2016/1173/FUL	<p>14A New Cut Lane Halsall Southport Lancashire PR8 3DN</p> <p>Erection of one dwelling with private rear garden, in-curtilage car parking and served by a new access road.</p>	<p>Planning permission be granted.</p> <p>Pages 63 - 76</p>
5	North Meols	2016/0706/ARM	<p>Site Of Former Greaves Hall Hospital Greaves Hall Avenue Banks Lancashire</p> <p>Approval of Reserved Matters for 131 dwellings and 2805 sqm of light industrial units with associated road and infrastructure and parking including details of appearance, landscaping, layout and scale, together with an application to discharge Condition No's 16, 17, and 18 of planning permission 2013/0104/OUT.</p>	<p>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.</p> <p>Pages 77 - 111</p>

6	North Meols	2017/0057/FUL	<p>Wilmar Marsh Road Banks Southport Lancashire PR9 8DY</p> <p>Demolition of existing joinery workshop and retail buildings and construction of two dormer bungalows, with associated hardstanding and boundary fences.</p>	<p>Planning permission be refused.</p> <p>Pages 112 - 122</p>
7	Parbold	2016/1185/FUL	<p>Railway Hotel 1 Station Road Parbold Wigan Lancashire WN8 7NU</p> <p>Proposed 2 No. 4 bed detached dwellings including associated external works on existing car park to the railway hotel (public house), and alterations to vehicle/pedestrian access.</p>	<p>Planning permission be granted.</p> <p>Pages 123 - 139</p>
8	Scott	2017/0099/FUL	<p>35 Alexandra Mews Ormskirk Lancashire L39 1RH</p> <p>Retention of flat as 3 bed student HMO.</p>	<p>Planning permission be refused.</p> <p>Pages 140 - 145</p>

No.1 APPLICATION NO.	2016/1027/FUL
LOCATION	Land Rear Of 153 To 167A Blaguegate Lane Firwood Road Lathom Lancashire WN8 8ED
PROPOSAL	Erection of 94 residential dwellings, associated access, landscaping, public open space, swale, pumping station, sub-station and associated works.
APPLICANT	Bellway Homes Ltd (NW Division) R, D & P Halliwell
WARD	Bickerstaffe
PARISH	Lathom South
TARGET DATE	6th January 2017

1.0 DEFERRAL

- 1.1 This application was deferred at April's Planning Committee in order for officers to ensure the availability of comments from Lancashire County Council Highways Development Control dated 22nd December 2016 on the Council's website. Whilst the comments did appear on the website they were not clearly referenced and were not easy to find. For clarification purposes the comments have been republished and are summarised below.

2.0 PREVIOUS RELEVANT DECISIONS

- 2.1 None.

3.0 OBSERVATIONS OF CONSULTEES

- 3.1 **Highway Department** (22.12.16) – An LCC Accessibility Questionnaire was completed which gave a score of 21 (medium), therefore measures need to be in place to enhance linkages to shops and services. The proposed pedestrian/cycle access (between plots 39 and 40) is supported, and will provide access to adjacent land which is currently undeveloped thereby assisting accessibility should the land be developed in the future. 3m wide cycle links form the development over the proposed swale to allow for future access to the northern part of the overall site and linear park are recommended. The footway fronting the site north of the access should be increased to 3m and provide a link from Firwood Road to the Linear Park.

Sightlines from the proposed access of 2.4m x 53m are to be provided in a northerly direction and 2.4m x 58m in a southerly direction from the centre of the new site access onto Firwood Road; with the entire sight lines to be fully over land within the applicant controls. Sightline details are required. Pedestrian

crossing points are required at the new access, the crossing points to be on the pedestrian desire line.

Details of adequate forward visibility based on vehicle speed for vehicles travelling south over the railway bridge should be provided. LCC five year data base for injury related vehicular accidents was checked on 15.11.16. There have been no reported incidents on Firswood Road or at the junctions of Firswood Road/Blaguegate Lane to the south of the site and Firswood Road / Spa Lane to the north.

The Transport Assessment submitted with the application has demonstrated that the proposed development would not have a severe impact on the highway capacity within the immediate vicinity of the site. To support sustainable transport and improve social inclusion, improvements should be made to existing bus stop facilities via a Section 278 agreement.

The internal spine road is to be designed as a 20mph road with better use of horizontal deflection, rather than vertical deflection. Traffic calming ramp/humps should be changed to provide a Junction Table with bollards. Additional traffic calming in the form of junction tables should be provided at roads 1-2, 1-3 and 1-5. Individual parking provision should comply with the Local Plan and cycle storage should be available for all properties.

Under part M of the Approved Documents a level access is required into new properties and generally a mobility ramp is associated with the level access; this should not encroach into manoeuvring areas for parking bays, the existing adopted highway or the new adoptable highway.

The integral garages on 'The Peony' properties as shown on the submitted drawings do not meet the minimum dimensions to be acceptable as parking spaces. The highway should be adopted and constructed to an adoptable standard. The highway as shown does not meet this standard and the following changes will be required:

Change the ramp/hump detail to a junction table with bollards;
The internal layout to be a self-policing 20mph speed limit with additional traffic calming features;
Foul drainage to be shown on section 38 layout plan;
Street lighting to be shown with red circles on the section 38 layout plan;
Grass service verges to be shown with red diagonal hatch over the pink on the section 38 layout plan.

Amended plans received and re-consultation carried out.

- 3.2 **Highway Department** (02.03.17) – No objections in principle. Conditions recommended. The 3m wide pedestrian/cycle access (between plots 41 and 42)

is supported. From observations on site and the information provided on the site location plan the sight line requirement from the proposed access and forward visibility for southbound vehicles over the bridge is fully achievable over the applicant's land and the existing adopted highway.

The applicant should contact the railway company with regards to any works to be carried out close to the railway bridge and its abutments. The new site access and associated off-site works will need to be constructed under a section 278 agreement. As the development off the new road is for more than 5 properties the highway should be adopted and constructed to an adoptable standard. Adequate parking has been provided on the site.

If approval is to be granted conditions in respect of visibility splays, wheel washing and traffic management during construction, section 278 agreement and future highway management and maintenance should be attached to any approval given

- 3.3 **Lancashire Constabulary** (13.09.16) – Various security recommendations made in order to reduce the opportunity for crime and disorder such as burglary and vehicle crime.
- 3.4 **Lancashire Fire and Rescue Service** (10.10.16) – The scheme should meet the requirements of Building Regulations Approved Document B, Part B5 'Access and Facilities for the Fire Service'. If it cannot be fully complied with then, in certain circumstances, the installation of a residential sprinkler system may be used as a compensatory feature, but professional advice should be sought in such cases.
- 3.5 **Health and Safety Executive** (20.10.16) – The development site does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline.
- 3.6 **The Coal Authority** (24.10.16) – The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority concurs with the conclusions of the Site Investigation Report; that coal mining legacy potentially poses a risk to the proposed development. It is recommended that the LPA impose a planning condition requiring the undertaking of further investigation works to establish the exact situation regarding coal mining legacy issues on the site followed by any necessary remedial works to treat any areas of shallow mine workings prior to the commencement of development, or alternatively, the undertaking of a precautionary drilling and grouting stabilisation exercise across the site prior to the commencement of development.

- 3.7 **Lancashire Archaeological Advisory Service (LAAS)** (28.10.16) – The Archaeological Desk Based Assessment (DBA) and Written Scheme of Investigation (WSI) accompanying the application indicate that the site has a moderate potential for buried Romano-British archaeological deposits and provide a suggested mitigation strategy. LAAS would therefore recommend that a programme of archaeological investigation is undertaken as suggested in the DBA.
- 3.8 **United Utilities** (31.10.16) – No objection provided that conditions are attached to any approval granted to ensure that foul and surface water are drained on separate systems and that a surface water drainage scheme based on the hierarchy of drainage options in the NPPG is submitted to and approved in writing by the LPA.
- 3.9 **Merseyside Environmental Advisory Service (MEAS)** (15.11.16) – A detailed Habitats Regulations Assessment is not required because the site and adjacent area is not characteristic of the large, open and flat fields of the Lancashire Plain. The proposed development would be located within an area which is already enclosed by established tree lines and hedgerows, roads and adjacent development. It is therefore considered unlikely that the application site is functionally linked land and that, due to the presence of visual barriers, the proposed development would lead to the displacement of foraging passage and wintering birds from areas adjacent to the site.

The site is not considered to provide support opportunities for protected species, including bats and great crested newts. Vegetation on site may provide nesting opportunities for breeding birds, which are protected and Local Plan Policy EN2 applies. No tree felling, scrub clearance, hedgerow removal, vegetation management, and/or ground clearance is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub and hedgerows are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected would be required. This can be secured by a suitably worded planning condition.

A stand of native bluebell was recorded close to the southern boundary of the site. This should be retained on the site as recommended by the ecological consultant.

Himalayan balsam is present within the site boundary. A Method Statement and Validation Report are required to provide details of how this will/has been dealt with. This can be secured by a suitably worded planning condition.

The landscape Planting Plans are acceptable from an ecological perspective.

Lancashire Archaeological Advisory Service has provided comments on the proposals and advised that a programme of archaeological investigation takes place including geophysical survey and trial trenching. The applicant must ensure that an integrated approach is taken when preparing to undertake the archaeological investigations so as to prevent any disturbance to the stands of Himalayan balsam and bluebell and to retained hedgerow habitat.

The Ecological Appraisal makes recommendations for ecological enhancements, including the installation of bird nesting boxes and bat roosting boxes on the site. The applicant should follow this recommendation.

- 3.10 **MEAS (02.12.16)** – Further comments made following receipt of additional information from local residents.

No evidence of badgers or their setts was observed during the Ecological Appraisal undertaken in support of the application. However, following receipt of further information from neighbours it is likely that there is an outlier badger sett in the area and that badgers may forage on the site and adjacent areas on an occasional basis. No badger setts will be affected by the proposals, however the development does present the risk of harm to individual badgers during construction works.

Reasonable avoidance measures (RAMs) should be followed during construction to ensure that the site is kept attractive to badgers during the works and to minimise potential harm the badgers which may be present in the vicinity. This can be secured by a suitably worded planning condition.

Barn owls are known to be present in the Lathom area. However, given that the application site does not provide any suitable opportunities for nesting and roosting barn owls and only provides sub-optimal barn owl foraging habitat, barn owls do not need to be considered further in relation to this application. The application site in itself is unlikely to be of significant value for farmland birds and will continue to provide opportunities for garden birds post-development.

The additional information received refers to dormice. However, the mice shown on the photographs provided belong to another mouse species. There are no known dormouse populations in the County and I advise that dormice do not require any further consideration.

- 3.11 **Lancashire County Council School Planning Team (13.10.16)** – An education contribution is not required at this stage in regards to this development.

- 3.12 **Environmental Protection (Contamination) (10.11.16)** – No objections/comments in relation to any possible contamination issues regarding the site.

- 3.13 **Environmental Protection (21.12.16)** – No objection in principle. I am satisfied with the conclusions given in the Noise Survey that has been submitted with the application. Conditions in respect of acoustic glazing recommended. All of the houses should be fitted with electric vehicle recharging points.
- 3.14 **Environmental Protection (06.01.17)** – Consultation on amendments made to the Noise Survey. The survey now covers all of the recommendations made in the earlier consultation response.
- 3.15 **Lead Local Flood Authority (LLFA) (18.01.17)** – No objection subject to the inclusion of conditions relating to surface water drainage.

4.0 OTHER REPRESENTATIONS

- 4.1 A number of letters of objection have been received from local residents. The grounds of objection can be summarised as:

It was stated in the Local Plan 2014 that the main access to the Firswood Road development site should be taken off Neverstitch Road, and minor access points may be located on Firswood Road;

In correspondence from WLBC it states that access onto Firswood Road would by necessity be limited to only a small portion of the site, and to access for emergency vehicles. As the whole site would support 400 units and this application is for 94, this is in fact almost 25% of the whole site;

The road width does not meet modern standards;

There is only a footway along half the east side of Firswood Road, other than in front of two sets of two dwellings there is no footway on the west side of Firswood Road. There is therefore danger to non-vehicular road users;

No Construction Traffic Plan has been submitted with the application. A 7.5T weight limit should be imposed to the whole of Firswood Road, which, with the constraints of the width of the road make it unsuitable for construction traffic to access the site from it;

The layout will discourage use of local services as opportunities for walking will be reduced. The figures given in the Travel Plan (Section G – Accessibility Questionnaire) should be disputed;

An access for 94 family homes at the foot of a blind bridge on Firswood Road would be very dangerous, as would the junctions onto Blaguegate Lane and Spa Lane;

It is not possible to park on the road and for a car to pass without going completely into the oncoming lane;

There are currently 44 homes along the whole of the road so this would be a threefold increase. Firswood Road could not cope with this amount of traffic;

The internal cul-de-sacs all culminate with hammer heads; consideration should be given to making them larger amorphous heads that could accommodate a refuse vehicles or large vehicle turning around in the head instead of reversing; a notorious cause of pedestrian accidents;

The footways are too narrow to be used by a pram;
The narrowness of the road is compounded by residents parking their vehicles on the road due to them having no drive;
As a semi-rural location some of the day to day traffic is made up of large farm vehicles;
The creation of an access onto Blaguegate Lane would be more appropriate. A property next door to the garage has just come up for sale; this could be purchased in order to provide another access into the estate;
The development would create noise and light pollution and be harmful to wildlife known to inhabit the area (bats and owls);
Trees on the submitted plans are plotted incorrectly;
The Ecological Assessment does not acknowledge birds that are seen on the site every year;
Foxes, hedgehogs, dormice and badgers are observed in neighbouring gardens, along with bees, common toads and frogs – none of which are acknowledged as being likely;
The newly revised Arboricultural Assessment recommends the pruning back of the east-facing part of the canopy of T10 by 20%, however, the earlier version of the report stated that no work was required and this was at a time when these trees were shown closer to new houses by 2.4m;
T8, T9 and T10 have canopies that are distributed evenly around their trunks, so pruning back of the branches in one area would unbalance the appearance of the whole tree;
If the developer has concerns about the properties that they have planned they should be prepared to make minor modification to their plans, rather than carrying out unnecessary work on trees;
The Council has applied a Tree Preservation Order to boundary trees which should mean that they will be protected from the developer's proposals;
The area is prone to flooding and services (gas, electricity, broadband etc.) are poor;
All of Firswood Road is on a septic tank system, which will all have a soakaway system that is likely to be directed into this site;
The drainage system proposed involves using a pumping system for the whole site to be connected to the Blaguegate Lane, which would be run by electricity. There are electricity power cuts every winter which would affect drainage/flooding;
There would be increased pollution from the increase in cars;
There would be disruption to the residents of Firswood Road;
Existing residents that border the site would be overlooked;
Daylight afforded to no. 32 Firswood Road would be affected;
The proposed open space would cause disturbance;
The frontage of the site would benefit from the building of single storey bungalow properties, which would be in keeping with the area;
Burglaries are already a problem and the development would just add to the unsightly ill planned sprawl of Skelmersdale; at the moment the road acts as a valuable buffer land;

Vehicular access together with refuse collection should be maintained throughout the development;

There should be no damage caused to trees or hedges which are currently on the boundary and would overhang neighbouring gardens;

The layout of the site and the provisions for maintenance should avoid creating potential sources of neighbour conflict;

The Noise Survey only refers to the impact on the new houses and not the impact on existing residents;

If the site was part of a larger development the access would not be from Firswood Road and so noise levels would not be an issue;

Development of the whole site covering to Slate Lane would have gone a long way to meeting housing targets set by National Government and also included a long time ambition of WLBC to provide a linear park along the track bed of the old Skelmersdale Branch railway line. Piecemeal development such as this is not conducive to these aims;

The application falls short of the 30% affordable housing requirement;

There is little or no integration with the wider site as envisaged by WLBC;

The development should be facing towards Skelmersdale which is the nearest key point for schools and shops;

The development is not in keeping with this quiet, rural area and Green Belt designation of the site across the road;

The development would be detrimental to the openness of the Green Belt;

There would be disruption to historic boundary lines because over the passage of time hedges may have encroached over onto land owned by the developer;

The site is not sustainable, especially as there would be a reliance on the car due to the lack of footpaths across the site;

The site is currently agricultural land, the Council should be supporting farming rather than the development of Greenfield sites for financial gain;

As the site is a former colliery area land in the immediate vicinity could suffer from land movement similar to sinkholes.

4.2 Response to the second round of consultations following amendments to the proposed layout.

A mix of house types (including affordable housing) and green space amenity land was proposed for the original larger (approx. 40 acre) site. The plan for this parcel of land does not incorporate either of these, and therefore changes the dynamics for the remainder of the land;

The owners of the site were part of the consortium of owners for the larger development area but withdrew. Bellway have not approached other landowners about including their sites in a wider development;

At the last consortium meeting it was intimated that the whole of the original site was likely to be available for development by summer 2017. This would remove the need for access onto Firswood Road and the development would be in agreement with the public consultation, and the larger development plan;

The houses to the rear of no.32 have been redesigned but the house nearest to the left of the bungalow at no.32 at the rear would overlook the garden and living area, also the house at the side would affect light into the sunroom and garden; Bellway have advised that land would be available to no.32 to maintain the Beech hedge, this is only by word of mouth;
The access point on Firswood could not cope with the increased traffic;
There will be noise and dust;
Loss of value to existing properties.

- 4.3 **South Lathom Residents' Association (31.10.16)** – Concern is very strongly focused on the impact of this development on the whole of Firswood Road in respect of road safety, residential amenity and its rural character. The provision for future development of land belonging to three properties on Blaguegate Lane, which would also add to traffic movements from the site. This could contribute another 30 houses, generating 20 peak hour vehicle movements, which should be taken into account, since this future development is what the Development Brief envisages. These movements could only be made to and from Firswood Road under the Bellway plans.

There are errors in the Transport Assessment in terms of the carriageway width at various points on the road and speed limits. It does not make reference to the steep incline to the crest of the old railway bridge or of road conditions north of the bridge where the road narrows more in places and the pavement disappears completely. There are also errors in respect of pedestrian footway widths, in particular the footway to the frontage of the site.

Pedestrian and cycle access to the site is weak, and the increased use of Firswood Road by vehicles would reduce its current recreational function, i.e. use for cycling, horse riding, jogging and walking, including dog walking. The layout enforces long and precarious routes to local facilities and thereby encourages people to use their cars. The single pavement on Firswood Road is unsuitable for a parent walking young children to school.

The proposed development would do nothing towards creating a linear park; in fact, it would hinder access.

There have been no plans for service infrastructure with the exception of drainage. So far all indications have been that such infrastructure would be provided entirely from Firswood Road which is a concern.

Trip generation for the proposed development has been based on the approved vehicle trip rates that were applied to the Haydock Grange residential development in Preston in order to maintain a consistent approach for residential development proposals in this area of Lancashire. We do not believe that the assumptions made for the Haydock Grange development are applicable for Firswood Road because the two developments are substantially different.

Moreover, no evidence has been produced of actual trip generation rates being experienced at Haydock Grange compared with forecasts.

There are errors in the accessibility questionnaire which if corrected reduce the overall accessibility score; we believe from medium to low.

The Traffic Impact Analysis assumes that all traffic will travel to and from the south via the A577 Blaguegate Lane/Firwood Road junction. This diverts attention from the northerly route to Spa Lane, which is a problem junction because of restricted visibility and fast moving traffic along Spa Lane.

The CIL figure given in the Planning Statement differs to that quoted in the leaflet distributed to residents.

Pre-application consultation has been virtually non-existent for both South Lathom Residents' Association and Lathom South Parish Council. There has not been any consultation in the true sense of the word, since the plans were more or less fixed by the time of consultation.

Access to empty the septic tank at no.32 Firwood Road would be cut off. Also, surrounding properties would restrict the light levels from the north and east into the rear living area. The layout should be reconsidered to provide small bungalows around this property and give access to the septic tank.

No effort has been made to link the site to the rest of the development and no provision has been made for a more direct link to Railway Roundabout/Neverstitch Road. There are also properties planned which would not benefit significantly from sunlight and the energy savings that sunlight offers. All properties should have storage areas for bins to the rear.

Disagree with the statement that the site lies within a predominantly residential area; it is a rural setting, and that the assertion that the site is close to schools and Skelmersdale Town Centre. Bus services are also much less frequent at weekends and evenings than stated in the Design and Access Statement.

Given that only 10% affordable housing is proposed on this part of the site, with no provision for housing for the elderly it seems that the proposed land price; proposed profit margins and proposed selling prices may be wrong.

The design of the housing does not reflect the style of housing in the area.

There is a good mix of housing and people of differing ages living in the area. The introduction of so many people in the 35 to 50 age range (the group likely to be attracted to the proposed development) could destroy the current balance. People in this age range tend to be car commuters which would be most detrimental to the traffic situation along Firwood Road.

Claims made regarding economic benefits from the development are open to debate. No allowances seem to be made for economic losses resulting from the development, or to leakage outside the local economy. The permanent loss of agricultural employment and output from high grade soils should not be overlooked.

There would be an economic impact from the proposed foul water pumping station which will unnecessarily increase annual household costs for residents through higher site maintenance charges and will impact negatively on the annual levels of disposable income.

The Ecological Assessment has been based upon two short daytime field visits in the Springtime when the field will have been prepared recently for planting. Any search for faeces will have been frustrated by farming operations and no proper assessment of nocturnal wildlife will have been possible, ruling out bats, badgers and barn owls – all of which are protected species.

4.4 **South Lathom Residents' Association (07.12.16)** - More than 50% of the houses would be fronted by service strips which would become a highly contentious issue. Grassed service strips are not hard surfaces and easily damaged in wet conditions, thus the footways can become unusable, leading to issues of pedestrian safety. The surface should be sufficiently resilient to cater for pedestrian traffic in all types of weather conditions and maintenance responsibility should not be passed to individual homeowners for what is legally part of the highway. 4no. case studies of problems in respect of service strips were submitted with this representation.

4.5 **South Lathom Residents' Association (04.01.17)** - The following comments from the Environmental Report are vague in their scope and require clarification:

“Noise

The applicant has employed REC Ltd to carry out a noise assessment of the site. The only issue identified was relating to max peak noise levels at night from road vehicles on Firswood Road. The conclusion was that this can be overcome by standard double glazing units (6mm glass/12mm air space/6mm glass) and an alternative ventilation system that would mean that windows do not need to be opened to get sufficient ventilation. I am satisfied with this survey and its conclusions and therefore so long as the specified windows and ventilation systems are installed I would have no further comment to make with regard to road vehicle noise.”

To which properties is it recommended that these measures should be applied?

4.6 **South Lathom Residents' Association (13.03.17)** – We welcome the layout changes which tidy the proposed development behind no.32 Firswood Road and

other minor changes which make no material difference. However, we refer to our previous comments (about the overall plans), which are largely unaffected by these changes.

We note that the letter of advice from the Highway Authority has been received and are disappointed that further comments were sought from residents within a two week-deadline starting several days before this advice was published. The advice letter makes no comment either about forecast traffic flows on Firswood Road or about internal site safety measures. We are astounded that the highway authority regards a link to nowhere for new residents, over what could be several years of occupation, as satisfying the requirement to provide direct links for pedestrians and cyclists to Neverstich Road or Blaguegate Lane.

The letter from Highways refers to previous advice having been given but as that correspondence has not been published we have been given no way of commenting about it. It is not satisfactory for residents and their representatives to be locked out of such information and for the Highway Authority to fail to address the concerns that they have raised.

In reference to the revised plans, we remain critical of the lack of safety measures generally around road 5, where there are two sharp bends close to the public open space and we suggest that a one-way traffic system be introduced, with the entrance at the eastern side and the exit at the western side. We repeat that proper pavements are required all along both sides of the road for the convenience and safety of pedestrians. NPPF paragraph 35 requires that developments give priority to pedestrian and cycle movements but there has been no sign of this in the plans for the Firswood Road site.

New plans have been submitted for the drainage layout but there are no pipe runs and connections from individual properties shown and the drainage from septic tanks which service existing properties along Firswood Road has been omitted and seems unresolved.

4.7 Lathom South Parish Council (01.11.16)

The Parish Council do not endorse the company's claims about pre-application discussion because the planning application was submitted prior to the developers attendance at a Parish Council meeting;

The access from Firswood Road is a concern;

The construction phase will cause problems for the residents of Firswood Road;

The line of the linear park has not been facilitated by the plans for this development;

The proposal takes no account of the wider site and is separate in every way from that site;

The plans should take account of the real effects on Firswood Road and its residents and also to provide a better access for future residents of the site;

The development would lead to more traffic and the approach to the old railway bridge is particularly problematic;

The Transport Assessment assumes that all vehicles will turn left from the development into Firswood Road. The development will thus have an impact on Firswood Road to the north of the old railway bridge, as well as to the south, increasing risks to pedestrians, dogs, cyclists and horse riders who currently regard it as a pleasant country lane;

Firswood Road has a limit of 7.5 tonnes. The applicants seem to be relying on the proposed new access, not only for site vehicles but for deliveries of materials on Heavy Goods Vehicles to the site and for removal of waste from site;

The houses are standard house types that can be seen in any town;

The area suffers from power cuts which could affect the functioning of the pumping station;

Assurances should be given so that the Management Company for the open space and pumping station are committed in perpetuity, and they should be a not-for-profit organisation;

The Parish Council expect that plans will change to ensure that the development accords with the Development Brief.

- 4.8 **Lathom South Parish Council (17.02.17)** – None of the amendments address the main concerns of amount of traffic on Firswood Road and drainage issues raised.

5.0 **SUPPORTING INFORMATION**

Planning Statement Sept 2016

Planning Obligations Statement Sept 2016

Transport Assessment October 2016

Noise Impact Assessment Jan 2017

Written Scheme of Investigation Sept 2016

Design and Access Statement Sept 2016

Ecological Appraisal Sept 2016

Flood Risk Assessment 2016

Economic Benefits Statement September 2016

Arboricultural Impact Assessment April 2016 (Rev C – 14.11.16)

Archaeological Desk Based Assessment December 2015

Air Quality Scoping Assessment September 2016

Site Investigation Report October 2015

Landscape Management Plan September 2016

6.0 **RELEVANT PLANNING POLICIES**

- 6.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD (WLLP) provide the policy framework against which the development proposals will be assessed. The site is also subject of a Development Brief Supplementary Planning Document (August 2014) which aims

to guide developers and their applicants in their proposals and planning applications for development on the site. The following policies are relevant:

NPPF

Promoting sustainable transport
Delivering a wide choice of 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 (WLLP)

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

Development Brief – Firwood Road (August 2014)
Supplementary Planning Document (SPD) – Design Guide (Jan 2008)
Supplementary Planning Document (SPD) – Provision of Open Space in New Residential Developments (July 2014)

7.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

The Site

- 7.1 The site forms part of the main Firwood Road site which has been allocated for housing development. The Firwood Road site comprises a total of approximately 22ha of formerly safeguarded land which has been released through the Local Plan for residential development. The full site is bordered by residential development to the east, south and south west corner; employment to the north and open agricultural Green Belt to the west. The existing access to the land is from Neverstich Road and Firwood Road via Old Engine Lane.

- 7.2 This part of the wider site is roughly 'L' shaped and extends to approximately 4.45 hectares. It is bound to the north west by Firswood Road with houses and open fields beyond; to the north by a stone bridge carrying Firswood Road over a dismantled railway (in a cutting) and a house (Firtree) with houses and Firtree Nurseries beyond; to the south east by houses with Blaguegate Lane beyond and to the west by open ground and houses with Firswood Road beyond. The main view into the site is from the Firswood Road boundary. The southern boundary is defined by existing residential development along Blaguegate Lane that backs onto the site but is largely screened by existing mature landscaping.
- 7.3 The site slopes gradually down from the south west corner to the northern and eastern corner. Where the site is at a lower level at the northern boundary there is a slope down to the former railway line cutting. The cutting is now vegetated and there is a watercourse culvert in the cutting which passes the site and just prior to the road bridge opens out to an open channel stream. There are numerous trees and lengths of hedgerows surrounding the site. Visually the site is generally enclosed by existing vegetation or development with the main view into the site being from Firswood Road.

The Proposal

- 7.4 This application seeks planning permission for the erection of 94no. dwellings. The majority of the dwellings would face the main access road which would run through the site, with smaller cul de sacs branching off it. All of the dwellings would have private driveways and garden areas. The estate would be mainly made up of two storey detached dwellings (84) with 10no. two storey semi-detached dwellings. There would be a single access point from Firswood Road at the north west corner of the site. There would be an area of public open space (0.49ha) to the south of the site which would include a trim trail. A swale would be located to the north-east of the site adjacent to the dismantled railway. A pump station would be sited to the north east corner of the site adjacent to the swale.

Principle of Development

- 7.5 The NPPF supports growth of areas to supply new homes in sustainable locations. Policy SP1 of the Local Plan re-iterates this approach and it is considered that the proposed residential development of this site complies with Policy RS1 in the Local Plan as it is an allocated housing site. This policy supports a development which provides up to 400 units on the whole Firswood Road site. The Development Brief for the site sets out a vision and key principles for its development; these include to develop the land in such a way as to complement the existing residential areas and to diversify the choice and range of housing to meet local needs, whilst helping to create a linear park to provide multifunctional recreation spaces. The principle of a residential development in this location is acceptable and is supported by the Development Brief;

compliance with relevant planning policies and how the development takes into account the vision and principles of the Development Brief are discussed below.

Affordable Housing and Provision of Accommodation for the Elderly

- 7.6 The requirement for affordable homes and elderly provision originates from policies RS1 and RS2 of the Local Plan. The Development Brief requires 30% of the units within developments on the Firswood Road site to be affordable and 20% to be suitable for elderly residents.
- 7.7 The proposed development initially included the provision of 10% affordable homes. It was intended that this would include 6no. social rented houses and 4no. shared ownership houses, all of which would be semi-detached dwellings interspersed throughout the site.
- 7.8 Obviously the 10% proposed falls short of policy requirement and is therefore in conflict with Local Plan Policy RS2. A detailed Viability Assessment was submitted to accompany the application. On this basis the Council instructed an independent assessment of the applicant's viability statement by Keppie Massie.
- 7.9 Keppie Massie found that the methodology that had been adopted for assessing viability was reasonable, and in relation to the appraisal variables themselves (for example, development costs and abnormal site development costs) most were reasonable for the purpose of the assessment. However, they considered the land value to be too high and that the assumed developer profit of 20% in the applicant's viability assessment should be reduced to 18%. In their opinion if the land value and developer profit margin were reduced there would be capacity to provide 15 affordable units (16% provision) comprising 12 affordable rented and 3 intermediate units.
- 7.10 The Council has considered the position and discussed the matter with the applicant. The applicant has advised that they consider a developer profit of 20% to be reasonable and as a compromise would be willing to increase the affordable provision by an extra 2 units with a resulting tenure split of 4no. affordable rent and 8no. shared ownership units.
- 7.11 I consider that a developer profit of 20% is not unreasonable having regard to recent appeal decisions and the fact that a competitive return is required to incentivize the landowner to release the land for development. Keppie Massie advise that 15 affordable units would be an acceptable amount on the site and would still render the development viable, however the 12 units that are currently proposed do not fall far short of this requirement, and taking into account the developer profit that the applicant deems is necessary to bring this site forward and the other contributions that are required, including CIL and a financial contribution to the linear park, I consider that providing 12 affordable units is not unreasonable and that this is the best compromise for the Council having regard

to the potential for a lengthy and costly appeal procedure, a need to deliver housing within the Borough and the recent government move towards starter homes, which may come into force if this application is delayed further and may present the risk that no affordable housing of a more traditional model is provided on the site.

- 7.12 The Design and Access Statement that has been submitted with the application addresses the need for accommodation for the elderly. It recognises the HAPPI (Housing our Ageing population: Panel for Innovation) principles, and justifies how the proposed development accords with these 10 components that form good design. Whilst the dwellings themselves will not be constructed for use by the elderly without adaptation, they will be constructed to meet current Building Regulations with the structure designed to ensure minimal work is required in any future adaptation that may be necessary. The Housing White Paper (February 2017) indicates that it will be necessary for developments meet the needs of accommodation for the elderly. Whilst, it is not specific how this is to be achieved at a recent event, the Planning Minister suggested that compliance with Part M of the Building Regulations would probably meet the test. This development meets those requirements. I am satisfied that it would be in line with the expectations of the White Paper and is therefore acceptable.

Provision of public open space

- 7.13 Policy EN3 of the WLLP advises that new residential development will either be expected to provide public open space on site (where appropriate) or a financial contribution towards the provision of off-site public open space to meet the demand created by the new development. The 'Provision of Public Open Space in New Residential Developments' SPD provides further advice as to how this is to be delivered.
- 7.14 Policy EN3 goes on to say that all development, where appropriate, should seek to deliver new recreational opportunities, including the proposed linear park between Ormskirk and Skelmersdale.
- 7.15 The application includes a portion of land (0.49ha) to the south which is to be used as public open space. The open space would contain a trim trail and open grassed areas. The amount of open space to be provided exceeds the amount of on-site public open space required in Policy OS1 of the Public Open Space SPD, and therefore meets the requirement of Policy EN3 and the SPD.
- 7.16 The proposed Linear Parks referred to in Local Plan Policy EN3 are intended to provide a variety of uses including wildlife corridors for informal recreation facilities, and off-road transport corridors. The proposed Ormskirk to Skelmersdale Linear Park follows the former railway line which closed in the 1960's. The railway line which could form part of the Linear Park is not actually within the application site but is to the north of the site and the Development Brief

advises that the dismantled railway provides a valuable opportunity for the delivery of a key section of the proposed linear park from Skelmersdale to Ormskirk.

