



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

Wednesday, 18 July 2018

**TO: COUNCILLORS M MILLS, D EVANS, I ASHCROFT, MRS P BAYBUTT,
T DEVINE, G HODSON, D O'TOOLE, G OWEN, R PENDLETON,
E POPE, A PRITCHARD, MRS M WESTLEY AND A YATES**

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET, ORMSKIRK, L39 2DF** on **THURSDAY, 26 JULY 2018** 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	127 - 128
	<p>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.)</p>	
5.	DECLARATIONS OF PARTY WHIP	
	<p>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.</p>	
6.	MINUTES	129 - 130
	<p>To receive as a correct record the minutes of the meeting held on the 21 June 2018.</p>	
7.	PLANNING APPLICATIONS	131 - 150
	<p>To consider the report of the Director of Development and Regeneration.</p>	
7a	2018/0410/WL3 - 62 Lea Crescent, Ormskirk	151 - 154
7b	2018/0411/WL3 - 55A Pennington Avenue, Ormskirk	155 - 160
7c	2018/0614/WL3 - 9 Rimmer Green, Scarisbrick	161 - 164
7d	2017/0975/OUT - Sisters of Notre Dame Convent, Lancaster Lane, Parbold	165 - 178
7e	2018/0409/FUL - Land to the east of Lords Cottage, Hall Lane, Lathom and Pilkington Technology Centre, Hall Lane, Lathom	179 - 202
7f	2018/0375/FUL - 14A New Cut Lane, Halsall	203 - 210
7g	2018/0275/FUL - 50 St Helens Road, Ormskirk	211 - 218
7h	2018/0394/FUL - Halton Castle Inn, Crosshall Brow, Westhead, Ormskirk	219 - 228
7i	2017/1055/FUL - Former Ainscough Mill, Mill Lane, Burscough	229 - 238

7j	2016/1166/FUL - Bridge Farm, Dale Lane, Northwood, Kirkby	239 - 250
7k	2018/0401/OUT - 67 Gaw Hill Lane, Aughton, Ormskirk	251 - 264
7l	2018/0003/COU - Lime Tree Barn, 59 Winifred Lane, Aughton	265 - 272

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**.

	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, 21 June 2018

Start: 7.30 p.m.

Finish: 8.10 p.m.

PRESENT:

Councillor: M Mills (Chairman)
D Evans (Vice Chairman)

Councillors: I Ashcroft E Pope
T Blane A Pritchard
S Evans D Westley
G Hodson Mrs M Westley
G Owen A Yates
R Pendleton

In attendance: Councillor J Hodson (Planning Portfolio Holder)

Officers: Ian Gill, Deputy Director of Development and Regeneration
Cath Thomas, Head of Development Management
Matthew Jones, Legal and Member Services Manager
Eileen Woollacott, Planning Appeals Officer
Jill Ryan, Member Services/Civic Support Officer

8 APOLOGIES

There were no apologies for absence received.

9 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillors T. Devine, Mrs P. Baybutt and D. O'Toole and the appointment of Councillors S. Evans, D. Westley and T. Blane for this meeting only, thereby giving effect to the wishes of the Political Groups

10 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no urgent items of business.

11 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

12 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

13 MINUTES

RESOLVED: That the minutes of the meeting held on the 24 May 2018 be approved as a correct record and signed by the Chairman.

14 PLANNING APPLICATIONS

The Director of Development and Regeneration submitted a report on planning applications (all prefixed 2018 unless otherwise stated) as contained on pages 105 to 123 of the Report and on pages 124 to 125 of the Late Information Report.

(Notes:

1. In accordance with the procedure for public speaking on planning applications on this Committee, the applicant and 2 objectors (one of which was the Ward Councillor representing an objector) spoke in connection with application no. 0291/FUL relating to 30 Peet Avenue, Ormskirk.
2. In accordance with Regulatory Procedure Rule 7(b) Councillor Hennessy spoke in connection with application no. 0291/FUL.).

