



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

Wednesday, 14 June 2017

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

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET** on **THURSDAY, 22 JUNE 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	193 - 194
	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	195 - 198
	To receive as a correct record the minutes of the meeting held on the 18 May 2017.	
7.	PLANNING APPLICATIONS	199 - 322
	To consider the report of the Director of Development and Regeneration.	
8.	DESIGNATION REGIME FOR LOCAL PLANNING AUTHORITIES	323 - 328
	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 20/09/16) 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 20/9/16-19/09/20)	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
6.	I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>

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

Interest

Employment, office, trade, profession or vocation

Sponsorship

Prescribed description

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

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

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

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

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

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

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

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

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

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

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

'a connected person' means

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

'body exercising functions of a public nature' means

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

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

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

Agenda Item 6

PLANNING COMMITTEE

HELD: Thursday, 18 May 2017

Start: 7.30 p.m.

Finish: 11.10 p.m.

PRESENT:

Councillor: G Dowling (Chairman)

Councillors: I Ashcroft
Mrs P Baybutt
C Cooper
T Devine
D Evans
C Marshall
D McKay
M Mills
D O'Toole
R Pendleton
E Pope
A Pritchard
N Pryce-Roberts
Mrs M Westley

Officers: Director of Development and Regeneration (Mr J Harrison)
Principal Planning Officer (Mr R Hitchcock)
Principal Planning Officer (Mrs A Veevers)
Assistant Solicitor (Mrs J Williams)
Member Services/Civic Support Officer (Mrs J A Ryan)

In attendance: Councillor Cotterill (Bickerstaffe Ward)
Councillor Barron (North Meols Ward)
Councillor Delaney (Scott Ward)
Councillor Mrs Blake (Parbold Ward)
Councillor Blane (North Meols Ward)

1 **APOLOGIES**

There were no apologies for absence received.

2 **MEMBERSHIP OF THE COMMITTEE**

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillor Yates and the appointment of Councillor Pryce-Roberts for this meeting only, thereby giving effect to the wishes of the Political Groups.

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

There were no urgent items of business.

4 **DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

5 **DECLARATIONS OF PARTY WHIP**

There were no Declarations of Party Whip.

6 MINUTES

RESOLVED: That the minutes of the meeting held on the 13 April 2017 be approved as a correct record and signed by the Chairman.

7 PLANNING APPLICATIONS

The Director of Development and Regeneration, submitted a report on planning applications (all prefixed 2016 unless otherwise stated) as contained on pages 11 to 151 of the Book of Reports and on pages 175 to 188 giving details of Late Information.

- RESOLVED
- A. That planning application 2017/0194/FUL relating to Sunnyside, 14 Alexander Close, Burscough be approved subject to the conditions as set out on pages 51 to 53 of the Report.
 - B. That planning application 0479/FUL relating to Land Rear of 14A New Cut Lane, Halsall, Southport be approved subject to the conditions as set out on pages 64 to 68 of the Report and with the amendment to Condition 10 as set out on pages 179 to 180 of the Late Information.
 - C. That planning application 1173/FUL relating to 14A New Cut Lane, Halsall be approved subject to the conditions as set out on pages 78 to 81 of the Report and with the amendment to Condition 10 as set out on pages 179 to 180 of the Late Information.
 - D. That planning application 2017/0057/FUL relating to Wilmar Marsh Road, Banks, Southport be refused for the reasons 1 and 2 as set out on page 122 of the Report and reason 3 as set out on page 188 of the late Information Report.
 - E. That planning application 2017/0099/FUL relating to 35 Alexandra Mews, Ormskirk be refused for the reason as set out on page 145 of the Report
 - F. That planning application 1027/FUL relating to Land Rear of 153 to 167A Blaguegate Lane, Firwood Road, Lathom be deferred to allow Officers to seek further views of the Highway Authority.
 - G. That planning application 0706/ARM relating to the Site of the Former Greaves Hall Hospital, Greaves Hall Avenue, Banks be deferred to allow Officers to negotiate further on highway and amenity issues.

- H. That planning application 1185/FUL relating to the Railway Hotel, Station Road, Parbold be refused for the following reason:-

The proposed development conflicts with Policy GN3 in the West Lancashire Local Plan (2012-2027) Development Plan Document and the Supplementary Planning Document – Design Guide (Jan 2008) in that, by virtue of its siting and scale, the proposed dwelling would constitute an overbearing form of development and result in overshadowing of the neighbouring property at 2 Broadmead to the detriment of the residential amenity of the neighbouring occupier(s) of that property.

(Notes:

1. In accordance with the procedure for public speaking on planning applications on this Committee, members of the public spoke in connection with planning applications 1027/FUL; 2017/0194/FUL; 1173/FUL; 0706/ARM; 1185/FUL and 2017/0099/FUL.
2. Parish Clerk Mrs. L. Broad from Lathom South Parish Council spoke in connection with Planning Application 1027/FUL, Land Rear of 153 to 167A Blaguegate Lane, Firswood Road, Lathom
3. Parish Councillor Young from Halsall Parish Council spoke in connection with Planning Application 1173/FUL relating to 14A New Cut Lane, Halsall
4. Parish Councillor Mrs. S. Holland from Parbold Parish Council spoke in connection with Planning Application 1185/FUL relating to the Railway Hotel, 1 Station Road, Parbold.
5. In accordance with Regulatory Procedure Rule 7(b) Councillor Cotterill spoke in connection with Planning Application 1027/FUL relating to Land Rear of 153 to 167A Blaguegate Lane, Firswood Road, Lathom.
6. In accordance with Regulatory Procedure Rule 7(b) Councillor Barron spoke in connection with the site of former Greaves Hall Hospital, Greaves Hall Avenue, Banks.
7. In accordance with Regulatory Procedure Rule 7(b) Councillor Delaney spoke in connection with 35 Alexandra Mews, Ormskirk.
8. In respect of planning application 0479/FUL relating to Land Rear of 14A New Cut Lane, Halsall Councillor Mills wished it be recorded that she had voted against the application.
9. At the conclusion of planning application 0479/FUL relating to Land rear of 14A New Cut Lane, Halsall the meeting was adjourned for a comfort break.
10. In respect of planning application 1173/FUL relating to 14A New Cut Lane, Halsall Councillor Mills wished it be recorded that she had voted against the application.
11. Councillor Cotterill left the meeting at the conclusion of planning application 1027/FUL relating to Land Rear of 153 to 167A Blaguegate Lane, Firswood Road, Lathom and was not present for the remainder of the meeting.

- 12. Councillor Barron and Blane left the meeting at the conclusion of planning application 0706/ARM relating to the Site of Former Greaves Hall Hospital, Greaves Hall Avenue, Banks and were not present for the remainder of the meeting.
- 13. Councillor Mrs. Blake left the meeting at the conclusion of planning application 1185/FUL relating to the Railway Hotel, 1 Station Road, Parbold and was not present for the remainder of the meeting.)

8 DESIGNATION REGIME FOR LOCAL PLANNING AUTHORITIES

This item was deferred until the next meeting.

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- CHAIRMAN -



PLANNING COMMITTEE
22 JUNE 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	Parbold	2016/0962/FUL	Plot 6 Chapel Lane Parbold Lancashire Stable building with tack room, change of use of land for keeping of horses, engineering works to provide private mooring.	Planning permission be granted. Pages 5 - 15
2	Parbold	2016/0973/FUL	Plot 7 Chapel Lane Parbold Lancashire Stable building with tack rooms, change of use of land for keeping of horses, engineering works to provide private mooring.	Planning permission be granted. Pages 16 - 26
3	North Meols	2016/0706/ARM	Site Of Former Greaves Hall Hospital Greaves Hall Avenue Banks Lancashire Approval of Reserved Matters for 128 dwellings, light industrial units and 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.	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

				<p>entered into.</p> <p>Pages 27 – 63</p>
4	Newburgh	2017/0470/LBC	<p>The Retreat 4 Cobbs Brow Lane Newburgh Wigan Lancashire WN8 7ND</p> <p>Listed Building Consent - Replace 5 no. single glazed wood windows with timber double glazed windows to rear elevation.</p>	<p>Listed Building Consent be granted.</p> <p>Pages 64 - 67</p>
5	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 68 - 109</p>

6	Aughton And Downholland	2017/0248/FUL	<p>The Cockbeck Tavern 58 Town Green Lane Aughton Ormskirk Lancashire L39 6SF</p> <p>Variation of Condition No. 4 imposed on planning permission 2016/0668/FUL to permit trading between 0700 and 2300 Monday to Saturday and 0800 and 2300 on Sundays and Public/Bank Holidays.</p>	<p>Planning permission be granted.</p> <p>Pages 110 - 116</p>
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No.1 APPLICATION NO.	2016/0962/FUL
LOCATION	Plot 6 Chapel Lane Parbold Lancashire
PROPOSAL	Stable building with tack room, change of use of land for keeping of horses, engineering works to provide private mooring.
APPLICANT	Mr G Miller
WARD	Parbold
PARISH	Parbold
TARGET DATE	2nd December 2016

1.0 REFERRAL

1.1 This application was to be dealt with under the Council's delegation scheme however Councillor Blake has requested that it be referred to the Planning Committee to consider the impact of the proposed development on the Green Belt.

2.0 PREVIOUS RELEVANT DECISIONS

2.1 ARTICLE 4 DIRECTION – made 11/09/2006 to remove various permitted development rights.

ADJACENT PLOTS:

2.2 2016/0973/FUL - Stable building with tack rooms, change of use of land for keeping of horses, engineering works to provide private mooring. - Pending decision

2.3 2016/0961/FUL - Stable building with tack room, change of use of land for keeping of horses, engineering works to provide private mooring. – Pending decision.

2.4 2016/0866/FUL - Erection of a private stable block and for the change of use of land for keeping of horses. – REFUSED 20/04/2017

3.0 CONSULTEE RESPONSES

3.1 CANAL AND RIVER TRUST (01.11.2016)
General advice offered and conditions recommended

3.2 ENVIRONMENTAL HEALTH OFFICER (09.11.2016)
No objections in principle

Conditions attached regards the stable aspect

3.3 PARBOLD PARISH COUNCIL (07/11/2016)

Objection

The proposal would consolidate an unwelcome residential presence on this prominent site in the Green Belt;

Concern that the proposal would also lead to the introduction of horse boxes etc. at the site;

Poor access to the site which is easily churned up in the winter.

4.0 OTHER REPRESENTATIONS

4.1 4 letters of objection have been received and can be summarised as follows:

When the plots were sold off it was on the understanding no structures or development would occur at the site;

The proposal would lead to an accumulation of residential clutter and vehicular parking;

A number of plots have removed trees and hedgerow and carved out chunks of the bank to create moorings, considerably changing the landscape;

The cumulative impact of all applications along this mooring would be detrimental to the area;

Site is highly visible from the canal bank especially after the felling of original trees;

The proposal would be inappropriate development within the Green Belt with no very special circumstances for such development;

The grazing of horses would lead to further demands for feed storage, and to manure heaps, all visible on these very open plots;

Horse trailers and horse boxes would start to intrude upon the street scene as there are no bridle ways in the vicinity. Horses would have to be boxed elsewhere to be ridden;

Concerns regards protected trees (TPOs);

The proposal will set an unwelcome precedent;

Poor access to the site which is easily churned up in the winter;

Concern that the owners would reside on the boat all year round;

Concern that the remaining space on the mooring will be rented out for other boat users;

Concern that the stables will be rented out and not used by the land owner.

5.0 SUPPORTING INFORMATION

5.1 Ecological survey

Design and access statement

6.0 LOCAL PLAN ALLOCATION

6.1 The site is located within the Green Belt as designated as in the West Lancashire Local Plan. The land is subject to an Article 4 Direction

6.2 National Planning Policy Framework

Requiring good design

Protecting Green Belt Land

Conserving and enhancing the natural environment

6.3 West Lancashire Local Plan (2012-2027)

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy EN2 – Preserving and enhancing West Lancashire’s natural environment

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

6.5 **Supplementary Planning Guidance**, Erection of stable buildings in the Green Belt

7.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

The Site

7.1 The site comprises a plot of land measuring about 1.2 acres. It is situated on the northern side of the Leeds Liverpool Canal between Chapel House Bridge and Gillibrand Bridge in Parbold and south of the Manchester to Southport Railway line. To the west is Chapel Lane.

7.2 The site is relatively open with some tree coverage on the plot boundaries. There is an existing mooring on site measuring about 15m in length with steps leading up to the higher land behind. There is an existing canal boat ‘Living the Dream’ which is moored at the site. Although no record can be found that planning permission was obtained for the existing mooring, photographic evidence appears to confirm that it has been in situ for more than 4 years and is therefore lawful.

7.3 The site is protected by an Article 4 (1) direction which restricts the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure and restricts the erection of buildings, moveable structures and works.

The Proposal

7.4 Planning permission is sought for two main elements to the site:

The erection of a private stable building / tack room and for the change of use of land for the keeping of horses;
Engineering works to provide a private mooring.

- 7.5 The stable building would comprise 2 stables and a tack room and would measure 11.20m in length by 3.80m in width. The stable would have a pitched roof measuring 2.60m to the ridge and 2.2m to the eaves. The stable would be finished with timber board elevations and a cement fibre profile sheet roof finished in black. An area of hardstanding is proposed which in total would measure 14m x 6m (including hardstanding area upon which the stables will sit).
- 7.6 The applicant currently has two horses which are held in a livery elsewhere. It is the intention to bring these horses to the site on a permanent basis.
- 7.7 Planning permission is also sought for engineering works to provide a private mooring on the side of the Leeds Liverpool Canal. The mooring would measure 23m in length by 2m in depth. It would be constructed from railway sleepers on a bed of sharp woodchip. This mooring would link into the existing mooring on site.

Assessment

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

Principle of Development
Design / appearance
Impact upon Trees
Impact upon adjoining land uses
Ecology
Highways

Principle of Development – erection of stables

- 7.9 National policy for the control of development in the Green Belt is substantially set out in paragraphs 89 and 90 of the NPPF. This lists the types of development which are considered to be appropriate within the Green Belt.
- 7.10 Paragraph 89 in the NPPF states that “A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.” There are 6 exceptions to this including: *the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.* Therefore stables are acceptable in principle provided that they preserve the openness of the Green Belt and do not conflict with the purposes of the Green Belt.

- 7.11 The Council's SPD - Development in the Green Belt provides guidance on the design of stable blocks. This requires such buildings to be of limited scale to suit the equine need, but also requires the building to be of less permanent construction – i.e. timber, to avoid the legacy of a proliferation of permanent buildings in the Green Belt once the justification for their presence no longer exists.
- 7.12 The size, materials and construction methods of the proposed building are considered to comply with the requirements of the SPD. The application proposes 2 stables and a commensurate amount of storage which I consider are appropriate to meet the equine need. A small area of hardstanding is proposed which would not result in significant harm to the openness of the Green Belt. I am therefore satisfied that the stables represent appropriate development in the green belt.