- 7.17 Although the amount of on-site public open space to be provided is in excess of the requirements laid down in the SPD the applicant has advised that there is a sum of £50,000 available which they would be willing to contribute towards the development of the Linear Park. The principle of gaining a contribution from each landowner on the Firswood Road site towards the delivery of the Linear Park is established in the Development Brief.
- 7.18 The inclusion of open space on the site and the payment of a commuted sum towards the development of a linear park ensures that the development complies with the Council's policies in this regard.

Design/Layout and Scale

- 7.19 Policy GN3 of the Local Plan together with the Council's SPD Design Guide states that new development should be of a scale, mass and built form which responds to the 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.
- 7.20 There would be a road leading through the estate with smaller cul-de-sacs coming off this spine road. The residential units would be two storey in height and a mix of detached and semi-detached, which would be appropriate and in keeping with the surrounding area. The layout has been designed to ensure that there would be dwellings fronting onto Firswood Road behind a landscaped buffer area. This ensures an active frontage onto Firswood Road whilst providing a buffer strip to the Green Belt land which lies beyond. There would be a swale running parallel with the area to be used for the linear park and the houses at this point would either face directly onto the swale, and beyond this the site for the linear park, or have windows in their gable elevation that face the swale and future park area. This would ensure that there is passive surveillance to the future linear park. The public open space which is to be located to the south of the site would also benefit from passive surveillance as there would be houses directly facing it.
- 7.21 The dwellings in the main benefit from front gardens, with some properties having off road parking to the side of the houses, ensuring that there would not be an over-dominance of hardstanding to the frontage of houses. The dwellings have adequate sized private rear gardens, there are a few that fall short of the 10m garden depth advocated in the Design SPD but where this occurs the gardens are wide enough to compensate for this.

- 7.22 The dwellings themselves would be constructed from brick and render which reflects the character of the local area. There are a variety of styles of house types along Firwood Road and as such those proposed along the Firwood Road frontage would be acceptable. In terms of within the estate itself, this is not really viewed within the context of existing dwellings and as such I am satisfied that the design of the dwellings is acceptable.
- 7.23 I am satisfied that the resulting layout is acceptable and would not appear incongruous within its surroundings or detrimentally affect the Firwood Road street scene. The proposal is therefore in accordance with Policy GN3 of the WLLP.

Impact on Residential Amenity

- 7.24 Policy GN3 of the WLLP states that development should 'retain or create reasonable levels of privacy, amenity and sufficient garden / outdoor spaces for occupiers of the proposed and neighbouring properties'. 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. It also advocates rear garden depths of 10m.
- 7.25 In terms of the potential impact from the development on existing residents, the nearest residential property to the development would be no.32 Firwood Road. This dwelling would be set forward of the dwelling that would be built at plot no.94, and would be approximately 9m away from its gable end. This separation distance is sufficient to ensure that the dwelling would not appear overbearing to occupiers of no.32, and there would be no windows on the gable end of the new dwelling so there would be no undue impact from overlooking. In terms of the potential impact other dwellings that border the site, I consider that the separation distances provided are sufficient to ensure that there would be no undue impact from overlooking, overshadowing or creation of poor outlook in accordance with Policy GN3 of the Local Plan.
- 7.26 In terms of the level of amenity offered to occupiers of the new dwellings, as discussed previously the proposed dwellings would benefit from sufficient private amenity space, and in terms of the relationship between the proposed properties, interface distances are broadly in accordance with Policy GN3 of the WLLP and the Design Guide SPD.
- 7.27 I am satisfied that the proposed layout allows both new and existing properties to benefit from adequate levels of privacy and private amenity space in accordance with Policy GN3 in the WLLP and the Council's Design Guide SPD.
- 7.28 The application has been accompanied by a Noise Impact Assessment. The survey work identified that the key noise sources impacting upon the

development is from road traffic using Firswood Road to the north west and the operation of the car wash and vehicle repair garage to the south east; following consultation with the Council's Environmental Health Officer, concern was also raised regarding the glasshouses adjacent to plots 50 to 56 and their potential to use heating/AC systems. The Environmental Health Officer has confirmed that the existing traffic noise levels on Firswood Road are quite low and are only an issue (don't meet internal targets with windows open) due to maximum noise levels at night which would be as a result of occasional noisy vehicles. Various measures have been recommended to mitigate against these noise sources, including alternative ventilation for certain bedrooms as an alternative to opening windows. These measures can be secured by planning condition.

- 7.29 Concern has been raised in respect of construction noise/disturbance during the course of the development. Hours of work are not a material planning consideration, and noise can be controlled by other legislation. Furthermore, neighbours have expressed concern about noise from vehicular movements from occupants of the estate. I am satisfied that any increase in car traffic from the proposed estate would not result in an unacceptable level of traffic noise at the existing houses on Firswood Road.

Highways

- 7.30 Policy GN3 of the WLLP states that suitable and safe access, road layout, design and adequate parking provision are required in new developments. Policy IF2 details parking standards required for residential developments.
- 7.31 The proposed access to the development is off Firswood Road which is an unclassified road which has been categorised as a local access road with a speed limit of 30mph fronting the site.
- 7.32 A Transport Impact Assessment was submitted with the application. This assessment forecast trip generation from the proposed development at a 2-way total of approximately 54 trips in the AM peak hour (0800 to 0900) and 59 trips in the PM peak hour (1630 to 1730). Having derived the levels of traffic that would likely occur as a result of the proposed development, the expected changes in traffic that would be experienced on the local highway network has been calculated.
- 7.33 Capacity assessments were then made on nearby junctions that were predicted to generate more than 30 two-way additional trips (in accordance with Department for Transport advice). In order to provide a robust assessment of this section of the highway network, for the purposes of the traffic impact analysis, it was assumed that all traffic will travel to and from the south via the A577 Blaguegate Lane/Firswood Road junction (in reality a proportion of traffic is likely to travel along the northern section of Firswood Road to access employment uses located to the north of the site). The assessment concluded that the proposed site access

junction off Firswood Road has been designed to accord with highway design standards and will have sufficient capacity to accommodate the proposed development traffic. The A577 Blaguegate Lane/Firswood Road priority controlled junction is forecast to operate within capacity in all of the traffic flow scenarios included in the assessment, as is the A577 Ormskirk Road/A577 Neverstitch Road/B4312 Railway Road junction. Therefore, it has been demonstrated that the existing junctions have the capacity to cope with the additional traffic flows that would be generated as a result of the development, and as such the provision of 94 residential units on the application site is in accordance with thresholds contained within the Development Brief.

- 7.34 In terms of the new access onto Firswood Road, observed vehicle speeds were recorded (by LCC on the 15.12.16) during the AM peak time of 8am to 9am. This assessment found that the 85th percentile speed of vehicles travelling southbound is 35mph and a northbound speed of 37mph. Based on this there would be a requirement for sight lines of 2.4 x 53m in northerly direction and 2.4m x 58m in a southerly direction. From observations on site and from information provided by the applicant the sight line requirement from the proposed access and forward visibility for southbound vehicles over the bridge is fully achievable over the applicant's land and the existing adopted highway.
- 7.35 The amount of off road parking that has been provided for each of the dwellings is sufficient and complies with requirements given in Policy IF2.
- 7.36 Following consultation with the Highway Authority, who have taken into account the transport information submitted with the application including information relating to forecast traffic flows contained in the Transport Impact Assessment, I am satisfied that the proposed access and parking arrangements are acceptable and that the impact on the surrounding road network would not be so significant to warrant refusal of planning permission in accordance with Policy GN3 and IF2 of the Local Plan. Concern has been expressed from local residents that transport issues raised following the consultation process have not been addressed by the Highway Authority. However, I am satisfied that a thorough review of the transport information submitted has been undertaken, and whilst residents may still be concerned about potential traffic impacts these have been thoroughly explored during the course of the assessment of the application, and been found to be acceptable. The Development Brief for the wider site envisaged that there would be an access off Firswood Road, subject to a Transport Assessment specifically addressing the impact of the junction on Blaguegate Lane, and the development generating no more than approximately 60 trips at peak time. The highway information submitted with the application demonstrates that predicted trip generation is below 60 during the AM and PM peak times (approximately 54 trips in the AM peak hour and 59 trips in the PM peak hour), and that the existing junctions have capacity to cope with the predicted changes in traffic resulting from the development. In this regard the proposed development accords with guidance set out in the Development Brief.

Trees and Landscaping

- 7.37 Policy EN2 of the Local Plan advises that development involving the loss of, or damage to, trees of significant amenity, screening, wildlife or historical value will only be permitted where the development is required to meet a need that could not be met elsewhere, and where the benefits of the development clearly outweigh the loss or damage.
- 7.38 There are several trees which are the subject of Tree Preservation Orders (TPO) in proximity to the site. These are at 147, 147a and 147b Blaguegate Lane and nos. 30a, 30b and 30c Firswood Road. During the course of the application there has been a further TPO imposed of trees at 147a Blaguegate Lane.
- 7.39 Following an initial assessment of the proposals, concern was raised in respect of some inaccuracies that were contained within the Arboricultural Assessment, and the impact on trees on the site. The concern raised related to the close proximity of some of the proposed dwellings on the south west of the spine road to trees on their southern boundary, and the potential future pressure for pruning or felling as a result of shading, light obstruction and seasonal nuisance.
- 7.40 Consequently, the housing layout has been amended to increase the distance between the houses and the trees; this increase in distance provides an improvement with regard to the tree constraints issues, with a reduction to the shade and sunlight issues associated with providing usable garden area and solar gain to the new dwellings.
- 7.41 The application includes proposed planting schedules and planting specifications to be used in the landscaping of the site; these are considered acceptable.
- 7.42 I consider that in terms of trees and landscaping the proposed development is acceptable and in accordance with Policy EN2 of the Local Plan.

Drainage

- 7.43 Policy GN3 of the Local Plan states that the Council will ensure development does not result in unacceptable flood risk or drainage problems by requiring development to take account of the Council's Strategic Flood Risk Assessment along with advice and guidance from the Lead Local Flood Authority, the Environment Agency and the NPPF. The NPPF advises that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
- 7.44 The site is located within Flood Zone 1, which indicates that the site is at low risk of flooding. There are currently no public surface water sewers serving the site and the Development Brief advises that on site sustainable urban drainage

systems (SuDS) will be required to manage surface water drainage to attenuate to a greenfield land run off rate.

- 7.45 The site is currently an arable field, and therefore its development for residential purposes would generate more surface water runoff than that which is currently experienced, which it is proposed would be collected and stored on site to enable the peak outflow rate to be limited. Existing surface water runoff drains toward the cutting, and the new flows would continue to do this.
- 7.46 The Flood Risk Assessment (FRA) that has been submitted with the application indicates that the peak outflow rates would be limited and as such, there would be an improvement on the current situation, of the existing field generating unlimited runoff flows to the local watercourse systems in times of storm. This would reduce and lessen existing present day storm runoff flows, thereby reducing downstream flood risk because the existing fields would no longer discharge at such a fast rate to the local stream system. A swale is proposed to the north boundary of the site along the southern side of the disused railway line, this is to alleviate surface water runoff in the event of a storm.
- 7.47 The Lead Local Flood Authority (LLFA) have been consulted on the proposals and advised that they have no objection to the development. They have however requested that the developer submit an appropriate surface water drainage scheme prior to commencement of development on site and that this be completed prior to occupation of the dwellings. This scheme should demonstrate that the surface water run-off does not exceed the pre-development greenfield run off rate (as indicated in the FRA) and should include details of discharge rates and volumes (both pre and post development), temporary storage facilities and the methods to be employed to delay and control surface water discharged from the site.
- 7.48 With regards to foul flows, it is proposed that these will drain to a new pumping station and be pumped to the public sewer network. Concern has been raised by some local residents about the reliability of this pumping station during electricity supply failures. I am advised that the pump station will have an 8 hour wet well and be fitted with a telemetry system that will, in the event that power is lost or a mechanical default occurs, alert the utility company to enable appropriate measures to be put in place. In the event of a planned shutdown of electricity in the area the utility company would be informed and again, appropriate measures would be put in place. Appropriate measures include on-site monitoring from United Utilities engineers and a tanker being on standby to clear out the wet well if it started to reach a critical level.
- 7.49 The FRA has demonstrated that the development has a low probability of suffering from flooding and will not increase the probability of flood risk in the area in accordance with Policy GN3 of the Local Plan. The information required by the LLFA can be secured by planning condition.

- 7.50 Concern has been raised by local residents about the effect the development may have on septic tanks that serve properties on Firswood Road. Bellway have confirmed that this issue was raised with them by the Parish Council and as a result they instructed a survey of the drains which are to the rear of the houses on Firswood Road. The survey confirms that at least 11 properties on Firswood Road (nos. 18-32) are using septic tanks with associated overflows. The discharge of these overflows is a highway drain that runs down Firswood Road, and cuts to the front of the development site before out-falling into the disused railway. This drain is being retained and will not be affected by the development.

Ecology and Protected Species

- 7.51 Under the terms of Policy EN2 in the Local Plan, development proposals must seek to avoid impacts on significant ecological assets and protect and improve the biodiversity value of sites. If significant impacts on biodiversity are unavoidable, then mitigation or as a last resort, compensation, is required to fully offset impacts.
- 7.52 An Ecological Appraisal has been submitted with the application. The assessment comprises a desk study and biological records search, as well as a site walkover survey in order to map habitat types.
- 7.53 The Council's Ecological Advisors, Merseyside Environmental Advisory Service (MEAS) have assessed the ecological information that has been submitted and considered the possibility of likely significant effects under the Habitats Regulations using the source-pathway-receptor model. MEAS have advised that there is no pathway that could give rise to likely significant effects on the European sites and the development does not warrant a detailed Habitats Regulations Assessment because it is unlikely that the application site is functionally linked land and due to the presence of visual barriers, the proposed development would not lead to the displacement of foraging passage and wintering birds from areas adjacent to the site.
- 7.54 MEAS have advised that the vegetation on site may provide nesting opportunities for breeding birds, and for this reason have suggested a condition be placed on any approval granted to ensure that no tree felling, ground clearance etc. is undertaken during the period 1st March to 31st August, or if it is necessary to undertake works during the bird breeding season then an ecologist should check to ensure that there are no breeding birds present.
- 7.55 Barn owls are known to be present in the Lathom area, however, given that the application site does not provide any suitable opportunities for nesting and roosting barn owls and only provides sub-optimal barn owl foraging habitat there would not be any significant undue impact on barn owls as a result of the

development. MEAS are of the opinion that the application site in itself is unlikely to be of significant value for farmland birds and will continue to provide opportunities for garden birds post-development.

- 7.56 MEAS have also advised that reasonable avoidance measures should be employed to minimise potential harm to badgers which may be present in the vicinity.
- 7.57 Various recommendations are made in the Ecological Appraisal for ecological enhancements, including the installation of bird nesting boxes and bat roosting boxes on the site; these can be secured via a planning condition.

Archaeology

- 7.58 Policy EN4 of the Local Plan advises that development affecting the historic environment should seek to preserve or enhance the heritage asset and any features of specific historic, archaeological, architectural or artistic interest.
- 7.59 An Archaeological Desk Based Assessment and Written Scheme of Investigation has been submitted with the application which has been reviewed by Lancashire Archaeological Advisory Service (LAAS). The reports indicate that the site has moderate potential for buried Romano-British archaeological deposits and provide a suggested mitigation strategy. LAAS have recommended a programme of archaeological works which could be secured by planning condition.

Coal Mining

- 7.60 The application site falls within the defined Development High Risk Area; therefore the Coal Authority has advised that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the proposed development.
- 7.61 A Site Investigation Report has been submitted with the application which identifies that the application site has been subject to past coal mining activity. In addition to the mining of coal seams at moderate depths, The Coal Authority records indicate that thick coal seams outcrop at or close to the surface of the site and that historic unrecorded coal mining is likely to have taken place beneath the site at shallow depth.
- 7.62 The Site Investigation Report includes the results of intrusive investigations undertaken at the site (rotary boreholes, trial pits). These investigations encountered two shallow coal seams of workable thickness beneath the site (intact where encountered) but did not encounter any evidence of coal mining activity. Nevertheless, the Report has defined five zones within the site reflecting

the potential level of subsidence risk associated with potential unrecorded shallow mine workings.

- 7.63 Accordingly, the Site Investigation Report goes on to recommend that in order to mitigate the risk of subsidence these areas are either: 1) Stabilised through appropriate measures or, 2) further rotary boreholes investigation is undertaken to determine if shallow mine workings are present. Should no such workings be found, grouting would not be required. The Report also provides recommendations regarding anticipated foundation solutions for the site.
- 7.64 The Coal Authority considers that the undertaking of either of the recommended proposed mitigation strategies prior to the commencement of development is acceptable in principle in order to ensure the satisfactory remediation of any coal mining legacy present at the site and to ensure the safety and stability of the proposed development.
- 7.65 The Coal Authority have recommended that further investigation works take place to establish the exact situation regarding coal mining legacy issues on the site followed by necessary remedial works to treat any areas of shallow mine workings prior to the commencement of development. This can be secured by planning condition.

Financial Benefits

- 7.66 The scheme will deliver financial benefits in the form of New Homes Bonus which would equate to approximately £670,000. The development is also CIL liable and would require a CIL payment of in the region of £945,650. The applicant is also proposing to make a financial contribution of £50,000 towards the development of the Ormskirk – Skelmersdale Linear Park.

Summary

- 7.67 In summary, the principle of a residential development on the site is acceptable and in accordance with Policy RS1 of the Local Plan. In terms of affordable housing I am satisfied that an appropriate number of affordable homes will be provided on the site taking into account all other financial requirements, including CIL payment and the contribution of £50,000 towards the linear park. 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 on an allocated site in a sustainable location. In respect of the vision set out in the Development Brief, I consider that

the proposed development would complement the existing residential area and would lead to a more varied choice of housing in the locality. Whilst the site for the proposed linear park does not fall within this application site the layout does pay regard to the future park in that dwellings would face onto it and the applicant has agreed to make a financial contribution to its future development.

8.0 RECOMMENDATION

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

the payment of £50,000 towards the Ormskirk to Skelmersdale Linear Park; terms and conditions of the affordable housing units.

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

Conditions

1. 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 'Planning Layout – PL01G' received by the Local Planning Authority on 11.04.17.
 - Plan reference 'Affordable Housing Plan – AF01' received by the Local Planning Authority on 02.03.17.
 - Plan reference 'Location Plan – LP01' received by the Local Planning Authority on 29.09.16.
 - Plan reference 'Fencing Layout – FL02C' received by the Local Planning Authority on 27.02.17.
 - Plan reference 'Materials Layout – ML01D' received by the Local Planning Authority on 27.02.17.
 - Plan reference 'Schematic Drainage Layout Sheet 1 – 15073/01/1L' received by the Local Planning Authority on 27.02.17.
 - Plan reference 'Schematic Drainage Layout Sheet 3 – 15073/01/3L' received by the Local Planning Authority on 27.02.17.
 - Plan reference 'Substation – GTC-E-SS0011_R1-8_1_of_1' received by the Local Planning Authority on 29.09.16.
 - Plan reference 'Topographical Survey – 7022/01A' received by the Local Planning Authority on 29.09.16.
 - Plan reference 'Topographical Survey – 7022/02A' received by the Local Planning Authority on 29.09.16.

Plan reference 'Housetype Range' received by the Local Planning Authority on 29.09.16.

Plan reference 'Fence and Wall Elevations' received by the Local Planning Authority on 29.09.16.

Plan reference 'Planting Plan 1 of 3 – EA/5314/100/01D' received by the Local Planning Authority on 10.04.17.

Plan reference 'Planting Plan 2 of 3 – EA/5314/100/02D' received by the Local Planning Authority on 10.04.17.

Plan reference 'Planting Plan 3 of 3 – EA/5314/100/03E' received by the Local Planning Authority on 10.04.17.

Plan reference '1030-F01B' received by the Local Planning Authority on 13.01.17.

3. The development shall be constructed from the materials detailed on the application form received by the Local Planning Authority 29.09.16 and the Materials Layout received by the Local Planning Authority 27.02.17.
4. Prior to the commencement of development further investigation works to establish the exact situation regarding coal mining legacy issues on the site followed by any necessary remedial works to treat any areas of shallow mine workings, or alternatively, the undertaking of a precautionary drilling and grouting stabilisation exercise across the site shall be carried out.
Submission and agreement by the Local Planning Authority of the following information will be necessary prior to the commencement of development:
 - 1) The submission of a scheme of intrusive site investigations for approval;
The undertaking of that scheme of intrusive site investigations;
The submission of a report of findings arising from the intrusive site investigations;
The submission of a scheme of remedial works for approval; and
The implementation of those remedial works.Or
 - 2) The submission of a detailed scheme of drilling and grouting stabilisation works across the site for approval. No construction works shall then be carried out until the agreed scheme has been implemented in full.
5. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.
6. No tree felling, scrub clearance, hedgerow removal, vegetation management, and/or ground clearance is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub and hedgerows are to be checked first by an appropriately experienced ecologist to ensure that no breeding birds are present. If present, details of how they will be protected would be required.
7. Prior to construction a method statement in respect of Himalayan balsam should be submitted to and approved in writing by the Local Planning Authority. The method statement shall include:

- A plan showing the extent of the plant.
What method will be used to prevent the plant spreading further, including demarcation.
What method of control will be used, including details of monitoring.
The development shall be implemented in accordance with the approved details and completed to the satisfaction of the Local Planning Authority before the development is occupied.
8. Within 12 months of first occupation of any of the approved dwellings a validation report is required to be submitted to and approved in writing by the Local Planning Authority confirming the remediation treatment carried out in respect of Himalayan balsam and that the site has been free of the Himalayan balsam for 12 consecutive months.
 9. The development shall incorporate the ecological recommendations which are included in Section 6.2 of the Ecological Appraisal received by the Local Planning Authority 29.09.16
 10. The following reasonable avoidance measures (RAMs) shall be followed during construction to minimise potential harm to badgers which may be present in the vicinity:
Any trenches dug during the course of construction works must provide a means of escape (e.g. a ramp) for any animal which may fall in.
Any temporarily exposed open pipe system should be capped in such a way as to prevent badgers gaining access whilst the contractors are off site.
 11. Foul and surface water shall be drained on separate systems.
 12. 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) 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;
 - f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates;

- g) Details of water quality controls, where applicable.
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.
13. No development 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 first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.
14. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
15. No dwelling shall be occupied until the associated off road car parking spaces are laid out and available for use in accordance with the approved plan.
16. No part of the development shall be commenced until the visibility splays measuring 2.4 metres by 53 metres in a northerly direction and 2.4 metres by 58 metres in a southerly direction are provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Firswood 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.
17. The new estate road for the residential 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.

18. 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.
19. No development shall commence until the developer has completed a survey to determine the condition of Firswood Road, this survey shall be submitted and approved in writing by the Local Planning Authority. A similar survey shall be carried out within one month of the completion of the last house, and the developer shall make good any damage to Firswood Road to return it to the pre-construction situation.
20. 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 in consultation with the Highway Authority.
21. A Traffic Management Plan for the construction works, shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site and shall include details of:
 - 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;
 - 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 not be made);
 - Routes to be used by vehicles carrying plant and materials to and from the site;
 - Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties;Thereafter development shall be carried out in accordance with the approved plan.
22. No construction works shall be commenced 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 street serving each phase of the development will be completed to. The Estate Street Phasing and Completion Plan shall set out dates for entering the section 38 agreement of the Highways Act 1980 and/or the establishment of a private Management and Maintenance Company.
23. No construction works shall be commenced 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.
24. 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.
 25. 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.
 26. 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.
 27. 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. The development shall be carried out in accordance with the approved CEMP.
 28. Prior to the first occupation of any dwelling, it shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.
 29. The development shall be implemented in accordance with the recommendations provided in the Noise Impact Assessment (03.01.17).

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. In order to ensure the satisfactory remediation of any coal mining legacy present at the site and to ensure the safety and stability of the proposed development.
5. To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.
6. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. In the interests of ecological stability and in accordance with Policy EN2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

8. In the interests of ecological stability and in accordance with Policy EN2 of the 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 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.
11. To secure proper drainage and to manage the risk of flooding and pollution.
12. To ensure that the proposed development can be adequately drained, that there is no flood risk on or off the site resulting from the proposed development and that water quality is not detrimentally impacted by the development proposal.
13. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, and 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.
14. To prevent stones and mud being carried onto the public highway to the detriment of road safety.
15. Vehicles reversing to and from the highway are a hazard to other road users.
16. To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Quality of Development Policy and Transport Policy in the Local Plan.
17. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.
18. 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.
19. To maintain the construction of Firwood Road in the interest of highway safety.
20. To allow for the effective use of parking areas and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
21. To protect existing road users.
22. To ensure that the estate street serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential financial security and highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.
23. 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.
24. 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.

25. 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.
26. 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.
27. 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.
28. In the interests of sustainability in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
29. To safeguard the amenity of future occupants and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

1. The programme of field investigation should include an initial phase of geophysical surveying and trial trenching, followed by such subsequent work as required to investigate and record any remains encountered. This work should be carried out by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists.
2. Highway notes
The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer. The applicant is advised that the new site access, will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Environment Directorate before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for "278 agreement".
This consent does not give approval to a connection being made to the County Council's highway drainage system.
The applicant is advised that to discharge condition 11 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

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.2 APPLICATION NO.	2017/0194/FUL
LOCATION	Sunnyside 14 Alexander Close Burscough Ormskirk Lancashire L40 5SR
PROPOSAL	Erection of two detached bungalows with new/altered vehicle and pedestrian access from the public highway.
APPLICANT	Mrs V Bowden
WARD	Burscough East
PARISH	Burscough
TARGET DATE	1st May 2017

1.0 REFERRAL

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

2.0 PREVIOUS RELEVANT DECISIONS

- 2.1 2015/1319/OUT – GRANTED Outline application for construction of a detached dormer bungalow and double garage. Access to site from Rees Park, Burscough. Granted

3.0 CONSULTEE RESPONSES

- 3.1 HIGHWAY AUTHORITY – Awaiting at time of writing report

4.0 OTHER REPRESENTATIONS

- 4.1 2 neighbouring letters have been received and can be summarised as follows:

Proposed bungalows would be sited too close to bungalow dwellings on Abbeydale;

Loss of privacy to dwellings on Abbeydale;

Additional noise and nuisance to neighbours;

Highways safety concern as vehicles already speed down Rees Park;

Concern for construction phase and how deliveries will take place;

Rees Park is meant to be access only to a housing development;

Impact to the local environment;

Concern that the submitted plans show proposed tree planting within the garden area of number 13 Alexander Close and not within the application site.

5.0 SUPPORTING INFORMATION

5.1 None

6.0 LOCAL PLAN ALLOCATION

6.1 The site is located within the settlement area of Burscough as designated as a Key Service Centre in the West Lancashire Local Plan.

6.2 National Planning Policy Framework

Requiring good design

Delivering a wide choice of quality homes

6.3 West Lancashire Local Plan (2012-2027) DPD

Policy SP1 – A sustainable development framework for West Lancashire

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy RS1 – Residential Development

Policy IF2 – Enhancing sustainable transport choice

6.4 **Supplementary Planning Document, Design Guide (Jan 2008)**

7.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

The Site

7.1 The application site relates to an area of land located to the rear of no.14 Alexander Close. The land is a triangular plot which is fenced on all boundaries. The site is overgrown with trees and shrubs although clearance works have recently begun on site. This section of Rees Park is made up of the rear gardens of properties from Alexander Close and Abbey Dale and as such the road is abutted by timber fencing all the way up to the dwellings on Rees Park.

7.2 Outline planning permission (2015/1319/OUT) has been granted on the site for the erection of 1 detached dwelling with access onto Rees Park. Only the principle of development and access were approved under this application. The access proposed in this application is the same as previously approved.

The Proposal

7.3 Planning permission is sought for the erection of two detached, 2 bedroom bungalows with access onto Rees Park.

Assessment

- 7.4 The main considerations for the determination of this application are;

Principle of Development
Design / appearance
Impact upon neighbouring properties

Principal of Development

- 7.5 The principle of residential development has already been established under application reference 2015/1319/OUT. There have been no significant changes in terms of Local Plan Policy since this application and therefore I am satisfied that the principle of residential development remains acceptable.

Layout / Design and External appearance / amenity

- 7.6 Policy GN3 of the adopted WLLP states that proposals for development should be of a high quality design and in keeping with the West Lancashire Design Guide SPD.
- 7.7 The Council's SPD Design Guide states that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the streetscene because of their height, scale or roofline.
- 7.8 Properties along Abbey Dale and Alexander Close (which are to the front and rear of the site) are bungalows and dormer bungalows. Whilst Rees Park is mainly made up of two storey dwellings it was noted in the outline application ref 2015/1319/OUT that a bungalow would be the most appropriate scale of development for this site. Consequently the proposal to provide dwellings of bungalow design is acceptable.
- 7.9 Two detached bungalow dwellings are proposed. The proposed bungalows would have a slightly larger footprint than either the dwellings on Rees Park or those on Abbey Dale and Alexander Close. I am satisfied however; that the width and depth of the properties would not appear overly dominant or significant within the plot or the street scene and the proposal would not result in overdevelopment of the site. Furthermore the design of the bungalow dictates that the ridge line and eaves are kept relatively low which is appropriate given the site at the entrance of Rees Park.
- 7.10 In terms of the layout of the development, I consider that this is acceptable. The plans demonstrate that the site is capable of accommodating the proposed development whilst meeting site layout criteria. I am satisfied that the proposal

would provide an appropriate density for the site and provide suitable access (already found acceptable under ref 2015/1319/OUT) and sufficient parking, turning and visibility splays. In terms of the amenity space provided whilst it would be slightly smaller than normally found acceptable for plot 1 owing to the placement of a turning area to the rear, I consider the garden size commensurate with a 2 bedroom bungalow and this would not result in significant harm to the amenities of any future occupier.

- 7.11 Number 14 Alexander Close has already been subdivided to create the application site and the remaining garden area for this dwelling measures about 10m in depth. From the nearest aspect of the proposed dwelling at plot 1 to the bungalow dwelling of number 14 Alexander Close there is a separation distance of about 18.50m. Whilst this does fall short of the 21m advocated in the SPG, Design Guide I consider that the proposal would not result in significant overlooking or overbearing feel. The properties would be angled away from each other and would only be single storey in design having a maximum ridge height of 6m. Separation distances in excess of 21m are achieved between plot 2 and 14 Alexander Close and as such adequate separation is provided between these properties. Owing to the location of the proposed dwellings to the south of number 14 Alexander Close there may be some loss of sunlight however owing to the distance of the proposed dwellings to the party boundary and the overall ridge height of this dwelling I do not consider that it would be significant.
- 7.12 The separation distance between the proposed bungalow dwellings and the rear of properties on Abbey Dale are in excess of 21m and are separated by the road of Rees Park, as such I am satisfied that the amenity and privacy of these properties are protected. I note that neighbouring representations from these dwellings have outlined concerns with overlooking and noise disturbance however owing to the separation distance between these dwellings I do not find the positioning unacceptable.
- 7.13 The site is located adjacent to the rear gardens of number 13 and 15 Alexander Close. On both boundaries is timber fencing measuring about 1.80m high which will be retained as part of the proposal. Owing to the bungalow design of the dwelling I am satisfied that no overlooking of either of these neighbours would result. However in order to protect the continued privacy a condition will be attached to remove permitted development rights for both gable windows on the elevations facing each neighbouring boundary. A condition will also be attached to remove permitted development rights for extensions to avoid rear dormers being implemented under permitted development rights. Whilst the dwellings would be sited relatively close to both adjacent neighbours' rear gardens, noting the height and scale of the overall development and the location of the dwellings at the very rear of the neighbouring gardens, I am satisfied that the development would not result in an overbearing form of development or poor outlook for either of these properties.

- 7.14 Overall I am satisfied that the layout, scale and design of the proposal is acceptable and would not result in overdevelopment of the site or impact significantly on the street scene. Furthermore the proposal would not result in significant harm to the amenities of neighbouring properties. The proposal is therefore thought to accord with Policy GN3 of the Local Plan.

Highways

- 7.15 Policy GN3 in the WLLP states that proposals for development should have suitable and safe access, road layout, design and adequate parking provision.
- 7.16 The new access to be created onto Rees Park is identical in location to the access approved under application reference 2015/1319/OUT. The visibility splays provided (2 x 25m to the west and 2 x 24.2m to the east) have already been found acceptable and will provide adequate visibility for vehicles existing the site.
- 7.17 The proposed bungalows would be 2 bedroom properties. Policy IF2 of the Local Plan identifies that for properties with 2 bedrooms, 2 on site parking spaces should be provided. The submitted plans clearly demonstrate that this is achievable and sufficient turning within the site has also been provided to allow vehicles to exit the site in a forward gear. I am satisfied that the proposal would accord with Policy IF2 and GN3 of the Local Plan in relation to parking and highway safety.

Landscaping / Trees

- 7.18 There are a number of trees within the application site and a number within the neighbouring properties close to the boundary. None of these trees are protected and are mainly ornamental. The submitted plan does indicate some planting within the application site as part of the proposal however the details are limited. As such I consider it appropriate to attach a landscaping condition to ensure that the proposal assimilates into the street scene.