15 2018/0281/OUT - LAND ON THE WESTERN SIDE OF XL BUSINESS PARK, STATHAM ROAD, SKELMERSDALE

RESOLVED: That planning application 0281/OUT relating to Land on the Western Side of XL Business Park, Statham Road, Skelmersdale be approved subject to the conditions as set out on pages 112 to 117 of the Report.

16 2018/0291/FUL - 30 PEET AVENUE, ORMSKIRK

RESOLVED: That planning application 0291/FUL relating to 30 Peet Avenue Ormskirk be refused for the following reason:-

That the proposed development would result in additional noise and disturbance to nearby residents, to the detriment of their amenity, contrary to Policy GN3 of the West Lancashire Local Plan 2012-2027 and one of the core principles of the National Planning Policy Framework.

.....
- CHAIRMAN -



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	Scott	2018/0410/WL3	62 Lea Crescent Ormskirk Lancashire L39 1PQ Side and rear single storey bedroom and level access bathroom extension.	Planning permission be granted.
2	Scott	2018/0411/WL3	55A Pennington Avenue Ormskirk Lancashire L39 1NG Change of use from existing ex wardens flat and communal lounge facility to create 5 bed adapted house including rear single storey bedroom and shower room extension and internal modifications. Allocation of 3 parking spaces outside of the building for exclusive use of the dwelling. Change of use from grassed open space to provide 2 no car parking spaces.	Planning permission be granted.
3	Scarisbrick	2018/0614/WL3	9 Rimmer Green Scarisbrick Southport Lancashire PR8 5LP Rear single storey bedroom and level access bathroom extension.	Planning permission be granted.
4	Parbold	2017/0975/OUT	Sisters Of Notre Dame Convent Lancaster Lane Parbold Wigan Lancashire WN8 7HT Outline - Conversion of Lancaster House SoNDdN Convent to care village including details of access, layout and scale.	Planning permission be granted.

5	Newburgh	2018/0409/FUL	Land To The East Of Lords Cottage Hall Lane, Lathom And Pilkington Technology Centre Hall Lane, Lathom Installation and operation of a solar installation and associated infrastructure.	Planning permission be granted.
6	Halsall	2018/0375/FUL	14A New Cut Lane Halsall Southport Lancashire PR8 3DN Variation of Condition No. 2 of planning permission 2017/0891/FUL relating to the layout of the development to allow for amended house types to incorporate garages and porches.	Planning permission be granted.
7	Derby	2018/0275/FUL	50 St Helens Road Ormskirk Lancashire L39 4QT Alterations to form 10 bed HMO - 6 bedrooms and 4 studio bedrooms	Planning permission be granted.
8	Derby	2018/0394/FUL	Halton Castle Inn Crosshall Brow Westhead Ormskirk Lancashire L40 6JF Demolition of disused public house and erection of 6 semi-detached houses and 4 apartments.	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.

9	Burscough East	2017/1055/FUL	<p>Former Ainscough Mill Mill Lane Burscough Lancashire L40 5UX</p> <p>Variation of Condition No's. 2 and 15 of planning permission 2012/0549/FUL to read: Condition 2 The development hereby approved shall be carried out in accordance with details shown on the following plans: - Plan references: JB/PL1/AMB rev J received 5 October 2017. LP1/AMB; 375/01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14 received 16 May 2012. House type plans: Newby, Hatfield, Rufford, Crathorne, Cherryburn, Clandon, Clevedon, Roseberry, Barrington, Runswick & Penshaw received May 2012. 15. Full details of the car park layout including the provision for 10% mobility standard/visitor spaces shall be in accordance with plan JB/PL1/AMB rev J received 5 October 2017. Thereafter the parking area shall be provided in accordance with those details and retained for the duration of the development.</p>	<p>Planning permission be granted.</p>