Principle of Development– Change of use of the land for the keeping of horses

- 7.13 Paragraph 79 of the NPPF retains the government's view that great importance is attached to Green Belts. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; essential characteristics of Green Belt are their openness and their permanence.
- 7.14 Within paragraphs 89 and 90 of the NPPF, no mention is made of changes of use of land in addressing the forms of development that may not be inappropriate in the Green Belt. The change of use of land within the Green Belt should therefore be considered as inappropriate development in accordance with the NPPF.
- 7.15 Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances and such 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.
- 7.16 In this case the proposed change of use amounts to one from agriculture to the keeping of horses. Whilst the keeping of horses is not defined as an agricultural practice, as it often involves the importation of feed etc. there are many notable similarities (as it includes the keeping of animals) and in addition, it could be argued that the use of the land for the grazing of horses would not amount to a material change of use. Therefore, the differences in the proposed change of use and the use of the land without requiring planning permission are considered to be minimal and the harm to be outweighed by the required very special circumstances is limited.
- 7.17 Furthermore, as outlined above, it should be noted that the NPPF, at paragraph 89, confirms that the construction of appropriate buildings for the purposes of

outdoor sport and recreation are an acceptable form of development in the Green Belt in certain cases.

- 7.18 It is important to note the intention of this part of the NPPF as the proposed use of the land amounts to one associated with outdoor recreation. Consequently, as it is accepted that land within the Green Belt can appropriately accommodate facilities for equestrian purposes (subject to the impact on the openness of the Green Belt), the use of the land associated with such structures would not be seen in an isolated or abstract development but a rational and reasonable corollary of a form of development which is considered acceptable. It would, to a large degree, be inconsistent or even perverse to allow buildings to support outdoor sport and recreation and then not allow a reasonable use of the surrounding land. Bearing this in mind, and along with the subtle differences in the keeping of horses (material change of use) and the grazing of horses (authorised use), it is considered that the proposed change of use in this instance is supported by very special circumstances, those being the aspirations of the NPPF in terms of outdoor sport and recreation, which outweigh the limited harm to the Green Belt by reason of inappropriateness. The principle of development in respect of the proposed change of use of the land is therefore considered acceptable and in accordance with the NPPF.
- 7.19 I am therefore satisfied the proposed development would comply in principle with the requirements of the SPD and Policy GN1 of the WLLP and the aims of the NPPF.

Principle of development - Engineering works to provide a private mooring

- 7.20 Paragraph 90 of the NPPF states that engineering operations are not an inappropriate form of development in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.
- 7.21 The proposal involves engineering works in the form of the laying out of the railway sleepers and surfacing planks to create a mooring. The maximum depth of the engineering works will be 0.3m, which will run 23m along the canal and 2m back from the canal and will not have a significant impact on the openness of the Green Belt as the mooring is restricted in size. The mooring is to accommodate one boat however there is an existing boat already moored at the site (living the Dream). Therefore there will be a total of 2 boats moored at Plot 6 at any one time.
- 7.22 I am satisfied that the proposed mooring will not in itself have a significant detrimental impact upon the visual amenity and openness of the Green Belt. The decking will be dug into the canal bank and as such its impact upon the surrounding area will be minimised.

Design / appearance

- 7.23 Policy GN3 in the WLLP requires development to be of high quality design and have regard to visual amenity, complementing its surroundings through sensitive design.
- 7.24 The proposed mooring would involve some encroachment into currently undeveloped land, this encroachment is minimal and is not considered to be harmful to the character or appearance of the surrounding area. In addition this element of the proposal is considered to be commensurate with its surroundings and therefore compliant with Policy GN3 in the WLLP.
- 7.25 In terms of the proposed mooring, its design and appearance, with railway sleepers and surfacing planks is considered typical of this form of development and matches other moorings granted along this immediate section. This element of the development is considered to be a common feature of canal bank areas and as such would not cause significant harm to the character and appearance of the surrounding area.
- 7.26 The stable building would be of a traditional form which is in accordance with the guidance in the SPD - Stable Buildings in the Green Belt. The building would be a modest building of timber construction with a cement fibre profile sheet roof finished in black.
- 7.27 The building would be sited close to the existing tree line along the boundary of the site and adjacent to the pathway adjacent to the railway. I am satisfied that this location is acceptable as the adjacent tree line will offer some screening of the proposal. Consequently I am satisfied that the design and location is acceptable in principle. The proposed hardstanding associated with the stable block is appropriately limited in scale.
- 7.28 The proposed development for both the mooring and stable is considered to be compliant with Policy GN3 in the WLLP.

Impact upon adjoining land uses

- 7.29 Policy GN3 requires that new development should retain reasonable levels of privacy and amenity for occupiers of the neighbouring properties.
- 7.30 The distance between the site and the nearest neighbouring properties of Woodvale Farm to the north and Chapel House Farm to the west is in excess of 250m. I am satisfied that as a result of this separation distance there should be no detrimental impact to any neighbouring properties. Similarly I am satisfied that the proposed stables or mooring would not impact detrimentally upon the adjoining land uses. Permission for the mooring of the boats is required from the Canal and River Trust after the granting of planning permission.

- 7.31 Subject to the conditions which have been recommended by the Environmental Protection Officer I am satisfied that the proposed stable building will not have any significant adverse impact on adjoining land uses. Similarly I am satisfied that the proposed mooring would be in compliance with Policy GN3 with regards to the impact to adjoining land uses.

Highways

- 7.32 Vehicular access to the site is available through the end section of Chapel Lane by the crossing with the railway line. The access which runs along the railway line is a private road which serves only these plots along the canal finishing short of plot 9. No further works are planned in terms of highways/parking. It is not envisaged that this access would be significantly used more intensively than it is at present. I am satisfied that adequate access to the site is provided.
- 7.33 On the basis of the above I am satisfied that the proposed development is in accordance with Policy GN3 and IF2 of the Local Plan.

Ecology

- 7.34 In accordance with advice given in Policy EN2 of the Local Plan an ecological survey has accompanied this application.
- 7.35 The habitat of the canal in the wider area is considered to have potential to support Otters and water vole, with various habitats, including common reed (*phragmites australis*) beds to the west of the site. An ecology survey has been carried out. The report concluded that whilst otters and water voles are known to occur in the local area, there was no conclusive evidence of any specifically protected species regularly occurring on the site or the surrounding areas which would be negatively affected by site development.
- 7.36 Although it is considered that there is a very low risk of disturbance of protected species at the site the ecological report submitted outlined a number of mitigation measures to be followed during construction. I am satisfied that with the imposition of conditions to ensure the recommendations contained in the submitted survey are implemented, the proposal is acceptable on ecology grounds.
- 7.37 On balance therefore, I consider that the proposed development is compliant with Policy EN2 in the WLLP subject to the imposition of conditions relating to mitigation measures to be followed as outlined in the submitted Ecology report.

Impact upon Trees subject to Preservation Orders

- 7.38 The site is relatively open with some tree coverage on the plot boundaries. There are no trees protected by Tree Preservation Orders (TPO) within this plot and as such I am satisfied that the proposal would be in compliance with Policy EN2 of the Local Plan in relation to impact to trees.

Summary

- 7.39 The proposal to erect a stable building on the site is considered an appropriate use within the Green Belt. Furthermore the size, materials and construction methods of the proposed building are considered to comply with the requirements of the SPD and owing to the separation distance from neighbouring properties it is not considered that the proposal would result in any loss of privacy or amenity to neighbouring properties. The change of use of the land for the keeping of horses is considered to be acceptable.
- 7.40 The proposed engineering operation for the creation of the mooring would not in my opinion result in significant harm to the openness of the Green Belt and is therefore considered acceptable in principle. The design, materials, impact to neighbouring land uses, impact on highways and ecology are also considered acceptable.
- 7.41 Subject to the imposition of planning conditions, I am satisfied that the proposed development accords with the Local Plan and the NPPF and 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:-
Plan reference
- JT/GM/2503 (proposed plans and elevations for stables and mooring) received by the Local Planning Authority on 07.02.2017
- Site location plan received by the Local Planning Authority on 14.02.2017
3. The stables shall be used for private purposes only and shall not be used for riding school, livery or any other commercial purposes.
4. The stables shall be used only for the housing of horses, associated equipment and feedstock and for no other purposes including any other forms of animal boarding.

5. The storage of manure and soiled bedding is not permitted within 30 metres of the curtilage of residential accommodation.
6. No burning of either hay, straw, soiled bedding or manure shall take place on the site. All bedding and manure shall be removed from the site at least once every four weeks.
7. The recommendations of Paragraphs 7.0 to 7.10 of the Envirotech Ecological Appraisal received by the Local Planning Authority on 13th September 2017 shall be implemented in full during all phases of site preparation and construction works. In the event that works do not commence within 12 months of the date of this permission no works to the site shall take place until the results of an additional survey/s to confirm the presence or absence of protected species have been submitted to and agreed in writing with the Local Planning Authority. In the event a presence is detected a scheme of mitigation shall also be provided for agreement.
8. No works on or adjacent to the existing canal wall/bank shall take place until the applicant has secured and implemented a scheme of investigation (the content of which to be first approved in writing by the Local Planning Authority) to establish the structural condition of the canal wall/ bank, the extent to which any works will increase loadings on the wall and the need for any rebuilding or strengthening works as may be necessary to ensure that the structural integrity of the canal wall/bank can be maintained. Any works on or adjacent to the canal wall/bank shall thereafter only be carried out in accordance with the recommendations set out in the approved scheme of investigation and maintained to the satisfaction of the Local Planning Authority.

Reasons

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

7. To safeguard 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.
8. To establish whether mitigation works are necessary in order to ensure that the development does not adversely affect the adjacent Leeds Liverpool Canal by weakening the wall of the canal and to secure any mitigation works as may be required and to accord with the advice and guidance relating to land stability contained in Paragraphs 120 and 121 of the National Planning Policy Framework March 2012.

Notes

1. The moorings would need to satisfy the Canal and River Trust mooring policy as set out in the following document
<http://canalrivertrust.org.uk/media/library/1127.pdf>.
2. The applicant/developer is advised to contact the Canal and River trust Mooring Team (01782 779909) in order to ensure that any necessary consents are obtained and that the works comply with the Canal and River Trust 'Code of Practice for works affecting the Canal and River Trust'.
3. The applicant/developer is advised to contact the Canal and River Trust Mooring Team at Waterside.Mooring-Enquiries@canalrivertrust.org.uk in order to ensure that any necessary consents are obtained. Further details on the Trust mooring policy can be found at <https://canalrivertrust.org.uk/media/library/1127.pdf>

Reason for Approval

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

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy EN2 - Preserving and enhancing West Lancashire's natural environment

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

No.2 APPLICATION NO.	2016/0973/FUL
LOCATION	Plot 7 Chapel Lane Parbold Lancashire
PROPOSAL	Stable building with tack rooms, change of use of land for keeping of horses, engineering works to provide private mooring.
APPLICANT	Mr D Hughes
WARD	Parbold
PARISH	Parbold
TARGET DATE	10th November 2016

1.0 REFERRAL

- 1.1 This application was to be dealt with under the Council's delegation scheme however Councillor Blake has requested that it be referred to the Planning Committee to consider the impact of the proposed development on the Green Belt.

2.0 PREVIOUS RELEVANT DECISIONS

- 2.1 ARTICLE 4 DIRECTION – Made 11/09/2006 to remove various permitted development rights.

2007/1130/FUL - Use of wall as boat mooring including retention of stone cappings. – WITHDRAWN.

ADJACENT PLOTS:

- 2.2 2016/0962/FUL- Stable building with tack rooms, change of use of land for keeping of horses, engineering works to provide private mooring. - Pending decision
- 2.3 2016/0961/FUL - Stable building with tack room, change of use of land for keeping of horses, engineering works to provide private mooring. – Pending decision.
- 2.4 2016/0866/FUL - Erection of a private stable block and for the change of use of land for keeping of horses. REFUSED 20.04.2017

3.0 CONSULTEE RESPONSES

- 3.1 CANAL AND RIVER TRUST (01.11.2016)
General advice offered and conditions recommended.

3.2 ENVIRONMENTAL HEALTH OFFICER (27.10.2016)

No objections in principle

Conditions attached regards the stable aspect

3.3 PARBOLD PARISH COUNCIL (04/10/2016)

Objection

The proposal would consolidate an unwelcome residential presence on this prominent site in the Green Belt;

Concern that the proposal would also lead to the introduction of horse boxes etc. at the site;

Poor access to the site which is easily churned up in the winter.

4.0 OTHER REPRESENTATIONS

4.1 4 letters of objection have been received and can be summarised as follows:

When the plots were sold off it was on the understanding no structures or development would occur at the site;

The proposal would lead to an accumulation of residential clutter and vehicular parking;

A number of plots have removed trees and hedgerow and carved out chunks of the bank to create moorings, considerably changing the landscape;

The cumulative impact of all applications along this mooring would be detrimental to the area;

Site is highly visible from the canal bank especially after the felling of original trees;

The proposal would be inappropriate development within the Green Belt with no very special circumstances for such development;

The grazing of horses would lead to further demands for feed storage, and to manure heaps, all visible on these very open plots;

Horse trailers and horse boxes would start to intrude upon the street scene as there are no bridle ways in the vicinity. Horses would have to be boxed elsewhere to be ridden;

Concerns regards protected trees (TPOs);

The proposal will set an unwelcome precedent;

Poor access to the site which is easily churned up in the winter;

Concern that the owners would reside on the boat all year round;

Concern that the remaining space on the mooring will be rented out for other boat users;

Concern that the stables will be rented out and not used by the land owner.

5.0 SUPPORTING INFORMATION

5.1 Ecological survey

Design and access statement

6.0 LOCAL PLAN ALLOCATION

6.1 The site is located within the Green Belt as designated as in the West Lancashire Local Plan. The land is subject to an Article 4 Direction

6.2 National Planning Policy Framework

Requiring good design

Protecting Green Belt Land

Conserving and enhancing the natural environment

6.3 West Lancashire Local Plan (2012-2027)

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy EN2 – Preserving and enhancing West Lancashire's natural environment

6.4 Supplementary Planning Document, Design Guide (Jan 2008)

6.5 Supplementary Planning Guidance, Erection of stable buildings in the Green Belt

7.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

The Site

7.1 The site comprises a plot of land measuring about 1.39 acres. It is situated on the northern side of the Leeds Liverpool Canal between Chapel House Bridge and Gillibrand Bridge in Parbold and south of the Manchester to Southport Railway line. To the west is Chapel Lane.

7.2 The site is relatively open with some tree coverage on the plot boundaries and within the central aspect of the site there is a coppice of trees. Along the canal bank towards the eastern side is the start of a group TPO which within Plot 7 includes a Hawthorne hedge with some trees within it. There is an existing canal boat which is moored at the site.

7.3 The site is protected by an Article 4 (1) direction which restricts the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure and restricts the erection of buildings, moveable structures and works.

The Proposal

7.4 Planning permission is sought for two main elements to the site:
The erection of a private stable building / tack room and for the change of use of land for the keeping of horses:

Engineering works to provide a private mooring.

- 7.5 The stable building would comprise 2 stables and a tack room and would measure 11.20m in length by 5.10m maximum in width. The stable would have a pitched roof measuring 2.60m to the ridge and 2.2m to the eaves. The stable would be finished with timber board elevations and a cement fibre profile sheet roof finished in black. An area of hardstanding is proposed which in total would measure 14m x 6m (including hardstanding area upon which the stables will sit).
- 7.6 The applicant currently has two horses which are held in a livery elsewhere. It is the intention to bring these horses to the site on a permanent basis.
- 7.7 Planning permission is also sought for engineering works to provide a private mooring on the side of the Leeds Liverpool Canal. The mooring would measure 23m in length by 2m in depth. It would be constructed from railway sleepers on a bed of sharp woodchip.