Drainage

- 7.19 The plans indicate that foul and surface water are to discharge to the main sewers. This does not comply with the drainage hierarchy as before surface water could be allowed to connect to the main drainage system other options would need to be explored and discounted. As such a condition will be attached to provide full details of foul and surface water drainage. A condition will also be attached to ensure that all hardstanding areas are constructed from 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 curtilage of the dwelling.

Summary

- 7.20 In summary the principle of development is considered acceptable. The scale, layout and design of the dwellings are considered appropriate for the site and the wider street scene. The proposal would not result in overdevelopment of the site. I am satisfied that owing to the scale of the properties and their location within the plot the proposal would not result in significant overshadowing or overlooking of any neighbouring properties. Limited details of landscaping have been submitted and as such a condition will be attached to ensure the proposal assimilates into its surroundings. Overall I am satisfied that the proposal accords with Policy RS1, GN3 and IF2 of the Local Plan and as such is recommended for approval.

8.0 RECOMMENDATION

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

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference 1615-L10-07 Rev B received by the Local Planning Authority on 03rd May 2017.
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. Full details of the finished levels of all parts of the site, including the floor levels of all buildings, shall be submitted to and approved in writing by the Local Planning Authority on commencement of the development. The development shall be implemented in accordance with those details.
5. No drainage works shall take place until a scheme for the separate foul and surface water drainage of the site, including any necessary attenuation measures, has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in full and maintained as such at all times for the duration of the development.
6. Prior to first occupation of either of the dwellings hereby approved a landscaping scheme shall be submitted to and approved in writing 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. The car parking shall be provided in accordance with drawing no. 1615-L10-07 Rev B (received by the Local Planning Authority on 3rd May 2017) before the use of the buildings hereby permitted commences and the spaces shall be permanently maintained thereafter for vehicular parking associated with the hereby approved dwellings.
8. 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, porches or out buildings shall be erected or undertaken without the express written permission of the Local Planning Authority.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no window shall be added to the eastern gable elevation facing 13 Alexander Close and the western gable elevation facing number 15 Alexander Close until details of the positioning, size and design have been submitted to and approved in writing by the Local Planning Authority.
10. No development above slab level shall take place until full details and samples of the materials to be used in the construction of the boundary treatment facing onto Rees Park have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be carried out in accordance with the approved details prior to first occupation of the dwellings.
11. The proposed hardstanding (access road and driveway) shall be of permeable construction 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.
12. The visibility splays measuring 2.0 metres by 25 metres to the west and 2.0 metres by 24.2 metres to the east shall be provided on commencement of development, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Rees Park. 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.

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 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 ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To 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 allow for the effective use of the parking areas.
8. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To 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.
10. 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.
11. 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. To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Quality of Development Policy and Transport Policy in the Local Plan.

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 SP1 - A sustainable development framework for West Lancashire
 Policy GN1 - Settlement Boundaries
 Policy GN3 - Criteria for Sustainable Development
 Policy RS1 - residential Development
 Policy IF2 - Enhancing sustainable transport choice
 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.	2016/0479/FUL
LOCATION	Land Rear Of 14A New Cut Lane Halsall Southport Lancashire PR8 3DN
PROPOSAL	Erection of two dwellings both with private rear gardens, in-curtilage car parking and served by a new access road.
APPLICANT	Ms Lynda Clarke
WARD	Halsall
PARISH	Halsall
TARGET DATE	16th May 2017

1.0 DEFERRAL

- 1.1 This application was deferred at April's planning committee in order to provide further clarification regarding the drainage impacts of the proposal.

2.0 PREVIOUS RELEVANT DECISIONS

- 2.1 2014/0301/FUL GRANTED (June 2015) Erection of 1no. new replacement dwelling (in lieu of No14a) and 7no. new dwellings, all with private rear gardens, in-curtilage car parking and served by a new access road.
- 2.2 2016/1152/FUL WITHDRAWN Variation of Condition No. 10 of planning permission 2014/0301/FUL to read "No development shall take place until a surface water drainage scheme and means of disposal has been submitted to and approved in writing by the local planning authority. The surface water drainage scheme must be restricted to existing run-off rates. The development shall be completed, maintained and managed in accordance with the approved details"
- 2.3 2016/1184/FUL WITHDRAWN Removal of Condition No. 8 imposed on planning permission 2014/0301/FUL to enable the access road to extend further south, to facilitate access to an adjacent development and variation of condition 2 and the approved site layout plan.
- 2.4 2016/1173/FUL PENDING Demolition of dwelling, erection of one dwelling with private rear garden, in-curtilage car parking and served by a new access road.

3.0 CONSULTEE RESPONSES

- 3.1 United Utilities (16.05.16) – No Objections

- 3.2 Highways Authority (20.06.16) – No Objections; the proposed development should have a negligible impact on highway safety or highway capacity within the immediate vicinity of the site.
- 3.3 Merseyside Environmental Advisory Service (MEAS) (30.11.16 & 03.02.17)

The applicant has submitted an Updated Ecological Appraisal report (*The Tyrer Partnership, 17 January 2017*) in accordance with Local Plan policy EN2 and I welcome that. The survey report does not meet BS 42020:2013 as a desktop study has not been undertaken or habitat map produced. However, the updated survey report confirms that the site has been cleared and it is therefore unlikely that the completion of these would significantly alter the conclusions of the report on this occasion. The survey is therefore acceptable and will be forwarded to LERN via Merseyside BioBank.

Paragraph 6.5 of the Updated Ecological Appraisal report recommends that rather than a piecemeal approach to habitat mitigation and / or compensation that a holistic view is taken to the provision of compensatory habitat across the New Cut Lane housing site allocation. I concur with this recommendation and advise that the Council engages with the relevant developers to ensure that habitat creation forms part of the Masterplan for the New Cut Lane site. The report states that the applicant is willing to participate in a collective scheme and I welcome that. MEAS would be able to provide advice on any such proposals to ensure that adequate compensation will be provided.

- 3.4 Environmental Health (16.06.17) – No Objections. Request condition on construction times
- 3.5 Principal Engineer (08.11.16) – No Objection subject to condition. The foul and surface water drainage proposals are acceptable. However adequate arrangements must be made for future maintenance of the easement to ensure the maintenance company have unrestricted access. (Amended plans received showing easement in the red edge which denotes application site).

Principal Engineer (07.04.17) – The amendment received on 21st March 2017 clarifies the extent of the easement but does not remove the need for the condition I recommended in my email dated 8th November 2016.

4.0 OTHER REPRESENTATIONS

- 4.1 Halsall Parish Council (26.05.16 & 24.11.16) – Objects to the development; comments summarised as follows:

Concern raised regarding the Ecology report- no actual full environmental impact assessment has been conducted on the site in regards to protected species and wildlife since May 2014;

The site was previously cleared however some of the affected area has returned to its natural state and balance, there is no doubt some species may have returned;

To allow access to the new development, the green / communal space under planning ref 2014/0301/ful would have to be removed with the consent of the adjacent landowner and a replacement proposed;

The drainage system for foul and surface water has serious issues which have been clearly demonstrated in recent months and indeed years. This is confirmed and followed up by many reports conducted by Lancashire Highways department, West Lancashire Borough Council, Principal Engineers as well as independent companies such as Betts Associates and All Clear Services who have recently conducted very detailed surveys of the drainage system. It is unclear in any submitted reports that Hamilton Technical Services have conducted or submitted any proper or detailed inspection or survey;

In an independent report from ALL CLEAR Ltd which conducted the report (dated 14/10/2014) on behalf of Lulworth Developments who applied for planning permission for x8 dwellings on the same plot (2014/0301/ful) clearly demonstrate that the surface water drains are in poor condition and blocked in several positions;

WLBC Principal Engineer, dated 5th Feb 2015, confirms the poor state of the foul and surface water drains. A drainage condition was attached to the adjoining development reading: *No development shall take place until a surface water drainage scheme and means of disposal has been submitted to and approved in writing by the local planning authority. The scheme shall be based on the agreed principle that the existing surface water drainage pipe in the highway shall be replaced by a 300mm diameter pipe between the application site and the outfall to Fine Jane's Brook. The scheme shall include details of how the scheme shall be implemented (including a time schedule) and managed after completion. The surface water drainage scheme must be restricted to existing run-off rates. The development shall be completed, maintained and managed in accordance with the approved details*”;

Evidence concludes that *if* planning permission was given to this application, there would be a serious knock on effect on the other residents of New Cut Lane if granting a link into the existing drainage system was given;

The short and long term future of this vital water management system is unclear and the Parish Council demand that this issue needs consideration in any planning application with the potential in approving planning applications that potentially will be included in an expanding flood zone area;

Concerned about the number of accesses proposed under various housing schemes along New Cut Lane – results on major highway issue regarding road safety and visibility;

The Parish Council has serious concerns regarding the knock on effect in relation to the local infrastructure creating potential additional issues regarding increased traffic flow and volume, schooling, drainage (foul & surface), utilities, further localised flooding, land drainage.

4.2 Several representations have been received from neighbouring residents. A summary of the issues raised is as follows:-

No recent full environmental impact assessment or wildlife study for this site;
There has been no soil or stability testing on the actual proposed x2 dwelling plot.
The developer is using data gained from the adjacent development plot;
Loss of the proposed wild flower garden/play area and no suitable replacement is proposed;

Residents are very concerned that there will be x5 access roads within 85m from the top of Guildford Road and 20 New Cut Lane thus causing a potential traffic safety issue to residents;

The infrastructure for dealing with all water drainage in this area is inadequate.
The proposed development will make this situation worse;

United Utilities have accepted in the past that the current system cannot cope with current demands;

In the previous submission, (2014/0301/ful) the Council's Drainage Engineer states that in his professional opinion, there is a need to replace the existing rain water drain in New Cut Lane with one of a possible two alternative options, each consisting of drains of different dimensions, running the length of the main highway to outfall into the Fine Jane Brook which traverses the main highway to the East of the development. This recommendation by Council's Drainage Engineer was in rejection of the planned soakaways, due to the unsuitability of the peaty soil, in this location, for their being an effective solution;

It is proposed to raise the soil levels for the 2 house development by 1m. But no mention of whether the land levels of the 8 house development would also need raising to prevent run off from the 2 house development. Or the potential issues caused by this for surface water displacement to surrounding properties;

I cannot see that the developer has created a suitable or creditable solution to ensure all land and surface water drainage problems associated with this application is sufficiently covered;

Reference to a letter from Steven Fraser, Managing Director of United Utilities to Rosie Cooper MP dated 22 Sept 2016 regarding the flood and drainage issues in this area, I cannot see that the developer has created a suitable or creditable solution to ensure all land and surface water drainage problems associated with this application is sufficiently covered;

It is mentioned that the proposed 2 dwellings may have the ground level raised, however the developer does not mention the potential issues created by this for surface water displacement to surrounding properties;

A completely new drainage strategy is presented, whereby the roof water from 2014/0301/ful (8 houses) as well as for the 2016/0479/ful (2 houses) is diverted into attenuation tanks to be released into the Sandy Brook drain, closer to the development and intersecting the existing land drainage system to the West, in greater concentrated volume than its current absorption rate and different from the previously agreed solution;

I assume that the Sandy Brook drain is the responsibility of the Environment Agency and as such there is a duty to keep it free from detritus from rubbish

dumping, leaves, overgrowth and from accumulated mud brought downstream. Is there a clear knowledge of the responsible agency and a clear pre-agreed strategy to ensure this dredging is carried out as often as it should be, as reliance on it must be an integral part of the revised plan?;

There is a need for a full co-ordinated strategy to address the existing emergency of the defective drainage system in New Cut Lane, not only as an integral part of the proposed three developments, but as a remedy for the pre-existing beleaguered residents , who are frequently flooded as it is. The foul drainage systems in 2016/0479/ful (2 houses) and 2014/0301/ful (8 houses) (and presumably also 2014/1229/SCR(150 houses) are scheduled to join the already overloaded NCL drain. The antiquated rain gully or culvert in NCL overflows into the foul drain, with heavy rain, and when we experience floods, which happen with increasing frequency, sewage flows into the gardens. Last year in a Summer storm the authorities had to come and clean up gardens across the road from these proposed developments as the houses there are lower than the road. They were there for days. WLBC have agreed that the additional 8 houses can join the foul drain, and this shows that this problem has not been noted as significant or addressed;

Also as the houses are planned to be built to the South of 16,18 and 20 New Cut Lane, and to a greater elevation than existing ground levels, what are the implications of not only flooding, landslip and drainage but also of loss of sunlight to these properties;

The developers are proposing the surface water from the approved eight dwellings and the proposed two detached houses is piped across land and deposited into Sandy Brook. It is well known by all the various bodies involved in drainage in this area that Sandy Brook cannot cope with the current demands on it in adverse weather conditions. It would be totally irresponsible to increase the demand on this small brook and risk the flooding of nearby properties;

There are Hydraulic inadequacies of Sandy Brook;

Object to the drainage arrangements of piping the surface water from these houses into Sandy Brook. .

5.0 SUPPORTING INFORMATION

- 5.1 Drainage Strategy Report (July 2016)
- Arboricultural Impact Assessment (November 2015)
- Updated Ecological Appraisal (January 2017)
- CellWeb TRP Tree Root Protection Guaranteed
- Factual Report on Ground Infiltration Tests (September 2015)
- Design and Access Statement

6.0 LOCAL PLAN ALLOCATION

- 6.1 The site is allocated under Policy RS1 (a) (viii) of the WLLP as being a Housing Allocation site (Land at New Cut Lane, Halsall). The access to the site is located

within the settlement area of Halsall, which is designated as a Rural Settlement Village in the WLLP.

- 6.2 National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD (WLLP) provide the policy framework against which any future development proposals will be assessed.

West Lancashire Local Plan 2012-2027 DPD

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy RS1 – Residential Development

Policy IF2 – Enhancing Sustainable Transport Choice

Policy EN1 – Low Carbon Development and Energy Infrastructure

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

7.0 SUMMARY OF ISSUES

The Site

- 7.1 The site is allocated under Policy RS1 (a) (viii) of the West Lancashire Local Plan as being a Housing Allocation site (Land at New Cut Lane, Halsall). Whilst the access to the site is located within settlement area of Halsall, which is designated as a Rural Settlement Village in the Local Plan. The site is located to the rear of No.14a New Cut Lane.
- 7.2 The surrounding area is predominately residential in nature, with residential properties to the north, west and east of the application site. The land to the rear of the site lies within the housing allocation designation mentioned above. Further to the south are agricultural fields and the surrounding land is relatively flat.

Proposal

- 7.3 Planning permission is sought for the erection of two dwellings both with private rear gardens, car parking and served by a new access road from New Cut Lane.
- 7.4 Planning permission was granted in 2015 (ref 2014/0301/FUL) for the demolition of the existing detached two storey dwelling (14a New Cut Lane) and the erection of 8 dwellings on land immediately to the north of this application site. The scheme shows the same access approved under 2014/0301/FUL.
- 7.5 An alternative planning application has been submitted for this site proposing just one dwelling (reference 2016/1173/FUL) and is pending a decision.

Assessment

Principle of Development

- 7.6 Policy RS1 confirms that this site is specifically allocated for residential development (with a capacity of up to 150 dwellings). I am satisfied that the proposed development for 2 dwellings would not prejudice the delivery of this allocation on the wider site. Therefore, the principle of development is acceptable subject to the proposals conforming to all other planning policy.

Design and External Appearance

- 7.7 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.
- 7.8 The proposed site layout is for two detached three bedroom properties. Both properties are similar in design however the footprint of plot 2 differs from plot 1 due to the orientation of the dwelling. Materials proposed are red brick with white render and slate roof tile which are satisfactory. The development would be located to the rear of existing frontage development and behind the recently approved housing development and so would not be readily visible from the street scene. The application site is close to existing 'backland' development to the east and west, furthermore the land adjoining the site to the east, west and south is allocated for future housing development. The siting of the proposal is therefore not considered to be incongruous within the immediate area. The scale of the plots are considered to be acceptable with each dwelling benefitting from a level of private amenity space which is commensurate with the Council's SPD Design Guide.
- 7.9 Street scene elevations looking South East along the new access have been provided with the planning application which demonstrates that although the land levels will be increased due to drainage reasons (discussed later) the dwellings will be of a similar scale and height to the dwellings proposed on the adjoining residential development scheme.
- 7.10 Overall therefore I consider that the scheme is acceptable in terms of Policy GN3 of the Local Plan and the Design Guide when assessing the layout, design and siting.

Impact on Neighbouring Land Users

- 7.11 Policy GN3 in the Local Plan requires new development to retain or create reasonable levels of privacy and amenity for occupiers of proposed and neighbouring properties. As discussed above, I am satisfied that the scheme provides acceptable interface distances between each of the units which would ensure that a satisfactory level of amenity for future occupants is provided.
- 7.12 With respect to existing neighbouring dwellings, the closest are located to the immediate west and are situated within New Cut Close. The proposed private drive would be situated off set to the rear of 14b New Cut Close. Whilst I accept that the proposal would lead to additional traffic movements adjacent to 14b New Cut Close, I am satisfied that these would not be so adverse as to lead to a loss of amenity for this neighbouring dwelling.
- 7.13 With respect to the adjoining land, reasonable levels of privacy and amenity for the occupants of the site are maintained. Although there would be an intensification of the use of the site access I do not consider this would be so significant to impact on the amenities of the frontage properties of New Cut Lane.
- 7.14 On the basis of the above I am satisfied that the proposed development complies with Policy GN3 in the Local Plan in respect of its impact on neighbouring land users.

Highways

- 7.15 Access to the site would be via the existing vehicular access to number 14a New Cut Lane. As discussed above planning permission has been granted for the existing access to be widened and extended, providing access to each of the dwellings proposed.
- 7.16 It is accepted that the proposed development would result in the intensification of the existing access but I am satisfied that, given the scale of the proposed development, this intensification would not adversely affect highway safety or the free flow of traffic in the local area. It is considered that there is appropriate visibility from the access to ensure that conflict with other access points in the locality and general traffic flows would be affectively managed.
- 7.17 Each of the three bedroom dwellings would be provided with 3 designated parking spaces (including a garage space). This is in accordance with Policy IF2 in the Local Plan.
- 7.18 The general layout is considered to provide acceptable manoeuvrability around the site, a turning head is provided within the site and I am satisfied that vehicles can safely move throughout the site and enter and exit the site in a safe manner.

The Highway Authority has been consulted on the proposal and has raised no objection.

Impact on Ecology

- 7.19 Policy EN2 in the Local Plan 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.
- 7.20 The applicant has submitted updated ecological surveys which address the potential impacts across the whole of the site. I note the concerns raised by residents and the Parish Council that the submitted survey does not deal with this application site. The initial ecology report was submitted as part of application reference 2014/0301/FUL however the red edge showing the site location includes this application site. As required, the survey has been updated in January 2017 for the purposes of this application.
- 7.21 Site clearance works took place during the winter of 2014/2015 prior to a decision being made on the adjoining site and more recently in Dec-Jan 2016/17. None of the trees removed were protected and the removal of trees and shrubs did not require planning permission. I am satisfied that the current application is acceptable in principle and opportunities exist for biodiversity enhancement by imposing a suitable landscaping condition.
- 7.22 The updated Ecological Appraisal recommends that rather than a piecemeal approach to habitat mitigation and / or compensation that a holistic view is taken to the provision of compensatory habitat across the New Cut Lane housing site allocation. The ecologist concurs with this recommendation and advises that the Council engages with the relevant developers to ensure that habitat creation forms part of the Masterplan for the New Cut Lane site. I am therefore satisfied that the development would have no significant impact on ecology.

Impact on Trees

- 7.23 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 value and screening will only be permitted where the development is required to meet a need that could not be met elsewhere.
- 7.24 There are a number of trees on the site and an arboricultural impact assessment (AIA) has been submitted. A moderate quality sycamore tree is shown for removal adjacent to the access.

- 7.25 There are two Hybrid Black Poplars in the southwest corner of the site. Whilst these are recorded as mature in the tree data survey the Arboricultural Officer considers them to be semi-mature in age with potential to become much larger, reaching 30m or more.
- 7.26 The main issue to consider is these trees are situated to the west of the proposed dwellings and have potential to cause considerable light obstruction and shading which could lead to pressure for removal in the future. Both poplars, add to the visual amenity of the site. Whilst the trees are located to the west of plots 1 and 2, the majority of habitable rooms face north or east. The rear gardens are also east facing. Plot 1 has a ground floor lounge window however this room has a dual aspect with east facing bi-folding doors. On the first floor there is a primary bedroom window facing west however I am mindful that this room may only be occupied morning and late evening and will not be adversely affected by shading to warrant the removal of these trees. Plot 2 has n habitable windows on the west elevation. I am satisfied that the development would not result in undue pressure for pruning or removal of the trees. Mitigation measures are proposed to protect the trees during development and these will be subject to a planning condition.

Drainage

- 7.27 Drainage arrangements for the site have evolved since the application was first submitted with respect to the disposal of surface water. Foul water from the development will be connected to an existing 150mm diameter foul sewer in New Cut Lane. This would require consent from United Utilities and they have raised no objection at this stage. I am therefore satisfied that the proposed foul connection is acceptable.
- 7.28 The surface water was originally proposed to discharge to soakaways but following the results of percolation tests carried out on the site, the ground was found to be unsuitable. This led to the submission of an alternative scheme.
- 7.29 Surface water run-off from the site will be dealt with by two methods. Firstly the access road and other vehicular areas will be constructed with porous surfacing materials to allow rainwater to infiltrate into the ground and recharge the water table on the site. Secondly, the run-off from the new roof areas will be collected by new surface water drains and conveyed offsite in a north westerly direction to outfall into a surface water drainage system into the watercourse to the north west of the site (Sandy Brook). The rate of discharge into the watercourse will be restricted to a maximum rate of 5.0 l/s in accordance with general best practice for small sites. A plan illustrating the proposed drainage has been submitted and shows the layout of the foul and surface water drainage and the outfall routes for both systems. The surface water system will include a Hydro-brake flow controller to limit the discharge into the watercourse to a maximum rate of 5.0 l/s along with an attenuation tank immediately upstream of the control manhole. The drainage system proposed will be capable of containing the run-off from storms of up to a 1

in 100 year return period including a climate change allowance of 30%, without the occurrence of any surface flooding. In order to attain surface water drainage by gravity means the finished floor levels of the new dwellings will have to be raised above existing ground levels. Alongside these measures the access road and parking areas will be constructed to fall away from the new houses and the existing properties on New Cut Lane. A plan showing the overland flood flow routes post development has been submitted. The flow routes will retain the same outfall routes as existed pre-development, thus ensuring the protection of the existing houses on New Cut Lane.

- 7.30 I acknowledged the concerns raised by local residents and the Parish Council in relation to existing flooding issues in the area and the impact the proposed development would have upon surface water drainage. The proposed drainage strategy for this site has been rigorously assessed by the Council's Drainage Engineer who has worked with the applicant to find a solution for surface water drainage for this site. He has raised no objections to the revised scheme and is of the opinion that it satisfies technical requirements. I am satisfied that the principle of an acceptable drainage scheme has been provided and subject to the imposition of a suitable condition, the proposed scheme complies with the requirements of Policy GN3 in the Local Plan.

Summary

- 7.31 The principle of the proposed development is accepted due to the designation of the land involved. The proposed development is considered acceptable in the context of the character of the local area. The siting, design and layout of the proposal is compliant with local policy in respect of design and neighbouring amenity and, subject to the imposition of conditions, I am satisfied that the proposal would not cause adverse harm to highway safety, ecology/biodiversity and drainage.

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:-
Drawing reference 705_108 Rev A, 705_106 Rev C and 705_107 Rev C received by the local planning authority on 29th April 2016.
Drawing reference 705_109 received by the local planning authority on 18th October 2016
Drawing reference 705_100 Rev D and 705_103 Rev E received by the local planning authority on 21st March 2017

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. No development on the construction phase 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.
5. The proposed screen fences shall be erected as an integral part of the development and completed to each dwelling before that dwelling is first occupied in accordance with plan reference 705_108 Rev A received by the Local Planning Authority on 29th April 2016.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no 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.
7. 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.
8. No development shall take place until a Method Statement detailing measures to be taken during construction (including No-Dig methodology) to protect the health of the existing trees has been submitted to and approved in writing by the Local Planning Authority. The method statement should include a plan showing the location of the protective fencing. The measures contained in the approved Method Statement shall be fully implemented during construction.
9. No development shall take place until an easement agreement in order to allow continuous future access to the surface water drainage system has been secured by the developer and submitted to and approved in writing by the Local Planning Authority. The agreement should demonstrate that the management company will have permanent and unrestricted access to the drains for inspections, maintenance and repairs works.
10. The dwellings hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the approved 'Drainage Strategy Report' by Hamilton Technical Services dated

10/07/2016 received by the Local Planning Authority on 18/10/2016 and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

11. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub and hedgerows are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected would be required to be submitted to and approved in writing by the Local Planning Authority.
12. External lighting associated with the development shall be directional and designed to avoid excessive light spill and shall not illuminate bat roosting opportunities within the site, the roof or eaves of nearby buildings or trees and hedgerows. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institute of Lighting Engineers guidance Bats and Lighting in the UK, 2009)
13. The mitigation proposals set out in the Updated Ecological Appraisal dated January 2017 shall be implemented in full.
14. If the invasive plant, Himalayan balsam is observed within the site, works in that area should cease and advice shall be sought on its eradication from an appropriately experienced invasive species specialist. The plant shall be eradicated from the site and working methods shall be adopted to prevent its spread.
15. The proposed hardstanding (access road, driveway and patios) shall be of permeable construction 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.
16. Before the use of the site hereby permitted is brought into operation and for the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.
17. The car parking and manoeuvring areas shall be provided in accordance with the approved plan before the dwellings are occupied and shall be permanently maintained thereafter
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 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.
19. Before the access is used for vehicular purposes the visibility splays measuring 2.4 metres by 43 metres in both directions shall be provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of New Cut Lane, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground

growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

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 assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 with respect to trees and biodiversity in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To assimilate the proposed development into its surroundings 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 safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. This information is required before the commencement of development for the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. This information is required before the commencement of development 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.
9. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To 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. 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.
12. 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.

13. 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.
14. To ensure that the proposed development complies with the Habitats Directive
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 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.
17. 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.
18. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.
19. 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.

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:
Policy GN1 - Settlement Boundaries
Policy GN3 - Criteria for Sustainable Development
Policy RS1 - Residential Development
Policy IF2 - Enhancing Sustainable Transport Choice
Policy EN1 - Low Carbon Development and Energy Infrastructure
Policy EN2 - Preserving and Enhancing West Lancashire's Natural Environment together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.

No.4 APPLICATION NO.	2016/1173/FUL
LOCATION	14A New Cut Lane Halsall Southport Lancashire PR8 3DN
PROPOSAL	Erection of one dwelling with private rear garden, in-curtilage car parking and served by a new access road.
APPLICANT	Ms Lynda Clarke
WARD	Halsall
PARISH	Halsall
TARGET DATE	16th May 2017

1.0 DEFERRAL

- 1.1 This application was deferred at April's planning committee in order to provide further clarification regarding the drainage impacts of the proposal.

2.0 PREVIOUS RELEVANT DECISIONS

- 2.1 2014/0301/FUL GRANTED (June 2015) Erection of 1no. new replacement dwelling (in lieu of No14a) and 7no. new dwellings, all with private rear gardens, in-curtilage car parking and served by a new access road.
- 2.2 2016/1152/FUL WITHDRAWN Variation of Condition No. 10 of planning permission 2014/0301/FUL to read "No development shall take place until a surface water drainage scheme and means of disposal has been submitted to and approved in writing by the local planning authority. The surface water drainage scheme must be restricted to existing run-off rates. The development shall be completed, maintained and managed in accordance with the approved details"
- 2.3 2016/1184/FUL WITHDRAWN Removal of Condition No. 8 imposed on planning permission 2014/0301/FUL to enable the access road to extend further south, to facilitate access to an adjacent development and variation of condition 2 and the approved site layout plan.
- 2.4 2016/0479/FUL PENDING Demolition of dwelling, erection of two dwellings both with private rear gardens, in-curtilage car parking and served by a new access road.

3.0 CONSULTEE RESPONSES

- 3.1 United Utilities (16.05.16) – No Objections

3.2 Highways Authority (20.06.16) – No Objections; the proposed development should have a negligible impact on highway safety or highway capacity within the immediate vicinity of the site.

3.3 Merseyside Environmental Advisory Service (MEAS) (30.11.16 & 03.02.17)

The applicant has submitted an Updated Ecological Appraisal report (*The Tyrer Partnership, 17 January 2017*) in accordance with Local Plan policy EN2 and I welcome that. The survey report does not meet BS 42020:2013 as a desktop study has not been undertaken or habitat map produced. However, the updated survey report confirms that the site has been cleared and it is therefore unlikely that the completion of these would significantly alter the conclusions of the report on this occasion. The survey is therefore acceptable and will be forwarded to LERN via Merseyside BioBank.

Paragraph 6.5 of the Updated Ecological Appraisal report recommends that rather than a piecemeal approach to habitat mitigation and / or compensation that a holistic view is taken to the provision of compensatory habitat across the New Cut Lane housing site allocation. I concur with this recommendation and advise that the Council engages with the relevant developers to ensure that habitat creation forms part of the Masterplan for the New Cut Lane site.

3.4 Environmental Health (16.06.17) – No Objections. Request condition on construction times

3.5 Principal Engineer (22.12.16) – No Objections subject to condition. The foul and surface water drainage proposals are acceptable. However adequate arrangements must be made for future maintenance of the easement to ensure the maintenance company have unrestricted access. (Amended plans received showing easement in red edge of the application site).

Principal Engineer (07.04.17) - The amendment you received on 21st March 2017 clarifies the extent of the easement but does not remove the need for the condition I recommended in my email dated 22nd December 2016.

4.0 OTHER REPRESENTATIONS

4.1 Halsall Parish Council (24.11.16) – Objects to the development; comments summarised as follows:

Concern raised regarding the Ecology report- no actual full environmental impact assessment has been conducted on the site in regards to protected species and wildlife since May 2014;

The site was previously cleared however some of the affected area has returned to its natural state and balance, there is no doubt some species may have returned;

To allow access to the new development, the green / communal space under planning ref 2014/0301/ful would have to be removed with the consent of the adjacent landowner and a replacement proposed;

The drainage system for foul and surface water has serious issues which have been clearly demonstrated in recent months and indeed years. This is confirmed and followed up by many reports conducted by Lancashire Highways department, West Lancashire Borough Council, Principal Engineers as well as independent companies such as Betts Associates and All Clear Services who have recently conducted very detailed surveys of the drainage system. It is unclear in any submitted reports that Hamilton Technical Services have conducted or submitted any proper or detailed inspection or survey;

In an independent report from ALL CLEAR Ltd which conducted the report (dated 14/10/2014) on behalf of Lulworth Developments who applied for planning permission for x8 dwellings on the same plot (2014/0301/ful) clearly demonstrate that the surface water drains are in poor condition and blocked in several positions;

WLBC Principal Engineer, dated 5th Feb 2015, confirms the poor state of the foul and surface water drains. A drainage condition was attached to the adjoining development reading: *No development shall take place until a surface water drainage scheme and means of disposal has been submitted to and approved in writing by the local planning authority. The scheme shall be based on the agreed principle that the existing surface water drainage pipe in the highway shall be replaced by a 300mm diameter pipe between the application site and the outfall to Fine Jane's Brook. The scheme shall include details of how the scheme shall be implemented (including a time schedule) and managed after completion. The surface water drainage scheme must be restricted to existing run-off rates. The development shall be completed, maintained and managed in accordance with the approved details*”;

Evidence concludes that *if* planning permission was given to this application, there would be a serious knock on effect on the other residents of New Cut Lane if granting a link into the existing drainage system was given;

The short and long term future of this vital water management system is unclear and the Parish Council demand that this issue needs consideration in any planning application with the potential in approving planning applications that potentially will be included in an expanding flood zone area;

Concerned about the number of accesses proposed under various housing schemes along New Cut Lane – results on major highway issue regarding road safety and visibility;

The Parish Council has serious concerns regarding the knock on effect in relation to the local infrastructure creating potential additional issues regarding increased traffic flow and volume, schooling, drainage (foul & surface), utilities, further localised flooding, land drainage.

- 4.2 A number of representations have been received from neighbouring residents. A summary of the issues raised is as follows:-

Description of development misleading as demolition of dwelling has been covered in a previously approved application in 2014;
Concerned for any applications which apply to connect and discharge into Sandy Brook due to hydraulic inadequacies associated with this watercourse;
The developers are proposing the surface water from the approved eight dwellings and the proposed detached house is piped across land and deposited into Sandy Brook. It is well known by all the various bodies involved in drainage in this area that Sandy Brook cannot cope with the current demands on it in adverse weather conditions. It would be totally irresponsible to increase the demand on this small brook and risk the flooding of nearby properties;
There are Hydraulic inadequacies of Sandy Brook.
Object to the drainage arrangements of piping the surface water from these houses into Sandy Brook. It is well known by all the various bodies involved in drainage in this area that Sandy Brook cannot cope with the current demands on it in adverse weather conditions. It would be totally irresponsible to increase the demand on this small brook and risk the flooding of nearby properties.