10	Bickerstaffe	2016/1166/FUL	<p>Bridge Farm Dale Lane Northwood Kirkby Liverpool Knowsley L33 3AU</p> <p>Change of existing pasture land to a golf facility incorporating a new floodlit driving range with covered practice bays and administration office; a nine hole par 3 golf course; an adventure golf course and parking provision. The proposals incorporate a rainwater water harvesting scheme for irrigation with an associated water storage lagoon together with significant planting and greatly increased biodiversity. The landscape works are to be undertaken using imported inert soils approved for use by the Environment Agency.</p>	Planning permission be refused.
11	Aughton Park	2018/0401/OUT	<p>67 Gaw Hill Lane Aughton Ormskirk Lancashire L39 7HA</p> <p>Outline - Erection of up to seven residential units following the demolition of the existing buildings including details of access (all other matters reserved).</p>	Outline Planning permission be granted.
12	Aughton And Downholland	2018/0003/COU	<p>Lime Tree Barn 59 Winifred Lane Aughton Ormskirk Lancashire L39 5DH</p> <p>Change of use of barn to pet crematorium, including 1000 litre fuel tank and additional hardstanding to rear of building.</p>	Planning permission be granted.



PLANNING COMMITTEE

26th July 2018

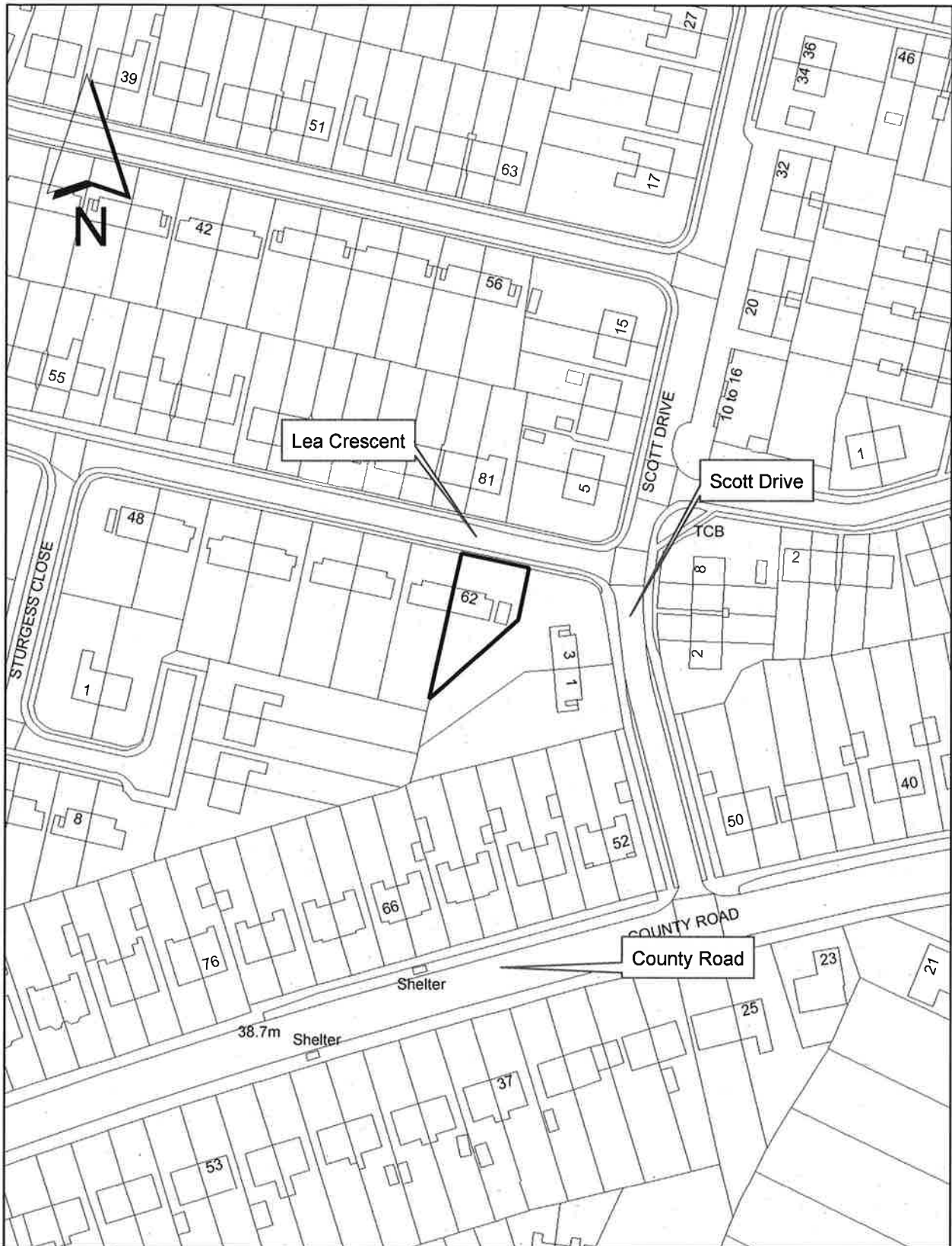
(Agenda Item 7)