Assessment

- 7.8 The main considerations for the determination of this application are:

- Principle of Development
- Design / appearance
- Impact upon Trees
- Impact upon adjoining land uses
- Ecology
- Highways

Principle of Development – erection of stables

- 7.9 National policy for the control of development in the Green Belt is substantially set out in paragraphs 89 and 90 of the NPPF. This lists the types of development which are considered to be appropriate within the Green Belt.
- 7.10 Paragraph 89 in the NPPF states that “A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.” There are 6 exceptions to this including: *the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.* Therefore stables are acceptable in principle provided that they preserve the openness of the Green Belt and do not conflict with the purposes of the Green Belt.
- 7.11 The Council’s SPD - Development in the Green Belt provides guidance on the design of stable blocks. This requires such buildings to be of limited scale to suit the equine need, but also requires the building to be of less permanent

construction – i.e. timber, to avoid the legacy of a proliferation of permanent buildings in the Green Belt once the justification for their presence no longer exists.

- 7.12 The size, materials and construction methods of the proposed building are considered to comply with the requirements of the SPD. The application proposes 2 stables and a commensurate amount of storage which I consider are appropriate to meet the equine need. A small area of hardstanding is proposed which would not result in significant harm to the openness of the Green Belt. I am therefore satisfied that the stables represent appropriate development in the green belt.

Principle of Development– Change of use of the land for the keeping of horses

- 7.13 Paragraph 79 of the NPPF retains the government’s view that great importance is attached to Green Belts. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; essential characteristics of Green Belt are their openness and their permanence.
- 7.14 Within paragraphs 89 and 90 of the NPPF, no mention is made of changes of use of land in addressing the forms of development that may not be inappropriate in the Green Belt. The change of use of land within the Green Belt should therefore be considered as inappropriate development in accordance with the NPPF.
- 7.15 Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances and such 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.
- 7.16 In this case the proposed change of use amounts to one from agriculture to the keeping of horses. Whilst the keeping of horses is not defined as an agricultural practice, as it often involves the importation of feed etc. there are many notable similarities (as it includes the keeping of animals) and in addition, it could be argued that the use of the land for the grazing of horses would not amount to a material change of use. Therefore, the differences in the proposed change of use and the use of the land without requiring planning permission are considered to be minimal and the harm to be outweighed by the required very special circumstances is limited.
- 7.17 Furthermore, as outlined above, it should be noted that the NPPF, at paragraph 89, confirms that the construction of appropriate buildings for the purposes of outdoor sport and recreation are an acceptable form of development in the Green Belt in certain cases.

- 7.18 It is important to note the intention of this part of the NPPF as the proposed use of the land amounts to one associated with outdoor recreation. Consequently, as it is accepted that land within the Green Belt can appropriately accommodate facilities for equestrian purposes (subject to the impact on the openness of the Green Belt), the use of the land associated with such structures would not be seen in an isolated or abstract development but a rational and reasonable corollary of a form of development which is considered acceptable. It would, to a large degree, be inconsistent or even perverse to allow buildings to support outdoor sport and recreation and then not allow a reasonable use of the surrounding land. Bearing this in mind, and along with the subtle differences in the keeping of horses (material change of use) and the grazing of horses (authorised use), it is considered that the proposed change of use in this instance is supported by very special circumstances, those being the aspirations of the NPPF in terms of outdoor sport and recreation, which outweigh the limited harm to the Green Belt by reason of inappropriateness. The principle of development in respect of the proposed change of use of the land is therefore considered acceptable and in accordance with the NPPF.
- 7.19 I am therefore satisfied the proposed development would comply in principle with the requirements of the SPD and policy GN1 of the WLLP and the aims of the NPPF.

Principle of development - Engineering works to provide a private mooring

- 7.20 Paragraph 90 of the NPPF states that engineering operations are not an inappropriate form of development in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.
- 7.21 The proposal involves engineering works in the form of the laying out of the railway sleepers and surfacing planks. The maximum depth of the engineering works will be 0.3m, which will run 23m along the canal and 2m back from the canal and will not have a significant impact on the openness of the Green Belt as the mooring is restricted in size.
- 7.22 I am satisfied that the proposed mooring will not in itself have a significant detrimental impact upon the visual amenity and openness of the Green Belt. The decking will be dug into the canal bank and as such its impact upon the surrounding area is minimised.

Design / appearance

- 7.23 Policy GN3 in the WLLP requires development to be of high quality design and have regard to visual amenity, complementing its surroundings through sensitive design.

- 7.24 The proposed mooring would involve some encroachment into currently undeveloped land, this encroachment is minimal and is not considered to be harmful to the character or appearance of the surrounding area. In addition this element of the proposal is considered to be commensurate with its surroundings and therefore compliant with Policy GN3 in the WLLP.
- 7.25 In terms of the proposed mooring, its design and appearance, with railway sleepers and surfacing planks is considered typical of this form of development and matches other moorings granted along this immediate section. This element of the development is considered to be a common feature of canal bank areas and as such would not cause significant harm to the character and appearance of the surrounding area.
- 7.26 The stable building would be of a traditional form which is in accordance with the guidance in the SPD - Stable Buildings in the Green Belt. The building would be a modest building of timber construction with a cement fibre profile sheet roof finished in black.
- 7.27 The building would be sited close to the existing tree line along the northern boundary of the site and adjacent to the pathway adjacent to the railway. I am satisfied that this location is acceptable as the adjacent tree line will offer some screening of the proposal. Consequently I am satisfied that the design and location is acceptable in principle.
- 7.28 The proposed development for both the mooring and stable is considered to be compliant with Policy GN3 in the WLLP.

Impact upon adjoining land uses

- 7.29 Policy GN3 requires that new development should retain reasonable levels of privacy and amenity for occupiers of the neighbouring properties.
- 7.30 The distance between the site and the nearest neighbouring properties of Woodvale Farm to the north and Chapel House Farm to the west is in excess of 250m. I am satisfied that as a result of this separation distance there should be no detrimental impact to any neighbouring properties. Similarly I am satisfied that the proposed stables or mooring would not impact detrimentally upon the adjoining land uses. Permission for the mooring of the boats is required from the Canal and River Trust after the granting of planning permission.
- 7.31 Subject to the conditions which have been recommended by the Environmental Protection Officer I am satisfied that the proposed stable building will not have any significant adverse impact on adjoining land uses. Similarly I am satisfied that the proposed mooring would be in compliance with Policy GN3 with regards to the impact to adjoining land uses.

Highways

- 7.32 Vehicular access to the site is available through the end section of Chapel Lane by the crossing with the railway line. The access which runs along the railway line is a private road which serves only these plots along the canal finishing short of plot 9. It is not envisaged that this access would be significantly used more intensively than it is at present. No further works are planned in terms of highways/parking.
- 7.33 On the basis of the above I am satisfied that the proposed development is in accordance with Policy GN3 and IF2 of the Local Plan.

Ecology

- 7.34 In accordance with advice given in Policy EN2 of the Local Plan an ecological survey has accompanied this application.
- 7.35 The habitat of the canal in the wider area is considered to have potential to support otters and water vole, with various habitats, including common reed (*phragmites australis*) beds to the west of the site. As such an ecology survey has been carried out. The report concluded that whilst otters and water voles are known to occur in the local area, there was no conclusive evidence of any specifically protected species regularly occurring on the site or the surrounding areas which would be negatively affected by site development.
- 7.36 Although it is considered that there is a very low risk of disturbance of protected species at the site the ecological report submitted outlined a number of mitigation measures to be followed during construction. I am satisfied that with the imposition of conditions to ensure the recommendations contained in the submitted survey are implemented, the proposal is acceptable on ecology grounds.
- 7.37 On balance therefore, I consider that the proposed development is compliant with Policy EN2 in the WLLP subject to the imposition of conditions relating to mitigation measures to be followed as outlined in the submitted Ecology report.

Impact upon Trees subject to Preservation Orders

- 7.38 The site is relatively open with some tree coverage on the plot boundaries and a small coppice of trees located centrally within the plot. Along the canal bank towards the western side of the site is a grouping of hedgerows and trees protected by a TPO. The Arboricultural Officer has assessed the proposal and is satisfied that the siting of the proposed mooring to the west of the site and its overall length would not encroach into or result in harm to the group TPO. I am therefore satisfied that the proposal would be in compliance with Policy EN2 of the Local Plan in relation to impact to trees.

Summary

- 7.39 The proposal to erect a stable building on the site is considered an appropriate use within the Green Belt. Furthermore the size, materials and construction methods of the proposed building are considered to comply with the requirements of the SPD and owing to the separation distance from neighbouring properties it is not considered that the proposal would result in any loss of privacy or amenity to neighbouring properties.
- 7.40 The proposed engineering operation for the creation of the mooring would not in my opinion result in significant harm to the openness of the Green Belt and is therefore considered acceptable in principle. The design, materials, impact to neighbouring land uses, highway matters, and ecology/biodiversity matters are also considered acceptable. The change of use of the land for the keeping of horses is considered to be acceptable.
- 7.41 Subject to the imposition of planning conditions, I am satisfied that the proposed development accords with the Local Plan and the NPPF and 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:-
Plan reference
- JT/GM/2503 (proposed plans and elevations for stables and mooring) received by the Local Planning Authority on 07.02.2017
- Site location plan received by the Local Planning Authority on 07.06.2017
3. The stables shall be used for private purposes only and shall not be used for riding school, livery or any other commercial purposes.
4. The stables shall be used only for the housing of horses, associated equipment and feedstock and for no other purposes including any other forms of animal boarding.
5. The storage of manure and soiled bedding is not permitted within 30 metres of the curtilage of residential accommodation.
6. No burning of either hay, straw, soiled bedding or manure shall take place on the site. All bedding and manure shall be removed from the site at least once every four weeks.
7. The recommendations of Paragraphs 7.0 to 7.10 of the Envirotech Ecological Appraisal received by the Local Planning Authority on 13th September 2017 shall

be implemented in full during all phases of site preparation and construction works. In the event that works do not commence within 12 months of the date of this permission no works to the site shall take place until the results of an additional survey/s to confirm the presence or absence of protected species have been submitted to and agreed in writing with the Local Planning Authority. In the event a presence is detected a scheme of mitigation shall also be provided for agreement.

8. No works on or adjacent to the existing canal wall/bank shall take place until the applicant has secured and implemented a scheme of investigation (the content of which to be first approved in writing by the Local Planning Authority) to establish the structural condition of the canal wall/ bank, the extent to which any works will increase loadings on the wall and the need for any rebuilding or strengthening works as may be necessary to ensure that the structural integrity of the canal wall/bank can be maintained. Any works on or adjacent to the canal wall/bank shall thereafter only be carried out in accordance with the recommendations set out in the approved scheme of investigation and maintained to the satisfaction of the Local Planning Authority.

Reasons

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To safeguard 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.
8. To establish whether mitigation works are necessary in order to ensure that the development does not adversely affect the adjacent Leeds Liverpool Canal by weakening the wall of the canal and to secure any mitigation works as may be required and to accord with the advice and guidance relating to land stability contained in Paragraphs 120 and 121 of the National Planning Policy Framework March 2012.

Notes

1. The moorings would need to satisfy the Canal and River Trust mooring policy as set out in the following document
<http://canalrivertrust.org.uk/media/library/1127.pdf>.
2. The applicant/developer is advised to contact the Canal and River trust Mooring Team (01782 779909) in order to ensure that any necessary consents are obtained and that the works comply with the Canal and River Trust 'Code of Practice for works affecting the Canal and River Trust'.
3. The applicant/developer is advised to contact the Canal and River Trust Mooring Team at Waterside.Mooring-Enquiries@canalrivertrust.org.uk in order to ensure that any necessary consents are obtained. Further details on the Trust mooring policy can be found at <https://canalrivertrust.org.uk/media/library/1127.pdf>

Reason for Approval

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

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy EN2 - Preserving and enhancing West Lancashire's natural environment

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

No.3 APPLICATION NO.	2016/0706/ARM
LOCATION	Site Of Former Greaves Hall Hospital Greaves Hall Avenue Banks Lancashire
PROPOSAL	Approval of Reserved Matters for 128 dwellings, light industrial units and 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 DEFERRAL

- 1.1 This application was deferred at the Planning Committee in May in order that Officers could negotiate further with the applicant on concerns relating to highway impact along Greaves Hall Avenue, bus routes and garage sizes and the noise impact of Granite House. As a result of these negotiations, a revised layout has been submitted that provides a greater landscaped buffer area around Granite House reduces the amount of proposed dwellings by 3 and proposes a reduction in the provision of industrial units, hence a reduction in commercial traffic. Further information has been obtained to provide clarity on parking requirements, garage sizes and the ability to provide a bus route through the development should one be required in the future.
- 1.2 It is acknowledged that at the time of drafting this report, the consultation period following submission of the revised layout had not expired; however, any additional representations received will be reported in Late Information.

2.0 PREVIOUS RELEVANT DECISIONS

- 2.1 2013/0104/OUT - GRANTED (27.06.2014) Outline – Housing and employment development (including details of access)
- 2.2 2013/0429/OUT – REFUSED (03.07.2013) Outline (all matters reserved) – single storey extension to existing industrial unit
- 2.3 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).

- 2.4 2009/0921/FUL GRANTED (28.01.2010) Retention of single storey extension to existing showroom; disabled access ramp and air conditioning unit on roof.
- 2.5 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.
- 2.6 2006/0097 GRANTED (18.07.2006) Listed Building Consent - Demolition of mansion house.
- 2.7 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).
- 2.8 2000/0750 GRANTED (29.03.2001) Erection of 24 low cost apartment units and associated external works.
- 2.9 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.
- 2.10 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.
- 2.11 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

- 2.12 2017/0240/LDC – GRANTED (10.05.17) (Certificate of Lawfulness - External storage associated with B8 and B2 use of Units 1 and 2.

- 2.13 2013/0429/OUT – REFUSED (25.04.13) Outline (all matters reserved) - Single storey extension to existing industrial unit.
- 2.14 2009/0921/FUL – GRANTED (28.01.10) Retention of single storey extension to existing showroom; disabled access ramp and air conditioning unit on roof.
- 2.15 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.
- 2.16 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.
- 2.17 E/20016/0137/BC – PENDING Breach of Conditions 3 & 8 of planning permission 1994/0305 relating to outside storage and restrictions on machinery operation.

3.0 CONSULTEE RESPONSES

3.1 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 (incl 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.

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 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.

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

- 3.2 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.

- 3.3 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.*
- 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 (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.
- 3.4 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.
- 3.5 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.
- 3.6 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.
- 3.7 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.

- 3.8 DIRECTOR OF LEISURE AND WELLBEING (13.06.17) - On balance, I do not object to this application as the applicants have put in sufficient noise mitigation measures to ensure that the amenity of the future residents is protected from noise and that the development would not put unreasonable restrictions on the development of the existing business. The recently amended layout removes some of the dwellings closest to Granite House from the layout and relocates them a greater distance from Granite House.

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

Following the Planning Committee's decision to defer the decision a revised layout for the site has been submitted which removes some of the dwellings closest to Granite House and relocates other dwellings. A number of the commercial units have been removed from the revised plan. A revised noise report dated 8th June 2017 has been produced by Red Acoustics to assess the effects of the changes on the noise levels.