5.0 SUPPORTING INFORMATION

- 5.1 Drainage Strategy Report (July 2016)
Arboricultural Impact Assessment (November 2015)
Updated Ecological Appraisal (January 2017)
CellWeb TRP Tree Root Protection Guaranteed
Factual Report on Ground Infiltration Tests (September 2015)
Design and Access Statement

6.0 LOCAL PLAN ALLOCATION

- 6.1 The site is allocated under Policy RS1 (a) (viii) of the WLLP as being a Housing Allocation site (Land at New Cut Lane, Halsall). The access to the site is located within settlement area of Halsall, which is designated as a Rural Settlement Village in the WLLP.
- 6.2 National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD (WLLP) provide the policy framework against which any future development proposals will be assessed.

West Lancashire Local Plan 2012-2027 DPD

Policy GN1 – Settlement Boundaries
Policy GN3 – Criteria for Sustainable Development
Policy RS1 – Residential Development
Policy IF2 – Enhancing Sustainable Transport Choice
Policy EN1 – Low Carbon Development and Energy Infrastructure
Policy EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

7.0 SUMMARY OF ISSUES

The Site

- 7.1 The site is allocated under Policy RS1 (a) (viii) of the West Lancashire Local Plan as being a Housing Allocation site (Land at New Cut Lane, Halsall), whilst the access to the site is located within settlement area of Halsall, which is designated as a Rural Settlement Village in the Local Plan. The site is located to the rear of No.14a New Cut Lane.
- 7.2 The surrounding area is predominately residential in nature, with residential properties to the north, west and east of the application site. The land to the rear of the site lies within the housing allocation designation mentioned above. Further to the south are agricultural fields and the surrounding land is relatively flat.

Proposal

- 7.3 Planning permission is sought for the erection of one dwelling with private rear gardens, car parking and served by a new access road from New Cut Lane.
- 7.4 Planning permission was granted in 2015 (ref 2014/0301/FUL) for the demolition of the existing detached two storey dwelling (14a New Cut Lane) and the erection of 8 dwellings on land immediately to the north of this application site. The current scheme shows the same access approved under 2014/0301/FUL.
- 7.5 An alternative planning application has been submitted for this site proposing two dwellings (reference 2016/0479/FUL) and is pending a decision.

Assessment

Principle of Development

- 7.6 Policy RS1 confirms that this site is specifically allocated for residential development (with a capacity of up to 150 dwellings). I am satisfied that the proposed development for 1 dwelling would not prejudice the delivery of this allocation on the wider site. Therefore, the principle of development is acceptable subject to the proposals conforming to all other planning policy.

Design and External Appearance

- 7.7 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.

- 7.8 There is a mix of dwelling types in the immediate area surrounding the site including detached, semi-detached, and dormer bungalows. The development would be located to the rear of existing frontage development and behind the site the subject of residential development under application 2014/0301/FUL and so would not be readily visible from the street scene. The application site is close to existing 'backland' development to the east and west, furthermore the land adjoining the site to the east, west and south is allocated for future housing development. The siting of the proposal is therefore not considered to be incongruous within the immediate area.
- 7.9 The siting of the dwelling is such that it will provide sufficient outdoor space, car parking areas and maneuvering space compliant with the Councils Supplementary Planning Guidance Design Guide. Materials proposed are red brick with white render and slate roof tile which are satisfactory.
- 7.10 Street scene elevations looking South East along the new access have been provided with the planning application which demonstrates that although the land levels will be increased due to drainage reasons (discussed later) the dwelling would not have a detrimental impact on the New Cut Lane streetscene. In principle, I have no objections to the erection of this detached two storey dwelling in this location. Overall therefore I consider that the scheme is acceptable in terms of Policy GN3 of the Local Plan and the Design Guide when assessing the layout, design and siting.

Impact on Neighbouring Land Users

- 7.11 Policy GN3 in the Local Plan requires new development to retain or create reasonable levels of privacy and amenity for occupiers of proposed and neighbouring properties. As discussed above, I am satisfied that the scheme provides acceptable interface distances between each of the units which would ensure that a satisfactory level of amenity for future occupants is provided.
- 7.12 With respect to existing neighbouring dwellings, the closest are located to the immediate west and are situated within New Cut Close. The proposed private drive would be situated off set to the rear of 14b New Cut Close. Whilst I accept that the proposal would lead to additional traffic movements adjacent to 14b New Cut Close, I am satisfied that these would not be so adverse as to lead to a loss of amenity for this neighbouring dwelling.
- 7.13 With respect to the adjoining land, I am satisfied that reasonable levels of privacy and amenity for the future occupiers of the site can be achieved. I do not consider that increase in use of the site access would detrimentally impact on the amenities of the frontage properties on New Cut Lane. On the basis of the above I am satisfied that the proposed development complies with Policy GN3 in the Local Plan in respect of its impact on neighbouring land users.

Highways

- 7.14 Access to the site would be via the existing vehicular access to the former 14a New Cut Lane.
- 7.15 It is accepted that the proposed development would result in the intensification of use of the existing access but I am satisfied that, given the scale of the proposed development, this intensification would not adversely affect highway safety or the free flow of traffic in the local area. It is considered that there is appropriate visibility from the access to ensure that conflict with other access points in the locality and general traffic flows would be affectively managed. A single 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.

Impact on Ecology

- 7.16 Policy EN2 in the Local Plan 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.
- 7.17 The applicant has submitted updated ecological surveys which address the potential impacts across the whole of the site. I note the concerns raised by residents and the Parish Council that the submitted survey does not deal with this application site. The initial ecology report was submitted as part of application reference 2014/0301/FUL however the red edge showing the site location includes this application site. As required, the survey has been updated in January 2017 for the purposes of this application.
- 7.18 Site clearance works took place during the winter of 2014/2015 prior to a decision being made of the adjoining site and more recently in Dec-Jan 2016/17. None of the trees on site were protected and the removal of trees and shrubs did not require planning permission. I am satisfied that the current application is acceptable in principle and opportunities exist for biodiversity enhancement by imposing a suitable landscaping condition. The Updated Ecological Appraisal report recommends that rather than a piecemeal approach to habitat mitigation and / or compensation that a holistic view is taken to the provision of compensatory habitat across the New Cut Lane housing site allocation. The ecologist concurs with this recommendation and advises that the Council engages with the relevant developers to ensure that habitat creation forms part of the Masterplan for the New Cut Lane site. I am therefore satisfied that the development would have no significant impacts on ecology.

Impact on Trees

- 7.19 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 value and screening will only be permitted where the development is required to meet a need that could not be met elsewhere.
- 7.20 There are a number of trees on the site and an arboricultural impact assessment (AIA) has been submitted. A moderate quality sycamore tree is shown for removal adjacent to the access.
- 7.21 There are two Hybrid Black Poplars in the southwest corner of the site. Whilst these are recorded as mature in the tree data survey the Arboricultural Officer considers them to be semi-mature in age with potential to become much larger, reaching 30m or more. The main issue to consider is these trees are situated to the west of the proposed dwelling and have potential to cause considerable light obstruction and shading which could lead to pressure for removal in the future. Both poplars, add to the visual amenity of the site. Whilst the trees are located to the west of the proposed dwelling, the majority of habitable rooms face east and south. The rear gardens are also east facing.
- 7.22 There is a ground floor lounge/reception window facing the trees however this room has a dual aspect with east facing windows. On the first floor there is a primary bedroom window facing west however I am mindful that this room may only be occupied morning and late evening and will not be adversely affected by shading to warrant the removal of these trees. I am satisfied that the development would not result in undue pressure for pruning or removal of the trees. Mitigation measures are proposed to protect the trees during development and these will be subject to a planning condition.

Drainage

- 7.23 Drainage arrangements for the site have evolved since the application was first submitted with respect to the disposal of surface water. Foul water from the development will be connected to an existing 150mm diameter foul sewer in New Cut Lane. This would require consent from United Utilities and they have raised no objection at this stage. I am therefore satisfied that the proposed foul connection is acceptable.
- 7.24 The surface water was originally proposed to discharge to soakaways but following the results of percolation tests carried out on the site, the ground was found to be unsuitable. This led to the submission of an alternative scheme.
- 7.25 Surface water run-off from the site will be dealt with by two methods. Firstly the access road and other vehicular areas will be constructed with porous surfacing

materials to allow rainwater to infiltrate into the ground and recharge the water table on the site. Secondly, the run-off from the new roof areas will be collected by new surface water drains and conveyed offsite in a north westerly direction to outfall into a surface water drainage system into the watercourse to the north west of the site (Sandy Brook). The rate of discharge into the watercourse will be restricted to a maximum rate of 5.0 l/s in accordance with general best practice for small sites. A plan illustrating the proposed drainage has been submitted and shows the layout of the foul and surface water drainage and the outfall routes for both systems. The surface water system will include a Hydro-brake flow controller to limit the discharge into the watercourse to a maximum rate of 5.0 l/s along with an attenuation tank immediately upstream of the control manhole. The drainage system proposed will be capable of containing the run-off from storms of up to a 1 in 100 year return period including a climate change allowance of 30%, without the occurrence of any surface flooding. In order to attain surface water drainage by gravity means the finished floor levels of the new dwellings will be raised above existing ground levels. Alongside these measures the access road and parking areas will be constructed to fall away from the new houses and the existing properties on New Cut Lane. A plan showing the overland flood flow routes post development has been submitted. The flow routes will retain the same outfall routes as existed pre-development, thus ensuring the protection of the existing houses on New Cut Lane.

- 7.26 I acknowledged the concerns raised by local residents and the Parish Council in relation to existing flooding issues in the area and the impact the proposed development would have upon surface water drainage. The proposed drainage strategy for this site has been rigorously assessed by the Council's Drainage Engineer who has worked with the applicant to find a solution for surface water drainage for this site. He has raised no objections to the revised scheme and is of the opinion that it satisfies technical requirements. I am satisfied that the principle of an acceptable drainage scheme has been provided and subject to the imposition of a suitable condition, the proposed scheme complies with the requirements of Policy GN3 in the Local Plan.

Summary

- 7.27 The principle of the proposed development is accepted due to the designation of the land involved. The proposed development is considered acceptable in the context of the character of the local area. The siting, design and layout of the proposal is compliant with local policy in respect of design and neighbouring amenity and, subject to the imposition of conditions, I am satisfied that the proposal would not cause adverse harm to highway safety, ecology/biodiversity and drainage.

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. Drawing reference 758_100 Rev E, 758_101 Rev E, 758_102, 758_103 Rev A, 758_108 and 758_109 received by the local planning authority on 10th November 2016
Drawing reference 758_102 Rev A and 758_103 Rev B received by the local planning authority on 21st March 2017
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. No development on the construction phase 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.
5. The proposed screen fences shall be erected as an integral part of the development and completed to each dwelling before that dwelling is first occupied in accordance with plan reference 758_108 received by the Local Planning Authority on 10th November 2016.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no 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.
7. 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.
8. No development shall take place until a Method Statement detailing measures to be taken during construction (including No-Dig methodology) to protect the health of the existing trees has been submitted to and approved in writing by the Local Planning Authority. The method statement should include a plan showing the location of the protective fencing. The measures contained in the approved Method Statement shall be fully implemented during construction.

9. No development shall take place until an easement agreement in order to allow continuous future access to the surface water drainage system has been secured by the developer and submitted to and approved in writing by the Local Planning Authority. The agreement should demonstrate that the management company will have permanent and unrestricted access to the drains for inspections, maintenance and repairs works.
10. The dwellings hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the approved 'Drainage Strategy Report' by Hamilton Technical Services dated 10/7/2016 received by the Local Planning Authority on 18th October 2016 and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
11. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub and hedgerows are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected would be required to be submitted to and approved in writing by the Local Planning Authority.
12. External lighting associated with the development shall be directional and designed to avoid excessive light spill and shall not illuminate bat roosting opportunities within the site, the roof or eaves of nearby buildings or trees and hedgerows. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institute of Lighting Engineers guidance Bats and Lighting in the UK, 2009)
13. The mitigation proposals set out in the Updated Ecological Appraisal dated January 2017 shall be implemented in full prior to occupation of the hereby approved dwelling.
14. If the invasive plant, Himalayan balsam is observed within the site, works in that area should cease and advice shall be sought on its eradication from an appropriately experienced invasive species specialist. The plant shall be eradicated from the site and working methods shall be adopted to prevent its spread.
15. Before the use of the site hereby permitted is brought into operation and for the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.
16. The proposed hardstanding (access road, driveway and patios) shall be of permeable construction 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.
17. The car parking and manoeuvring areas shall be provided in accordance with the approved plan before the dwellings are occupied and shall be permanently maintained thereafter

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 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.
19. Before the access is used for vehicular purposes the visibility splays measuring 2.4 metres by 43 metres in both directions shall be provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of New Cut Lane, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

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

10. To 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. 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.
12. 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.
13. 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.
14. 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.
15. To avoid the possibility of the public highway being affected by the deposit of mud and/or base materials thus creating a potential hazard to road users
16. 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.
17. 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.
18. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.
19. 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.

Reason for Approval

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

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy RS1 - Residential Development

Policy IF2 - Enhancing Sustainable Transport Choice

Policy EN1 - Low Carbon Development and Energy Infrastructure

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

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

No.5 APPLICATION NO.	2016/0706/ARM
LOCATION	Site Of Former Greaves Hall Hospital Greaves Hall Avenue Banks Lancashire
PROPOSAL	Approval of Reserved Matters for 131 dwellings and 2805 sqm of light industrial units with associated road and infrastructure and parking including details of appearance, landscaping, layout and scale, together with an application to discharge Condition No's 16, 17, and 18 of planning permission 2013/0104/OUT.
APPLICANT	Seddon Homes Ltd
WARD	North Meols
PARISH	North Meols
TARGET DATE	3rd October 2016

1.0 PREVIOUS RELEVANT DECISIONS

- 1.1 2013/0104/OUT - GRANTED (27.06.2014) Outline – Housing and employment development (including details of access)
- 1.2 2013/0429/OUT – REFUSED (03.07.2013) Outline (all matters reserved) – single storey extension to existing industrial unit
- 1.3 2012/0591/HYB – GRANTED (26.04.2013) Full application for the erection of a two storey 7- bedroom care home with associated landscaping, car parking, amenity and service areas. Erection of electricity sub-station. Outline application for mixed-use development comprising doctors' surgery and pharmacy, nursery and specialist care facility (including details of access).
- 1.4 2009/0921/FUL GRANTED (28.01.2010) Retention of single storey extension to existing showroom; disabled access ramp and air conditioning unit on roof.
- 1.5 2007/1309/OUT WITHDRAWN (28.01.2009) Outline - Proposed mixed use development comprising Class C3 Residential use; Class B1 Office use; Class D1 Educational use; Class C2 Residential care home; a bat barn; associated highway improvements and creation of public open space.
- 1.6 2006/0097 GRANTED (18.07.2006) Listed Building Consent - Demolition of mansion house.
- 1.7 2003/0319 REFUSED (04.09.2003) Outline - Mixed use development comprising residential development and extension to playing fields on land to North & East of Mansion House & development of land to South of Greaves Hall Avenue to

accommodate any or all of use Class B1(a) offices, Class C2 residential institutions, Class D1 non-residential institutions (including details of means of access).

- 1.8 2000/0750 GRANTED (29.03.2001) Erection of 24 low cost apartment units and associated external works.
- 1.9 1998/0527 GRANTED (28.10.1998) Reserved Matters - Erection of 95 no. dwellings and garages; including public open space with play area, estate roads and landscaping.
- 1.10 1994/0305 GRANTED (19.05.1994) Change of use from hospital administrative, service and ward buildings to commercial/industrial uses (incl. offices, light industry, general industry, storage or distribution or estate canteen); creation of new car parking and servicing areas and alterations to existing access.
- 1.11 1992/0708 Outline - (including details of means of access) - Demolition of ward blocks, nurses' flats and 1 & 2 The Close. Development of 21.7 acres for residential use to provide 200 houses. Development of 2.5 acres for up to 40 units of sheltered housing or low cost housing. Development of 4.8 acres for institutional use in grounds including up to a 40,000 sq. ft. two storey building. Use of 16.4 acres for open space/amenity including the retention of existing trees and tree belts. Alterations to vehicular/pedestrian access including new estate road and footpaths. Use of land for pitch and putt golf.

RELEVANT DECISIONS ON ADJOINING SITE

- 1.12 2017/0240/LDC – PENDING Certificate of Lawfulness - External storage associated with B8 and B2 use of Units 1 and 2.
- 1.13 2013/0429/OUT – REFUSED (25.04.13) Outline (all matters reserved) - Single storey extension to existing industrial unit.
- 1.14 2009/0921/FUL – GRANTED (28.01.10) Retention of single storey extension to existing showroom; disabled access ramp and air conditioning unit on roof.
- 1.15 2004/1665 – GRANTED (26.05.05) Laying out of hardstanding and erection of 2.4m high security fencing and gates. Installation of roller shutter door and ramp.
- 1.16 1994/0305 – GRANTED (19.05.94) Change of use from hospital administrative, service and ward buildings to commercial/industrial uses (incl. offices, light industry, general industry, storage or distribution or estate canteen); creation of new car parking and servicing areas and alterations to existing access.
- 1.17 E/20016/0137/BC – PENDING Breach of Conditions 3 & 8 of planning permission 1994/0305 relating to outside storage and restrictions on machinery operation.

2.0 **CONSULTEE RESPONSES**

2.1 LCC HIGHWAYS

(28/09/16) – Access to the site has been determined by outline application 2013/0104/OUT. Unable to support the application in its present form for the following reasons:

electric vehicle charging infrastructure should be provided;

inadequate parking provision for the B1 business units;

internal dimensions of garages less than recommended minimum and therefore cannot count as a parking space, which will lead to an under provision of suitable off-road parking and result in on-street parking on roads with limited width and little space for parking without causing an obstruction or safety issue for pedestrians;

where cul-de-sacs are below 5.5m wide, the carriageway should vary in width between 4.5m and 6m to allow passing and additional occasional parking;

better use of horizontal deflection rather than vertical deflection on roads, which should be designed for 20mph;

recommend condition either requiring a S38 adoption agreement be entered into with LCC for adoption of the internal roads, or the details of a private management and maintenance company;

LCC does not adopt private parking or car parks, therefore the drop off point/parking for the school will remain private and the proposed adopted footpath should continue along the edge of the highway in this location;

some safety issues at the northern end of the school drop off point and the nearby junction which raises safety issues;

proposed bus stop location requires relocation and an overall network that enables public service vehicles to negotiate and manoeuvre around the site safely;

off-road footpaths to be 3m wide;

for level access, mobility ramps should not encroach onto parking bay.

Amended plans and further information were received by the applicant seeking to address the above concerns.

LCC HIGHWAYS

(27/01/2017) – Further to the submission of amended plans and further information, I understand that the bus company have informed the applicant that they will not run a bus service through the development now or in the foreseeable future. Following this I understand that there have been discussions with the Parish Council and the developer and they have requested that, as there is no possibility of a bus route, that the developer upgrades the existing footpath on Aveling Drive to an adoptable standard (including street lighting) as a way of assisting sustainable development.

The footpaths on Aveling Drive (in an easterly direction from the junction with Abington Drive) are unadopted and are in a poor condition.

To have the proposed ungraded footpaths on Aveling Drive adopted, the land would have to be dedicated as highway land and adopted under a suitable legal agreement under the Highways Act 1980, in order to dedicate the land the developer must be able to prove ownership/legal ability to dedicate the land.

The amended plan (Drawing No 1470SHW/GHB/SL01 Revision L) indicates the location of one of the proposed pedestrian crossings on Greaves Hall Avenue to the eastern side of Westerdale Drive. I would agree that a crossing point would assist pedestrian access to the school and leisure centre at this location for the existing residents from the Westerdale Drive development.

The attached plan indicates 3 possible locations and I would consider that a crossing at position 3 on the plan would provide a safe crossing point for residents from the proposed new development. The most suitable location for this would be at the northern end of the junction table (to the north of the proposed pedestrian guard rail) which would place it close to the pedestrian access to the school. Location 2 on the attached plan would be unsuitable due to the proximity of the bend.

The proposed crossing would need to be "zebra crossing" type crossing and installed at the developers cost.

The garages were below the minimum recommended internal dimension to be counted as parking space and since my previous response the applicant has made some changes to try and address the problem of insufficient parking provision, however, none of the 4 bedroom dwellings have adequate number of parking spaces and a number of driveways do not have the required 6m length fronting garages. Plots 101 and 102 have only 1 car parking space each.

If a single width driveway is to provide two car parking spaces I would request that the minimum length of drive way to be 11m. This will allow for moving between vehicles with any overhang of the footway/service verge.

Parking for the commercial units has been increased and although the applicant has now provided the correct amount of parking I would request that 6m manoeuvring space be provided to the rear of some spaces.

- 2.2 LEAD LOCAL FLOOD AUTHORITY (25.04.17) – No objection subject to conditions relating to provision of an appropriate surface water drainage system and its management and maintenance.
- 2.3 MERSEYSIDE ENVIRONMENTAL ADVISORY SERVICE (05.09.16) – Insufficient information has been provided to discharge Conditions 16, 17, 18 and

19 of the outline planning permission. However, the submitted Ecological Survey Report states no evidence of Great Crested Newt use or presence was found, therefore the Council does not need to consider the proposals against the three tests (Habitats Regulations) or consult Natural England.

MERSEYSIDE ENVIRONMENTAL ADVISORY SERVICE (31.10.16) – Following additional information regarding bat roost potential of the water tower, now satisfied that the use of the structure by bats can be ruled out. As the information provided states that no evidence of bat use or presence was found, the Council does not need to consider the proposals against the three tests (Habitats Regulations) or consult Natural England. Therefore Condition 16 and 17 of the outline planning permission can be discharged. Condition 18 and 19 cannot be discharged as there is insufficient mitigation for loss of breeding bird habitat and insufficient methods for eradicating Japanese knotweed are proposed.

MERSEYSIDE ENVIRONMENTAL ADVISORY SERVICE (10.01.17) – The applicant has submitted further information regarding nesting boxes which provides suitable mitigation for the loss of bird breeding habitat and Condition 18 of the outline planning permission can be discharged. Condition 19 cannot be discharged as further information as an updated Japanese knotweed method statement is required. *This has subsequently been removed from the description.*

- 2.4 NATURAL ENGLAND (14.07.16) – No comment to make on the discharge of Conditions 16, 17, 18 and 19. Natural England has published Standing Advice on protected species that should be applied.
- 2.5 ENVIRONMENT AGENCY (11.07.16) – No objection providing the measures as detailed in the Flood Risk Assessment ELLUC-CD-526-09061-FRA-F1 (dated 9th June 2016) are implemented and secured by way of planning condition. The development will require a permit from the EA for any proposed works in, under, over, or within 8m of the top of the bank of Watercourse 22 (Back Lane Drain Watercourse), which is designed as a main river.
- 2.6 UNITED UTILITIES (03.08.16) – In accordance with the NPPF and NPPG the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. A condition is recommended for the management and maintenance of SUDS.
- 2.7 LANCASHIRE CONSTABULARY DESIGNING OUT CRIME OFFICER (06.07.16) – A number of recommendations provided which should be incorporated into the design of the development in order to reduce the risk of crime affecting the residents, visitors, business units and locality, thereby promoting safer communities and reducing avoidable demand on policing resources.

2.8 DIRECTOR OF LEISURE AND WELLBEING

Previous objections removed subject to imposing additional planning conditions – the full response and conditions will be available on the late information report.

(16.11.16) - Object on the basis that noise and potential noise from the existing industrial unit (Granite House) is likely to be detrimental to the amenity of the residents of the nearest houses to the premises and put unreasonable restrictions on the existing business along with noise from the proposed use class B1 business units affecting the existing and proposed residents. Both the applicant's and the objector's reports advise that the noise from the lawful activity during the daytime at Granite house would have a significant adverse effect on the nearest proposed dwellings. The suggested mitigation measures involve keeping windows closed and this is not a satisfactory solution as it is reasonably expected that people should be able to have windows open in their houses during the day and at night to sleep.

Stone Masters Ltd have a right to use their premises 24/7 and whereas I am of the opinion that they could not carry out the types of activity they do in the day during night time without causing nuisance to existing residents they could carry out some limited activities at night or in the evening or early morning that could cause nuisance at the proposed houses, being that much closer. Thus, this development would put unreasonable restrictions on the development of their business. A design for housing on this site needs a greater buffer zone around the existing business and/or mitigation measures that allow the houses to have windows open whilst allowing the existing business to carry out its lawful activity.

In addition to noise there may be a potential impact on proposed residential premises from the impact of odours, fumes and/or dust from the existing businesses. This has the potential to impact on the amenity of future residents. Whilst I am not aware of any particular sources of fume or dust from any of the premises the potential for these from use class B2 uses would support having a buffer zone around the B2 industrial units.

Suitably worded conditions can be imposed to deal with impact of the business units in terms of noise, hours, lighting and air quality.

Further noise information was submitted and re-consultation carried out.

(24.03.17) – Object on the basis that noise and potential noise from the exiting industrial unit (Granite House) is likely to be detrimental to the amenity of the residents of the nearest houses to the premises (and put unreasonable restrictions on the existing business).

In accordance with Condition 22 of the outline application 2013/0104/OUT the applicant has submitted a noise survey for the site, carried out by Red Acoustics

Ltd. The consultant has used a combination of on-site measurements and predictions using typical noise levels to assess the potential noise impact of the existing business on the proposed dwellings. Noise modelling has been used to assist.

The conclusions from the initial report were that, following an assessment in accordance with BS4142:2014, there is a potential for significant adverse and adverse impact to occur due to the predicted level relative to the background level. However, using the layout of the site to incorporate stand-off distances and a combination of noise mitigation measures including a 3m high acoustic barrier (to screen vehicle movements and yard activity) together with a reasonable standard of double glazing and trickle vents in the windows, should ensure satisfactory overall noise levels for residents. The layout ensures back garden areas are protected from noise by being positioned behind the houses whose fronts will face the existing business (Granite House).

My concerns about these conclusions were that the noise protection relies on windows having to be kept closed to get sufficient protection from noise, and this is not an ideal situation. Following a meeting at WLBC where the above concerns were discussed, a revised noise report was submitted that proposed thermal double glazing 6-12-6 with a Positive Input Ventilation system installed in each house on the site to address the issue of the householders getting sufficient ventilation without having to open the windows.

Since the receipt of this report a further noise source on the western elevation has been identified at the premises which has not been previously measured by the applicant. Therefore Red Acoustics Ltd have re-visited the site, measured this noise source and produced a further noise report which identifies two particularly loud sources of noise and proposes additional mitigation measures.

The mitigation measures now include increased height of the main noise barrier around the Granite House site, up to 4m in places; a high standard of acoustic glazing on facades predicted to be exposed to greater than 50dB(A). The prediction, with the mitigation measures, is that internal noise levels, with windows closed, will achieve a desired internal target limit (following WHO guidelines and BS 8233:2014). Further barriers have been proposed around several gardens opposite the western façade of Granite House. The noise mapping shows most gardens achieving a level below 55dB(A). A few garden areas are slightly higher.

My concern about the newly measured sources of noise is that firstly, when operating it is subjectively very loud (up to 78dB(A) at the measurement position) and the compressor part of it contains strong low frequency tones at 50Hz, 100Hz, 200Hz. The compressor noise can currently be clearly heard at existing houses on Lonmore Drive when the door is open. Low frequency tones are difficult to insulate against as they have long wavelengths and are therefore

noticeable much further away than higher frequencies and can penetrate more easily through building elements. Glazing specifications do not show acoustic insulation values below 125 Hz as they cannot be measured accurately under test conditions. My concern therefore about this particular source of noise is that the predictions of suitable indoor noise levels may not be accurate, although the consultant believes there is sufficient margin in the performance of the glazing to ameliorate this. However, even if this is the case the gardens across the site may be subject to more tonal low frequency noise than is comfortable.

My additional concern is that mitigation measures have been focused on achieving WHO and the upper guideline values of BS 8233:2014. I think it still needs to be borne in mind that a BS4142:2014 of the external levels of noise, even with the mitigation, suggests there is a potential for significant adverse noise to occur due to the predicted level relative to the background. The noise levels are not constant as they would be in areas of high road traffic noise for instance. What the residents will notice is that for part of the day the noise levels will be acceptable, then when certain particular sources come on they will be noticeable, being significantly higher than the ambient noise, which then may lead to complaint. There is also potential for the occupier of Granite House to have even louder noises or operate at more unsocial hours.

There are no restrictions on the working hours at the existing industrial units. I have concerns that, work can be therefore be carried out there at any time, and noise levels that are satisfactory during a normal working day may not be in early mornings, late evenings or during the night.

The NPPF states that “existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;” I think that the business is effectively restricted from carrying out a night shift due to the likelihood of causing noise nuisance to current nearby residential properties; however they may be currently able to work in a reduced capacity early morning and evenings that would not affect the current neighbours but would affect properties built much closer.

Stone Masters Ltd have a right to use their premises 24/7 and whereas I am of the opinion that they could not carry out the types of activity they do in the day during night time without causing nuisance to existing residents they could carry out some limited activities at night or in the evening or early morning that could cause nuisance at the proposed houses, being that much closer. Thus, this development would put unreasonable restrictions on the development of their business.

An additional noise survey has been carried out by Martin Environmental Solutions (MES) on behalf of Stone Masters Limited, who occupy Granite House adjacent to the application site, who have submitted the survey report with a

representation (objection) to the application. This noise report, based on their own measurements of noise from site, concludes that the proposed dwellings will be unduly affected by sound levels emanating from the existing Granite House activities, with, in some cases, substantial mitigation measures being required to achieve suitable levels. The conclusions are based on measurements of noise levels that are notably higher than those measured by Red Acoustics. I have some doubts that Stone Masters Limited cause these levels on a daily basis as using these levels to calculate the levels at the existing houses on the existing estate then one would expect that there is also a significant adverse impact at those houses in the daytime, as well as evening and weekends and therefore we would be expected to have received complaints at the Council about the level of noise. In fact until September this year we have not previously received any noise complaints about Stone Masters Limited. This complaint in September was about Stone Masters Ltd operating fork lift trucks at 6am.

Should the application be granted and the site be developed and then complaints of noise nuisance arrive we would investigate to assess if there is a statutory nuisance being caused, and if so an abatement notice would be served to require the abatement of the nuisance.

However there has been some case law in a private nuisance case that may provide a defence against action being taken for nuisance if there has been a change in use of the land adjoining an established noisy activity:
In addition to noise there may be a potential impact on proposed residential premises from the impact of odours, fumes and/or dust from the existing business. This has the potential to impact on the amenity of future residents.

In principle, Planning Use Class B1 units should be suitable for locating close to a residential area, without causing detriment to the amenity due to noise or pollution. Perhaps the greatest potential source of noise is from the vehicles serving the units.

Red Acoustics have considered the potential impact of noise from the B1 units affecting the residential properties and whilst the rating levels are considered to be too high, this could be controlled by condition. Red Acoustics have assessed the likely noise from within the B1 units. They have suggested a construction standard for the units which I think is appropriate.

They have also suggested a restriction in the hours of use from 07:00 - 19:00 to limit traffic movements to and from the site to daytime hours. As the likely uses are as yet unknown, and to protect in particular Plot 64 I would suggest a precautionary approach with greater restrictions on these weekday hours to 08:00 - 18:00 for activity and deliveries etc. as well as restrictions on weekends to 0800 - 1300 Saturdays, with no working on Sundays or Bank Holidays. I also think consideration should be given to an acoustic fence for the boundary of Plot 64.

There is no lighting plan submitted with this application. A scheme detailing the lighting of the industrial part of the site should be submitted and approved before development commences. This can be dealt with by attaching a condition.

In accordance with our Local Plan policy IF2 (Section 3. re. electric vehicle recharging points). I would advise that all the houses and business units should be fitted with electric vehicle charging points. This can be dealt with by condition.

Dust during the construction phase can be dealt with by requiring an environmental management plan for the construction phase.

3.0 OTHER REPRESENTATIONS

3.1 North Meols Parish Council (20.07.16) – Raise the following concerns:

condition of Aveling Drive is poor, including poor quality lighting and footpaths;
because of the above, Aveling Drive will not be able to accommodate the extra traffic that would be generated by 133 more houses and industrial units;
the school roadway must be completed to an adoptable standard;
a suitable road safety assessment should be undertaken ahead of any decision.