PLANNING APPLICATION ITEMS

LOCATION PLANS

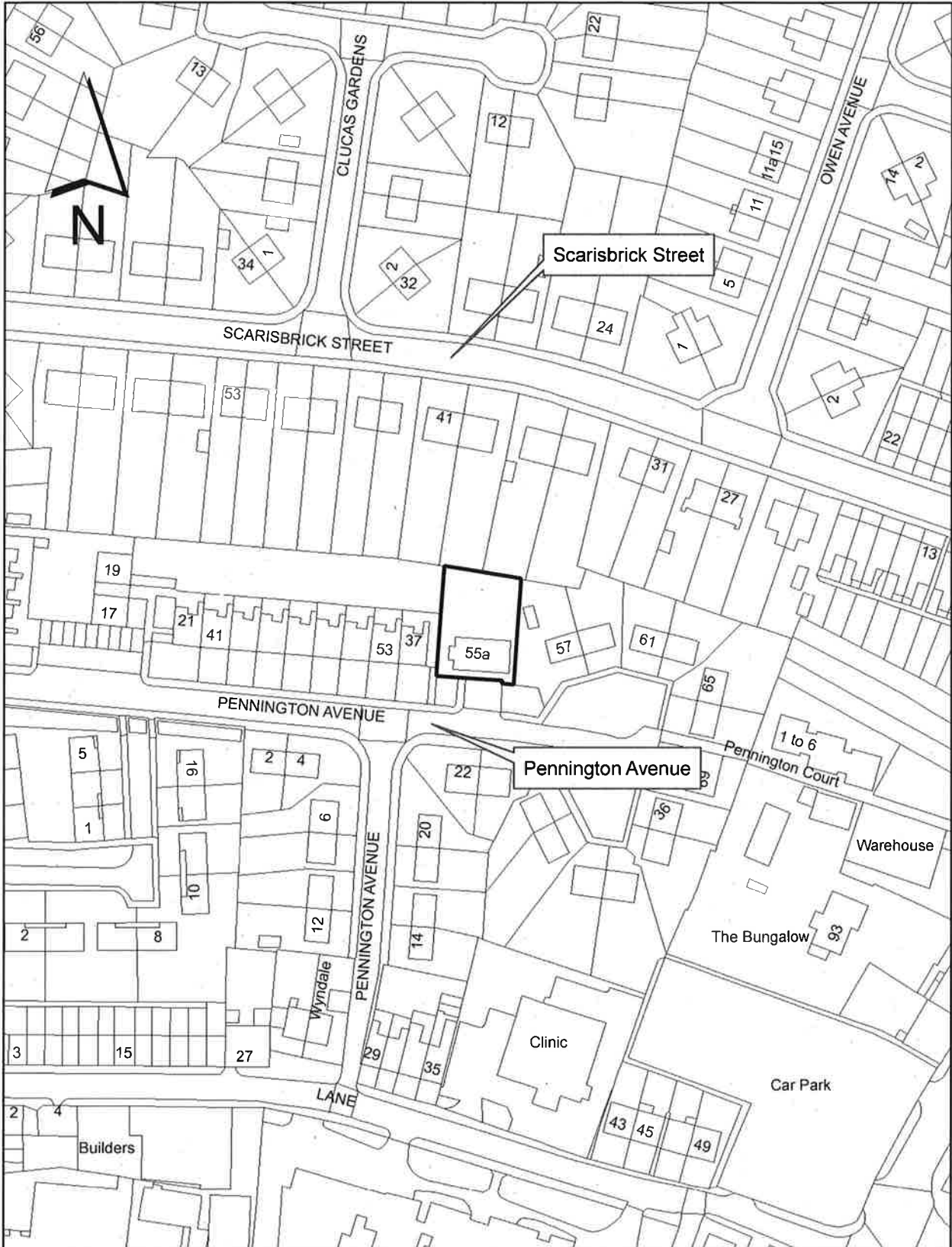


62 Lea Crescent, Ormskirk L39 1PQ