The layout of the site now incorporates stand-off distances and a combination of noise mitigation measures including a 3m high acoustic barrier (to screen vehicle movements and yard activity) a high standard of acoustic glazing on facades predicted to be exposed to greater than 52dB(A) and positive input ventilation in all homes. 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). The layout ensures back garden areas are protected from noise by being positioned behind the houses whose fronts will face Granite House and all gardens will incorporate 1.8m acoustic fences. The April summary stated that all rear gardens experience levels below 55dB(A) and most are less than 50dB(A). The June revision shows all rear gardens achieving less than 50dB(A).

I had expressed concern about sources of noise on the west elevation which have been measured as up to 78dB(A) with low frequency components (with doors open). I have been advised by Stone Masters Ltd that the compressor that had the low frequency components has been moved away from this location to somewhere within the building. However the noise from the cutting area remains and has still been accounted for by Red Acoustics in a new report dated 8 June 2017. Red Acoustics have proposed a top specification of glazing to houses that are close to this source of noise.

There are no restrictions on the working hours at the existing industrial unit. I have concerns that, work can 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.

The mitigation measures now built into the development will be sufficient to allow Stone Masters Ltd to carry out some limited activities at night or in the evening or early morning such that this development would not put unreasonable restrictions on the development of their business.

Should complaints of noise nuisance arise after development of this site we would investigate to assess if there is a statutory nuisance being caused. During the investigation regard will have to be made of the judgement of the Supreme Court in the case of *Coventry and Others-v-Lawrence and Another* in 2014 which 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: This case involved a number of points in connection with the law of private nuisance. A nuisance can be defined in general terms as an action on the part of a defendant which unduly interferes with the claimant's reasonable enjoyment of his land. When considering the case, the Supreme Court indicated that: (i) it may well be wrong to hold that a defendant's pre-existing activity gives rise to a nuisance provided that it can only be said to be a nuisance because it affects the senses of those on the claimant's land; (ii) it was not a nuisance before the building or change of use of the claimant's land, (iii) it has and has been a reasonable and otherwise lawful use of the defendant's land, (iv) it is carried on in a reasonable way, and (v) it causes no greater nuisance than when the claimant first carried out the building or changed the use. Thus, should planning permission be granted and should houses be built on land adjacent to Granite House, if the Council were to receive complaints about noise or any other alleged statutory nuisance emanating from Granite House and affecting the senses of others, this Service would have to have regard to the existence of the hitherto activities at Granite House when considering whether or not there might be a statutory nuisance.

This does not mean that statutory nuisance action could not be taken if the occupier of the business is found to be making unreasonable levels of noise which cause a greater nuisance than before the change of use of the adjacent land. They would be expected to take reasonable steps to ensure noise is kept to a reasonable level whilst carrying on their lawful use.

In addition to noise there may be a potential impact on proposed residential premises from the impact of fumes and/or dust from the existing business. This has the potential to impact on the amenity of future residents. The noise mitigation measures (high fence, closed windows etc.) will also protect residents from a degree of emissions to air to be expected from a business such as this.

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

DIRECTOR OF LEISURE AND WELLBEING

(15.05.17) On balance, further to the submission of additional information and mitigation, I do not object to this application as the applicants have now put in sufficient noise mitigation measures to ensure that the amenity of the future residents is protected from noise and that the development would not put unreasonable restrictions on the development of the existing business.

DIRECTOR OF LEISURE AND WELLBEING

(24.03.17) – Further to the submission of additional information, still 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).

DIRECTOR OF LEISURE AND WELLBEING

(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.

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.

4.0 OTHER REPRESENTATIONS

- 4.1 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.

- 4.2 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
- 4.3 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 of 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.

- the report disregards the evening and night-time lawful and existing operations of granite house, although the assessment has taken account of extended hours from 07:00 in the morning and until 23:00 at night.

- it is stated that this revised report is based on revised sound levels from revision F of the report. Although issues were raised with this report as to the use of the full data set and the omission of certain, lawful, activities from the Granite House site. It is unclear whether these have now been included in this revision.

- the report still makes reference to the use of enforcement powers against the company for the existing noise levels and in particular the use of a compressor to the western façade. It should be noted that Stonemaster Ltd have moved this compressor but noise is still evident from the large CNC machine in the same area which is and always has been louder than the compressor. The compressor was moved following a discussion between the directors of the company and land owner the first contact from the developer or his consultants relating to noise from the site.

- the company while wishing to act as a good neighbour to any development, will do what is possible to mitigate against any adverse impact from its activities. However, it will not adversely affect its current operations to achieve this. As West Lancashire Council are fully aware, no enforcement action can be taken without a suitable receptor being present and more importantly for any occupiers of the proposed housing will be subjected to the current sound levels without any

course to address these. I refer to the decision in *Coventry v Lawrence* 2014, which in summary states that if you move to an existing noise source it cannot be a statutory nuisance.

- the granting of the current application will result in sound levels within the outdoor amenity areas of the properties that will have an adverse impact on the new residents, and is likely to generate significant complaints to which the council have no course of action to resolve. While internal sound levels will be controlled thorough the use of acoustic glazing and positive input ventilation systems meaning that windows cannot be opened without the occupants being subjected to significant sound levels. Will this be made clear to them on purchase of the properties?

- the report makes reference to a number of figures, a review of these and as stated in the report highlight up to 49% of the proposed properties will be subjected to sound levels that are adverse in line with BS4142:2014, with 34% being subjected to significantly adverse sound levels, with some well above the 55dB(A) identified across Lancashire as the cut off point for significant adverse impact. Up to 65dB(A).

- in conclusion, the report now gives some consideration to evening working hours on site, but with the increase in height of the proposed development still identifies the external areas of nearly half the development as being unreasonable, with future occupants unable to open windows to their new homes without being adversely affected by substantial sound levels. Perhaps a greater separation distance with less properties or more blocks of flats as proposed to the north would assist in providing a more suitable environment.

- photographs have been supplied of the compressor unit within the building;

- no new noise sources have been introduced since the granting of outline planning permission as is being suggested.

- 4.4 The 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 landowners suggestion of restricting traffic to industrial estate between 10am and 2pm could not work in practice and would not be acceptable to existing businesses. Governors of St Stephen's CE Primary School have also commented further that they appreciate the decision made by highways regarding access of HGV's along Greaves Hall Avenue, however, they still have reservations and concerns regarding the safety of pupils, parents and staff. If this application is successful Governors request strict vigilance in ensuring all the proposed traffic calming measures are in place prior to commencement of development of the site. Governors also request careful monitoring throughout the entire project and if further measures are required then these will be put in place immediately. Whilst we appreciate that the proposed

development will enhance the area aesthetically the health and safety of our school community is of paramount importance.

- 4.5 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-routeing of HGV's currently going along Aveling Drive that will, as a result of the development, be re-routed along Greaves Hall Avenue.
- 4.6 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
- 4.7 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 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 along 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;

5.0 SUPPORTING INFORMATION

5.1 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

6.0 RELEVANT PLANNING POLICIES

6.1 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.

6.2 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

6.3 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)

7.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

The Site

- 7.1 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.
- 7.2 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

- 7.3 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.
- 7.4 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).

- 7.5 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 have recently approved an application for a Certificate of Lawfulness of Existing Use or Development for this site (2017/0240/LDC) which confirms 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.

The Proposal

- 7.6 The original proposal has recently been revised in order to address the concerns of Members that were expressed at the May Planning Committee. This reserved matters application is for the erection of 128 dwellings and 687sqm of B1 light industrial units (two units). The original application was for 131 dwellings and 2805sqm of B1 light industrial units (six units). The reduction in both numbers of dwellings and commercial units has resulted in a larger landscaped buffer area around The Granite House. 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 Granite House 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.
- 7.7 The proposed dwellings will comprise of:

12 x 2 bed dwellings
89 x 3 bed dwellings
27 x 4 bed dwellings

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 roofspace. They are of typical modern house building design, not dissimilar to those already existing in the local area.

- 7.8 The number of proposed light industrial units has been significantly reduced from the original proposal and two units are now proposed to the south-east of Granite House and comprise one block divided into 2 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.

- 7.9 The wooded areas along the Aveling Drive frontage to the site are retained and a landscaped buffer area is proposed around all sides of The Old Laundry. 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

- 7.10 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 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

- 7.11 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.
- 7.12 A detailed viability assessment was submitted by the applicant for the original proposal. This indicated 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 and that the proposed development was insufficiently viable to support an affordable housing provision or any S106 payments required as part of the outline permission. 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 due to remediation of the site.
- 7.13 In view of the revised site layout and reduction in both dwellings and B1 units, the viability appraisal has been re-run. I am satisfied that the analysis demonstrates

that the scheme is still not sufficiently viable enough to provide any affordable housing.

- 7.14 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 element of the scheme is 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 re-appraisal of the site viability in the event that commercial development does not come forward within a given timescale is provided as part of a Deed of Variation.
- 7.15 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 properties 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.

Siting, Layout and Design

- 7.16 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.
- 7.17 The proposed development for 128 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 bedroom houses and 3 and 4 bed detached houses as a mix of semi-detached and detached.
- 7.18 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.

- 7.19 The revised layout of the site has been designed to accommodate a greater buffer area than originally proposed around the existing industrial building at The Old Laundry and the houses orientated so that the quieter garden areas face away from The Old Laundry.
- 7.20 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.
- 7.21 The location of the proposed light industrial units to the south-east of the site and closest to the existing industrial premises 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 proposed screening.
- 7.22 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

- 7.23 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.
- 7.24 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. 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.
- 7.25 The main impacts of any significant development in this area would be during the construction phase in terms of noise. Whilst some noise will be generated during the construction phases, this will be subject to environmental control.

Levels

- 7.26 In terms of levels across the site and the requirement to raise finished floor levels

above the flood line, I would clarify that the Environment Agency have requested finished floor levels are set no lower than 3.64m AOD. Levels within the site currently vary quite significantly and on some parts of the site, levels are lower than 3.64m AOD (the lowest being approximately 2.8m AOD) and some are higher (up to 6.2m AOD). There will therefore be some element of cut and fill within the site to address both tidal flood risk and sustainable drainage systems. The maximum increase would be up to 2m from existing levels where they are low (particularly in the northern and eastern parts of the site). For clarification, adjacent to the western boundary of The Old Laundry, the current level of the ground is 3.2m AOD but slightly further westwards the land raises to 4.4m and to 6.6m AOD on the site of the former Greaves Hall. It is likely that the proposed dwellings in this area will have a finished floor level around 5.2m AOD, so not significantly higher than the existing levels and in some areas, lower than existing levels. I am satisfied that the alterations to ground levels across the site are necessary to protect proposed dwellings from flood risk but will have no detrimental impact on adjoining land uses and will be acceptable in principle.

Access and traffic

- 7.27 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.
- 7.28 The widened end of Greaves Hall Avenue will then follow the existing curve northwards and past the St Stephen's 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 at its most easterly point.
- 7.29 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.

- 7.30 Concerns have been raised by local residents about increased vehicular use of Greaves Hall Avenue, and in particular, by industrial traffic. However, Greaves Hall Avenue presently serves a school, a community leisure centre, a rest home and a housing estate and can accommodate additional traffic. Moreover, the principle of an access to the wider area being created along Greaves Hall Avenue was considered at outline planning stage. Furthermore, the application site was previously allocated for full employment use in the West Lancashire Replacement Local Plan 2001-2016 and the West Lancashire Local Plan 1996-2006 as it was a former large hospital with commercial vehicles travelling to and from the hospital. At that time, Greaves Hall Avenue was considered to be the preferred route for commercial vehicles and indeed the more recent housing development off Westerdale Drive was designed with a landscaped buffer between the housing and Greaves Hall Avenue in order to reduce the impact of commercial vehicles travelling along Greaves Hall Avenue. Any traffic travelling along Aveling Drive must pass directly in front of residential properties. It has been accepted by the Highway Authority and the Council in approving the outline planning application, that the impact of the applicant's site would not have a significant impact on highway safety and capacity in the area.
- 7.31 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 carriageway, with some upgrading, could suitably accommodate the combined vehicle trips of the existing and proposed business development. Access for HGV's to the industrial units does not involve such vehicles driving past the entrance to the school. Nevertheless, the scheme has been amended to reduce the number of proposed B1 units in order alleviate the perceived concerns of local residents and Members in terms of commercial traffic. I am satisfied that access for vehicles associated with the commercial units can satisfactorily be delivered along Greaves Hall Avenue without detriment to highway safety or adjoining land uses. The Highway Authority share this view.
- 7.32 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 school forms part of the whole mixed use site of the former hospital and the access road was always likely to be subject of increased use by vehicles. There are many schools, if not most, that front public highways and in fact St Stephen's School itself relocated from a site fronting a highway. The detailed proposal includes the widening of the existing carriageway to adoptable standard with footways on both sides and pedestrian crossings to improve highway safety in the vicinity of the school. The Highway Authority are satisfied with this arrangement and therefore the proposal is considered to comply with Policy GN3 of the Local Plan.

- 7.33 Concerns were raised by Members that should there be a bus route in the area in the future, the design of the route through the site between Aveling Drive and Greaves Hall Avenue should accommodate a bus. The applicant has provided tracking evidence that a bus can manoeuvre through the development.
- 7.34 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 are currently accessed off Aveling Drive but, as a result of the development, would 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.

Parking

- 7.35 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 some of the residential parking spaces were below the recommended dimensions to be counted as a parking space (6m x 3m) and Members also raised this as a concern. The layout has been amended and clarification provided on the level of parking for each dwelling. The integral garages do not meet this standard therefore these cannot be counted as a space; however, on all plots that include an integral garage, there is space on the drive for 3 cars which meets LCC parking standards. All detached double garages have been counted as a single space (they meet the 6m length but are only wide enough to count as one space) but include driveways to accommodate at least a further 2 cars. Therefore, I am satisfied that all the required off-street parking provision has been provided.

- 7.36 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

- 7.37 The outline planning permission for development on this site required an area of greenfield land to the east to 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.
- 7.38 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 an ecological function, it would therefore not readily lend itself to the provision of a formal playspace, 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. Furthermore, as a result of creating a greater buffer between the Old Laundry building and the proposed dwellings, an area of open space has been provided north of the Old Laundry. It is proposed that areas of open space within the site are managed and maintained by the developer, the full details of which are required as part of the existing S106 Agreement.

Trees and Biodiversity

- 7.39 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.

- 7.40 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.
- 7.41 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.
- 7.42 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).
- 7.43 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.
- 7.44 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.
- 7.45 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

- 7.46 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.
- 7.47 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 and no less than 3.64AOD.
- 7.48 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 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.
- 7.49 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.

- 7.50 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

- 7.51 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.
- 7.52 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.
- 7.53 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 businesses in the centre of the site at The Granite House (known also as The Old Laundry).

There are currently two businesses operating in The Granite House, one which provides granite, quartz and stone worktops, tiles and other products (Stone

Masters Ltd) and another that brands and manufactures signs (Jigsaw Sponsorship). The established use of this building is for B1, B2 and B8 uses. There are no hour's 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.