3.2 Greaves Hall Action Group, who commissioned a survey and analysis of bat activity in the area, object to the proposed development for the following reasons:

bat survey taken on 24th August 2016 indicates the site is used by a good number of noctule bats. Tree felling on the site will have an adverse effect on the bat population;
loss of potential bat roosts in trees;
the applicant's bat surveys are inadequate;
insufficient infrastructure to accommodate the development;
long term unresolved problem of flooding in Banks would be made worse – flooding of sewerage is now a regular occurrence, also inadequate surface water drainage;
applicant should carry the cost of providing suitable drainage and a new pumping station to prevent future flooding incidents;
already failures of electricity supply which would be worsened;
lack of doctors surgery in the area and the applicant should carry the cost of providing a surgery and pharmacy on the site;
loss of wildlife;
increased traffic around the school;
the traffic report does not consider road requirements for HGV use nor new diesel fuel air pollution that will occur adjacent to the school, school children and leisure centre, local residents, care home occupiers and diesel pollution should be prohibited so close to hundreds of children at school;

the action group propose to commission their own road traffic assessment to cover this aspect;
members of the group called for 16% of the proposed homes to be affordable

3.3 Representatives of the proprietor of The Old Laundry, and Stone Masters Ltd, who occupy Granite House, the Old Laundry, in the centre of the former Greaves Hall Hospital, raise the following objections:

the proposal involves constructing residential properties on land over which the proprietor of The Old Laundry has the benefit of express easements and seeks to re-route the current access to the premises from Aveling Drive, contrary to a right of access preserved in title deeds;

the proposed dwellings will be unduly affected by sound levels, in fact, noise would have a significant adverse impact on all the nearest houses during daytime, evening and night time;

the applicant's noise report fails to carry out an assessment under BS4142:2014 which is specifically designed for assessing industrial and commercial sound;

the Old Laundry Building currently has no hours restrictions upon its use and it would not be acceptable for the Council to try and impose such restrictions as this would effectively prevent the growth of the business, resulting in the loss of jobs and decline in the local economy;

the applicant's noise survey is misleading as the business already operates from 6am and due to increased business are operating a second shift into the night;

the existing access to the Old Laundry building is to be re-routed. This is contrary to the planning permission for the site and would result in significant highway concerns and a breach of planning condition;

the proposed new access does not make provision for the unloading and turning of HGV's;

the development includes areas where the owners of the Old Laundry have a legal right to park such that development could not take place, making parts of the site undeliverable;

the inevitable reduction in scale of activity at the Old Laundry and the only active employment enterprise within the site would undermine this mixed use and sustainable philosophy;

highway safety issues if HGV's take access along Greaves Hall Avenue;

noise assessment submitted with the application is sub-standard and cannot be relied upon;

maximum sound levels according to the data submitted by the applicant regularly exceed this level;

the results of a noise survey undertaken by owners of the Old Laundry conclude that a substantial number of properties would be located in areas with an unreasonable noise regime;

it is clear that deliverability cannot be ensured meaning that the grant of consent will not assist in meeting the housing requirements of West Lancashire;

impact on trees;

impact on bats;

capacity of the sewerage system;

the requirements of Condition 15 of the outline permission state that a constant vehicular access is required to be maintained in order to protect the full functionality of and avoid prejudice of existing business interests. This cannot be achieved with re-routing the access and in addition, the re-route access is unworkable in a very tight defined area;

Contrary to Condition 22 of the outline permission, there has been no contact made with any representative of the Stone Masters to ascertain the required information regarding a noise report, which should have been submitted prior to submission of the Reserved Matters application;

even if the proposed PIV to each house and the erection of a 4m high acoustic barrier were to be found acceptable in terms of mitigating noise, the proposal is unacceptable on environmental and humanitarian grounds as the barriers would be totally overbearing;

the current Certificate of Lawfulness of Existing Use or Development application made on behalf of The Stone Masters and Jigsaw Sponsorship Services at The Old Laundry is relevant in that this proves the continuity of use of the area around the site for storage use since March 2007;

a recent permission 2004/1665 for an extension to the Old Laundry building is relevant and this permission seriously compromise the Council's ability now to be able to undertake any proceedings under the scope of that consent;

Stone Masters are a high profile regional successful company who bring substantial benefits to the West Lancs economy and which ought to be acknowledged and strongly supported by the Council. The workforce of around 30 are also important to the local economy. There appears to be a distinct lack of support for this business which has been the mainstay of the Industrial Estate that never materialised;

P20 of the NPPF requires the LPA to proactively meet the demands of business and must support the company to operate successfully. However, approving the application as it stands due to noise implications, altered access arrangements, vehicle servicing arrangements and potential restrictions in delivery times would have a resultant impact of a nature that would make it difficult for Stone Masters to continue to trade successfully, contrary to the Local Plan, NPPF and Economic Development Strategy;

to make a decision now would be premature;

the outline layout plan was purely indicative and the views of all the community should have been sought to provide a "brief" as to the constraints on the site and how best to bring development forward;

it is necessary to raise land levels by approximately 2m but there are no details of levels/sections etc. and it is not clear why this is necessary as a large part of the land is subject to protection from existing flood defence;

a new angled retaining wall feature is proposed along the boundary of the Stone Master's Granite House site and the residential site. This wall would lead to encroachment ;

the legal case presented by the applicant is not the same as the present scenario;

the representations made by the Stone Masters should be reported in full and not abridged then a measured decision can be taken by elected members.

3.4 Governing Body of St Stephen's CE Primary School raise an objection to the proposal on the grounds of increased traffic flow past the school and consider that the current route which takes lorries to Granite house along Aveling Drive should remain the preferred route. The Head Teacher has not agreed to industrial traffic using Greaves Hall Avenue instead of Aveling Drive as suggested by the landowner. The introduction of a pedestrian crossing, railings and road humps is a sticking plaster solution. The landowner's suggestion of restricting traffic to industrial estate between 10am and 2pm could not work in practice and would not be acceptable to existing businesses.

3.5 4 separate petitions have been received to the planning application, one containing 41 signatures, one containing 42 signatures, one containing 123 signatures and one containing 12 signatures – 218 signatures in total. All petitions relate to grounds of increased traffic along Greaves Hall Avenue causing road traffic, environmental and health and safety problems, in particular, the re-routing of HGV's currently going along Aveling Drive that will, as a result of the development, be re-routed along Greaves Hall Avenue.

3.6 I have received 85 standard letters (from 67 separate addresses) raising the following objections:

increased risk of accidents to school children, residents and current users of the leisure centre by bringing HGV's along Greaves Hall Avenue;
insufficient consideration has been given to alternative solutions for the HGV's making deliveries to the Granite House units.
Greaves Hall Avenue has become over-developed in recent years;
not prepared to accept the necessary widening of Greaves Hall Avenue and subsequent loss of mature trees;
recent bat survey and analysis concludes a detrimental link between destruction of mature trees on the proposed widened road and potential disturbance to a number of species of bats currently found to be present;
current proposals do not adequately take account of flora and fauna on the site and insufficient emphasis has been highlighted on the link between the need for mature trees and bats

3.7 In addition I have received 48 individual neighbour representations objecting to the development on the following grounds:

increased traffic along Greaves Hall Avenue;
this application seeks to overrule the earlier 1994 planning permission for the Old Laundry which advised stated that the scheme at that time was designed to produce the minimum amount of inconvenience to occupiers of the site, the new development and houses on Aveling Drive by splitting the traffic flow so that light

administrative traffic will have access from a new feeder road and heavier industrial traffic will access via Aveling Drive;
neither the latest submission nor the outline predecessor provide adequate consideration on the impact of traffic along Greaves Hall Avenue;
detrimental effects on health of increased diesel HGV's along Greaves Hall Avenue;
no alternative road route from Aveling Drive has been offered;
increased traffic long Greaves Hall Avenue potentially leading to increased accidents;
loss of trees;
lack of infrastructure in Banks, particularly doctor's surgery;
increased power cuts;
overdevelopment in a village already lacking in services;
loss of wildlife;
historically, the hospital always used Aveling Drive to no detriment to the local area;
access from both Aveling drive and Greaves Hall Avenue will create a rat run;
increased flooding in the area;
lack of parking;
there should be no through route between Aveling Drive and Greaves Hall Avenue, but pedestrian route only;
detrimental to safety;
increased noise from proposed industrial units;
increased pollution;
loss of tranquil area;
Banks has already seen lots of housing development and the village hasn't got the services to support any more;
only pavement on one side of Greaves Hall Avenue;
proposed school drop off area inadequate;
TPO's should be placed on trees on the site and the access road;
negative impact on appearance of Greaves Hall Avenue
increased traffic along Aveling Drive will lead to safety issues;
street lighting is poor;
unclear what the public open space will be
Greaves Hall Avenue is too narrow to accommodate this amount of traffic, particularly HGV's;

4.0 SUPPORTING INFORMATION

4.1 The application is supported by the following information:

Planning Statement
Design and Access Statement
Noise Survey
Transport Statement
Tree Survey and Arboricultural Impact Assessment

Ecological Surveys
Statement of Community Involvement
Phase 1 Land Quality Assessment
Flood Risk Assessment
Viability Assessment

5.0 RELEVANT PLANNING POLICIES

- 5.1 The National Planning Policy Framework (NPPF), the National Planning Policy Guidance (NPPG) and the West Lancashire Local Plan (2012-2027) (WLLP) provide the policy framework against which the development will be assessed.
- 5.2 The site is allocated as EC3 (i) – Rural Development Opportunity, EN3 – Green Infrastructure / Open recreation Space in the Local Plan.
Relevant Local Plan policies:
SP1 – A Sustainable Development Framework for West Lancashire
GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
GN4 – Demonstrating Viability
EC1 – The Economy and Employment Land
EC3 – Rural Development Opportunities
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 Built Environment
- 5.3 In addition the following supplementary documents are material considerations:
SPD – Design Guide (Jan 2008);
SPD – 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 application relates to a combined site located on the eastern side of the village of Banks. The former brownfield hospital site (main site) of approx. 6.5 Ha. is located to the south of Aveling Drive and north-east of Greaves Hall Avenue being accessible from both roads. Additionally, flat open greenfield areas of about 3.3 Ha. within the Green Belt to the east of the former hospital site are included within the application. Within the main site lies an area of approx. 0.4 Ha. that

does not form part of the application site. This area features a single flat roofed utilitarian building (the former hospital laundry building) and yard areas used by four businesses including B2 industrial uses.

- 6.2 The application site is bordered by residential development to the south (Westerdale Drive), north and north-west (Abington Drive). A school and community leisure centre area lie to the south-west and open agricultural land to the east. The main part of the site is predominantly in a derelict condition with most of the former buildings associated with the previous institutional hospital use having been demolished. Some buildings remain in whole or part including a water tower and the site has pioneer vegetation species establishing amongst areas of more established trees. Approximately half the site lies within Flood Zone 3 (eastern side) and the remaining half split between Flood Zones 1 & 2.

Background

- 6.3 The brownfield area of the site was previously allocated for development as an institutional/health use as part of the Council's desire to see the comprehensive redevelopment of the former Greaves Hall site including a mix of housing, employment and community uses. Since the allocation under the previous Local Plan, that wider area has been developed under the terms of the outline permission 1992/0708 primarily for residential uses with associated landscaping, open space and infrastructure. A care home has also been established on Greaves Hall Avenue and a number of affordable homes provided along Greaves Hall Avenue and Guinea Hall Lane.
- 6.4 Outline planning permission, with all matters reserved except access, was granted for a mixed use development on the site (comprising, residential, B1 employment uses, landscaping and public open space, associated road infrastructure and parking) on 27th June 2014 (Ref: 2013/0104/OUT). The outline permission includes 27 conditions and a S106 Agreement that requires the submission of a viability study to determine the appropriate level of affordable housing, a programme of delivery of the employment land, open space phasing and management, a transport contribution of £70,000 to be used for the provision of sustainable transport measures and biodiversity surveys and mitigation if required. No conditions have yet been discharged; however, this Reserved Matters application seeks to include details of some conditions (namely Condition 16 – bat roost details; Condition 17 – bat survey; Condition 18 – Landscaping).
- 6.5 The existing employment building in the centre of the site (but not forming part of the application) is known as The Old Laundry and contains two businesses – The Stone Masters (also known as Granite House) and Jigsaw Sponsorship Ltd. The Council are currently dealing with an application for a Certificate of Lawfulness of Existing Use or Development for this site (2017/0240/LDC). This has been submitted by the owner of the building who seeks to demonstrate that an area of land around the building has been used continuously for storage and ancillary

industrial use for a period not less than ten years. This application is still under consideration.

The Proposal

6.6 This is a reserved matters application for the erection of 131 dwellings and 2805sqm of B1 light industrial units. The application includes details of site layout, scale, appearance and landscaping. The site is separated into two distinct parts, one accessed off Aveling Drive, which generally serves the majority of the residential units; and one accessed off Greaves Hall Avenue, which generally serves the proposed light industrial units as well as the existing Old Laundry building and St Stephens School. The principle of both these access points has previously been approved under the outline permission for the site and a through route between the access points has been provided.

6.7 The proposed dwellings will comprise of:

- 14 x 2 bed dwellings
- 78 x 3 bed dwellings
- 27 x 4 bed dwellings
- 12 x 2 bed apartments in two blocks of 6

The heights of the properties vary, with the majority being two storey but with one of the house-types including three internal floors with small dormers in the roof space. They are of typical modern house building design, not dissimilar to those already existing in the local area.

6.8 The proposed light industrial units to the south of the site are located directly behind The Old Laundry and comprise three blocks divided into 6 units in total. Each unit measures 18.1m x 19.4m and is a maximum of 7.8m high. The units are brickwork with cladding above. Parking areas are provided close to the units.

6.9 The wooded areas along the Aveling Drive frontage to the site are retained and a landscaped buffer area is proposed around the north, east and west sides of The Old Laundry. The two proposed apartment blocks are sited to the NW of this building with parking for the apartments separating the buildings from the former laundry site. To the east is an existing area of grassland which would be given over as public open space incorporating wildflower meadows, trees and informal paths. An area has been set aside for formal school parking in place of the current adhoc parking facility.

Principle of Development

6.10 The principle of a mixed use development on the site has already been established through the approval of outline permission under planning reference 2013/0104/OUT. In this regard, the conditions pertaining to the outline permission

are still applicable and the proposal includes less than the 140 dwellings envisaged as well as the required level of light industrial use. In addition the proposal includes a large area of land within the Green Belt to the east, which will be enhanced as informal public open space in accordance with the outline permission. There have been no significant policy changes in the interim which may have affected this decision, therefore I am satisfied that the principle of development remains compliant with the aims and objectives of the NPPF and Policy RS1 of the Local Plan.

Affordable and Specialist Housing for the Elderly

- 6.11 Provision of 35% affordable housing is required on sites of this scale under the terms of Policy RS2 of the Local Plan in this locality. In addition to this, Policies RS1 and RS2 also require that 20% of new residential units should be suitable for the elderly. Policy is flexible as to how this requirement should be met, and this provision can form part of the affordable housing provision. The outline planning permission included a S106 Agreement that incorporated the requirement to submit a viability statement to demonstrate how much affordable housing provision could be delivered on the site.
- 6.12 A detailed viability assessment has been submitted by the applicant. This indicates that the site would not be viable with any affordable or specialist housing for the elderly provision and therefore 0% was offered. I therefore instructed an independent assessment of the applicant's viability study by Keppie Massey. Keppie Massey found that the costs and revenues of the applicant's viability appraisal were acceptable. The appraisal indicates that once the development costs and profit return (18.75%) are deducted from the gross development value, the net residual land value for the scheme comprising solely market housing is less than an acceptable benchmark value for which a reasonable and competitive return would be expected for the landowner.
- 6.13 As such, Keppie Massey considered that on this occasion, the proposed development is insufficiently viable to support an affordable housing provision or the proposed transport payment of £70,000. This conclusion has been reached even though the proposed development does not attract a CIL payment (the outline permission was granted prior to the introduction of CIL). This is because the abnormal costs associated with the development of the site and the cross-subsidisation of the development of industrial accommodation means that any surpluses that could be available are wiped out. The abnormal costs amount to around £4.9m and the development of industrial accommodation provides a financial deficit of around £975,000.
- 6.14 Keppie Massey consider that the development could be more viable in the event that the light industrial use is not implemented. In this case, it would be prudent for the Council to ensure that the commercial elements of the scheme are tied into the delivery of the higher value residential development. If this does not

happen, there is a prospect that the commercial elements will not be delivered and the landowner could acquire a greater return. The phasing of the site has already been agreed within the S106 Agreement for the outline permission, which requires the access road to the commercial part of the site be implemented. However, I advise that a claw back legal agreement is entered into that requires a re-appraisal of the site viability in the event that commercial development does not come forward within a given timescale.

- 6.15 In terms of specialist housing for the elderly, whilst the dwellings themselves will not be constructed for use by the elderly without adaptation, they will be constructed to meet current Building Regulations with the structure designed to ensure minimal work is required in any future adaptation that may be necessary. The Housing White Paper indicates that it will be necessary for developments to meet the needs of accommodation for the elderly. Whilst it is not specific how this is to be achieved, at a recent event, the Planning Minister suggested that compliance with Part M of the Building Regulations would probably meet the test. The proposed development meets this test and the apartments would provide full accommodation for 6 units on the ground floor.

Siting, Layout and Design

- 6.16 Policy GN3 in the Local Plan together with the Council's SPD Design Guide states that new development should be of a scale, mass and built form that responds to the characteristic of the site and its surroundings. New development is required to have regard to visual amenity and complement its surroundings through sensitive design, including appropriate siting, orientation and scale.
- 6.17 The proposed development for 131 dwellings equates to a housing density of 28 dwellings per hectare, which is commensurate with the density of surrounding development. Various types and size of dwellings are proposed, including 2 bed roomed apartments, 2 bedroom houses and 3 and 4 bed detached houses as a mix of semi-detached and detached.
- 6.18 The dwellings are of brick construction and of typical modern estate design, similar to those surrounding the site. Dwellings in the main benefit from front gardens and all properties have off road parking for at least 2 cars, some at the front and some at the rear, ensuring that there is not a dominance of hardstanding to frontages. All dwellings have adequate sized rear gardens and privacy standards set out in the Council's SPD Design Guide are met.
- 6.19 The layout of the site has been designed to accommodate a buffer area around the existing industrial building at The Old Laundry and the houses orientated so that the quieter bedrooms face away from The Old Laundry. The two apartment blocks are sited north of The Old Laundry with a car parking area separating the industrial use from the residential apartments.

- 6.20 The creation of two access points to the site provide an opportunity for the site to be permeable in terms of linkages and in this regard the layout of the site offers a legible scheme with clear routes for vehicle and pedestrian movement throughout. The area of public open space to the east is overlooked by some of the proposed dwellings to allow for passive surveillance.
- 6.21 The location of the proposed light industrial units to the south of the site and closest to the existing industrial premise of The Old Laundry is appropriate and the design of the proposed units, whilst utilitarian, is not of such scale and density to be at odds with surrounding residential development. It is separated somewhat from residential properties due to its main access along the southern part of the site and existing wooded screening to the south.
- 6.22 I am satisfied that the resulting layout is acceptable and would not be incongruous within its surroundings. The proposal is therefore in accordance with Policy GN3 of the Local Plan.

Impact on Residential Amenity

- 6.23 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.
- 6.24 In terms of the relationships between the proposed dwellings, I am satisfied that the proposed layout, in general, accommodates the required interface distances. Where this is not the case, I am satisfied that the resulting impact has been designed out by ensuring that the main outlook is focused away from the neighbouring property. In terms of the impact on neighbouring residents, I am satisfied that there is sufficient distance to ensure no impact upon privacy or overshadowing, even with raised land levels. This is helped by retention of some of the existing boundary treatment and existing areas of open space. Therefore I consider that the proposed development would satisfy the requirements of Policy GN3 in respect of neighbouring amenity.
- 6.25 The main impacts of any significant development in this area would be during the construction phase in terms of noise; and in the longer term, from increased traffic and use of local services generated by the development. Whilst some noise will be generated during the construction phases, this will be subject to environmental control. Issues of noise, traffic and impact on local infrastructure as a result of the development are discussed in more detail elsewhere in my report.

Highways and Parking

- 6.26 Details of access to the site from the adopted highway were provided at the outline stage and included within an illustrative layout. This acknowledged that vehicular traffic access would be available from both Aveling Drive and Greaves Hall Avenue with a through route between these unclassified local access roads being created. As part of the development, as was previously agreed at the outline stage, the applicant is proposing to carry out highway improvements, some of which are required by the Highway Authority. These include the widening of the existing carriageway along Greaves Hall Avenue, where it fronts the leisure centre, to a width of 5.5m. At present there is a footway on the south side of Greaves Hall Avenue, however, a new footway will be provided along the north of the widened road and a pedestrian crossing provided close to the leisure centre.
- 6.27 The widened end of Greaves Hall Avenue will then follow the existing curve northwards and past the St Stephens School entrance, with footways on both sides. A parking layby will be created with 18 spaces for school parking and a further pedestrian crossing. This access road will then lead northwards providing access to residential properties and cul-de-sac and linking through to the access from Aveling Drive. At the point where this access road curves around the corner of the leisure centre, an additional new access will be created to serve the existing industrial premises at The Old Laundry as well as the proposed light industrial units. The widening of Greaves Hall Avenue will necessitate the removal of a number of trees.
- 6.28 Along Aveling Drive, it is proposed to upgrade the existing unadopted footways in an easterly direction from Abington Drive and also to provide street lighting. At present the footways are in a poor condition and there is no street lighting. This has been a long-standing concern of the local residents. It is intended that the applicant undertakes this work rather than provide the two bus stops on the site as required by Condition 26 of the outline permission, as these are no longer required as confirmed by LCC. In order to carry out the upgrading works along Aveling Drive, the land required (which is in the same ownership as the proposed development site) would have to be dedicated as highway land and adopted under a suitable agreement under the Highways Act. This work would be undertaken as an off-site highway improvement, similar to that required along Greaves Hall Avenue. I am satisfied with this element of the scheme and consider it a benefit to the local area.
- 6.29 The increased use of Greaves Hall Avenue, and in particular, by industrial traffic and HGV's is the main concern of all the objectors. Concerns relate to the fact that this road is at present quiet and used mainly by school traffic and children walking to school. There is no doubt that traffic will be increased this road and at present very few HGV's travel along it. However, the principle of an access to the wider area being created along Greaves Hall Avenue was considered at

outline planning stage. It was accepted by the Highway Authority and the Council in approving the outline planning application, that the impact of the applicant's site, the existing traffic movements adjacent to the site and the future impact of the approved development off Greaves Hall Avenue would not have a significant impact on highway safety and capacity in the area.

- 6.30 At the time of consideration of the outline application, concerns were expressed in respect of the potential conflict of commercial vehicle movements in close proximity to the school and leisure centre and that the carriageway was not sufficiently wide for commercial traffic. The view was taken by the Highway Authority that the combined vehicle trips of the existing and proposed business development was not anticipated to be so significant as to justify such a high specification on the carriageway. Large vehicles are able to pass with little difficulty on the access road. It was acknowledged that the proposals would draw more traffic across the school frontage, however, this was not considered to be at levels where highway safety would be significantly compromised and concerns would be offset to a degree by the enhanced provision of the formal parking area proposed by the applicant as well as opportunities for pedestrian routes to the school being provided. The detailed proposal includes the widening of the existing carriageway to adoptable standard with footways on both sides and pedestrian crossings. The Highway Authority are satisfied with this arrangement and therefore the proposal is considered to comply with Policy GN3 of the Local Plan.
- 6.31 Concerns have also been raised by the current occupier of Granite House that their ability to access and service the site has been compromised by the development such that it would be difficult to continue to operate. The premises is currently accessed off Aveling Drive but, as a result of the development, be required to be accessed from Greaves Hall Avenue. The owner of the building advises that they have a legal right to use Aveling Drive; however, this is a civil matter and provided the premises can be accessed from an adopted highway, I am satisfied that the proposed access to the premises is acceptable. In terms of accessibility for deliveries, manoeuvring and parking, the proposed layout provides more space for such requirements than the present arrangement allows. I am satisfied that the applicant has provided adequate accessibility for Granite House.
- 6.32 In terms of parking provision on the site overall, I am satisfied that each dwelling has been afforded an appropriate parking provision and the layout of the parking courts for the proposed light industrial units is acceptable. The Highway Authority previously commented upon the fact that many of the residential parking spaces were below the recommended dimensions to be counted as a parking space (6m x 3m); however, the layout has been amended so that the majority of the parking spaces meet the requirement. Although the garages are not designed with internal size of 3m x 6m, I am satisfied that, due to the layout and amount of driveway space provided, even if a car was not kept in the garage, there is

sufficient on-street parking available such that the proposed development would not lead to an impact upon highway safety.

- 6.33 I am satisfied that vehicles can manoeuvre safely within the site and access and egress would not cause adverse harm to highway safety or the free flow of traffic in the local area. On this basis I am satisfied that the proposed is compliant with Policy GN3 and IF2 in the Local Plan.

Public Open Space

- 6.34 The outline planning permission for development on this site required an area of greenfield land to the east be enhanced and available for use as public open space. This Reserved Matters application includes the provision of approx. 3.26 hectares of public open space on the eastern greenfield part of the application site. This area is within the Green Belt and allocated under Policy EN3 Green Infrastructure/Open Recreation Space in the Local Plan on account of former uses on the site.
- 6.35 The site is currently informally used by dog walkers but there are no public rights of access. The area is currently unmaintained and is likely to have some ecological function, it would therefore not readily lend itself to the provision of a formal play space, allotments or similar organised use. This area has previously been identified as benefitting from access enhancement for informal recreational use as a *Natural and Semi-Natural Area* that the 2009 West Lancashire Borough Council Open Space, Sport and Recreation Study identifies to be absent from the northern area of the Borough. It is material to note that the recently approved development on land to the east of Guinea Hall Lane provides a new play area and 'green gym' adjacent to the school and leisure centre that would equally serve the development here. Additionally, there is a small play space adjacent to but outside the southern boundary of the site. I am therefore satisfied that the proposed area of land included within the current application provides a significant area of semi-formal open space along with wooded and wildflower areas with access available through the development site and from the Council's playing area to the north and the existing housing development off Westerdale Drive to the south. It is proposed that this area is managed and maintained by the developer, the full details of which are required as part of the existing S106 Agreement.

Trees and Biodiversity

- 6.36 There are numerous trees across this site of varying age and condition. With the exception of the open areas of Green Belt land to the east, the whole site is covered by a Tree Preservation Orders ref: 11/1992; additionally Orders 81/2004; 109/2004 exist on the site and there are protected trees adjacent to the site under preservation order refs: 100/2004 and 109/2004. The applicant has submitted an arboricultural report providing appropriate assessment and classification of trees

on the site. The report also gives an indication of the trees that would be potentially removed to enable the indicative layout to be realised. This suggests a high number of trees classified as Category B (moderate quality and value) would be removed leaving only two main groups and limited other stands and individual trees. It was acknowledged at the time of determining the outline application, that the development of this site would require significant tree removal.

- 6.37 Whilst it is disappointing that more trees could not have been incorporated within the development, it is acknowledged that the development of the site is on the margins of viability and any further reduction in developable site area may well render the redevelopment of the site undeliverable. Due to significant concerns about the impact of proposed development on the wooded area fronting Aveling Drive, the scheme has been amended to remove any dwellings in this area.
- 6.38 A detailed landscaping scheme has been submitted which includes the layout and planting of the area of public open space as well as incidental planting within the residential areas which will increase biodiversity and assimilate the development into its surroundings.
- 6.39 To achieve sustainable development, the planning system should seek environmental gains, should contribute to protecting and enhancing the natural environment and help to improve biodiversity. The NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the natural environment, including moving from a net loss of biodiversity to achieving net gains for nature (NPPF Para 6-10).
- 6.40 The redevelopment of the site constitutes a recycling of the previously developed area of the main site with the result that a long standing derelict site will be brought back into use with improvements to the general amenity of the area, however, this must be done in such a way that biodiversity value and conservation and enhancement of the natural environment are achieved.
- 6.41 The main part of the site constitutes a brownfield site that has lain inactive for some considerable time resulting in areas of pioneer growth amongst areas of more established trees and hedges. Under the terms of Policy EN2 in the Local Plan development proposals must seek to avoid impacts on significant ecological assets and protect and improve the biodiversity value of sites. As a result of conditions imposed on the outline application, and to provide up to date information in consideration of this Reserved Matters application, the applicant has submitted an Ecological Survey Report.
- 6.42 The report includes bat surveys and identifies the provision and maintenance of bat roosting and foraging opportunities. The bat surveys found no evidence of bat use or presence within the water tower on the site and as such the Council does not need to consider the proposals against the three tests in the Habitats Regulations and the details are sufficient to discharge Condition 16 and 17 of the

outline planning permission. Following the provision of further information regarding the details of provision of nesting boxes on the site as mitigation for the loss of breeding habitat (due to the loss of so many trees on the site) it is considered that an acceptable level of mitigation has been provided and that Condition 18 of the outline permission can be discharged. I am satisfied that the proposed development is compliant with Policy EN2 of the Local Plan.

Surface Water, Drainage and Flood Risk

- 6.43 At the outline stage of considering development on the site, the site itself fell within Flood Zone 2 and 3 and as such a Flood Risk Assessment was undertaken in order to demonstrate a site specific exceptions test and that there would be flood risk on or off-site as required by the NPPF. The statutory bodies assessing the impact of the proposed development on the above matters (United Utilities (UU), Environment Agency (EA) and LCC Lead Local Food Authority)) did not raise any objections to the proposal. Stringent conditions were imposed on the outline planning permission requiring details of the surface water management scheme and compliance with the Flood Risk Assessment submitted. Full details of drainage have not been applied for under this Reserved Matters application; such details are required to be agreed prior to commencement of development on the site.
- 6.44 However, since the approval of the outline application, the Environment Agency has updated their Flood Maps and the site now falls wholly within Flood Zone 3 (the highest probability of flooding). As such, the applicant has carried out a new Flood Risk Assessment. The Environment Agency has confirmed that the FRA is acceptable. This requires that the finished floor levels of the dwellings are set no less than 600mm above ground level. The existing ground levels rise from the north to the south of the site by approximately 4m. The Environment Agency requires that the land levels on the site be raised by approximately 2m.
- 6.45 Details have been provided of the impact this will cause along adjoining boundaries, particularly with regards surface water run-off. Along the western boundary, the existing site is already elevated slightly higher than the adjacent off-site levels. Furthermore it is currently hard paved and un-drained. Through the implementation of the proposals, which includes the installation of buffer landscaping and the creation of garden space, this will result in an overall reduction in the surface water run-off rate in the post-development situation. However, in order to ensure the optimal solution the applicant proposes a scheme whereby the garden areas of the proposed dwellings adjacent to the site boundary are to be locally lowered in order to mitigate the run-off onto third party land. To the south of the site, the proposed roads will be installed with a positive drainage system consisting of highway gullies and adoptable sewers. These gullies will formalise the drainage system and not create any additional surface water run-off onto the adjacent boundary.

- 6.46 It is intended that surface water will be stored on site and discharge, at attenuated rate, to an existing culverted watercourse along the northern boundary of the site. The culvert here will be replaced and maintained by the developer. The Lead Local Flood Authority has been consulted on the proposals and advise that they have no objection to the development. They have, however, requested that the developer submit a detailed surface water drainage scheme prior to commencement of development on site and that this be completed prior to occupation of the dwellings or business units. This is covered by the requirement to satisfy drainage conditions on the outline permission and should include details of discharge rates and volumes (pre and post development), temporary storage facilities and methods to be employed to delay and control surface water discharged from the site.
- 6.47 With regards foul flows, it is proposed that this will drain to the existing foul sewer as the former hospital site did. In my view the FRA has demonstrated that the development has a low probability of flooding and will not increase the risk of flooding in the area in accordance with Policy GN3 of the Local Plan and full details of surface water and foul water drainage can be dealt by condition.

Noise

- 6.48 A key concern with the proposed development of this site for residential purposes is the potential noise impact upon the living conditions of future residents and how this also impacts upon the existing industrial business in the centre of the site at The Old Laundry. Policy GN3 of the Local Plan states that proposals for development should retain or create reasonable levels of amenity for occupiers of the proposed and neighboring properties. Paragraph 123 of the NPPF advises that planning decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life and mitigate and reduce to a minimum other adverse effects on health and quality of life arising from noise through the use of conditions. It goes on to state that it is important to note that development will often create some noise and business wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses. The National Planning Policy Guidance (NPPG) refers to both the NPPF and the Noise Policy Statement for England (NPSE) confirming they do not expect noise to be considered separately from the economic, social and other environmental dimensions of the proposed development.
- 6.49 The NPSE seeks to protect health and quality of life from the effects of noise and introduces the concept of the Lowest Observed Adverse Effect Level (LOAEL) and the Significant Observed Adverse Effect level (SOAEL). The World Health Organisation (WHO) also provide advisory noise thresholds.
- 6.50 As already stated in this report, there is an existing industrial occupier in a building in the centre of this site (known previously as The Old Laundry and now

as Granite House). There are in fact two businesses operating in this building, one which provides granite, quartz and stone worktops, tiles and other products and another that brands and manufactures signs. The established use of this building is for B1, B2 and B8 uses and a current Certificate of Lawfulness is being considered for an area of land to the north of the building for use as outdoor storage (2017/0240/LDC). There are no hours restrictions on the use of the building and no specific noise conditions, therefore, the building could be used, in theory, 24 hours a day, 7 days a week. In practice, if any business operating from this building were to be causing a statutory noise nuisance for any of the existing residential properties surrounding the site, then the Council would have powers to deal with the matter. No occupiers in the building currently operate 24 hours a day, 7 days a week. I am informed by the occupier of Granite House that the normal working hours are 6am until 5pm, although the service area needs to be available 24 hours should service vehicles be required access (for instance if they are delivering continental imports from the ports).

- 6.51 As a result of the potential for noise being generated by the existing operator in the centre of the site, when the outline application for mixed residential and employment uses was being considered, the applicant submitted a noise survey. This survey was of a limited duration and therefore may not have been representative of the range of activities that occur at the existing businesses. Therefore a more comprehensive noise survey was required to be submitted prior to submission of the Reserved Matters (RM) application in order to inform the layout of the houses and any mitigation measures required (Condition 22). The applicant has provided an updated and more detailed noise assessment, undertaken by Red Acoustics. However, this was submitted at the same time as the Reserved Matters application rather than before it. Whilst the applicant has failed to comply with the strict requirements of the condition as this required the submission of a noise report prior to submission of the RM application and required the noise assessment to use information supplied by current occupiers of the existing industrial users as to their current and future activity levels, the applicant has provided evidence that they tried to contact the current occupiers of the industrial unit and also engaged with the Council's Environmental Health Officer to agree the scope of a noise report. I am satisfied that the noise survey carried out on behalf of the applicant is fit for purpose and has adequately informed the layout of the proposed development and any mitigation required.
- 6.52 The conclusions of the applicant are that, following an assessment in accordance with BS4142:2014, there is a potential for significant adverse and adverse impact to occur to occupiers of the proposed dwellings due to the predicted level relative to the background level. However, using the layout of the site to incorporate stand-off distances and a combination of noise mitigation measures including a 3m high acoustic barrier (to screen vehicle movements and yard activity) together with a reasonable standard of double glazing and trickle vents in the windows, should ensure satisfactory noise levels for residents. The layout ensures back garden areas are protected from noise by being positioned behind the houses

whose fronts will face the existing business (Granite House).