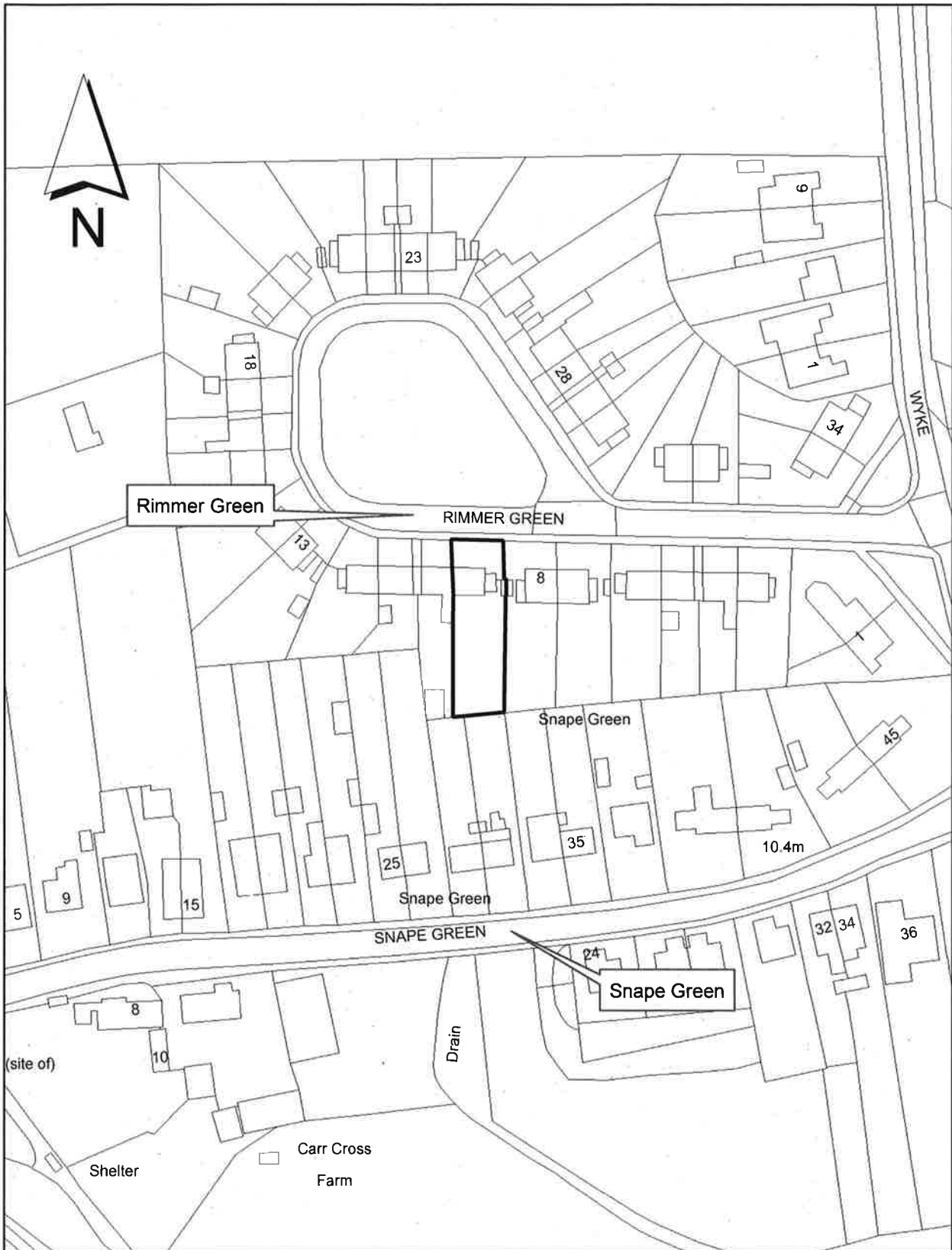


55A Pennington Avenue, Ormskirk L39 1NG



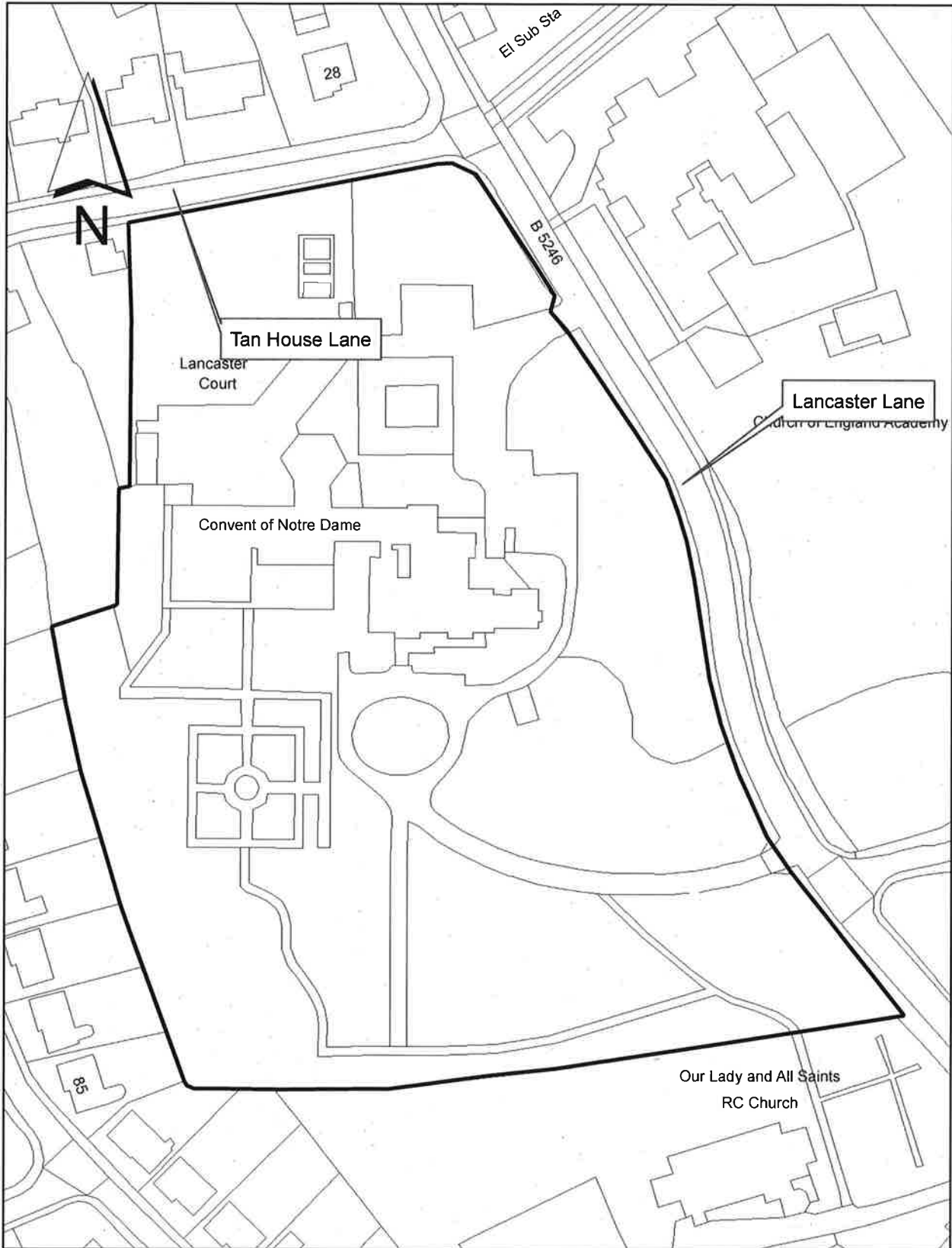