- 7.54 In terms of the original layout, a significant amount of information was submitted by the applicant's noise consultant (Red Acoustics) to address the impact of proposed dwellings in close proximity to the established business at the Granite House. A noise survey was also submitted by the owner of Granite House (MES) which challenged some of the findings of the applicant's noise survey. These matters were queried with the applicant, leading to the submission of further information and mitigation. All the information submitted has been considered by the Council's Environmental Health Officer's, who have scrutinized the information, their own records and relevant noise protection legislation and case law, and visited the site. Their conclusions are that the proposed mitigation (Positive Input Ventilation and acoustic fences) and stand-off distance between the proposed dwellings and the Granite House achieve WHO guidelines and BS 8233:2014.
- 7.55 However, notwithstanding the advice of Environmental Health, and being aware of the noise that can emanate from the current business, Members were concerned that the original layout did not achieve a satisfactory buffer between the proposed dwellings and the business and that should the proposed development give rise to noise complaints in the future, this would impact on the operation of the present occupier's ability to carry on their business in a reasonable way and in accordance with their established practices. Members also expressed some concern about the use of PIV (a mechanical way of providing ventilation into a building rather than simply opening windows),
- 7.56 In view of Members concerns, the applicant has amended the layout to provide a greater buffer between the proposed dwellings and The Old Laundry building. To the west, the proposed dwellings have been moved a minimum of 5m further away from The Old Laundry than originally proposed (the distance between the side elevation of the existing building and the front face of the dwellings is now a minimum of 27m with landscaping and a 3m high acoustic fence in between). To the north, the 2 x two-storey block of apartments has been removed to provide an area of open space (the distance between the closest dwelling to the car parking and storage area is between 25m and 45m with landscaping and a 2m high acoustic fence in between). To the west a block of proposed dwellings has been removed and replaced with a block of 2no. B1 business units and associated parking. This acts as an additional buffer to the housing beyond. The distance between the closest dwelling and the business unit and car park is between 12m and 17m with landscaping and a 2m acoustic buffer in between. To the south, the B1 business units have been replaced with landscaping, an access road and dwellings (to compensate for the loss of dwellings in the more sensitive west,

north and east aspects adjacent to The Old Laundry.

- 7.57 Following submission of the revised layout and accompanying noise report, the views of Environmental Health Officers has been sought. The applicant states that the predicted impact on the proposed dwellings is no worse than that previously identified, subject to the mitigation already identified (PIV and acoustic fencing). Environmental Health have reviewed the revised noise information and are satisfied that the layout is acceptable and complies with relevant WHO and BS8233:2014 guidelines.
- 7.58 In terms of the use of PIV, this is a common feature in modern developments, particularly in urban areas close to roads and commercial buildings. It does not mean that windows need to be permanently closed. 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.
- 7.59 With regards 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. The number of B1 units has been reduced from 6 to 2 in the revised layout. 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.

Impact on Granite House

- 7.60 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 at paragraph 7.34 of my report.
- 7.61 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.
- 7.62 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 could continue as it does at present without significant detriment to the occupiers of the proposed dwellings. The future amenity of these properties would be safeguarded by the fact that the occupier of Granite House does not have carte blanche to make undue noise and disturbance. An occupier may be expected to take reasonable steps to ensure noise is kept to a reasonable minimum. Moreover, there is an inevitable limit to noise and disturbance 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. Careful consideration has been given to the way the Granite House operates (its use, hours, deliveries, noise etc.) and for the reasons outlined above, I am satisfied that the potential needs and growth of business at the Granite House have been taken into account 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.

7.63 The objector is also concerned that the applicant has not complied with Condition 22 of the outline planning permission. This required that a thorough noise assessment be carried out using information supplied by the current occupiers of Granite House as to their current and likely future activity levels and times and to agree the scope of the assessment with the Local Planning Authority before commencement. The information provided would then inform the layout of the houses and any mitigation measures required. In my view, the applicant has provided numerous detailed noise assessments. However, the assessments were 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, the applicant did engage with the Council's Environmental Health Officer to agree the scope of a noise report. I am satisfied that the subsequent 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.

7.64 Concern has also been expressed by representatives of the owner and occupier of the Granite House that account has not been taken of the judgement of the Supreme Court in the case of *Coventry and Others-v-Lawrence and Another* in 2014. This case involved a number of points in connection with the law of private nuisance. A nuisance can be defined in general terms as an action on the part of a defendant which unduly interferes with the claimant's reasonable enjoyment of his land. When considering the case, the Supreme Court indicated that: (i) it may well be wrong to hold that a defendant's pre-existing activity gives rise to a nuisance provided that it can only be said to be a nuisance because it affects the

senses of those on the claimant's land; (ii) it was not a nuisance before the building or change of use of the claimant's land, (iii) it has and has been a reasonable and otherwise lawful use of the defendant's land, (iv) it is carried on in a reasonable way, and (v) it causes no greater nuisance than when the claimant first carried out the building or changed the use. Thus, should planning permission be granted and should houses be built on land adjacent to Granite House, if the Council were to receive complaints about noise or any other alleged statutory nuisance emanating from Granite House and affecting the senses of others, the Council's EHO would have to have regard to the existence of the hitherto activities at Granite House when considering whether or not there might be a statutory nuisance. The Council's EHO has had regard to this in their assessment of the planning application and in formulating their response.

Other Matters

- 7.65 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

- 7.66 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

- 7.67 In summary, the revised layout is considered acceptable 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.

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 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
 - require re-appraisal of the viability should the B1 units not be implemented within 2 years
- 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 hereby approved shall be carried out in accordance with details shown on the following plans:-
 - Plan reference 1470SHW/GHB/SL01 Rev T (site layout) received by the Local Planning Authority on 30th May 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-WGA-01 (Double garage plans and elevations overview) received by the Local Planning Authority on 8th June 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 development hereby approved coming into use, a three pin 13 amp external electrical socket which is also suitable for outdoor use shall be installed on each individual house. The socket shall be located in a suitable position to enable the charging of an electric vehicle within the garage or on the driveway using a 3m length cable. Additionally at least 10% of parking spaces provided for apartment and business uses shall be marked out for use by electric vehicles only, together with an adequate charging infrastructure and cabling for each marked bay. Any socket provided for the houses must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. It should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off.
 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 no lower than 3.64mAOD.
 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. The Plan shall be implemented in accordance with the agreed scheme.
10. The development hereby permitted shall be carried out in accordance with all noise mitigation measures, including barriers, acoustic glazing, Positive Input Ventilation systems as outlined in the Environmental Noise Study by Red Acoustics, Ref: R1226-REP01-PB received by the Local Planning Authority on 8th June 2017.
11. Notwithstanding the report referred to in Condition 10, glazing to the standard of 9.1 Optiphon - 20 - 13.1 Optiphon shall be installed in habitable rooms on the front elevation facing Granite House of Plots 70 and 71.
12. No machinery or power tools shall be operated on the site other than inside the buildings.
13. Prior to commencement of the use of any fixed plant, a scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the rating level of noise from fixed plant shall not exceed 5dB(A) below the existing LA90 background noise level at the boundary of any of the nearby residential premises. All measurements and assessments shall be done in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound.

14. The rating level of noise from fixed plant shall not exceed 5dB(A) below the background noise level at any time (determined by compliance with condition 16), as measured or calculated on the boundary of any nearby residential premises. All measurements and assessments shall be done in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound.
15. No development above slab level of any dwellings shall take place until a detailed specification for the acoustic barriers has been submitted to and been approved in writing by the Local Planning Authority. The approved barriers shall be installed prior to occupation of any of the dwellings and shall be retained as such thereafter.
16. No development above slab level of any dwellings shall take place until a detailed specification for the Positive Input Ventilation (PIV) systems has been submitted to and been approved in writing by the Local Planning Authority. The approved PIV systems shall be installed prior to occupation of any of the dwellings and shall be retained as such thereafter.

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.
10. To safeguard the occupiers of the proposed residential dwellings from excessive noise intrusion and to so to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and the National Planning Policy Framework.
 11. To safeguard the occupiers of the proposed residential dwellings from excessive noise intrusion and to so to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and the National Planning Policy Framework.
 12. To safeguard the occupiers of the proposed and existing residential dwellings from excessive noise intrusion and to so to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and the National Planning Policy Framework.
 13. To safeguard the occupiers of the proposed and existing residential dwellings from excessive noise intrusion and to so to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and the National Planning Policy Framework.
 14. To safeguard the occupiers of the proposed and existing residential dwellings from excessive noise intrusion and to so to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and the National Planning Policy Framework.
 15. To safeguard the occupiers of the proposed residential dwellings from excessive noise intrusion and to so to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and the National Planning Policy Framework.
 16. To safeguard the occupiers of the proposed residential dwellings from excessive noise intrusion and to so to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and the National Planning Policy Framework.

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.4 APPLICATION NO.	2017/0470/LBC
LOCATION	The Retreat 4 Cobbs Brow Lane Newburgh Wigan Lancashire WN8 7ND
PROPOSAL	Listed Building Consent - Replace 5 no. single glazed wood windows with timber double glazed windows to rear elevation.
APPLICANT	Mrs J Owens
WARD	Newburgh
PARISH	Newburgh
TARGET DATE	7th July 2017

1.0 REFERRAL

- 1.1 This application is being referred to the Planning Committee as the applicant is related to a Council Member.

2.0. PREVIOUS RELEVANT DECISIONS

- 2.1 2010/0564/LBC - Listed Building Consent - Replacement hardwood double glazed windows to ground floor front elevation and one first floor window on rear elevation- Granted
- 2.2 2009/0171/LBC - Listed Building Consent - Replacement hardwood double glazed windows to first floor front elevation. Replacement hardwood double glazed windows to side elevation including enlargement of first floor windows and Georgian bar window to ground floor bathroom. Granted
- 2.3 2006/0247 - Listed Building Consent - Replacement window and door on rear elevation and installation of new French doors and windows on rear elevation. Granted

3.0 OBSERVATIONS OF CONSULTEES

- 3.1 WEST LANCASHIRE CONSERVATION AREA ADVISORY PANEL – 25.05.2017
No objection

4.0 OTHER REPRESENTATIONS

- 4.1 None

5.0 SUPPORTING INFORMATION

- 5.1 A heritage statement and design and access statement has been submitted with the application.

6.0 RELEVANT PLANNING POLICIES

- 6.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.
- 6.2 The site is located within a rural settlement area of Newburgh as designated as a Rural Sustainable Village in the West Lancashire Local Plan 2012-2027 DPD. The site is located within the Newburgh Conservation Area and the property is also a Grade II Listed Building.
- 6.3 **West Lancashire Local Plan 2012-2027 DPD**
GN3 Criteria for Sustainable Development
EN4 – Preserving and enhancing West Lancashire’s cultural and heritage assets
- 6.4 **Supplementary Planning Advice**
SPD – Design Guide (January 2008)

7.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

The Site

- 7.1 The application property is a Grade II listed building located within the Conservation Area of Newburgh. The property was formerly a pair of two storey brick cottages that is now just one residential dwelling. The application property is a corner property and is located to the north of Cobbs Brow Lane, where it meets Smithy Brow.

The Proposal

- 7.2 This application seeks Listed Building Consent for replacement of 5 no. single glazed wood windows with timber double glazed windows to the rear elevation. The windows are on both ground and first floor.

Assessment

- 7.3 Local Planning Authorities should in coming to decisions refer to the principle act which requires the Council to have special regard to the desirability of preserving listed buildings or their setting (s.66). Recent High Court judgements identify the need to give considerable weight and importance to the duty imposed and to the

presumption in favour of the desirability of the preservation of heritage assets including their setting.

- 7.4 The proposal seeks permission for another phase of window replacements at the property. LBC has previously been granted for similar window replacement in 2006, 2009 and 2010. The most recent 2010/0564/LBC being for the installation of double glazed 'Georgian bar' windows on the front elevation.
- 7.5 From my visit it is clear that none of the windows to be replaced are of historic value. Visually as with the previous applications, whilst the windows on the rear elevation replicate earlier styles they are not original to the age of the house. The replacement windows incorporating double glazing will not harm the aesthetic of the rear elevation, which already incorporates some double glazed windows, and will not harm the significance of the listed building.
- 7.6 Visually the new windows, whilst double glazed, will be hard to distinguish from the existing and match the earlier phases of the window replacement. I do not feel they will detract from the historic character of the property.
- 7.7 As I am required to do so, I have given the duty imposed by s.66(1) of the P(LBCA) Act 1990 considerable weight in the assessment of the application.
- 7.8 I am satisfied that the proposed work will not harm the historic character of the property and is acceptable. Therefore the proposal is in accordance with Policy EN4 of the Local Plan and is recommended for approval.

8.0 RECOMMENDATION

- 8.1 That Listed Building Consent be GRANTED subject to the following conditions:

Conditions

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

Plan reference

- Section of Georgian Bar Detail
- Site plan indicating windows to be replaced
- existing elevation plan showing windows 1-5 to be replaced received by the Local Planning Authority on 28.04.2017

Reasons

1. Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings & Conservation Areas) 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.

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:

GN3 Criteria for Sustainable Development

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.5 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 your May Planning Committee in order for officers to seek further clarification regarding the highway impacts of the proposed development. Since the last Committee, the applicants have commissioned Curtins, to review the original Transport Assessment prepared by Croft and seek to address the concerns of Members. Curtins are a multi-disciplinary practice with considerable expertise in transport related matters. Curtins have held a meeting with LCC Highways Officers to discuss the scheme and have provided a letter addressing the highway concerns expressed by the ward Councillor at Planning Committee. The letter from Curtins is available on the Council's web site and is summarised as follows:

For clarity and ease of reading, the highway concerns raised by the ward councillor have been reproduced in bold followed by the response from Curtins.

Q1. In October 2016, the claimed accessibility score of 20 was challenged by South Lathom Residents Association (SLRA), on the basis of several factual inaccuracies. However, the LCC Highways Officer does not appear to have been informed about this challenge. This is important as in the 22nd December consultation the highways officer writes "AN LCC Accessibility questionnaire was completed which gave a score of 21 (actually 20), this accessibility score is medium and therefore measures need to be in place to enhance linkages to shops and services. If appropriate measures are not delivered, the proposed residential area will become an isolated, car dependent community."

Why has the SLRA challenge not been included in the officers report? And as importantly, why was the Highways officer apparently not told of a lower score (of 14 or 15), once inaccuracies had been corrected, given that this would have made the accessibility score 'poor' and may have changed the conclusion of the Highways officer.

The accessibility questionnaire used by LCC Highways, is intended to provide a guide by which to assess the accessibility of a particular site. Whilst useful, many of the questions and the scoring structure do not sit well with current national policy/guidance and therefore it should only be used as part of a wider more in depth accessibility review. A site should certainly not be refused because of a particular score, especially when the site already benefits from an existing allocation within the Local Plan.

Section 5 of the original TA covers accessibility by sustainable modes of travel. It references the LCC accessibility questionnaire and a completed copy of this, showing a score of 20, is included in Appendix 1 of the TA.

A score of 20 is classed as a medium accessibility level and therefore whilst there appears to be some confusion in the LCC Highways response, which suggests a score of 21, the reported accessibility level of medium was correct.

On the 31st October 2016, the South Lathom Residents Association (SLRA) prepared a letter which challenged the accessibility score of 20 or 21 and suggested that a score of 14 or 15 would be more appropriate. This would result in an accessibility level of 'low'.

To determine the most appropriate score, Curtins has revisited the LCC accessibility questionnaire. Following an independent review of the accessibility scoring, Curtins is of the view that the true score sits between that suggested in the original TA and that suggested by the SLRA.