- 6.53 My concerns about these conclusions are that the noise protection relies on windows having to be kept closed to get sufficient protection from noise, and this is not an ideal situation.
- 6.54 An additional noise survey has been carried out by Martin Environmental Solutions (MES) on behalf of Stone Masters Limited, who occupy Granite House, and which rebuts some of the findings of the applicant's noise survey. Stone Masters also refer to the fact that no representative from the applicant has approached them to find out the actual details of the business operation. The MES noise report, based on their own measurements of noise from site, concludes that the proposed dwellings will be unduly affected by sound levels emanating from the existing Granite House activities, with, in some cases, substantial mitigation measures being required to achieve suitable levels. The conclusions are based on measurements of noise levels that are notably consistently higher than those measured by Red Acoustics.
- 6.55 Environmental Health colleagues have some doubts that Stone Masters Limited cause these levels on a daily basis as using these levels to calculate the levels at the existing houses on the existing estate then one would expect that there is also a significant adverse impact at those houses in the daytime, as well as evening and weekends and therefore there would be expected to be a number of complaints received at the Council about the level of noise. In fact until September this year Environmental Health had not previously received any noise complaints about Stone Masters Limited. The complaint in September was about Stone Masters Ltd operating fork lift trucks at 6am.
- 6.56 Environmental Health advise that the Red Acoustics report only considers noise during a normal working day. The MES report considers noise in the daytime, early morning, evening and at night, based on the company not having any planning restrictions on their working hours. The conclusions that have been drawn by MES suggest that the noise would have a significant adverse impact on all the nearest houses by quite a significant margin in the daytime as well as in the evening and night-time. There are no restrictions on the working hours at the existing industrial units and as such, Environmental Health Officers have concerns that, if there are no planning restrictions on the existing units work can be carried out there at any time, and noise levels that are satisfactory during a normal working day may not be in early mornings, late evenings or during the night.
- 6.57 The NPPF states that "existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;" It is the view of Environmental Health that the business is effectively restricted from carrying out a night shift due to the likelihood of causing noise nuisance to current nearby

residential properties; however they may be currently able to work in a reduced capacity early morning and evenings that would not affect the current neighbours but would affect properties built much closer. As such, concern has been expressed that the proposed development would place restrictions on the current business operating hours.

- 6.58 As a result of the concern from Environmental Health and the arrival of a new compressor unit being used by The Stone Masters which is located close to the western elevation of Granite House (next to a door which is sometimes left open), Red Acoustics carried out further assessment and included additional mitigation in the form of higher acoustic fencing adjacent to the western boundary of The Stone Masters. The report also clarified that the level of the land on which the residential development is proposed, will be raised by 2m. The proposed acoustic fence is 3m and sited approximately 10m from Granite House. In effect, this will lead to an overall barrier approximately 5m high and 10m from the side elevation of the Granite House. When taking the raised land levels and the proposed acoustic barrier into account, Red Acoustics consider all proposed rear gardens will achieve noise levels less than 55dB and all but 7 will achieve a garden noise level less than 50dB, in compliance with both WHO and BS8233:2014 thresholds. Furthermore, Red Acoustics claim that the use of positive input ventilation (PIV) in the proposed dwellings means that significantly less internal noise levels than those used as a threshold in WHO and BS8233:2014 guidance can be achieved. PIV is a mechanical way of providing ventilation into a building rather than simply opening windows. The windows of the proposed dwellings can be opened but if noise levels are particularly high, there is an option to close the window and use PIV.
- 6.59 Environmental Health have considered the additional information and mitigation and have verbally advised that they consider the measures put in place above will now achieve acceptable threshold for noise both within the proposed dwellings and within garden areas. A formal written response will be provided as Late Information and details of associated planning conditions.
- 6.60 In terms of the proposed B1 business units to the south of the site, this is in accordance with the outline planning permission which requires that the site is mixed use with a condition requiring B1 units. In principle, Class B1 units are suitable for locating close to a residential area, without causing detriment to the amenity due to noise or pollution. Perhaps the greatest potential source of noise is from the vehicles serving the units. Red Acoustics have considered the potential impact of noise from the B1 units affecting the residential properties. Providing the construction and acoustic fence is as advocated in the submission, fixed plant noise targets of 5dB below background are imposed by condition and hours of use are restricted to 8am to 6pm, this element of the proposal is considered to be acceptable.

- 6.61 Concern has been expressed in the strongest terms by the owner and occupier of the Granite House, that the future business potential of the Granite House will be seriously compromised by the proposed development. I have addressed the impact on access and noise above. Local Plan Policies SP1 and EC1 aim to facilitate economic growth in the Borough and the Council is fully supportive of local business growth. A key aim of the Council's Economic Development Strategy 2015-2025 is to support growing businesses. The NPPF promotes the growth of sustainable business. I acknowledge the contribution that Stone Masters and Jigsaw Sponsorship make to the West Lancashire economy and beyond.
- 6.62 However, I do not share the view of the objector that the proposed development would compromise the growth of the business. Indeed, additional land has been incorporated into the proposed layout of the development to provide enhanced parking and manoeuvring to the north of Granite House than exists at present. The proposed vehicular access to the site along Greaves Hall Avenue provides a less tortuous access directly from the A565 and the general environment surrounding the Granite House will be enhanced. Provided the noise mitigation measures are implemented, then the operational use of the Granite House will exist as it does at present. The fact that the existing planning permission for the Granite House is unrestricted in terms of hours of operation does not give carte blanche for an occupier to make undue noise and disturbance. There is an inevitable limit to noise levels that can emanate from the current premises at present as it is already surrounded by residential development on three sides, albeit at a greater distance than that proposed, but with those dwellings having no noise mitigation imposed. For the reasons outlined above, I am satisfied that the potential needs and growth of business at the Granite House have been carefully considered and the proposed development would not, in my opinion, lead to the business having unreasonable restrictions being put upon it and as such would not be contrary to the NPPF in this regard.

Other Matters

- 6.63 Local residents are concerned about the impact of the additional population on local services such as school places and health provision. Again, these issues were considered at outline planning stage and I am satisfied that the relevant bodies were consulted and no significant impact was identified other than the need for primary school places on the basis of £350 per dwelling. However, after re-assessing the proposal, LCC subsequently identified that there are sufficient existing primary and secondary places to accommodate the impact of the development and therefore LCC are no longer seeking an education contribution.

Planning Obligations

- 6.64 The Outline permission granted for the redevelopment of this site is the subject of a legal agreement requiring the developer to provide a viable level of affordable

and specialist housing for the elderly, on-site public open space, marketing and phasing of the employment land, a transport contribution and a primary school contribution. These obligations reflected the relevant policy requirements at the time outline permission was granted and remain part of the proposed development which must be delivered in line with the terms of the agreement. A deed to vary this agreement is proposed and the variation relates to removal of the primary school and transport contributions (as the viability appraisal confirms the scheme cannot afford such contributions) and the requirement to re-appraise the viability of the site should the B1 uses not be implemented within 2 years.

Summary

- 6.65 In summary, it is considered that the proposed development is acceptable in terms of layout, appearance and scale and that the proposed landscaping scheme will assimilate the development into its surroundings. I am satisfied that the proposed development would allow for the provision and retention of reasonable levels of amenity for the occupants of future and neighbouring properties. I consider that the future business operations at Granite House will not be unduly restricted as a result of the proposed development. I find that the proposed development is compliant with the Local Plan and Habitat Regulations in respect of ecology. The development remains subject to the conditions imposed under the approved outline scheme.

7.0 RECOMMENDATION

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

remove the fourth schedule to require the Transport Contribution
remove the Sixth Schedule relating to the primary school contribution

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

Conditions

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference 1470SHW/GHB/SL01 Rev P (site layout) received by the Local Planning Authority on 21st April 2017;
Plan reference 1470SHW/GHB/B101 Rev A (industrial units) received by the Local Planning Authority on 4th July 2016;

Plan reference 1986-MAR-01 (Marsden plans overview) received by the Local Planning Authority on 28th June 2016;

Plan reference 1986-MAR-02 (Marsden elevations overview) received by the Local Planning Authority on 28th June 2016;

Plan reference 1986-LAW-01 (Lawton plans and elevations overview) received by the Local Planning Authority on 28th June 2016;

Plan reference 1986-ADE-01 (Adel plans and elevations overview) received by the Local Planning Authority on 28th June 2016;

Plan reference 1986-CLG-01 (Carron with large garage plans overview) received by the Local Planning Authority on 28th June 2016;

Plan reference 1986-CLG-02 (Carron with large garage elevations overview) received by the Local Planning Authority on 28th June 2016;

Plan reference 1986-BOW-01 (Bowland plans and elevations overview) received by the Local Planning Authority on 28th June 2016;

Plan reference 1986-BOW1-01 (Bowland 1 plans and elevations overview) received by the Local Planning Authority on 21st March 2017;

Plan reference 1986-BRE-01 (Brearley plans overview) received by the Local Planning Authority on 21st March 2017;

Plan reference 1986-BRE-02 (Brearley elevations overview) received by the Local Planning Authority on 21st March 2017;

Plan reference 1986-BRE2-01 (Brearley 2 plans and elevations overview) received by the Local Planning Authority on 21st March 2017;

Plan reference 1986-FIR-01 (Firgrove plans and elevations overview) received by the Local Planning Authority on 21st March 2017;

Plan reference 1986-FIR-02 (Firgrove plans and elev overview with bay) received by the Local Planning Authority on 21st March 2017;

Plan reference 1986-ELT-01 (Elton apartment plans and elevations overview) received by the Local Planning Authority on 3rd May 2017;

Plan reference 1986-GAR-01 (Double garage plans and elevations overview) received by the Local Planning Authority on 3rd May 2017;

Plan reference 1986-GAR-01 (Single garage plans and elevations overview) received by the Local Planning Authority on 3rd May 2017;

Plan reference 5188.05 Rev B (Landscape proposals 1 of 6) received by the Local Planning Authority on 1st December 2016;

Plan reference 5188.05 Rev B (Landscape proposals 2 of 6) received by the Local Planning Authority on 1st December 2016;

Plan reference 5188.05 Rev B (Landscape proposals 3 of 6) received by the Local Planning Authority on 1st December 2016;

Plan reference 5188.05 Rev C (Landscape proposals 4 of 6) received by the Local Planning Authority on 1st December 2016;

Plan reference 5188.05 Rev B (Landscape proposals 5 of 6) received by the Local Planning Authority on 1st December 2016;

Plan reference 5188.05 Rev B (Landscape proposals 6 of 6) received by the Local Planning Authority on 1st December 2016;

2. Prior to the first occupation of any dwelling or B1 business unit, it shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.
3. The mitigation for loss of nesting habitat specified in the Environtech letter dated 23rd November 2016 shall be implemented prior to occupation of the dwellings or B1 units on the site and shall be retained thereafter.
4. Within a period of 9 months from the date when any dwelling or B1 business unit 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.
5. No development above slab shall take place until full details and samples of the external brickwork, cladding 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.
6. The B1 business units shall be open for activity and deliveries from 08.00 hours to 18.00 hours only Monday to Friday and from 08.00 hours to 13.00 hours on Saturdays with no working or deliveries on Sundays or Bank Holidays.
7. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (Ref: ELLUC-CD-526-090616-FRA-F1) and the following mitigation measures detailed within the FRA:
 1. Finished floor levels shall be set between 3.64 and 4.5m above Ordnance Datum
 2. The culverted main river Watercourse 22 (Back Lane Drain Watercourse) shall be replaced with the same culvert (600mm diameter) along the boundary of the application site.The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
8. The development shall be carried out in accordance with the AIA and Method Statement for tree protection specified in the TBA "Arboricultural Impact Assessment and Method Statement Revision A" received by the Local Planning Authority on 5th October 2017 and the Tree Survey and Root Protection Areas Plans Sheet 1 of 2 and 2 of 2 Drawing Refs: 5188.01 Rev B and 5188.02 Rev B received by the Local Planning Authority on 29th June 2016.
9. No construction works shall be commenced 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 street serving each phase of the development will be completed to. The Estate Street Phasing and Completion Plan shall set out dates for entering the Section 38 Agreement of the Highways Act 1990 (as amended) and/or the establishment of a private Management and Maintenance Company.

Reasons

1. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
2. In the interests of sustainability in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. 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.
5. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To safeguard the occupiers of the surrounding area from excessive noise intrusion and so ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. In order to reduce the risk of flooding and to comply with Policy GN3 of the West Lancashire Local Plan 2012-2027 Development plan Document and the National Planning Policy Framework.
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 ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential financial security and safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway and to comply with the provisions of the 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
 - GN4 - Demonstrating Viability
 - EC1 - The Economy and Employment Land
 - EC3 - Rural Development Opportunities
 - 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 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.6 APPLICATION NO.	2017/0057/FUL
LOCATION	Wilmar Marsh Road Banks Southport Lancashire PR9 8DY
PROPOSAL	Demolition of existing joinery workshop and retail buildings and construction of two dormer bungalows, with associated hardstanding and boundary fences.
APPLICANT	Mr & Mrs Stopforth
WARD	North Meols
PARISH	North Meols
TARGET DATE	27th March 2017

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme however, Councillor Prichard has requested it be referred to Committee to consider the impact on siting and layout in the local setting as well as flooding and location.

2.0 PREVIOUS RELEVANT DECISIONS

- 2.1 2016/0770/FUL Demolition of existing joinery workshop and retail buildings and construction of two dormer bungalows, with associated hardstanding and boundary fences. REFUSED 20.12.2016
- 2.2 2014/0260/FUL - Demolition of existing joinery workshop and retail buildings and erection of detached dwelling. GRANTED 21.05.2014
- 2.3 2013/0652/FUL - Demolition of existing joinery workshop and retail buildings and erection of detached dwelling. REFUSED 17.12.2013.
- 2.4 1992/0978 - Reduction and refurbishment of existing buildings and retention of its use for Antique furniture restoration, cabinet making, furniture craft work, storage and display to trade personnel. GRANTED 07.07.1993
- 2.5 1991/0946 - Retention of use of buildings for antique furniture restoration, cabinet making, furniture craft work and retail sales. REFUSED 21.05.1992

Enforcement records

- 2.6 E/1992/0030 - 1. Erection of shop front to former agricultural building. 2. Change of use of land and buildings for use as joinery, woodworking, furniture restoration workshop; the land and buildings for display and retail sale of goods; and the

siting of portal-frame workshop building. ENFORCEMENT APPEAL ALLOWED 20/07/1994.

3.0 CONSULTEE RESPONSES

3.1 **Environmental Health** (02.03.16) – No Objections; request condition attached relating to electric vehicle charging points

3.2 **Environmental Health Scientific Officer** (23.02.17) – The site may be contaminated by virtue of its past commercial/industrial use. Request a condition to be attached.

Following comments from previous application but still applicable to this proposal:

3.3 **Environment Agency** (25.04.17) – No Objection subject to conditions

4.0 OTHER REPRESENTATIONS

4.1 I have received one letter of objection from a neighbouring property. Planning concerns are outlined below:

This application appears no different to previously refused application;
The boundary issue has not been clarified; plot 1 will be on or overhang my property;
Design – not in keeping with the area, unpleasant to look at as the dormers are just boxes stuck on the roof. Design does not look like new build;
Unightly buildings that will spoil the openness of the area;
Too close to my boundary – dwelling 1 is 90cm from my boundary;
The application area outlined in red is not the area the owners plan to sell with the plot exaggerating the amount of land these houses would be built on, as can be seen on DRG 001;
It also concerns me that the trees being planted are not on the properties but on the land being kept by the current owner, what is to stop them pulling the trees up once the houses have been completed;
No objection to one dwelling as previously approved built from traditional quality materials and a respectable distance from the boundary.

5.0 LOCAL PLAN ALLOCATION

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 Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD

West Lancashire Local Plan 2012-2027 DPD

GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
GN4 – Demonstrating Viability
RS1 – Residential Development
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
EC1 – The Economy and Employment Land
EC2 – The Rural Economy
EC3 – Rural Development Opportunities

Supplementary Planning Document, Design Guide (Jan 2008)

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

6.0 **SUMMARY OF ISSUES**

The Site

- 6.1 The application site relates to an area of land to the south of Marsh Road, adjacent to Wilmar. The site has an existing access and hard standing area to the front of the site, which leads to buildings, which under enforcement appeal reference E/1992/0030 (granted 20/07/1994) have planning permission for use as a joinery, woodworking and furniture restoration workshop. The permission also allows for goods restored or made on the site to be retailed from the site.

The Proposal

- 6.2 This application seeks planning permission for the demolition of the existing buildings and for the construction of two dormer bungalows.
- 6.3 Planning permission was granted in 2014 (ref 2014/0260/FUL) for the demolition of the existing buildings and for the construction of one bungalow dwelling (18.9m x 13.9m by height 4.7m). The proposed dwelling was to be located to the northern aspect of the existing building but to the rear of the building line of Wilmar.
- 6.4 However, more recently planning permission was refused in 2016 (ref 2016/0770/FUL) for the demolition of existing joinery workshop and retail buildings and construction of two dormer bungalows for the following reasons:

The development fails to comply with Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD and the National Planning Policy Framework (NPPF), and Technical Guidance to the National Planning Policy Framework in that the site

lies in an area identified as being at high risk of flooding and no sequential test has been provided as required by the National Planning Policy Framework.

The proposed development is contrary to paragraph 55 of the National Planning Policy Framework and Policies GN1 and RS1 of the West Lancashire Local Plan (2012-2027) DPD in that the development would result in a new isolated home in the countryside and the delivery of market housing outside of a settlement boundary in an unsustainable location. Insufficient special circumstances have been identified to support the development in this context.

The proposal conflicts with Policy GN3 in the West Lancashire Local Plan DPD (2012-2027) and supplementary planning document 'Design Guide' (Jan 2008) in that it would result in overdevelopment of the site to the detriment of the area and would be out of character with the prevailing pattern of development in the local area.

The proposal conflicts with Policy GN3 of the West Lancashire Local Plan DPD (2012-2027) and the SPD, 'Design Guide' (Jan 2008) in that the proposal fails to retain reasonable levels of amenity space for dwelling 1.

The application is essentially the same as the previously refused 2016 application but the applicant has sought to address the reasons for refusal in the supporting statement.

Assessment

Principle of Development - Green Belt

- 6.5 Policy GN1 of the adopted Local Plan states that 'development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies'.
- 6.6 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.
- 6.7 The NPPF says that the construction of new buildings in the Green Belt should be considered inappropriate, subject to six exception criteria. The development would, in principle, meet one of the exception criteria in that the development would involve complete redevelopment of previously developed land (brownfield land), whether redundant or in continuing uses, but to comply with this exception the development would not have to 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.

- 6.8 The approved development ref 2014/0260/FUL saw the proposed dwelling being sited forward of the building line of the existing buildings on site however as the development would occupy a smaller footprint than the existing building and would have a similar maximum height to building 1 and utilised a design which avoided a bulky or prominent visual appearance it was considered on balance that the development would be unlikely to result in further harm to the Green Belt than the existing development.
- 6.9 In terms of this development, two dwellings are proposed. Presently the site is occupied by buildings with a total footprint of 348m², the proposal for two dwellings will result in a reduction in the total footprint to 240m². So although the proposal has moved forward of the building line of the existing building on site, the development occupies a smaller footprint than the existing buildings. The height of the new development has been kept to a minimum and has been designed to have a hipped roof to avoid a bulky and visually prominent appearance. Therefore, as the site is previously developed, it can be said that there is already an impact on the site, in terms of openness and visual amenity upon the Green Belt. Given the provisions of the NPPF, it is my opinion that is unlikely that the proposal will cause any further harm to the Green Belt than the buildings that already exist on the site.

Principle of Development - Sustainability of Location

- 6.10 Paragraph 55 of the NPPF is also relevant in establishing the principle of the development and states that 'local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances'.
- 6.11 Under the 2014 decision for one dwelling, the officer at that time noted that the location of the proposed dwelling would be on the cusp of being considered isolated. Since that decision we have received appeal decisions which relate to this issue. There appears to be no strict definition of the term 'isolated' to date; however, the focus of appeal decisions suggests 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 walk-able 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.
- 6.12 This site is 1 mile from the nearest schools and over 1.5 miles from the doctor and chemist and other local facilities within Banks. More extensive facilities such as railway station and secondary schools are located in Southport which is approx. 4 miles away. Due to the nature of the roads in the locality and distance to services it would be impractical for residents of the proposed dwelling to walk to even the local facilities and it is unrealistic to expect that they would walk to

access the facilities in Southport. I therefore consider that future occupants would be reliant on private vehicles for day to day activities such as work, shopping and other essential facilities. On that basis it is my view the proposed new dwelling would be located in an environmentally unsustainable location.

- 6.13 Consideration is therefore necessary as to whether, under paragraph 55 of the Framework, there are any special circumstances to justify the provision of a new dwelling in this location.
- 6.14 The applicants have put forward a supporting statement which agrees that the site is between 1m to 1.5m away from the centre of the village but disagrees that this should be considered isolated. Furthermore they state that the site is accessible by walking, bicycle and on a regular bus route. Whilst I agree the Marsh Road is a bus route, the nearest bus stop is still some 0.6m away. I therefore consider the site to still be isolated and consider the proposal fails to comply with the requirements of paragraph 55 of the NPPF and with policy GN1 of the Local Plan.

Principle of Development - Loss of an existing employment site

- 6.15 The planning history of the site shows that the buildings subject to this application have planning permission for a joinery workshop together with associated retail. Therefore, I consider that the loss of an individual employment site must be also assessed in determining the principle of this development.
- 6.16 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.
- 6.17 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 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.
- 6.18 Within the supporting statements the reasons outlined for the loss of the employment use (B2 / A1 use) at this site are:

Residential use would generate less traffic and visual intrusion;
Use no longer compatible with adjacent uses;
No limitations on the intensity of use, vehicle movements or customers, type of machinery used or size of vehicle or type of work or hours of operation (*in terms hours of operation - condition 4 of enforcement appeal E/1992/0030 restricts the hours of operation between 08:00 and 19:00 Monday to Friday*);
Applicants who reside at Wilmar no longer wish to continue with the workshop as they have retired;
Applicants ran the business at low level – more hobby than operational business.

- 6.19 It was accepted in both the 2014 and 2016 applications that the proposed change of use meets with the above policy requirements. The use of the joinery workshop ceased in 2000 when the applicants retired on ill health grounds. Therefore, as there is no current employment use on the site (and hasn't been for some 14 years) there will be no loss of employment. There were no other employees – therefore there is not a need to relocate the employment function.
- 6.20 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 building's 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 considered unviable to redevelop for the existing use or for a mixed use site. There are also restrictive planning conditions on the planning permission (E/1992/0030) for the use of the buildings - so that it can only be used as a joinery, woodworking, furniture restoration and cabinet making workshop (and no other purpose including any other use in B2) (condition 2), that only goods restored or made on the site shall be retailed from the site (condition 3) and that the site can only be used between 08:00 and 19:00 Monday to Friday (condition 4). Therefore I am satisfied that test (a) and (b) of Policy GN4 and the principle of the development can be deemed acceptable.

Principle of Development - Flood Risk

- 6.21 The site lies within a Flood Zone 3 area which is defined as having a high probability of flooding in the National Planning Practice Guidance. The flood zone has changed from 2 to 3 since the previous planning approval for one dwelling (2014/0260/FUL) and the applicant was advised of this prior to submitting this application. A flood risk assessment (FRA) dated February 2014 is submitted with this application that deals with flood zone 2 only.
- 6.22 Paragraphs 100 – 103 of the NPPF deal with flood risk. Paragraph 100 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 101 confirms the aim of the Sequential Test is to steer new development to areas with the

lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding. It is for the LPA to determine whether or not the proposals satisfy the Sequential Test as defined in paragraph 101 of the NPPF and, where necessary, the requirements of the Exception Test as set out in paragraph 102. The EA will consider whether or not the proposals satisfy the requirements of the second part of the Exception Test and paragraph 103 of the NPPF.

6.23 Under the 2016 application the Environment Agency (EA) originally raised an objection to the proposal as the FRA submitted with the application did not comply with the requirements set out in paragraph 9 of the Technical Guide to the National Planning Policy Framework. The applicant submitted an amended FRA with a Flood Risk Addendum and site levels and cross section plans. The FRA proposed mitigation measures including the Finished Floor Level (FFL) to be 6.7m Above Ordnance Datum (AOD). The EA then withdrew their objection and advise that ‘the proposed development will only meet the requirements of the National Planning Policy Framework if the following measure as detailed in the Flood Risk Assessment FRA/DS/11/16-009 are implemented and secured by way of a planning condition on any planning permission.’

6.24 However, the FRA is fundamentally flawed in that does not suitably address the relevant tests set out in paragraph 101 of the NPPF requiring a sequential test for development proposed within flood risk areas. This is to demonstrate there are no reasonably available sites in areas with a lower probability of flooding that, in this case, would be appropriate for the construction of a dwelling. It is not considered appropriate to permit more vulnerable development within flood zones 2 or 3 except where sites in Flood Zone 1 have been reasonably discounted and other areas within Zone 2, then 3, which are less likely to inundation have similarly been considered. This test has not been carried out by the applicant. There appears no obvious reason why this could not be carried out. I note that further afield numerous flood risk Zone 1, (non-Green Belt and Green Belt), sites exist which have also not been discounted by way of the sequential test requirement. The applicant has stated they do not own land outside flood zone 2 and 3 and that there is a need for housing in the Northern Parishes. They note that over 100 houses have been granted within Flood Zone 2 and 3. This information is not considered to be an acceptable justification in lieu of a robust sequential test. The local applications which are referred to would have been accompanied by FRA and satisfactory sequential tests. This application has failed to submit a satisfactory sequential test, and is therefore unacceptable in principle and fails to comply with the NPPF and policy GN5 of the Local Plan in this regard.

Design and External Appearance

- 6.25 Policy GN3 of the adopted WLLP states that proposals for development should be of a high quality design and in keeping with the West Lancashire Design Guide SPD. The Council's SPD Design Guide states that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the streetscene because of their height, scale or roofline. Paragraph 59 of NPPF sets out, due regard should be paid to design and in particular the scale and massing of the built form so that developments reflect local distinctiveness.
- 6.26 The proposed siting and design remains unchanged from the previously approved 2016 application. The proposed dwellings would be sited forward of the existing joinery building in order to minimise the spread of development on the site and reduce the impact upon the openness of the Green Belt. The dwellings would follow a similar building line to the adjacent property, Wilmar (albeit stepped forward ever so slightly) which is considered appropriate. However, the layout of the development is poor. I have concerns that the rear elevation of dwelling 1 would be extremely close (0.9m) to the boundary with a neighbouring property.
- 6.27 The design of the proposed dwellings is modest with a similar footprint and height as the previously approved dwelling. Each dwelling will have a hipped roof which mirrors the road frontage dwellings of Wilmar and Devondale which both have hipped roofs. Within the vicinity of the site are other bungalow style properties. The flat roof dormers are proposed on the front and rear elevations and have been stepped down from the ridge in accordance with the guidance set out in the SPG Design Guide.
- 6.28 A large hard standing area is introduced to the front of the properties to provide both car parking and turning areas for each property. In order to minimise the impact of the hard standing porous grass pavers have been introduced which is considered to be acceptable.
- 6.29 There is currently good regular spacing between properties in the local area each with large rear garden areas. The site is 'L' shaped and results in an irregular sub division of the plot to allow dwelling 1 and 2 to sit alongside each other. Dwelling 1 would be sited tight up against the boundary with Marsh View Stables which fails to reflect the spacious pattern of development found locally. This part of the site would appear overcrowded and the spacing and layout would be out of keeping with the pattern of development and plot sizes within the locality. Furthermore, the rear garden for plot 1 is irregular in shape and provides limited useable garden space for the occupants. Overall in my opinion the proposal would result in overdevelopment of the site to the detriment of the area and is therefore contrary to Policy GN3 of the West Lancashire Local Plan DPD and the SPD Design Guide.

Impact upon Residential Amenity

- 6.30 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”.
- 6.31 In terms of any impact upon neighbouring properties, plot 2 has no side elevation windows facing the adjacent neighbouring property Wilmar and given the dwelling is single storey with a hipped roof I am of the view that there will not be a significant impact upon the occupants of Wilmar. There will be adequate separation distances between the proposed development and neighbouring properties North View (30m) and Marsh View Stables (50m).
- 6.32 My main concern lies with the shape and depth of the rear garden for plot 1. The rear garden for plot 1 is irregular in shape and the boundary with Marsh View Stables will sit less than 0.5m away from the majority of the rear elevation of dwelling 1. Whilst a garden depth of 30m is provided this will only be 4m wide and not provide adequate usable area directly to the rear of the dwelling and does not appear to be accessible. The applicant states that plot 1 has been designed so that the patio doors open on to the side garden which measures 10m by 7m. Whilst the side garden provides some private amenity space, the overall site layout appears to lack useable amenity space commensurate with a 3 bedroom dwelling.

Ecology

- 6.33 Policy EN2 seeks to enhance, preserve and improve biodiversity assets within the Borough. As the site is within a rural location and is within an area of high biological value and the development would result to the removal of buildings on the site, an Ecological Survey would be required as part of any submission. An updated Protected Species Survey has been received. This survey concluded that no evidence of roosting bats or protected bird species was detected within the surveyed buildings which are assessed as having a low potential to support roosting bats and breeding birds. Opportunities exist on site for nesting under roofing and in scrub adjoining the buildings therefore work on the buildings should be restricted during the bird breeding season and can be conditioned.

Summary

- 6.34 In summary, the site lies in an area identified as being at high risk of flooding and no sequential test has been provided, the development results in an isolated new home in the countryside and results in the overdevelopment of the site resulting in a loss of amenity for plot 1. Subsequently, I consider that the proposal does not accord with the NPPF and policies GN1, GN3 and RS1 of the Local Plan and as such should be recommended for refusal.

7.0 RECOMMENDATION

7.1 That planning permission be REFUSED for the following reasons:

Reasons for Refusal

1. The development fails to comply with Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD and the National Planning Policy Framework (NPPF), and Technical Guidance to the National Planning Policy Framework in that the site lies in an area identified as being at high risk of flooding and no sequential test has been provided as required by the National Planning Policy Framework.
2. The proposed development is contrary to paragraph 55 of the National Planning Policy Framework and Policies GN1 and RS1 of the West Lancashire Local Plan (2012-2027) DPD in that the development would result in a new isolated home in the countryside and the delivery of market housing outside of a settlement boundary in an unsustainable location. Insufficient special circumstances have been identified to support the development in this context.
3. The proposal conflicts with Policy GN3 in the West Lancashire Local Plan DPD (2012-2027) and supplementary planning document 'Design Guide' (Jan 2008) in that it would result in overdevelopment of the site to the detriment of the area and would be out of character with the prevailing pattern of development in the local area.
4. The proposal conflicts with Policy GN3 of the West Lancashire Local Plan DPD (2012-2027) and the SPD, 'Design Guide' (Jan 2008) in that the proposal fails to retain reasonable levels of amenity space for plot 1.

No.7 APPLICATION NO.	2016/1185/FUL
LOCATION	Railway Hotel 1 Station Road Parbold Wigan Lancashire WN8 7NU
PROPOSAL	Proposed 2 No. 4 bed detached dwellings including associated external works on existing car park to the railway hotel (public house), and alterations to vehicle/pedestrian access.
APPLICANT	Mr Adam Haigh
WARD	Parbold
PARISH	Parbold
TARGET DATE	17th January 2017

1.0 REFERRAL

- 1.1 This application was to be dealt with under the Council's delegation scheme; however Councillor Whittington has requested that it be referred to the Planning Committee to consider the impact of the development on loss of residential amenity for neighbouring properties, loss of parking spaces, drainage and flood risk issues.