9 Rimmer Green, Scarisbrick PR8 5LP



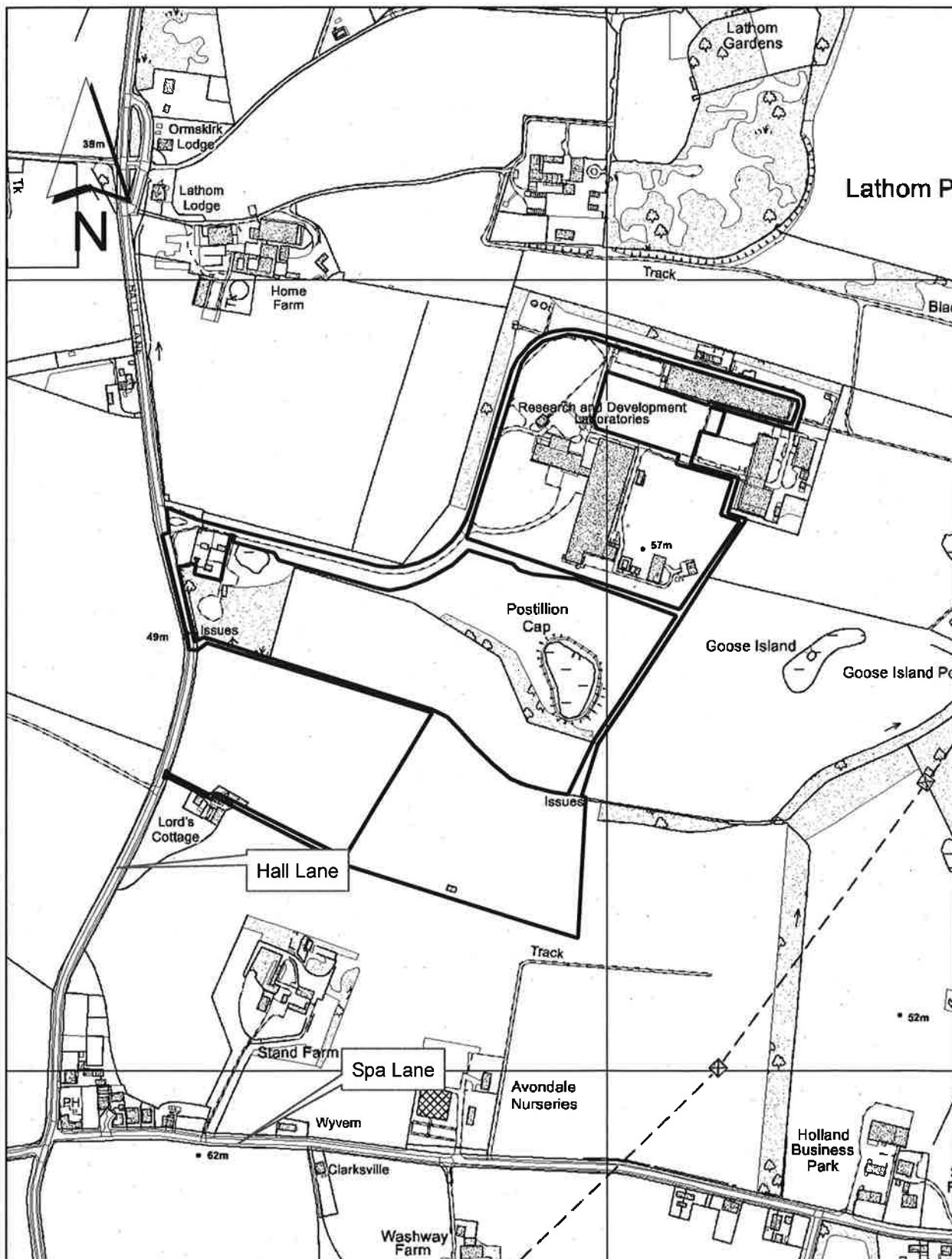


Sisters of Notre Dame Convent, Lancaster Lane, Parbold, Wigan
WN8 7HT





Land to the east of Lords Cottage, Hall lane, Lathom and Pilkington Technology Centre, Hall Lane, Lathom L40 6JB