The first matter which differentiates the scoring is the 'cycling distance to the secondary school' and it appears that a discrepancy may be present in the original TA.

The second matter which differentiates the score is the 'accessibility to other key basic services (GP, Post Office, Library, Bank and Pub)'. However, the SLRA has suggested a score of 0 here where the questionnaire does not accept 0 as an answer, and awards a minimum of 1.

The third matter which differentiates the scoring is the 'accessibility to play area or park'. The original TA awarded a score of 3 due to the on-site open space that is to be provided. The SLRA challenges this although it is not clear on what grounds. Curtins is of the view that the open space which forms part of the proposals can be classed as park/play area and therefore a score of 3 is appropriate.

On the above basis, the only valid material difference between the original score and the SLRA score is the 'cycling distance to the secondary school'. This is one small component of accessibility, affecting a very small number of residents. Whilst it may result in a lower score on the accessibility questionnaire, it is Curtins view that

this is simply a guide and should not alter overall conclusions regarding accessibility or be a reason for refusal.

Whether the cycling distance to the school is 500m or 1600m is largely irrelevant as these distances do not relate to any known policy/guidance. In fact, National Guidance suggests that a cycling distance of much further is generally accepted. 'Integrating Cycling Into Development Proposals, Cycling England' (2008) states that "most cycle journeys for non-work purposes....are between 0.5 and 2 miles, but many cyclists are willing to cycle much further." Additional guidance refers to distances of 5km and 8km.

It is considered unlikely that any children at the site would be put off by an extra 1km cycle which equates to a journey time of less than 10 minutes, at a leisurely pace.

Furthermore, it must be noted that the accessibility questionnaire provides a narrowly defined view of accessibility and it takes a wider review of accessibility such as that included in Section 5 of the original TA to demonstrate that residents at the proposed site can:

Access numerous local amenities within 2km walking distance of the site;
Access several bus stops which provide frequent connections to Ormskirk, Wigan and Skelmersdale; and
Access a national cycle route to the north of the site in circa 10 minutes.

In summary, it is Curtins view that any minor scoring differences on the accessibility questionnaire should be afforded little weight and the site is considered to be accessible by non-car modes.

Q2 The December 22nd report refers to the need for more information on splays at the access to the development, this being one of the areas to which the March 3rd letter is "additional". What has happened to this requirement, and why is it not referred to in the Officers Report?

The LCC consultation response dated 22nd December 2016 suggested that visibility splays at the site access should be based on observed vehicle speeds and not the speed limit, as per the original TA.

On this basis, two plans were prepared and submitted showing revised splays (Dwg No 1030-F01 Rev B and PL01 Rev F).

The LCC consultation response dated 2nd March 2017 acknowledges that the applicant has submitted amended drawings and "From observations on site and the information provided on the applicants 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 applicants land and the existing adopted highway."

Para 7.34 of the May committee report also references the above LCC response and Condition 16 captures the requirement to achieve the necessary visibility splay. Curtins has undertaken a review of the access proposals and concludes that the visibility splays are achievable, and a condition is an appropriate way to secure their implementation.

Q3 The traffic study provided by the applicants consultant in October 2016 provides five year growth figures for estimated traffic movements, to 2021. Why have these projections been ignored when they form a standard part of the assessment process?

Curtins has undertaken a review of the Traffic Impact Assessment in the original TA and particularly section 6.3 which refers to 'Growthed Flows'.

This section of the report clearly sets out how the 2015 traffic survey data has been factored to 2021 by applying growth factors of approximately 8%. These growth factors are extracted from the National Road Traffic Model locally adjusted to Skelmersdale and represent an industry standard methodology for determining background traffic growth over a set period of time.

The growth factors are used so that the trips associated with a particular development can be loaded onto a future year network rather than an existing situation network.

The trip generation associated with a specific development is not growthed as this is a constant figure determined by the type and number of dwellings.

On the above basis, the methodology adopted in the original TA is considered to be correct and in accordance with the Department for Transport (DfT) 'Guidance on Transport Assessments'.

Q4 Why does the officer report ignore the failure to give priority to pedestrian and cycle links, as required by NPPF para 35?

It is Curtins opinion that where possible to do so, Bellway have promoted pedestrian and or cycle improvements. This includes:

An internal speed limit of 20mph;

Internal pedestrian footways and shared surfaces in accordance with Manual for Streets principles;

Improved footways in the vicinity of the site access; and

A new 3m shared pedestrian/cycle link between plots 39 and 40 which will provide a connection to land that is to be developed in the future.

The above infrastructure has been designed to connect with existing pedestrian infrastructure on Firswood Road which is currently utilised in a safe manner by existing residents.

Bellway has also considered numerous off-site mitigation measures which are not feasible for a variety of reasons. This includes:

Widening the existing footway on Firswood Road to the north and south of the site – Not feasible due to the existing carriageway widths, on street parking and third party ownerships; and

Providing a footway/cycle connection from Blaguegate Lane – Not feasible due to third party land.

In summary, it is considered that Bellway have sought to maximise pedestrian and cycle connectivity, to the extent that they are able to do so., in accordance with NPPF.

Q5 Why is direct linkage to Neverstitch Road (or Blaguegate Lane) not deemed to be necessary for the phase 1 development. Why is it considered that this direct link can wait until some intermediate future date, when phase 2 can be delivered? (There are no firm plans yet to bring this part of the site forward).

An applicant can only provide connections beyond their land ownership if their land adjoins an adopted highway. Whilst Bellway has explored third party land opportunities with adjacent land owners there is currently no means to provide a pedestrian or cycle connection to Neverstitch Road or Blaguegate Lane. However, a link is proposed within the site, should a route become available in the future.

Notwithstanding the above, access from Firswood Road is achievable in a safe and efficient manner and the level of trips predicted is below 60 in accordance with the site allocation and development brief.

Q6 Although the officer report acknowledges that in practice traffic from the site will go to and from the northern end of Firswood Road, why has no action been proposed (In terms of conditions) to improve safety, especially in respect of pedestrians, cyclists and horse riders? And why is extra traffic using the blind and narrow junction with Spa Lane considered acceptable.

The original TA demonstrates that the proposed residential development could generate approximately 54 trips in the AM peak period and 59 trips in the PM peak period.

The TA states that the majority of these trips are expected to travel south towards the A577 Blaguegate Lane/Firswood Road junction, although the TA and LCC consultation response does acknowledge that some traffic may travel north towards the Firswood Road/Spa Lane junction.

Given the location of the site in relation to Skelmersdale town centre, Ormskirk and the M58 motorway junction, Curtins would agree that the vast majority of traffic is likely to travel south from the site and the number of vehicles travelling to the north would be less than 50% of the total site traffic, thus less than 30 vehicles.

Whilst somewhat superseded by the National Planning Policy Framework, the DFT's document 'Guidance on Transport Assessments' includes some suggested thresholds in respect to traffic impact and at Appendix B, the document states that formal assessment of a junction may not be required for developments which would typically generate fewer than 30-additional two-way trips.

On the above basis, no formal capacity assessment is necessary and it is Curtins view that the level of trips predicted would have no material impact on capacity or operation.

Regarding safety, the LCC consultation response from the 22nd December states that five years of accident data was checked on the 15th November 2016 and there were no reported incidents on Firswood Road or at the junctions of Firswood Road/Blaguegate Road or Firswood Road/Spa Lane.

Curtins has undertaken a similar review utilising crashmap, which confirms there is not an unusual highway safety record at the Firswood Road/Spa Lane junction.

However, on the basis that restricted visibility from Firswood Road to Spa Lane is perceived to be the greatest safety issue, Bellway has obtained land ownership information. This suggests that some vegetation to the east of Firswood Road may sit within the highway verge and therefore enhanced pruning and maintenance by LCC Highways at certain times of the year may assist.

In summary, the number of vehicles expected to travel north from the site is immaterial and is unlikely to exacerbate an existing highway safety problem. On this basis, no physical mitigation is considered to be necessary, although maintenance of the vegetation that sits within the highway verge may be beneficial.

Q7 – Not related to traffic and transport.

Q8 – Not related to traffic and transport.

Q9 No conditions are proposed to ensure that service strips become pavements (prior to adoption) and public open space (without time limit) is maintained in good condition. Why Not?

The planning and landscape drawings have changed prior to going before Committee from grassed service strips to pavements. A condition is provided on the Committee report to require that “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.” We consider this adequately covers the highways aspect of this question.

The remaining points are not related to traffic and transport.

Q10 The Highways report of March 2017 includes the following proposed condition: “The layout of the development shall include provision to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

It is not clear from the above comment what the query is. The site has been designed to allow all necessary vehicles to enter and exit in forward gear, with the ability to turn around within the site.

General ‘Plans show a 2m wide footpath existing on Firswood Road, whereas in reality it is 1.2m wide at the northern front corner of number 32. This error takes the properties boundaries further from the kerb (on Plan); thus it distorts the true picture and affects the plotted position of the southerly visibility splays/sight lines.

A tidied up version of the submitted proposed access is enclosed with this letter that clearly demonstrates the proposed footway arrangement in the vicinity of the site access. This is what has the in-principle agreement of LCC highways but needs to be developed fully through a S.278 application in due course, but before commencement of any development on site. This shows a 2m footway along the site frontage which then reduces to the existing footway width at the southern extent of the site boundary.

Following careful consideration of each of the points raised, Curtins is of the view that the LCC Highways Officers original conclusion and position of no objection is correct. To ascertain whether LCC Highways Officers agreed with this, Curtins met with them on the 2nd June 2017 to discuss the comments. Officers confirmed that their conclusion of no objection remained valid.

2.0 PREVIOUS RELEVANT DECISIONS

2.1 None.

3.0 OBSERVATIONS OF CONSULTEES

3.1 **Highway Authority** (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 Firwood Road or at the junctions of Firwood Road/Blaguegate Lane to the south of the site and Firwood 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 Authority** (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

Highway Authority (08.06.2017) - Following deferral of the planning application by the planning committee, LCC met with Bellway and their Traffic Consultant from Curtins to discuss the issues raised by members and are detailed in the Curtins letter dated 07/06/17. Having considered each of the issues raised, LCC are satisfied with the conclusions and can confirm that we have no objection to this application.

- 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 Firwood 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 Firwood 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 Firwood 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 Firwood 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 Firwood 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 Firswood 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 Firswood 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 Firwood 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 Firwood 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 Firwood Road is a concern;

The construction phase will cause problems for the residents of Firwood 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 Firwood 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 Firwood Road. The development will thus have an impact on Firwood 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;

Firwood 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 Firwood Road and drainage issues raised.

5.0 SUPPORTING INFORMATION

Planning Statement Sept 2016

Planning Obligations Statement Sept 2016

Transport Assessment October 2016 + letter from Curtins June 2017

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 in the adopted Local Plan. 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 Firwood Road with houses and open fields beyond; to the north by a stone bridge carrying Firwood 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 Firwood Road beyond. The main view into the site is from the Firwood 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 Firwood 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 Firwood 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. The proposed development is effectively Phase 1 of the larger allocated site referred to section 7.1 above.

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 Firwood 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 Firwood 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. Long term maintenance of the public open space will be secured by condition.

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 Firswood Road and as such those proposed along the Firswood 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 Firswood 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 Firswood 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. 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. The level of traffic predicted to use the Firswood/Spa Lane junction would not justify a formal junction assessment as the majority of traffic is predicted to travel to the south. The Highway Authority has confirmed their support for this approach. 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. Following consultation with the Highway Authority, who have taken into account the transport information submitted with the application, 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.
- 7.36 I am also satisfied that this is a sustainable site for residential development, well located in relation to public transport and community facilities. The accessibility of this initial phase of the Firswood site and linkages will be significantly enhanced once the other phases of development on the wider site come forward.

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 outfalling 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 and ecology. The highway impacts, sustainability of the site and access arrangements have all been thoroughly scrutinised and found to be acceptable. 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 8.1 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).
30. Within nine months of commencement of development a detailed scheme and schedule for the delivery, management and maintenance of the area of public open space shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the public open space shall be provided, managed and maintained in accordance with the approved details for the duration of the development.

Reasons

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

3. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. 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.
30. To provide and maintain high quality public open space on the site and meet the requirement of policy EN3 in the 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.6 APPLICATION NO.	2017/0248/FUL
LOCATION	The Cockbeck Tavern 58 Town Green Lane Aughton Ormskirk Lancashire L39 6SF
PROPOSAL	Variation of Condition No. 4 imposed on planning permission 2016/0668/FUL to permit trading between 0700 and 2300 Monday to Saturday and 0800 and 2300 on Sundays and Public/Bank Holidays.
APPLICANT	The Cooperative Group
WARD	Aughton And Downholland
PARISH	Aughton
TARGET DATE	2nd May 2017

1.0 REFERRAL

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

2.0 RELEVANT HISTORY

2.1 2016/0668/FUL GRANTED Change of use from Use Class A4 to Use Class A1 with part demolition, extension, external alterations and works to car park area.

2.2 2017/0257/CON PENDING Approval of Details Reserved by Condition No's. 3, 6 and 7 of planning permission 2016/0668/FUL relating to materials, fixed plant and service yard enclosure.

2.3 2017/0365/CON PENDING Approval of Details Reserved by Condition No. 8 of planning permission 2017/0365/FUL relating to a lighting scheme.

3.0 CONSULTEE RESPONSES

3.1 LCC Highways (24.03.17) No Objections

3.2 Environmental Health –I have seen the notification of an amendment to the application to remove the request to open from 7am on Sundays and Bank Holidays. The application now only seeks a change to open to 23.00 hours on Sundays and Bank Holidays. The opening hours of the Cockbeck as a public house were 0800 to 2330 on Sundays. I therefore have no objection to the premises opening between 2200 and 2300 on Sundays and Bank Holidays.

4.0 OTHER REPRESENTATIONS

4.1 Aughton Parish Council (13.04.17) – Objects

Members could not support the proposal to vary the trading hours to 7am-11pm. There would be no objection to a 7am start provided a condition was imposed for a 10pm closing time, in line with other retail businesses in the Parish. This would ensure the protection of residential amenity in this 'rural village location' and prevent 'setting a precedent' for others to make similar applications.

4.2 I have received 2 letters of objection from local residents, main concerns are summarised as follows:

These proposed hours are inappropriate for a rural village site on a minor road and surrounded by residential houses;

During the day this area is busy but by late evening the area is relatively quiet and peaceful;

The level of noise intrusion that would result from extra traffic and an increased number of people up until 11pm would have a detrimental impact upon this residential area;

The acoustic report refers to traffic not being doubled, whilst this may be true, the potential for traffic to increase substantially around the area late evening (where there is currently almost none) needs to be considered;

When the Cockbeck was active car doors closing, alarms being activated and deactivated, vehicles being started and accelerating can be intrusive in an area where there is little or no background noise;

These opening hours are what one may expect in an out of town retail park or city centre. I understand that the pub used to open till 11 at night but it was not open from 0700 in the morning. It was open for a maximum of 12 hours a day several days a week not 17 hours, 7 days a week;

The number of visits will be greater than the previous use generated and over significantly longer periods of the day;

This area is adequately served by the existing SPAR store with shorter opening hours;

There is already significant antisocial behaviour in this area with a lot of litter, the later hours of opening will increase these problems;

It is premature for an application to extend the hours at this point before the store has even opened, the applicant should be encouraged to reapply when there is a track record of weekday late opening and it is easier to assess what impact late Sunday opening will make;

As an aid to pointing out how the proposed extended hours would be greater than other stores in the area e.g. Morrisons, M&S, Aldi and Iceland.