2.0 PREVIOUS RELEVANT DECISIONS

- 2.1 None

3.0 OBSERVATIONS OF CONSULTEES

- 3.1 HIGHWAY AUTHORITY (16.03.2017) – No objection in principle to the proposed detached dwellings and is of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity with the immediate vicinity of the site –

The applicant has provided details of the required sight lines of 2 x 25m for the access onto Broadmead

The internal garage size has been increased to meet the minimum 6m x 3m requirement to be counted as parking therefore I am of the opinion that the applicant has now provided adequate parking for the size of dwellings proposed

The car park is privately owned and the loss of its use for rail travellers holds limited weight against the proposal as this facility can be withdrawn at any time. On two separate site visits only three vehicles were seen to be parked on the public house car park

18 parking spaces would be retained for the public house with an additional private parking space for the landlord. The applicant has advised that the public

floor space at the public house is approximately 90sqm. 18 car parking spaces for this area accords with Appendix F of the Local Plan

The use of the car park by rail travellers would indicate that the number of parking spaces currently needed by patrons of the public house are less than the number of spaces provided at present

- 3.2 DIRECTOR OF LEISURE AND WELLBEING (Environmental Health) (15.03.2017) – I previously recommended that a noise assessment was carried out to determine predicted noise levels at the proposed properties with a view to informing appropriate mitigation measures. Since then discussions have taken place with the applicant's representatives. It has been agreed that the proposed scheme would include mitigation measures including an acoustic fence to the garden boundary, a good standard of acoustic/laminated glazing to rear windows and a whole house ventilation system. I am satisfied that any noise survey carried out would have recommended the same mitigation measure as those that have been agreed. As such I am satisfied that a noise assessment is not required, providing that the agreed mitigation can be secured by means of an appropriately worded condition.
- 3.3 UNITED UTILITIES (14.12.2017) – No objection to the proposed development providing recommended conditions are attached related to both foul and surface water drainage.
- 3.4 ENVIRONMENT AGENCY (05.12.2016) – Flood Risk Standing Advice should be applied.
- 3.5 National Grid Plant Protection – No response received
- 3.6 Electricity North West Limited – No response received

4.0 OTHER REPRESENTATIONS

- 4.1 Parbold Parish Council (14.2.2016) – Objects to this proposal for the following reasons:

The car park supports an active busy public house and is required to provide parking for patrons of this. Car parking space in Parbold is at a premium and to remove such a facility is not in the public interest.

The land owner currently offers this car park for use by railway commuters at a cost, this provision would also be removed under this proposal.

The area is at high risk of flooding and major flooding to the Burnside housing estate was noted as recently as July 2016. Previously the adjacent car park flooded to an unknown height with the water only retained by the fencing panels. When the fence panels were removed, the water flooded into Broadmead. It is not known who removed the panels.

The site is at the edge of a housing estate and more homes at this location would result in entrance/exit problems at the busy junction exacerbated by the close proximity to the railway crossing.

4.2 West Lancashire Conservation Area Advisory Panel (15.12.2016) – Recommends refusal on the grounds that the loss of trees across the front of the site and general openness of the existing site would harm the appearance of the conservation area.

4.3 A total of 8 representations have been received from local residents. These representations can be viewed in full on the Council's website; a summary of the issues raised is as follows:

Impact on flood risk in the locality

This area experienced flooding at Christmas 2015, the water which flooded Broadmead came from the Railway car park

The proposed dwellings will be built forward of the building line

The houses would be 600mm higher than the neighbouring property in Broadmead (according to flood report plan), impact on neighbouring privacy

Impact on natural light to neighbouring property

Will cause overshadowing and loss of sunlight of rear garden to neighbouring property

Neighbouring property in Broadmead already affected by existing neighbouring extensions

The proposed terraced area will result in a loss of privacy to neighbouring dwelling

Photographic evidence provided of Boxing Day floods 2015 (can be viewed on Council's website)

Impact on existing drainage system, which is unable to cope with existing demand

Loss of car park serving the Railway Hotel will result in congestion on Broadmead which is already a heavily congested area

Worsen existing car parking issues on Broadmead

Noise impact on future occupants from Railway Hotel

Loss of trees

Noise and disturbance to local residents during the building work

This development could lead to further development on this site, possibly the loss of the Railway Hotel

The Council should purchase/lease the car park to improve parking for railway users

If flooding should occur again, where will the water gather as last time it gathered in the car park

Proposed houses cannot connect to drain shared by neighbouring properties on Broadmead

This area of Parbold also flooded by 1987

The grids and drainage are not being maintained by the Council (only checked if a complaint is received)

The main reason for the 2015 flooding was not, as suggested by United Utilities, the overflowing of the River Douglas, but the failure of the surface water main drainage infrastructure to cope with the volume of water

The floodwater which gathered in the car park in 2015 was released onto the public highway by the removal toe boards from the boundary fence of the car park resulting in further flooding to properties in Broadmead and Burnside

The Local Planning Authority should use this application as an opportunity to improve surface water drainage in the vicinity of the Railway Hotel by imposing conditions relating to the replacement of existing surface water pipes in Broadmead with pipes of increased diameter and the surface water drainage to the Railway Hotel should be upgraded by the introduction of attenuation tanks to reduce the surge of water entering the main drains at times of heavy rainfall

The parking along Broadmead impedes the footpath and results in safety issues for pedestrians; this development will worsen this situation

5.0 SUPPORTING INFORMATION

- 5.1 Flood Risk Assessment (March 2017)
- Noise Mitigation Measures (Feb 2017)
- Design and Access Statement
- Arboricultural Impact Assessment

6.0 LOCAL PLAN ALLOCATION

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

The designation of the site is split; the whole of the site lies within the Key Sustainable Village of Parbold, the Public House and the area immediately surrounding it is located within the Large Village Centre of Parbold, while the land to the rear is located outside of the village centre but remains within the settlement boundary. The whole of the site also lies within the Mill Lane Conservation Area.

National Planning Policy Framework

Section 2 Ensuring the vitality of town centres

Section 4 Promoting sustainable transport

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

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

Section 11 Conserving and enhancing the natural environment

Section 12 Conserving and enhancing the historic environment

West Lancashire Local Plan 2012-2027 DPD

GN1 Settlement Boundaries
GN3 Criteria for Sustainable Development
GN5 Sequential Tests
RS1 Residential Development
IF1 Maintaining Vibrant Town and Local Centres
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 Cultural and Heritage Assets

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

The Site

- 7.1 The application site is located on the corner of Station Road and Broadmead in the centre of Parbold Village. The railway station is located immediately to the north of the site. The site comprises of a public house (PH), The Railway Hotel, and its associated car park to the rear. The land to the rear slopes down from Station Road.

The Proposal

- 7.2 Planning permission is sought for the erection of 2 x 4 bedroom detached dwellings including associated external works on part of existing car park which serves the Railway Hotel, together with a vehicle/pedestrian access.
- 7.3 The proposed dwellings would face onto Broadmead and would be accessed via a new access directly off this road. Each dwelling would contain 4 bedrooms, an integral garage, and a balcony to the rear. Two additional car parking spaces per dwelling are proposed to the front of each dwelling.

Assessment

Principle of Development

- 7.4 Policy GN1 of the Local Plan confirms that development on brownfield land will be encouraged, subject to other relevant Local Plan policies being satisfied. Policy RS1 of the Local Plan further advises that residential development within Key Sustainable Villages, of which Parbold is one, will be permitted on brownfield sites, subject to the proposal conforming with all other planning policy. The principal of a residential development on this site is therefore acceptable subject to the proposal conforming with other relevant policies.

- 7.5 The proposal involves the loss of part of the car park which serves the Railway Hotel (PH), a business which lies in the Large Village Centre of Parbold. Policy IF1 of the Local Plan outlines the importance of retaining community/leisure facilities within these local centres. The proposal would allow for the retention of 19 car parking spaces to serve the PH and as such I am satisfied that the proposed development would not result in any direct harm to the viability of this existing community facility.

Impact on Conservation Area

- 7.6 Conservation Areas are defined under s.69 of the P(LBCA) Act 1990 as being areas of “special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”. There is a need to consider whether the proposal would meet the statutory duty to preserve or enhance the character or appearance of the Conservation Area. In assessing proposals, the P(LBCA) Act requires that decision makers (in this case the Council) consider character and appearance separately and that proposals need to satisfy the test above in both aspects.
- 7.7 Under the statutory duty, the Council needs to give considerable weight to the presumption in favour of the desirability of the preservation of heritage assets (imposed by Section 72(1) of the Planning (Listed Building and Conservation Area) Act 1990. Policy EN4 of the 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 the NPPF, paragraphs 131, 132 and 134.
- 7.8 The proposed site of the two properties currently forms part of the car park to the PH and as such is hard surfaced. It could not be considered a space which presently makes a positive contribution to the Conservation Area.
- 7.9 The principle view within this section of the Conservation Area is along Station Road (and therefore the frontage development along this main route is key). Given the layout of the proposal and its setback, development in this proposed location would, in my view, be seen more in context with properties on Broadmead.
- 7.10 The materials proposed to be used within the construction of the properties are brick, fibre cement cladding and painted render. The fibre cement cladding appears to have been chosen as a means of adding a degree to detailing to the top of the feature gable within the front of the property. The elevation plans show that this cladding will be coloured differently for each property. Given that there is a variety of housing styles and construction materials used in the properties along Broadmead, I would not consider the proposed design or materials of the properties to be inappropriate. In all, and given the proposed location of the

houses, I would consider that the proposal would preserve the character and appearance of the Conservation Area.

- 7.11 In summary, the test required under s. 72(1) of the P(LBCA) 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. In this respect, and for the reasons stated above, the proposal would, in my view, preserve the character and appearance of the Mill Lane Conservation Area.

Siting/Design/Layout

- 7.12 Policy GN3 of the Local Plan requires proposals for development to have regard to visual amenity and complement or enhance any attractive attributes and/or local distinctiveness within their surroundings through sensitive design, including appropriate siting, orientation, scale, materials, landscaping and boundary treatment.
- 7.13 The proposed dwellings would sit behind No. 2 Broadmead which is located to the immediate west of the application site and would be some 600mm higher than this neighbouring property. The layout has presumably been determined by the presence of a substation and trees along the frontage of the site. The setback allows for a legible vehicular area to the front of the dwellings and given that the site sits between No. 2 Broadmead and the PH, I am satisfied that the siting of the proposed dwellings are acceptable and the setback from No. 2 Broadmead would not be detrimental to the character of the local area or the surrounding street scene. Furthermore, I am satisfied that the height of the proposed dwellings is acceptable and, with the setback, would not result in an overly dominant presence in the street scene.
- 7.14 Each of the proposed dwellings would have a feature gable, the remainder of the roof being hipped. At ground floor level, the front elevation would also be staggered, with the porch and garage protruding slightly forward of the remainder of the dwelling. A balcony would be located to the rear. There is a mix of dwelling types in the immediate locality and whilst the proposed dwellings do not specifically match the design/appearance of its neighbours, they do include some similar characteristics, for example the front gable feature. I am satisfied that the design/appearance of the proposed dwelling would assimilate into these surroundings without causing harm to the character or appearance of the local area. Given the location of the development, the balcony feature to the rear would be primarily viewed by users of the railway line only and on this basis I am satisfied that this design feature is acceptable.
- 7.15 The proposed layout provides appropriate access/manoeuvring area to the front and frontage parking is a common feature in the local area. Some of the existing trees along the frontage would be retained and these would ensure a continued

presence of landscaping along the street scene frontage, whilst offering some screening to the proposed development from views along Broadmead. The proposal also includes some private rear amenity space. The Council's SPD Design Guide recommends that the minimum rear garden depth for new developments should be 10m. The rear garden of plot 2 falls short of this distance but given that there are no neighbouring properties to the rear of the site and that the property would benefit from a garden area of almost 100sqm, I am satisfied that the amenity provision for each dwelling is sufficient. Timber panel fencing to a height of 1.8m is proposed along the side boundaries of the site and the common boundary between both properties to the rear. This is considered acceptable. Existing boundary treatments to the front and rear would remain as existing.

- 7.16 For the reasons outlined above I am satisfied that the proposed development is compliant with Policy GN3 in respect of the siting, design and appearance of the proposed dwellings.

Impact on amenities of neighbouring and future occupants

- 7.17 Policy GN3 of the Local Plan requires new development to retain or create reasonable levels of privacy and amenity for the occupants of neighbouring properties.
- 7.18 Given the location of the development site, the neighbouring property most affected by the proposed development is No. 2 Broadmead. The proposed dwellings would be located approximately 30m from the neighbouring properties on the opposite side of Broadmead, a distance which would ensure that these properties would not be directly affected by the proposal. To the rear of the site is the railway line. The future amenities of the occupants of the dwellings must also be considered given the proximity of the site to the PH.
- 7.19 As described earlier, the proposed dwellings would be set back from the front building line of No. 2 Broadmead; the neighbouring property is angled slightly away from the common boundary. Plot 1 (which would be located next to the common boundary) has a wide side elevation; however the resulting potential overbearing impact of this on the neighbouring property is mitigated by the off-set relationship between the two. The proposed dwelling would be some 600mm higher than the neighbouring property; however there would remain a gap of between 2.5m and 4m between the plot 1 and No. 2 Broadmead and I am satisfied that this gap, together with the off-set relationship between the two, would be sufficient to ensure that the height difference would not directly result in adverse harm to the occupants of this neighbouring dwelling. Outlook from the east facing side of No. 2 Broadmead (the occupant has confirmed that these are from non-habitable rooms – hall, stairs, landing and kitchen door) would be mostly over the proposed frontage parking areas, as opposed to the dwelling itself, resulting in little difference to the existing outlook which is over part of the

existing car park. The proposed dwellings would be located to the east of No. 2 Broadmead, and whilst I accept that the presence of plot 1 would have an impact on the part of the rear garden area to No. 2 Broadmead, there would remain a gap of between approximately 2.5 – 4m which I am satisfied would assist in limiting this impact, as would the presence of plot 1 being adjacent to only a small part of the neighbouring garden. Furthermore the orientation of the properties would mean that no significant overshadowing would occur, or any significant loss of sunlight. There are two side facing windows within plot 1 which would look towards No. 2 Broadmead; both of these would serve bathrooms and both are shown to be obscure glazed. To the rear of each dwelling, a balcony/terrace is proposed. These terrace areas are located on the inner side of each dwelling and a 1.8m high screen wall is proposed on the outer side of each area. The location of these areas is such that only very oblique views into the rear garden of No.2 Broadmead would be available as outlook would be directed to the rear only.

- 7.20 With respect to the future occupants of the dwellings, plot 2 would be located immediately adjacent to the retained car park which would serve the PH and would be approximately 18m from the PH. The railway station is also located to the rear of the site. Noise mitigation measures proposed by the applicant have been considered by the Council's Environmental Health team, these include acoustic fencing, laminated windows to rear and whole house ventilation. The implementation of these measures could be secured by way of a planning condition.
- 7.21 Subject to the condition outlined above and another to ensure the obscurity of the windows facing No. 2 Broadmead, I am satisfied that the proposal meets the requirements of Policy GN3 of the Local Plan in that reasonable levels of amenity would be retained for the occupants of the proposed and neighbouring properties.

Highways/Parking

- 7.22 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states development should incorporate suitable and safe access and road layout design in line with the latest standards.
- 7.23 The proposed development would require the formation of a new access off Broadmead; this would be located approximately 50m from the junction of Broadmead and Station Road. The Highway Authority has confirmed that the applicant has provided suitable evidence that the required sightlines (2 x 25m) can be provided in both directions and are satisfied that the proposed access is acceptable in this respect.
- 7.24 The proposed dwellings would contain 4 bedrooms and in accordance with Policy IF2 of the Local Plan, 3 parking spaces per dwelling should be provided. In this case, the proposal includes two off-road parking spaces and an integral garage per dwelling. The parking provision for the proposed dwellings is therefore

acceptable. In addition I am satisfied that the proposed layout to the front of the dwellings is sufficient to allow vehicles to enter and leave the site in a forward gear.

- 7.25 The proposal would result in the loss of part of the car park which currently serves the PH. The applicant has advised that the existing car park provides approximately 21 parking spaces and that the public floor area of the PH extends to approximately 90sqm. The proposal would allow for the retention of a total of 19 parking spaces, including 2 disabled spaces and one dedicated space for the landlord).
- 7.26 Whilst the requirements of Policy IF2 and Appendix F of the Local Plan relate to new developments, an A4 use with a public floorspace of approximately 90sqm would require 18 spaces. Therefore the retained parking provision for the PH is considered to be acceptable.
- 7.27 It is understood that the existing car park is utilised by users of the railway in agreement with the owner of the PH and concern has been raised that the loss of this facility would cause harm to the local highway network as a result of an increase in on-street parking. As outlined by the Highway Authority in their response, the use of the existing car park by rail travellers constitutes an informal agreement between them and the land owner; the existing car park does not function as formal rail parking facility and the current agreement could be withdrawn at any time. For this reason, I can attribute little weight to this concern. What the use of the car parking by rail travellers does highlight however is that the whole of the car park is not required to meet the needs of the PH.
- 7.28 For the above reasons, I am satisfied that there is no evidence to suggest the proposal would directly result in an increase in on-street parking in the local area; parking provision for each dwelling has been provided in accordance with the requirements of the Local Plan. Furthermore any increase in on-street parking by users of the local railway could not be attributed directly to this proposal as the existing car park is not a designated railway parking facility. The proposal development is considered to be compliant with Policies GN3 and IF 2 of the Local Plan.

Drainage/Flood Risk

- 7.29 In Policy GN3.3 of the Local Plan it is advised that the Council will ensure development does not result in unacceptable flood risk or drainage problems by requiring development to, amongst other things, be located away from Flood Zones 2 and 3 wherever possible, with the exception of water compatible uses and key infrastructure; be supported by a Flood Risk Assessment for all proposals within Flood Zones 2 and 3 that satisfy both the sequential and exception tests; demonstrate that sustainable drainage systems have been explored alongside opportunities to remove surface water from existing sewers;

and achieve a reduction in surface water run-off of at least 30% on previously developed land.

- 7.30 The site is located in Flood Zone 2 (the PH is located within Flood Zone 1) and it is understood that this category was changed from Flood 1 relatively recently and following the localised flooding experienced in December 2015. The site is not located within a Critical Drainage Area but it is recognised that the site is sensitive to flooding.
- 7.31 A Flood Risk Assessment (FRA) was submitted as part of this proposal in recognition of the flood zoning as outlined above and in accordance with the requirements of the NPPF and Policy GN3. Furthermore, the FRA provided a sequential test which identified that the site is not at risk of fluvial flooding from the River Douglas but from more localised sources. It should be noted that there is no requirement to apply the Exception Test in this case as a 'more vulnerable' use is proposed in Flood Zone 2 (Table 3: Flood risk vulnerability and flood zone 'compatibility').
- 7.32 The originally submitted sequential test was considered to be flawed in that it failed to consider a sequential approach to site selection as advocated by the NPPF and Policy GN3 of the Local Plan. However the applicant has since submitted an addendum which addresses this point and I am satisfied that the information submitted accords with the requirements of Policy GN5 of the Local Plan. In addition the test concludes that there are no other reasonably available sites which could accommodate the proposed development in areas with a lower probability of flooding. I am satisfied that the information provided is proportionate to the degree of flood risk and has utilised the information available from the EA where possible and applicable. For these reasons, I am satisfied that the submitted FRA (and sequential test) is acceptable.
- 7.33 In terms of the proposed drainage scheme, the applicant proposes to dispose of both foul and surface water to the main sewer. The connection of foul water to the main sewer is agreeable. However the applicant has failed to consider sustainable drainage options in terms of surface water disposal, however I am satisfied that this can be explored further by way of a condition.
- 7.34 It is understood that there are significant concerns over the impact of this development on known flooding issues in the locality. Through this assessment, it has been established that the previous floodwater emanated from the Alder Lane Brook catchment. The Alder Lane Brook feeds into the Dock Brook which flows along the railway and when the Dock Brook Culvert, which passes beneath Station Road, cannot facilitate the increased flow, the excess flows affect the Broadmead Area. It is understood that in December 2015 the excess water collected in the application site because of the natural topography of the area; the existing fence, in this instance, acted as a flood defense, a purpose for which it is not intended. It is important to note that the proposed development cannot be

expected to resolve existing flooding/drainage problems in the locality; steps however must be taken to ensure that run-off is effectively managed to ensure that the current situation regarding flooding is not worsened.

- 7.35 In this regard, it is considered that the proposal provides the opportunity to incorporate additional storage capacity with the site; the applicant has advised that the proposed development can incorporate attenuation control by specifying oversized surface water pipes to contain storm rainwater with smaller openings into the mains drains to allow for a drip feed method over a longer period of time. In addition the proposal would replace existing areas of hardsurfacing with soft landscaping. The definitive method of surface water disposal would be dependent upon a review of sustainable drainage options under the requirements of a planning condition; however in the event that surface water must be directed to the mains system, I am satisfied that there are methods available to the applicant which would result in surface water being stored on site (either that emanating from within the site, or excess water which flows into site) before being released into the wider drainage system. This means that excess flows from the site onto Broadmead would have a degree of control and would as such offer some betterment than the existing situation where excess water can flow into Broadmead unimpeded. Specific details of this disposal method and a general consideration of all sustainable methods of disposal would be required to be submitted before any development works take place.
- 7.36 On balance therefore, it is considered there are surface water disposal options available which will not worsen the current flooding issues which have previously been experienced in this part of Parbold. On the contrary, through the imposition of suitably worded planning conditions, it is considered that the proposed development would provide the betterment required by Policy GN3.3 (vi).

Trees

- 7.37 Policy EN2 of the Local Plan advises that development involving the loss of, or damage to, woodlands or trees of significant amenity, screening, wildlife or historical value will only be permitted where the development is required to meet a need that could not be met elsewhere, and where the benefits of the development clearly outweigh the loss or damage. In such case the development will be required to replace the tree lost on site.
- 7.38 The site benefits from landscaping screening along the frontage of the site. It is considered that the presence of these trees contributes to the character/visual amenity of the area. For the avoidance of doubt and contrary to a comment made within the applicant's submitted Tree Report, the existing trees along the front of the site are located within the application site and not the public highway. There are further trees to the rear and side of the site; these lie outside of the application site.

- 7.39 Two trees along the frontage have been identified for removal to make way for the proposed vehicular access. All other trees are proposed to be retained. The condition of the existing trees has been assessed by the Council's Arboricultural Officer and the findings of the applicant's submitted Tree Assessment are considered acceptable. Protective fencing is proposed with respect to the trees to be retained.
- 7.40 There is no objection to the proposed removal of two trees along the frontage of the site due to the condition of these trees. It is considered that the visual amenity of the immediate area would not be harmed by the removal of these trees as the remainder will be retained. Subject to a condition requiring the implementation of tree protection measures I am satisfied that the proposal accords with Policy GN3 of the Local Plan in this respect.

Summary

- 7.41 The principle of the proposed development is acceptable and accords with the sustainable principles of the NPPF and the Local Plan. The proposal has been assessed in respect of all other relevant factors and has been acceptable. The proposal is therefore recommended for approval.

8.0 RECOMMENDATION

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

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Drawing no. 3485-16-18 and 3485-16-10 received by the Local Planning Authority on 14th November 2016
Drawing no. 3485-16-04 A received by the Local Planning Authority on 22nd November 2016
Drawing no. 3485-16-16 A, 3485-16-15 B, 3485-16-17 A, 3485-16-19 A, 3485-16-19 A received by the Local Planning Authority on 18th January 2017.
3. The development hereby approved shall be finished in the materials as specified in Section 9 of the submitted application form received by the Local Planning Authority on 22nd November 2016.
4. Before site works commence, the trees shown for retention shall be protected with stout fencing constructed to BS5837:2012, to contain the branch spread of the trees. Such fencing shall remain and be adequately maintained for the duration of the development operations. Within this fencing no development operations may take place including the storage or dumping of materials or plant, the lighting of fires, the siting of temporary huts or the raising or lowering of ground levels. All dead or damaged existing trees specified for retention shall be

- replaced with trees of such size and species approved in writing by the Local Planning Authority.
5. No development shall take place until a tree survey for tree management works has been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be adhered to at all times.
 6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no window shall be added to the west facing elevation of plot 1 (facing towards No. 2 Broadmead) until details of the positioning, size and design have been submitted to and approved in writing by the Local Planning Authority.
 7. Prior to the commencement of the use of the development hereby approved, unless required for purposes as an escape window(s), the first floor window on the west facing elevation of plot 1 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. If required for escape purposes the window shall be fitted with obscure glass (Pilkington level 3 or equivalent) and shall include a restrictor mechanism to prevent the window(s) from opening more than 50mm during normal use/non-emergency situations and shall remain so fitted at all times thereafter for the duration of the development.
 8. The noise mitigation measures outlined in the supporting information received by the Local Planning Authority on 15th March 2017 (dated 20th February 2017) shall be implemented in full prior to the first occupation of the dwellings hereby approved and retained as such thereafter.
 9. No development shall commence 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.
 10. No development shall take place 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, drains, sewers and watercourses (NB sometimes there are networks of isolated land drainage located within agricultural land which discharge to ground and have no connectivity to a waterbody. Such drainage is not classified as an ordinary watercourse), site investigation and test results to confirm soil infiltration rates;
 - b) 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;
 - c) Demonstration that existing natural land drainage water (e.g. ground water or surface runoff) from surrounding areas that enters the site is managed in such a way to have no material impact by leaving the site in terms of nuisance (e.g. exacerbation of existing flooding) or damage;

d) Information about the lifetime of the development, design calculations using relevant storm periods and intensities (1 in 30 & 1 in 100 year + 30% allowance for climate change), discharge rates and volumes (both pre and post development), facilities for temporary storage, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in metres AOD;

e) 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, or increase river flows during periods of river flooding; and

f) Evidence that the design of the site ensures that, so far as is reasonably practicable, flows resulting from rainfall in excess of 1 in 100 year rainfall events are managed in exceedance routes that minimise the risks to people and property.

g) Details of maintenance and management of the drainage systems

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 sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

11. Before the access hereby approved is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials.
12. No part of the development shall take place until all highway works within the adopted highway have been constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority.
13. The car parking spaces and manoeuvring areas hereby approved shall be marked out and available for use prior to the first occupation of the dwellings and permanently maintained thereafter.
14. 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 plans shall be maintained as such and shall not be converted or used for living accommodation without the prior written approval of the Local Planning Authority.
15. 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.

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 protect the trees and shrubs and thereby retain the character of the site and the area and to ensure that the development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To 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.
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 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.
8. To safeguard the amenity of future occupants of the dwellings hereby approved and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To 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. To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.
12. In order to satisfy the Local Planning Authority that the final details of the highway works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.
13. To make effective use of the parking areas hereby approved and as vehicles reversing to and from the highway are a hazard to other road users.
14. For the avoidance of doubt and to ensure compliance with the provisions of Policies GN3 and IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
15. 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.

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 should be advised to contact the Environment Directorate for further information by telephoning 0300 123 6780 before work begins on site.

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:
GN1 Settlement Boundaries
GN3 Criteria for Sustainable Development
RS1 Residential Development
IF1 Maintaining Vibrant Town and Local Centres
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 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.8 APPLICATION NO.	2017/0099/FUL
LOCATION	35 Alexandra Mews Ormskirk Lancashire L39 1RH
PROPOSAL APPLICANT WARD	Retention of flat as 3 bed student HMO. Keith Burrows Scott
PARISH	Unparished - Ormskirk
TARGET DATE	24th March 2017

1.0 REFERRAL

- 1.1 This application was to be determined under the Councils delegation scheme, however, Councillor Delaney has requested it be referred to Planning Committee to consider the impact on the amenity of residential amenity.

2.0 PREVIOUS RELEVANT DECISIONS

- 2.1 1993/0075 - GRANTED Residential Development - 6 No. 1 Bedroom maisonettes, 36 No. 2 Bedroom flats. New vehicular/pedestrian access, car parking spaces and landscaping.
- 2.2 1993/0646 - GRANTED Relaxation of Condition No.7. imposed on 8/93/0075 - 1. To allow for improvements to Grimshaw Lane and Courtfield to be completed before the development is occupied and 2. Variation to new improvements at junction of Grimshaw Lane/Courtfield.
- 2.3 1993/0391 - GRANTED Variation of condition No's 2 & 3 imposed on planning permission ref: 8/93/0075 including revised landscaping details, (including additional planting to Grimshaw Lane frontage) erection of 1.825m. brick wall (railings to Grimshaw Lane frontage) retention of existing hedge to Courtfield frontage and revisions to proposed footpath to Courtfield frontage.

3.0 CONSULTEE RESPONSES

- 3.1 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)
No response at time of writing
- 3.2 DIRECTOR OF LEISURE AND WELLBEING (28/03/17)
Prior to the application being made, this Service did receive a complaint about noise from the flat in question. The complaint was about noise from the student occupiers in the early hours of the morning.

- 3.3 In an apartment block, noise transfers between flats and from communal areas to flats (where people are living in close proximity to each other) more easily than in traditional housing.
- 3.4 Whereas we cannot say that any set of students will necessarily be noisier than any couple/family households, their lifestyle does tend towards later night comings and goings of occupants and visitors, with will involve noise from their voices and activities.
- 3.5 A recent appeal decision supported this view for a house in a residential area.
- 3.6 Being in an apartment block is likely to cause disturbance to several households if there are late night comings and goings or friends visiting etc. I therefore consider the premises unsuitable for use as a HMO and object to the application.

4.0 OTHER REPRESENTATIONS

The Council has received 20 complaints, which can be summarized as follows:

Noise disturbance;
Anti-social behaviour;
Negative impact;
Students will deposit rubbish;
Inappropriate use of building;
Proposal would set a precedent that could be repeated;
Students have no respect for local area;
Each tenant is entitled to one car parking space. Multiple occupants may cause problems due to the number of spaces;
Where will visitors park;
Ormskirk is oversaturated with HMO's;
Area is blighted by anti-social behavior;
The agents proposed to provide tenancy agreement banning vehicles within 3 mile radius is unenforceable;
A precedent has been set with refusal of 73 Marians Drive;
Building unsuitable and restrictive for students;
The accommodation is small and raises issues regarding access to bedrooms; privacy; and toilets;
3 students is a breach of leasehold agreement;
The kitchen is inadequate for 3 people;
The flats do not have 3 bedrooms;
The property would have to be altered to create a 3 bedrooms;
Small bedroom would be too small;
No external alterations;
Detract from character;
Management company has sent letters on 11/11/16 and 11/01/17 follows complaints by residents;

Over intensification of property is a planning consideration;
The proposal is contrary to the NPPF;
The proposal is contrary to Policies GN3, RS1 and RS3 in the West Lancashire Local Plan;
No pre-application submitted;
Lancashire Constabulary has provided an incident log during 12 month period in 2016 that shows disturbance locally by students;
Students out of character with young/elderly occupants;
Increase in foot traffic;
Who will ensure visitors comply with 'quiet period' in outlined in lease;
The West Lancashire Local Plan makes provision for a 10 hectare expansion of Edge Hill University into Green Belt as exceptional circumstances have been demonstrated. "In view of the university's importance to the borough the lack of other land onto which to extend the campus, the adverse effects of the proliferation of student houses in multiple and the significant traffic and parking impact associated.

5.0 SUPPORTING INFORMATION

- 5.1 The applicant has submitted the following documents in support of this planning application:

Student Accommodation Statement; and
Design and Access Statement
Letter giving reasons for proposal

6.0 LOCAL PLAN ALLOCATION

- 6.1 National Planning Policy Framework (NPPF) and the West Lancashire Local Plan (2012-2027) provide the policy framework against which development proposals will be assessed.
- 6.2 The site is located within a Key Service Centre as designated in the West Lancashire Local Plan, and within the area covered by an Article 4 Direction restricting the change of use of properties from C3 to C4 without an application for planning permission.
- 6.3 West Lancashire Local Plan (2012-2027)
GN3 Criteria for sustainable development
RS3 Provision of student accommodation
IF2 Enhancing sustainable transport choice
- 6.4 Supplementary Planning Document Design Guide (Jan 2008)

7.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

The Site

- 7.1 The application property is a two bedroom apartment within Alexandra Mews. Alexandra Mews is located between Courtfield and Southport Road. It is flanked to the west and east by residential property. It is a purpose designed apartment block of 42 flats arranged around a courtyard, with a shared parking area for residents.

The Proposal

- 7.2 This application is for a change of use of a Class C3 residential property to a Class C4 HMO. The Student Statement advises the property is designed to accommodate 3 students from Edge Hill University.

Assessment

- 7.3 The main considerations for the determination of this planning application are:
Principle of development;
Impact on amenity;
Impact on highway safety.

Principle of development

- 7.4 Policy RS3 (Provision of Student Accommodation) of the West Lancashire Local Plan (2012-2027) is especially relevant to this case. Policy RS3 states that when assessing proposals for conversion of a dwelling house or other building to a House in Multiple Occupation (HMO) the Council will have regard to the proportion of existing properties in use as or with permission to become an HMO either in the street as a whole or within the nearest 60 properties in the same street whichever is the smaller.
- 7.5 The application property lies within the area covered by the 'Article 4 Direction' relating to HMOs, and thus planning permission is required for the proposed change of use of the property. Policy RS3 of the adopted West Lancashire Local Plan 2012-2027 (WLLP) sets limits on the proportion of properties in a street that can be HMOs. If this limit has already been exceeded, or if it would be exceeded by an additional HMO, Policy RS3 does not permit the conversion of any more properties on that street to HMOs. The 'HMO limit' for Alexander Mews, Ormskirk is 5%.
- 7.6 According to Council records there are 42 properties in Alexandra Mews and none of them are registered as being a HMO. Therefore the proposed conversion

of 35 Alexandra Mews would be acceptable and compliant with Policy RS3 of the West Lancashire Local Plan in this regard.

Impact on amenity

- 7.7 The application must also be assessed in terms of Policy GN3 of the West Lancashire Local Plan (2012-2027), which 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”.
- 7.8 The Council has received 20 letters from concerned residents objecting to the proposal on amenity grounds. The property is already occupied as an HMO and other residents within the block have experienced noise disturbance, sufficient that they have complained to both the management company and the Councils Environmental Health Department. During my site visit, I noted that Alexander Mews has a shared entrance and narrow corridors leading to small landing areas. Therefore the prospect for noise and disturbance to neighbouring residents would be significant, particularly as the noise would be created from within the building i.e. rooms, landing and corridors.
- 7.9 Given the nature of the flats the potential for noise and disturbance is significant. The HMO is occupied by students from Edge Hill and such a household of mainly young people may inevitably cause comings and goings to the property late at night which given the nature of the apartment block will inevitably result in noise and disturbance to other occupants . Noise will transfer between flats and commercial areas more readily than traditional housing and I therefore conclude that this is an unsuitable location for a HMO. Therefore, I consider that the development would fail to comply with Policy GN3 in the WLLP and one of the core planning principles in the NPPF which seeks to ensure that developments should secure a good standard of amenity for existing occupants. It would also set a precedent for the conversion of properties in apartment blocks to HMO's.