5.0 SUPPORTING INFORMATION

5.1 Acoustic Report

6.0 LOCAL PLAN ALLOCATION

- 6.1 The site is located within the Key Service Centre of Aughton as designated in the West Lancashire Local Plan DPD 2012-2027 and is adjacent to Granville Park Conservation Area. The following policies are therefore relevant:

West Lancashire Local Plan (WLLP) 2012-2027 DPD

GN1 - Settlement Boundaries

GN3 - Criteria for sustainable development

EC1 - The Economy and Employment Land

IF1- Maintaining Vibrant Town and Local Centres

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

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

Supplementary Planning Document – Design Guide (January 2008)

7.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

The Site

- 7.1 The application site comprises of the former Cockbeck Tavern Public House located on a corner plot on the northern side of Town Green Lane with Granville Park. Opposite the site are a small number of retail premises. There is a large car park also to the rear with a bowling green beyond. Residential properties are located to the west of the site (numbers 62 and 64 Town Green Lane and 4 and 6 Winifred Lane). The site is undergoing a change of use of the premises from Class Use A4 (Public House) to Class Use A1 (Retail), granted by virtue of planning application 2016/0668/FUL.

The Proposal

- 7.2 Planning permission is sought to vary condition number 4 imposed on planning permission 2016/0668/FUL which reads "*The premises shall only be open to customers between the hours of 0700 and 2300 Mondays to Saturdays and 0800 and 2200 on Sundays and Public/Bank Holidays*".
- 7.3 Permission is sought to extend the hours of opening of the retail premises (co-op) to enable a later closing time of 2300 hours on Sundays and Bank Holidays to mirror the agreed opening times on Monday to Saturdays. The applicant originally requested an earlier opening hour of 0700 on Sundays and Bank Holidays, but as a result of concerns raised by Environmental Health the application has been amended to apply for a later opening only.

Assessment

Impact on Residential Amenity

- 7.4 Policy GN3 in the Local Plan requires new development to retain or create reasonable levels of privacy and amenity for occupiers of neighbouring properties.
- 7.5 The nearest residential properties are located to the west of the site and to the east on the opposite corner of the entrance to Granville Park. The service yard and delivery vehicle parking area will back on to the boundary with numbers 62 and 64 Bold Lane and number 4 Winifred Lane. The main concerns in respect of neighbouring amenity are the potential impact from noise and disturbance caused by the later opening time on a Sunday and Bank Holiday.
- 7.6 An Acoustic Report has been submitted in support of the application. The report concludes that the extension of hours of operation could proceed without the likelihood of harming the amenity of local residents.
- 7.7 I have received neighbour representations objecting to the extended opening hours. They are concerned that there is potential for traffic to increase in the area in late evening when there is currently almost no traffic. In addition, there is concern the noise report is based on the assumption of customers using the car park where the acoustic fencing is in situ when in reality, during late evening customers will park as close to the front entrance as possible by parking on Bold Lane or the corner of Granville Park.
- 7.8 I have consulted the Council's Environmental Health Officer with regard to the proposed later opening time of 2300 on Sundays and Bank Holidays. The Environmental Health Officer is mindful that the previous use of this site was as a public house with the opening hours of 0800 to 2330 on Sundays. Therefore, there has already been an element of noise during the night time period with the previous use and as such it would not be unreasonable to extend the hours of opening until 2300 on Sundays and Bank Holidays. The applicant has carried out a comprehensive noise assessment to accompany this application and a number of measures are in place to mitigate any potential noise disturbance to other nearby residential properties. One such measure is the erection of a 1.8m high acoustic fence along the boundary of the site to protect residents from car park noise. Additionally a number of conditions are imposed under the original permission (2016/0668/FUL) in order to protect against noise, which will be reiterated under this application. Subsequently, subject to the imposition of conditions, I am satisfied that the increase in the hours of opening can be delivered while retaining reasonable levels of amenity for the occupiers of neighbouring properties, in compliance with Policy GN3.

Summary

- 7.9 The proposed development remains as approved under application 2016/0668/FUL where other matters such as the impact of the development on the Conservation Area and Highway Safety etc. was fully assessed. I am satisfied that the development remains compliant with policies GN1, GN3, EC1, IF1, IF2, IF3 and EN4 in the Local Plan and the Council's statutory duty in relation to Conservation Areas. The later opening hours will not have a significant detrimental impact on the amenities of nearby residents and I therefore recommend this application 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 from 11th November 2016.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference 5620(P)110 Rev A received by the Local Planning Authority on 8th September 2016.
Plan reference 5620(P)203 Rev B and 5620(P)503 Rev E received by the Local Planning Authority on 27th September 2016.
3. No development shall take place until details of the proposed external materials including the window and door frames have been submitted to and approved in writing by the Local Planning Authority.
4. The premises shall only be open to customers between the hours of 0700 and 2300 Mondays to Saturdays and 0800 and 2300 on Sundays and Public/Bank Holidays
5. No deliveries shall be taken at the premises or waste collections made except between the hours of 0800 and 2000 Monday to Saturday, 0800 and 1800 on Sundays and Public/Bank Holidays.
6. Prior to commencement of the use of any fixed plant, a scheme shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate that the rating level of noise from fixed plant shall not exceed 5dB(A) below the existing LA90 background noise level at the boundary of any of the nearby residential premises. All measurements and assessments shall be done in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound.
7. The service yard, delivery vehicle parking area and car park shall be bounded on the west side of the site by an acoustic close-boarded fence or solid wall, the details of which shall be submitted to and approved in writing with the local planning authority. The approved boundary treatment shall be provided on site prior to the convenience store being brought into use. Thereafter the fence/wall shall be maintained for the duration of the development.

8. Prior to the convenience store being brought into use a scheme detailing the proposed lighting to be installed on the site shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed and maintained in accordance with the agreed scheme and shall thereafter be kept clear at all times for the parking, turning and manoeuvring of vehicles.
9. The car park shall be surfaced or paved and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative, and shall thereafter be kept clear for the parking, turning and manoeuvring of vehicles.

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 safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To allow for vehicles visiting the site to be parked clear of the highway and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

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

EC1 - The Economy and Employment Land
IF1- Maintaining Vibrant Town and Local Centres
IF2 - Enhancing Sustainable Transport Choice
IF3 - Service Accessibility and Infrastructure for Growth
EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets
together with Supplementary Planning Guidance and all relevant material
considerations. The Local Planning Authority considers that the proposal
complies with the relevant Policy criteria and is acceptable in the context of all
relevant material considerations as set out in the Officer's Report. This report can
be viewed or a copy provided on request to the Local Planning Authority.



PLANNING COMMITTEE

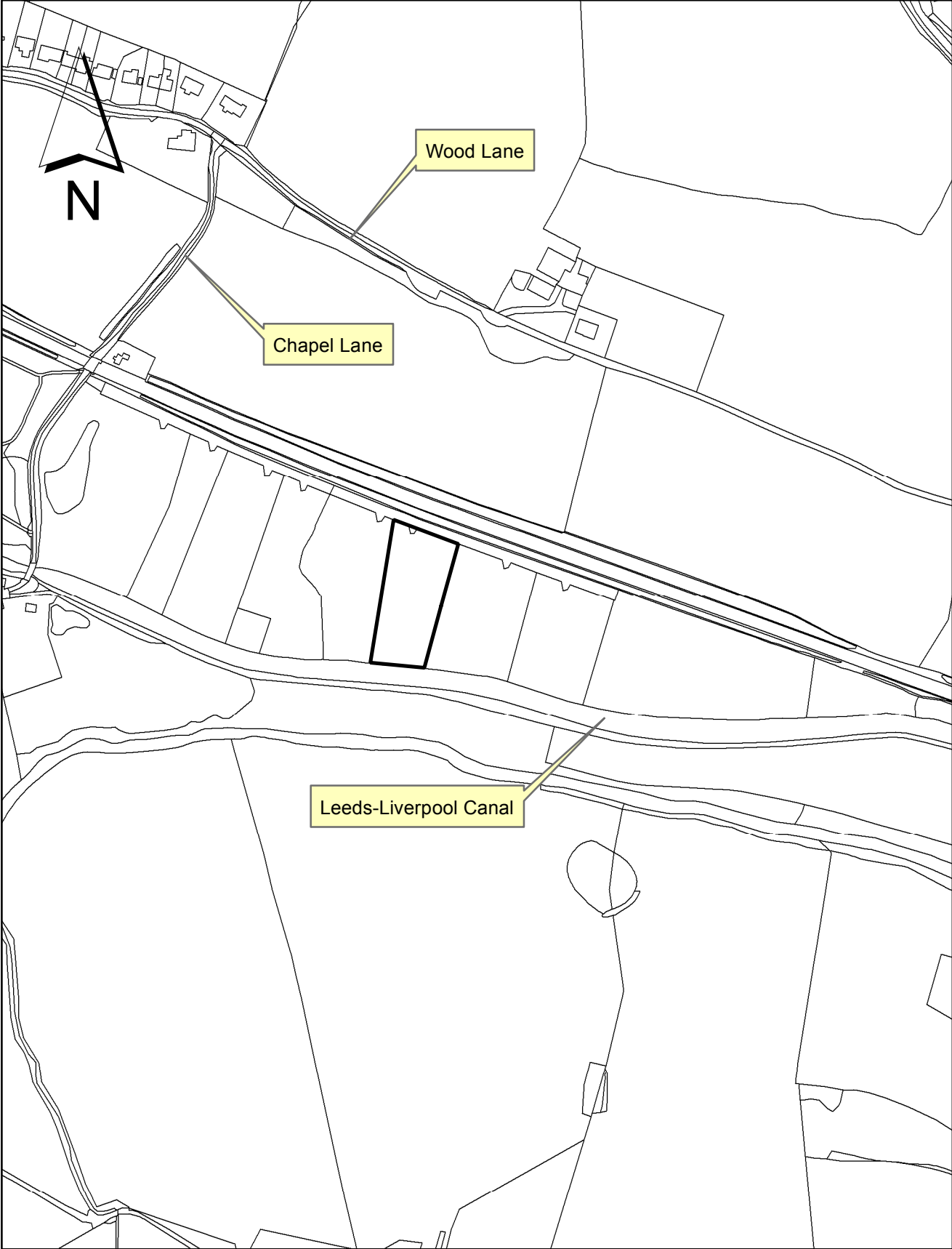
22nd June 2017

(Agenda Item 7)

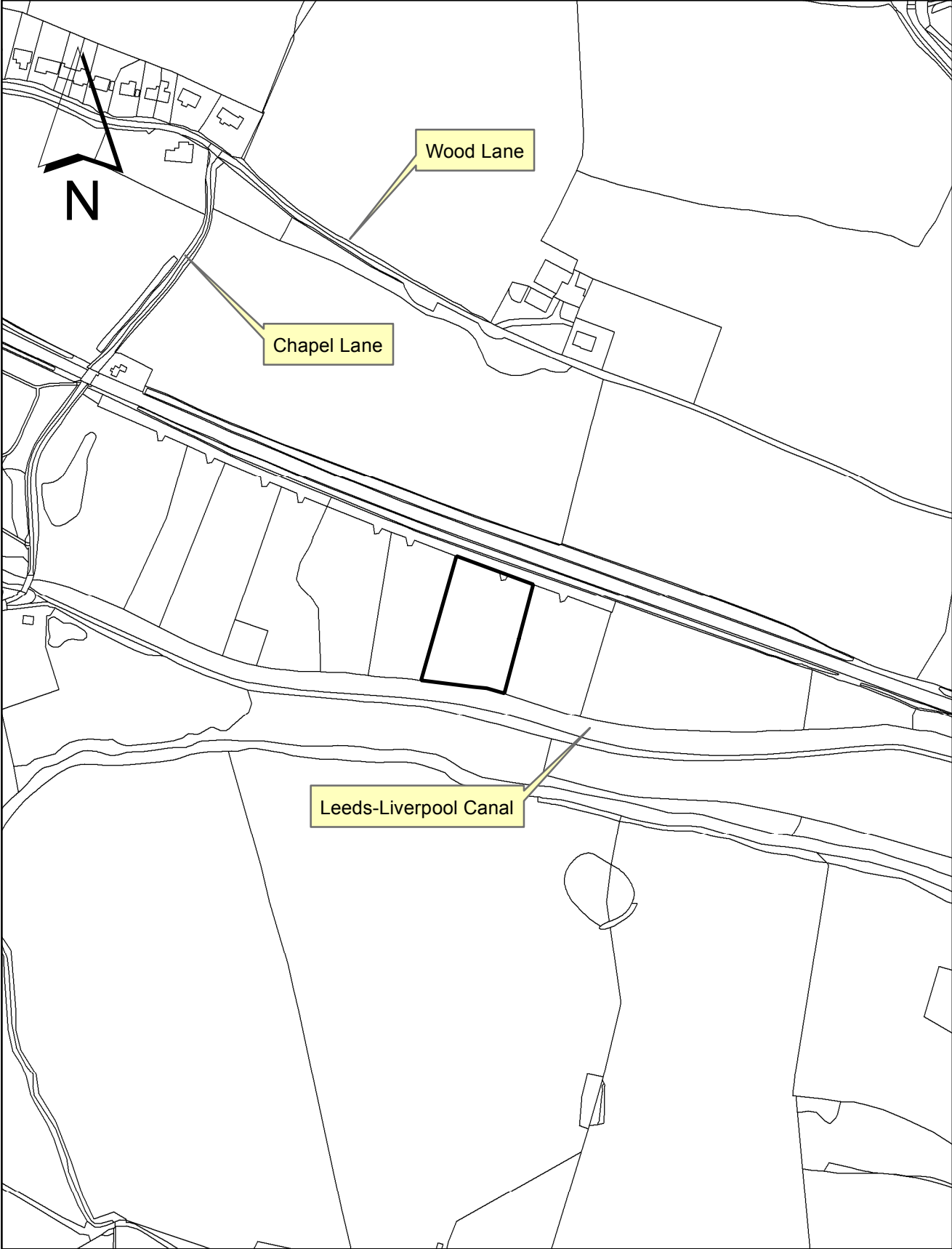
PLANNING APPLICATION ITEMS

LOCATION PLANS

Plot 6, Chapel Lane, Parbold, WN8 7TN

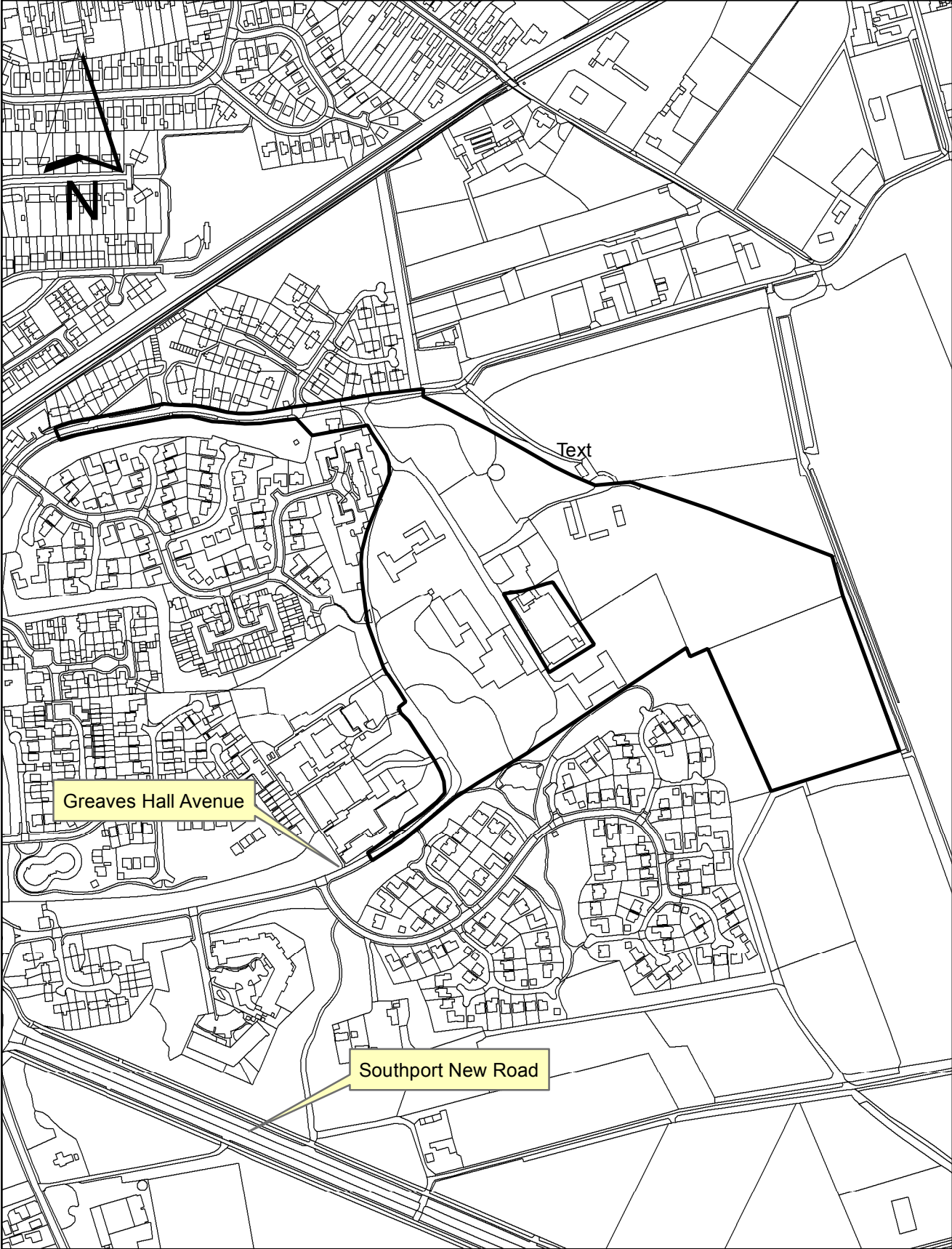


Plot 7, Chapel Lane, Parbold, WN8 7TN



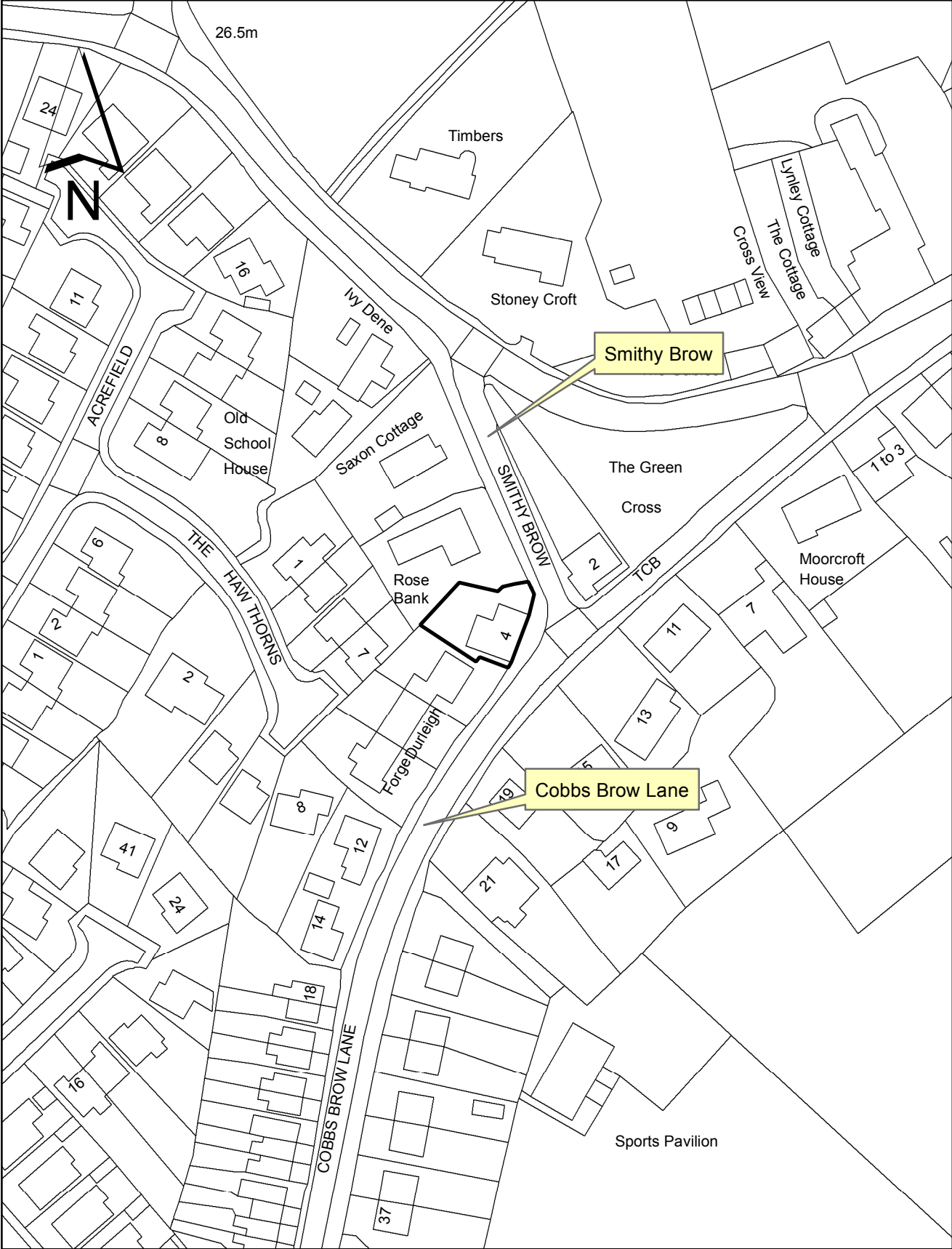


Site Of Former Greaves Hall Hospital, Greaves Hall Avenue,
Banks, PR9 8BL



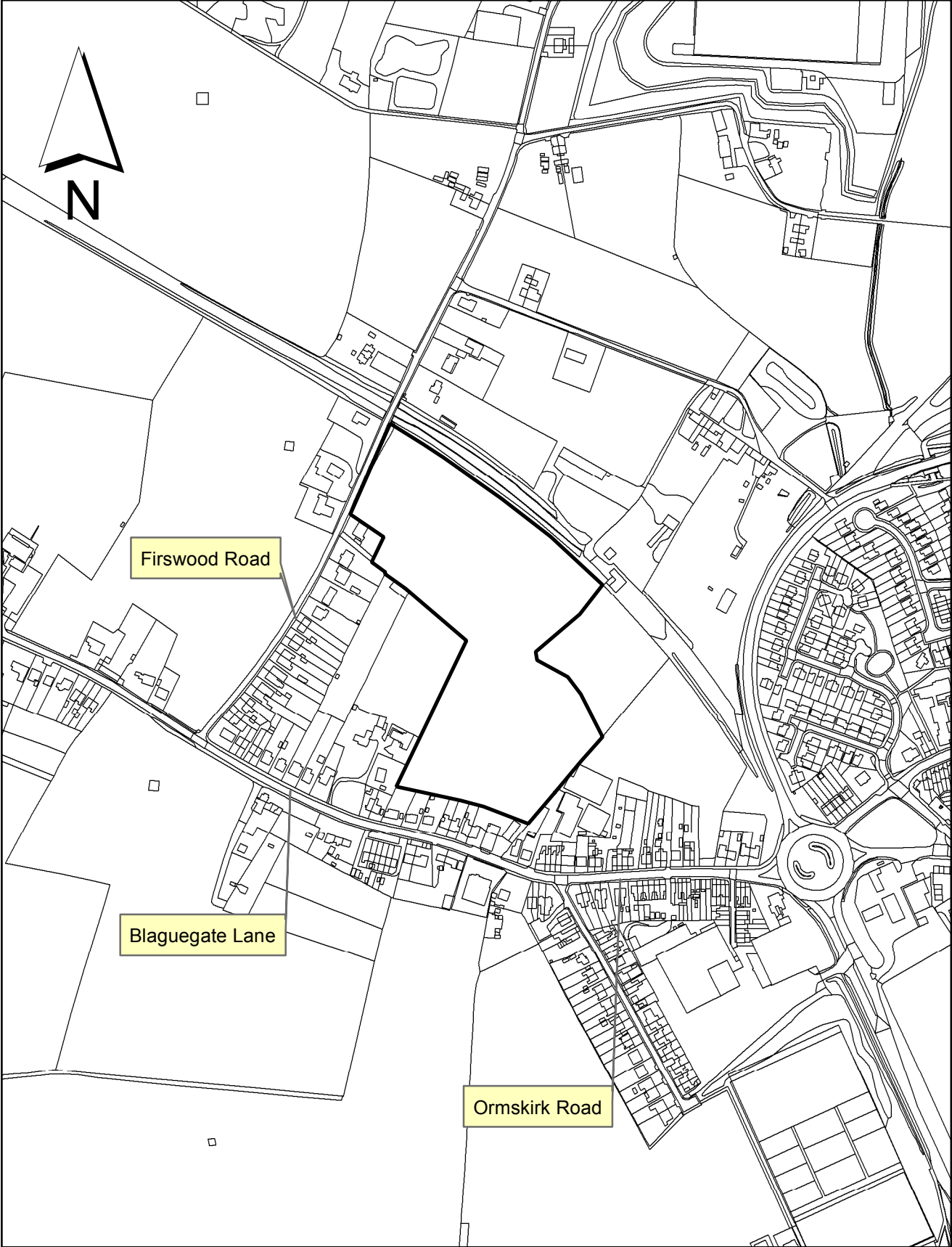


The Retreat 4 Cobbs Brow Lane, Newburgh, Wigan WN8 7ND





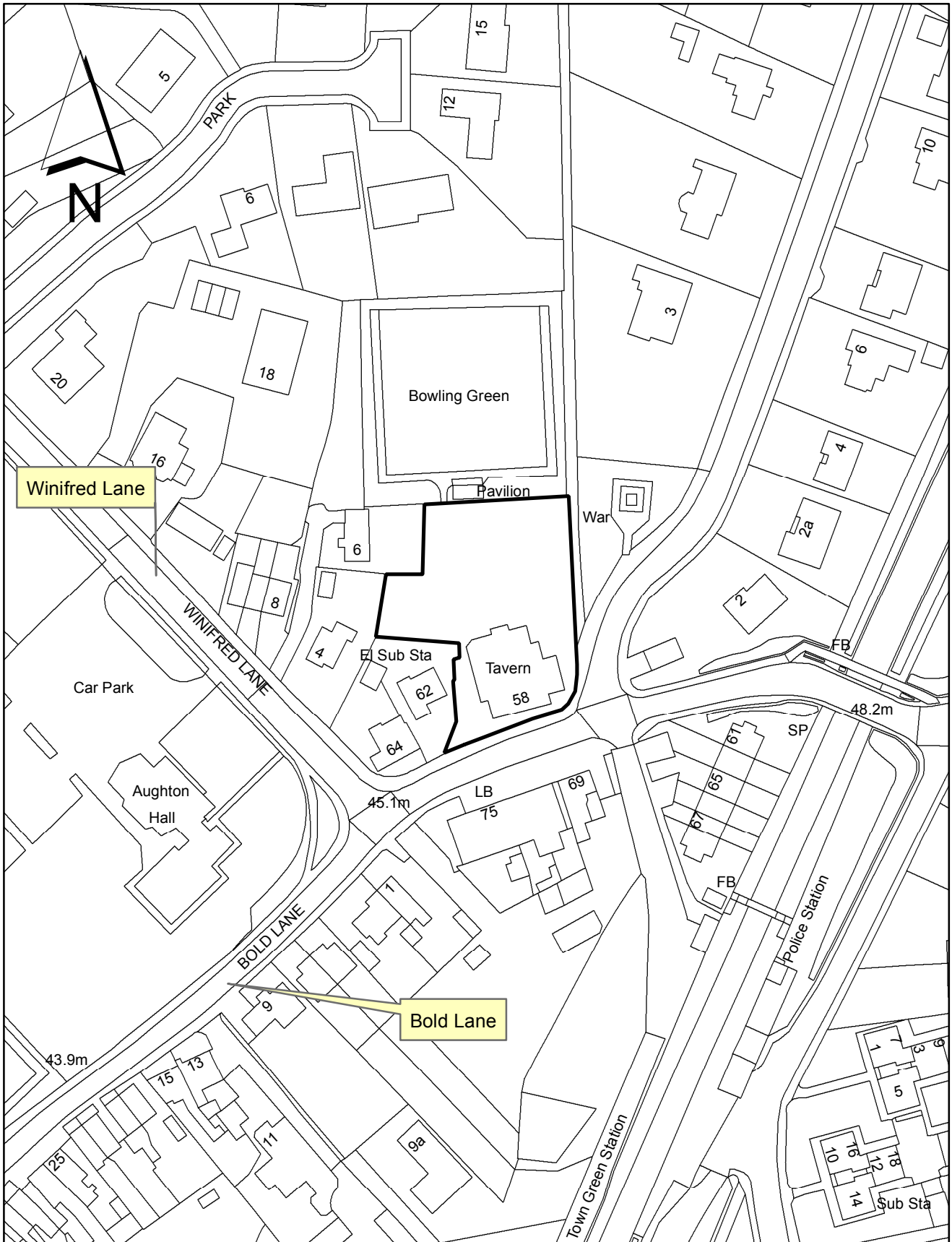
Land rear of 153 to 167A Blaguegate Lane, Firswood Road, Lathom WN8 8ED





Site

The Cockbeck Tavern, 58 Town Green Lane, Aughton, Ormskirk
L39 6SF





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.
-

3.0 BACKGROUND

- 3.1 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.
- 3.2 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.
- 3.3 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.

3.4 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.

4.0 FURTHER MEASURES PROPOSED TO IMPROVE PERFORMANCE

4.1 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

4.2 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

4.3 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.

4.4 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.

- 4.5 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.
- 4.6 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)

5.0 IMPLICATIONS FOR WEST LANCASHIRE BOROUGH COUNCIL

- 5.1 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.
- 5.2 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.

- 5.3 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.
- 5.4 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.
- 5.5 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.

6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 6.1 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.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 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.

8.0 RISK ASSESSMENT

- 8.1 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