Impact on highways

- 7.10 The submitted student accommodation statement states this application is for a 3 bed student accommodation and the number of residents could be controlled by the imposition of a planning condition.
- 7.11 Due to the location of the site from the University and based on recent planning inspectorate comments regarding Houses of Multiple Occupancy it recommended that the applicant provides a minimum of 50% parking. (3 bed x 50% = 1.5 = 2 parking spaces).
- 7.12 Each apartment has one allocated space. Therefore the proposal does not meet the above mentioned car parking requirements for Houses in Multiple Occupation. I have noted the Design and Access Statement acknowledges the

shortfall in parking spaces and proposes a clause in the tenancy agreement advising students they must not bring more than one car within a three mile radius of Ormskirk Town Centre. If they do, the tenancy agreement would be considered null and void. Given the location of this site is remote from the university, I have concerns that the occupants of the flats and their visitors may place undue demands on the available car parking facilities. However, given the development may only result in a requirement for 1 additional space above the authorised use of the premises, I consider it would be possible for this to be absorbed in the existing car park or on street without significant detriment to highway safety in this particular location.

- 7.13 The Council cannot agree to a clause in the tenancy agreement as they do not have the powers to enforce it.

Summary

- 7.14 The design and layout of the apartment block is likely to result in a loss of amenity to neighbouring properties through noise disturbance. Furthermore the applicant cannot provide sufficient car parking spaces which would be detrimental to residential amenity and vehicular and pedestrian safety. In the circumstances described the proposal is contrary to Policy GN3 in the West Lancashire Local Plan

8.0 RECOMMENDATION

- 8.1 That planning permission be REFUSED for the following reason:

Reasons for Refusal

1. The application fails to comply with the NPPF and Policy GN3 of the adopted West Lancashire Local Plan 2012 to 2027 DPD as the proposed development results in nuisance and disturbance to occupants of Alexandra Mews to the detriment of their residential amenity.



PLANNING COMMITTEE

18th May 2017

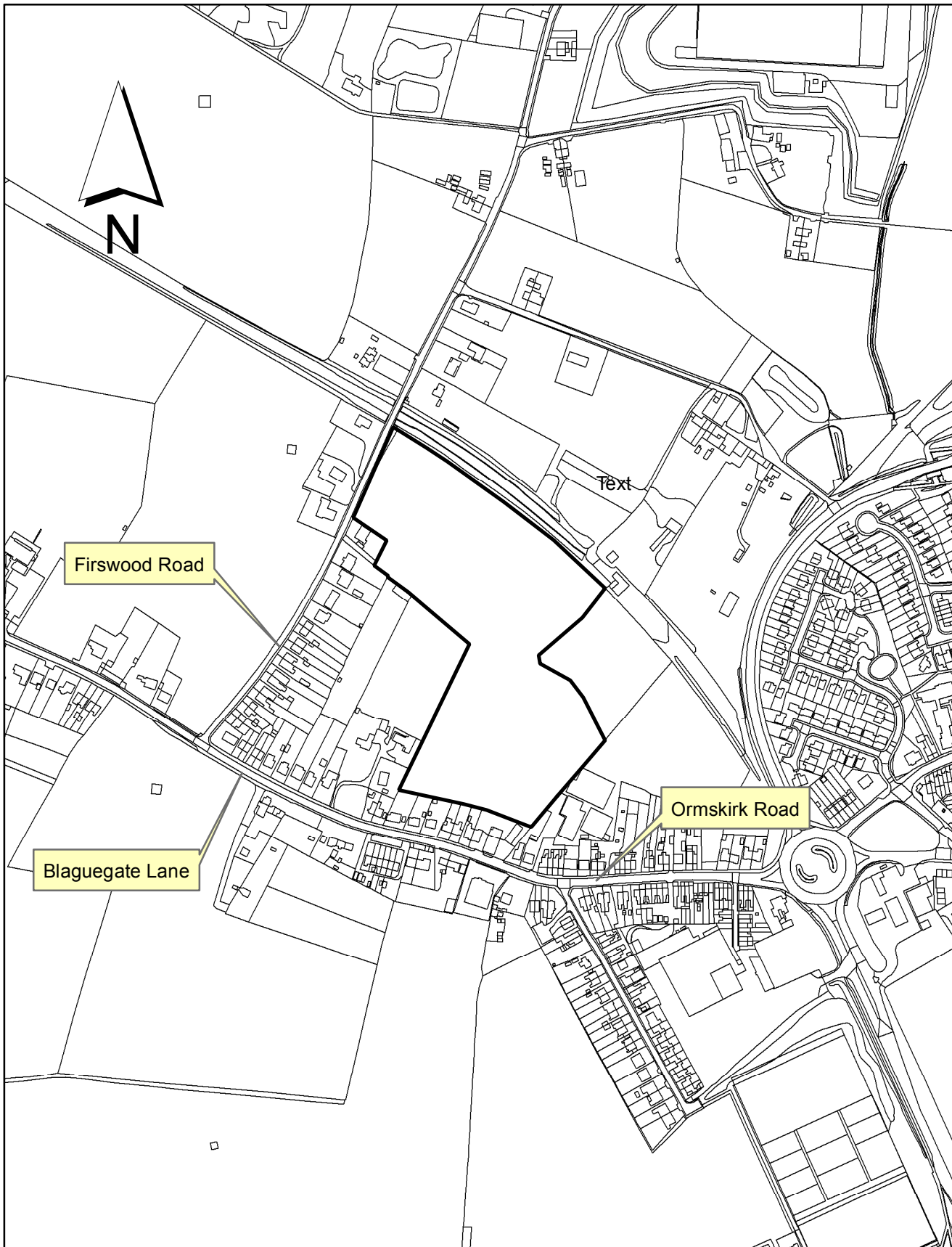
(Agenda Item 7)

PLANNING APPLICATION ITEMS

LOCATION PLANS

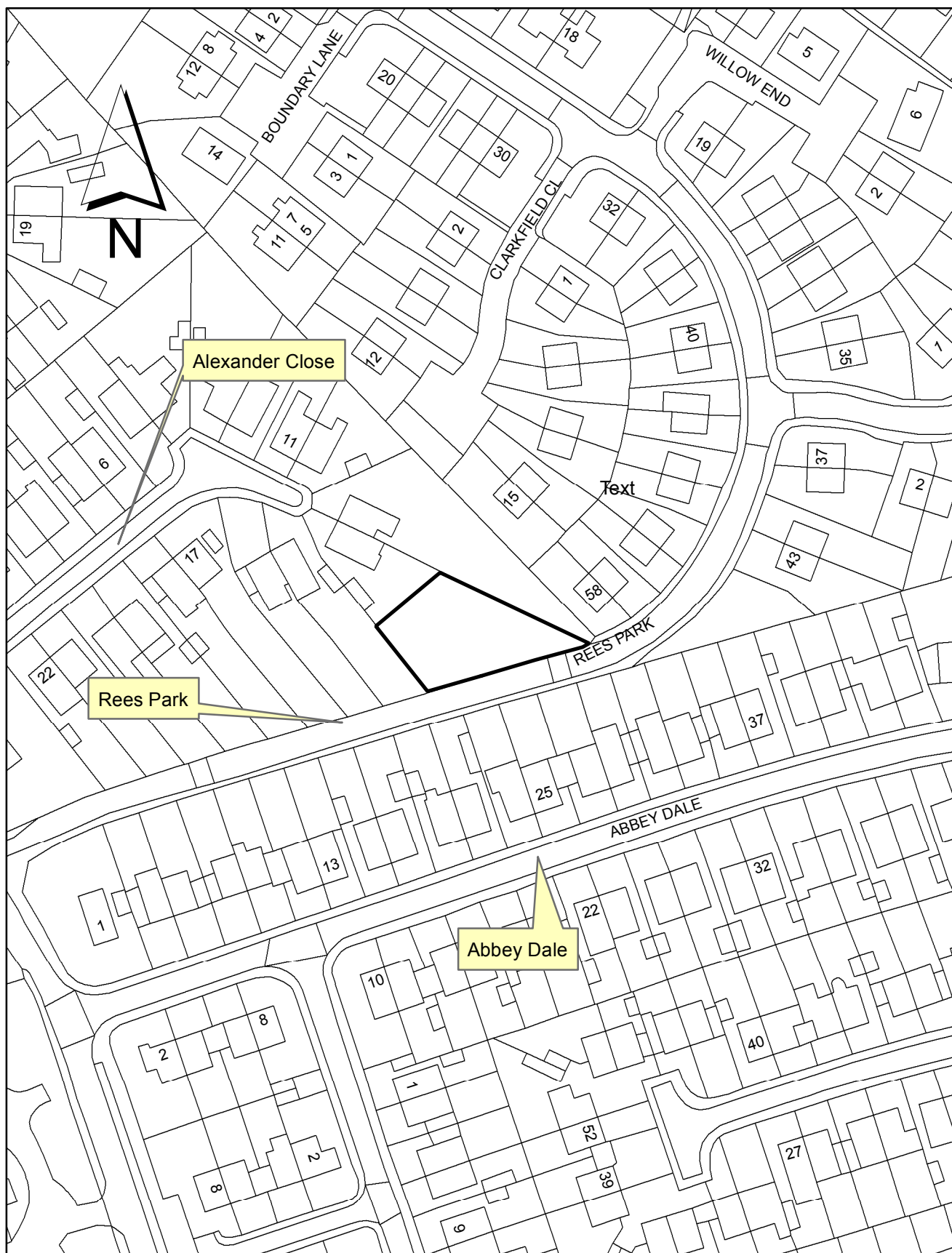


Land rear of 153 to 167A Blaguegate Lane, Firswood Road, Lathom WN8 8ED



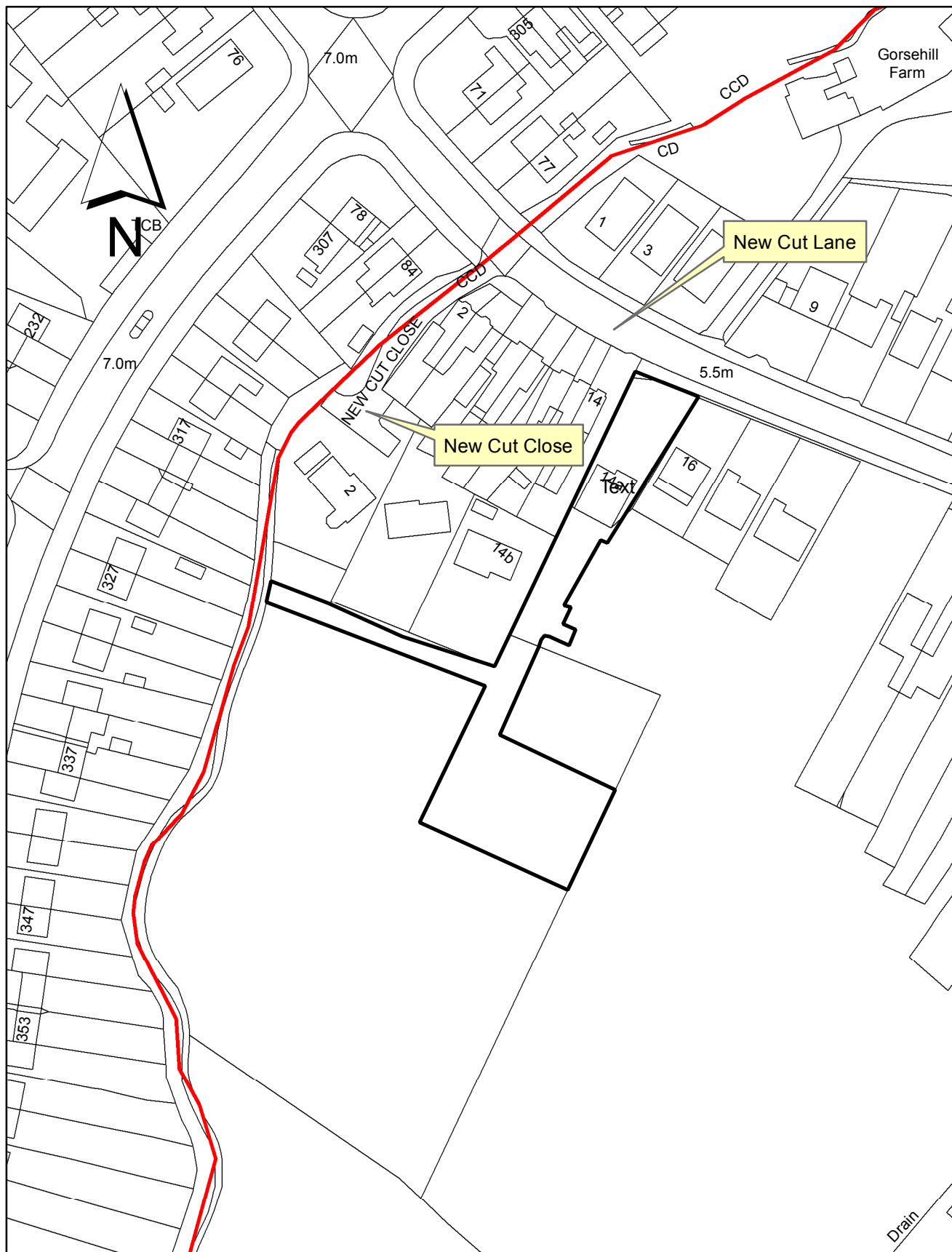


Sunnyside, 14 Alexander Close, Burscough, Ormskirk L40 5SR



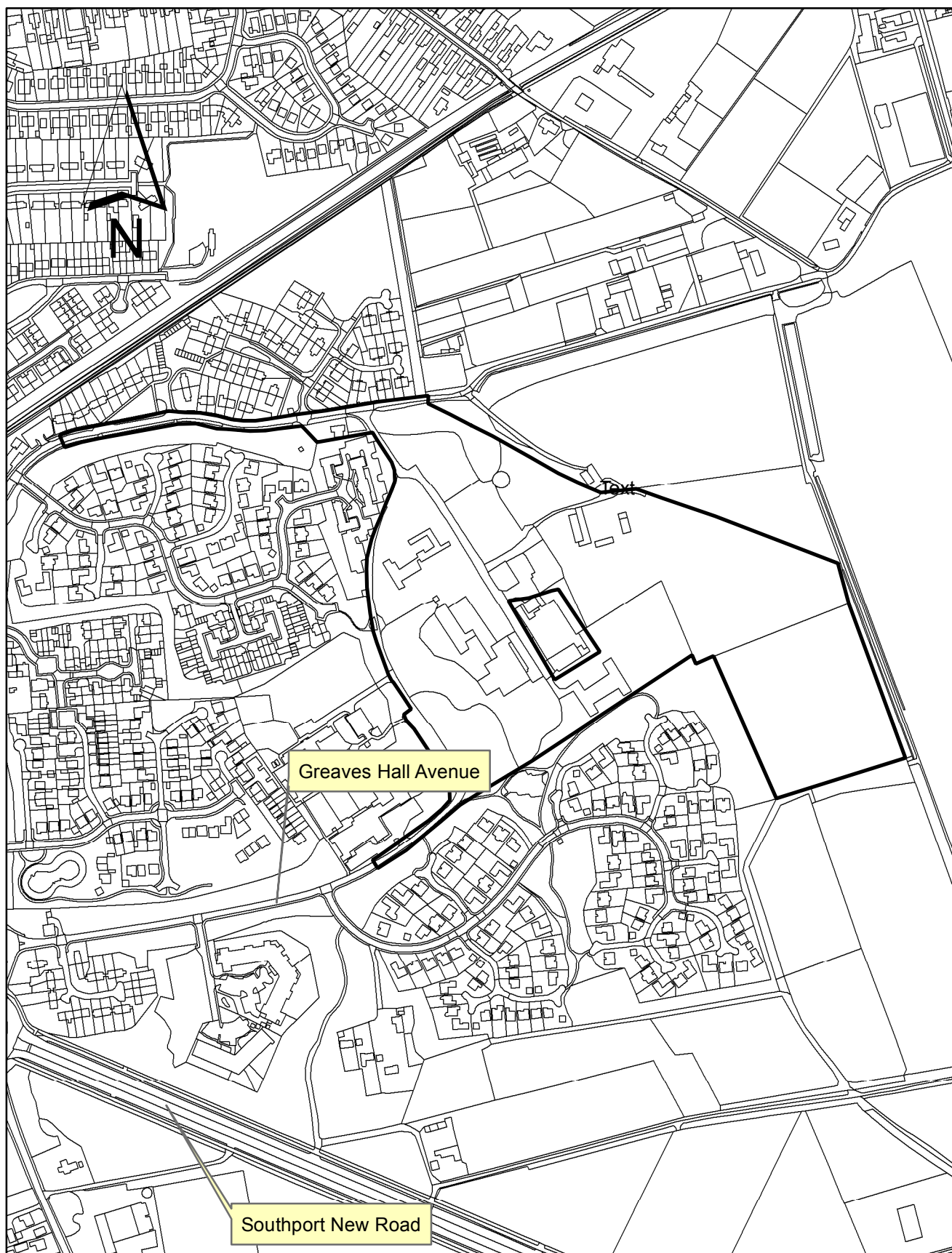


14A New Cut Lane, Halsall, Southport PR8 3DN

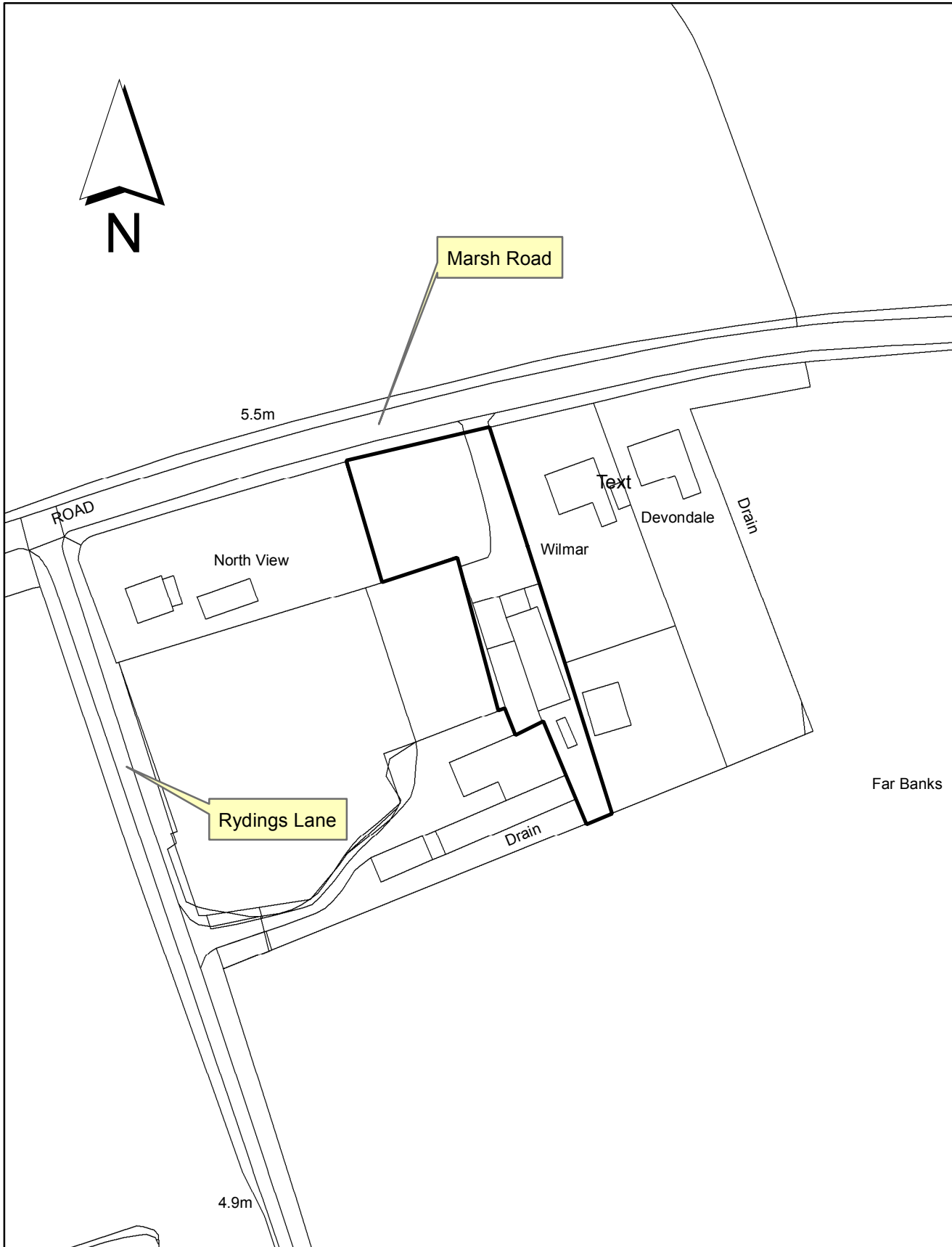




Site Of Former Greaves Hall Hospital, Greaves Hall Avenue, Banks PR8 8BL



Wilmar, Marsh Road, Banks PR9 8DY



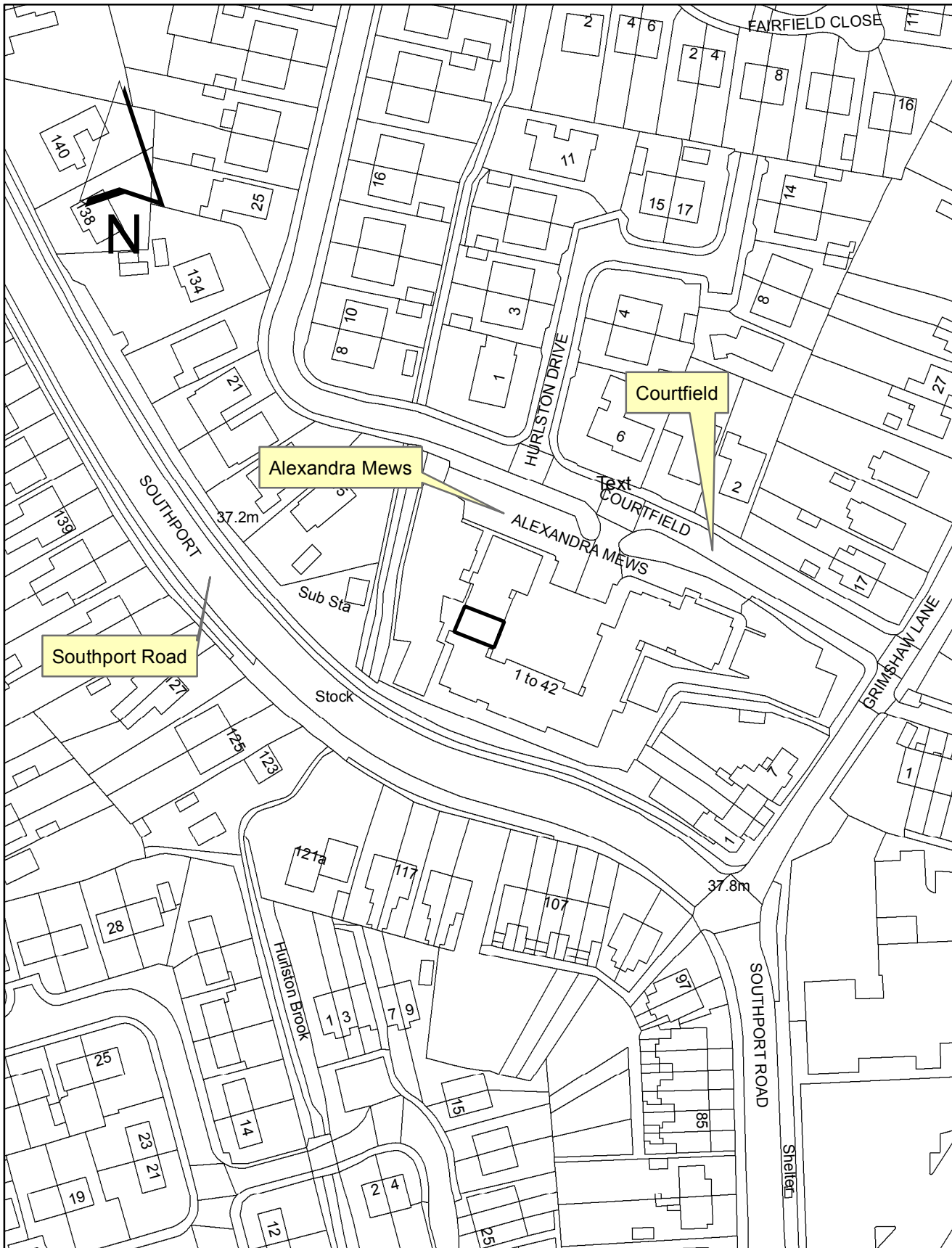


Railway Hotel, 1 Station Road, Parbold, Wigan WN8 7NU





35 Alexandra Mews, Ormskirk, L39 1RH





PLANNING COMMITTEE:
18 May 2017

Report of: Director Development and Regeneration

Contact for further information: Mrs C Thomas (Extn. 5134)
(E-mail: Catherine.Thomas@westlancs.gov.uk)

SUBJECT: DESIGNATION REGIME FOR LOCAL PLANNING AUTHORITIES

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To inform Members that the Secretary of State for Communities and Local Government has laid a document before Parliament setting out the criteria that the Government intend to use for designating a Local Planning Authority as underperforming and the thresholds that Authorities will be assessed against in the next designation round in the first quarter of 2017.

2.0 RECOMMENDATIONS TO PLANNING COMMITTEE

2.1 That the contents of the report be noted.

5.0 BACKGROUND

5.1 The Growth and Infrastructure Act 2013 introduced measures relating to the performance of Local Planning Authorities in relation to the speed of determining major planning applications.

5.2 Section 1 of the Growth and Infrastructure Act inserted sections 62A and 62B into the Town and Country Planning Act 1990. Section 62A allows certain applications to be made directly to the Secretary of State if a Local Planning Authority fails to meet performance targets for the speed of determining major planning applications. Local Planning Authorities who fail to meet performance targets may be designated as poorly performing.

5.3 At present Local Planning Authorities must determine over 50% of major planning applications within the specified 13 week period (or 16 week period if the development requires an Environmental Impact Assessment) or within any written extension of time period agreed with the applicant.

5.4 If a Local Planning Authority fails to determine 50% of major applications within the specified time period, Authorities may be designated as underperforming, placed in “special measures” and applicants may bypass the Council and submit applications directly to the Planning Inspectorate for determination. Underperforming Authorities are also required to prepare and implement an improvement plan.

6.0 FURTHER MEASURES PROPOSED TO IMPROVE PERFORMANCE

6.1 The Government now proposes that the performance of Local Planning Authorities in determining both major and non-major development will be assessed separately, meaning that an Authority could be designated on the basis of its performance in determining applications for major development, non-major development or both. The assessment for each of these two categories of development will be against two separate measures of performance:

- the speed with which applications are dealt with measured by the proportion of applications that are dealt with within the statutory time or an agreed extended period; and,
- the quality of decisions made by Local Planning Authorities measured by the proportion of decisions on applications that are subsequently overturned at appeal

6.2 Therefore, the performance of Local Planning Authorities will be assessed separately against:

- the speed of determining applications for major development
- The quality of decisions made by the Authority on applications for major development.
- the speed of determining applications for non-major development;
- The quality of decisions made by the Authority on applications for non-major development

6.3 In order to designate LPA's as poorly performing, the Government propose to use the quarterly statistical returns made to DCLG. For the measure relating to the quality of decisions, this will be based on the numbers of appeals that are overturned during a particular quarter. The threshold for designation for both major and non-major development, above which a Local Planning Authority is eligible for designation, is 10% of the Authority's total number of decisions on applications made during the assessment period being overturned at appeal.

6.4 Where a Local Planning Authority is designated, applicants may apply for planning permission directly to the Planning Inspectorate (on behalf of the Secretary of State) for the category of applications (major, non-major or both) for which the authority has been designated, subject to limited exceptions. Thus removing control from the Local Planning Authority in terms of the decision, conditions applied to any approval and fee income.

- 6.5 Soon after a designation is made the Local Planning Authority will be expected to prepare an action plan addressing areas of weakness that it identifies as having contributed to its under-performance. Where necessary, this action plan will directly address weaknesses in the processing of these types of applications.
- 6.6 Data showing the performance of Local Planning Authorities against the speed and quality measures is published by the Department for Communities and Local Government on a quarterly basis. The Government indicates that a Local Authority's performance will be assessed using figures which have already been provided to DCLG. The following table shows the designation thresholds and initial assessment periods.

Measure and type of Application	2017 Threshold and assessment period	2018 Threshold and assessment period
Speed of major Development	50% (October 2014 to September 2016)	60% (October 2015 to September 2017)
Quality of major Development	Not being assessed in the designation round	10% (April 2015 to March 2017)
Speed of non-major Development	65% (October 2014 to September 2016)	70% (October 2015 to September 2017)
Quality of non-major Development	Not being assessed in the designation round	10% (April 2015 to March 2017)

7.0 IMPLICATIONS FOR WEST LANCASHIRE BOROUGH COUNCIL

- 7.1 Since the performance threshold was introduced for the speed of determining major applications, officers have sought to work with applicants to either ensure that applications are determined within the statutory period or that an extension of time can be agreed. Major developments often throw up complex issues which take a considerable length of time to resolve and they are rarely dealt within the prescribed 13 or 16 week period (for development requiring Environmental Impact Assessment). In many cases applicants are keen to work with officers and will agree an extension of time to formally extend the determination period. However officers have found that where major applications are particularly contentious or not clearly compliant with Council planning policies, applicants have been less willing to agree formal extensions of time. This is because by agreeing an extension of time applicants will forego their right to lodge a non-determination appeal. Despite this, since the introduction of the current monitoring regime, the Council has been able to meet the thresholds relating to the speed of determining major applications.
- 7.2 In the light of the proposed performance measure relating to the speed of determination of non-major developments, planning officers have already been instructed to try and agree a formal extension of time if the decision is not able to be made within the statutory 8 week target period. This target is often challenging given the workload of the development management section not only in terms of the determination of planning applications but also pre-application advice, enforcement and appeals. However at the current time the Council meets the proposed performance target.

- 7.3 Turning to the performance measure regarding the quality of major decisions, the Council receives on average approximately 40 major planning applications each year. Based on this figure as an example, the proposed measure would equate to the LPA having fewer than 4 major applications allowed on appeal during each year of the recording period. Whilst the Council has few major applications which are refused and progress to appeal, nevertheless there have been several applications in the last couple of years, with 2 solar farm appeals (Hoscar Moss and Gerard Hall), and the Parrs Lane appeals. It is anticipated that the Council will receive appeals in relation to Alty's and the Lower Alt wind farm. Therefore as the number of major applications received by the LPA is relatively low the Council must be mindful that the 10% figure is also relatively low so a small number of appeal overturns could have a significant impact on the Council. However at the current time, the Council meets the performance target for the quality of decisions in relation to major applications.
- 7.4 In relation to the quality measure relating to non- major development I consider compliance with the threshold to be less challenging than with major development proposals. This is because the number of applications for non-major development received by the Council is significantly higher than applications for major developments. The proposed threshold for designation is 10% of the total number of decisions made on non-major applications, being allowed on appeal. In 2015, the Council dealt with over 1000 non major applications therefore to use that figure as an example, over 100 applications would have to be allowed on appeal. Given recent performance in defending planning appeals I consider that this threshold should not prove challenging for the Council. In 2015 the Council received 38 appeal decisions of which 14 were allowed and thus in 2016 the Council received 46 decisions of which 15 were allowed. At the current time, the Council's meets the performance target for the quality of decisions in relation to non-major applications.
- 7.5 Whilst the Council is currently meeting the Government's thresholds we must always remain mindful of performance targets as failure to meet the thresholds will see the Local Planning Authority being categorised as underperforming. If the Council were to be designated for poor performance, not only would there be reputational damage and a loss of confidence in the Local Planning Authority but applicants would be able to by-pass the Council and submit applications directly to the Planning Inspectorate for determination. This would be detrimental to the interests of local democracy. Therefore is important that the Council retains sufficient resources to enable the targets to be met and exercises caution in the refusal of major planning applications, ensuring that reasons for refusal can be robustly defended in any subsequent planning appeal.

8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 8.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder. The report has no significant links with the Sustainable Community Strategy.

9.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 9.1 There are some financial/ resource implications arising from this report should the Council fail to meet its performance targets. In this case there would be the potential for applicants to submit planning applications directly to the Planning Inspectorate with consequent impact on the planning fee income received by the Council.

10.0 RISK ASSESSMENT

- 10.1 This item is for information only and makes no recommendations. It therefore does not require a formal risk assessment and no changes have been made to risk registers.

Background Documents

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

Department of Communities and Local Government – Improving Planning Performance. Criteria for designation (revised 2016). November 2016.

Available at:

[:https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/571144/Improving_Planning_Performance - Criteria for Designation revise](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/571144/Improving_Planning_Performance_-_Criteria_for_Designation_revised)

Equality Impact Assessment

The report is for information only and does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

Appendix

None