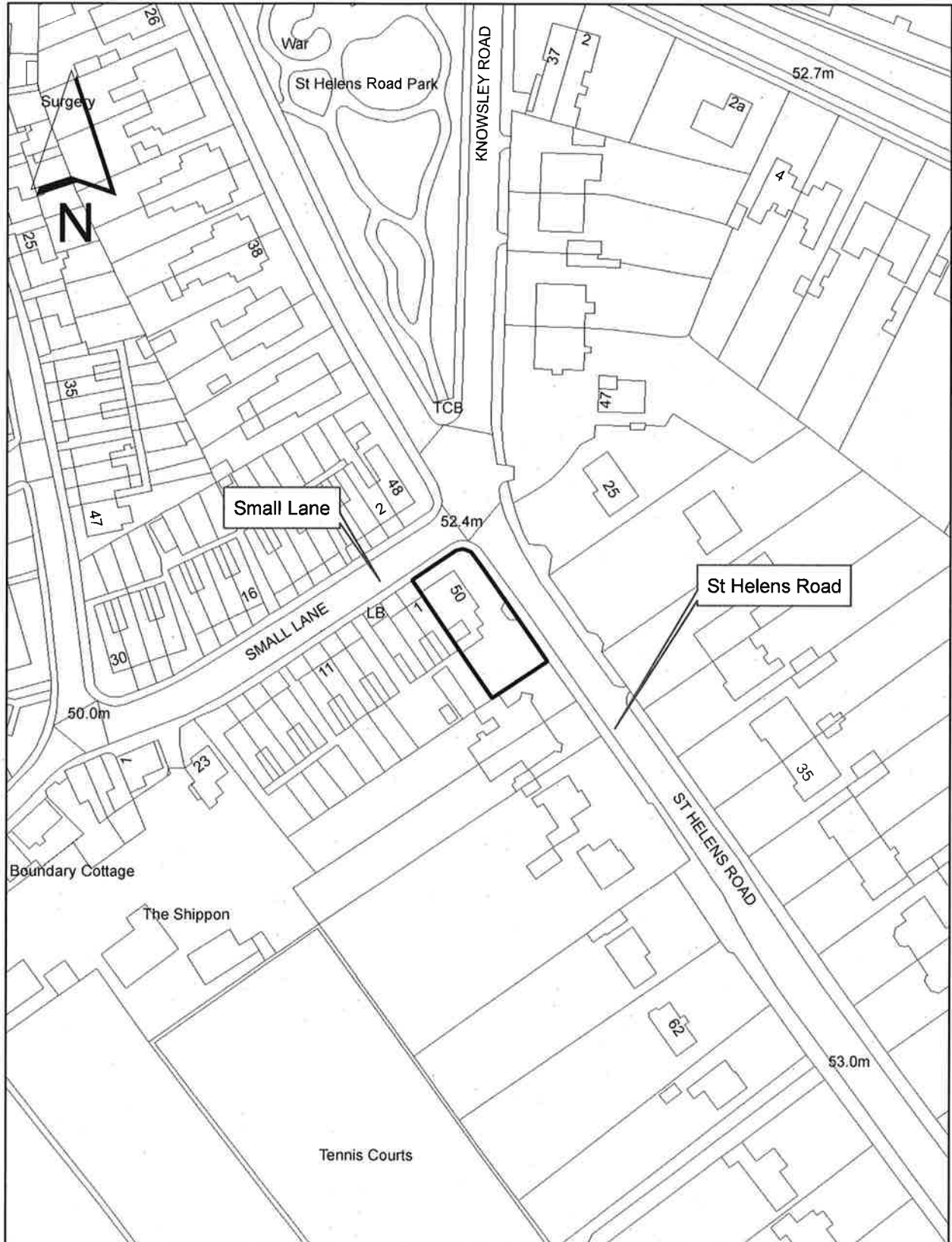


14A New Cut Lane, Halsall, Southport PR8 3DN



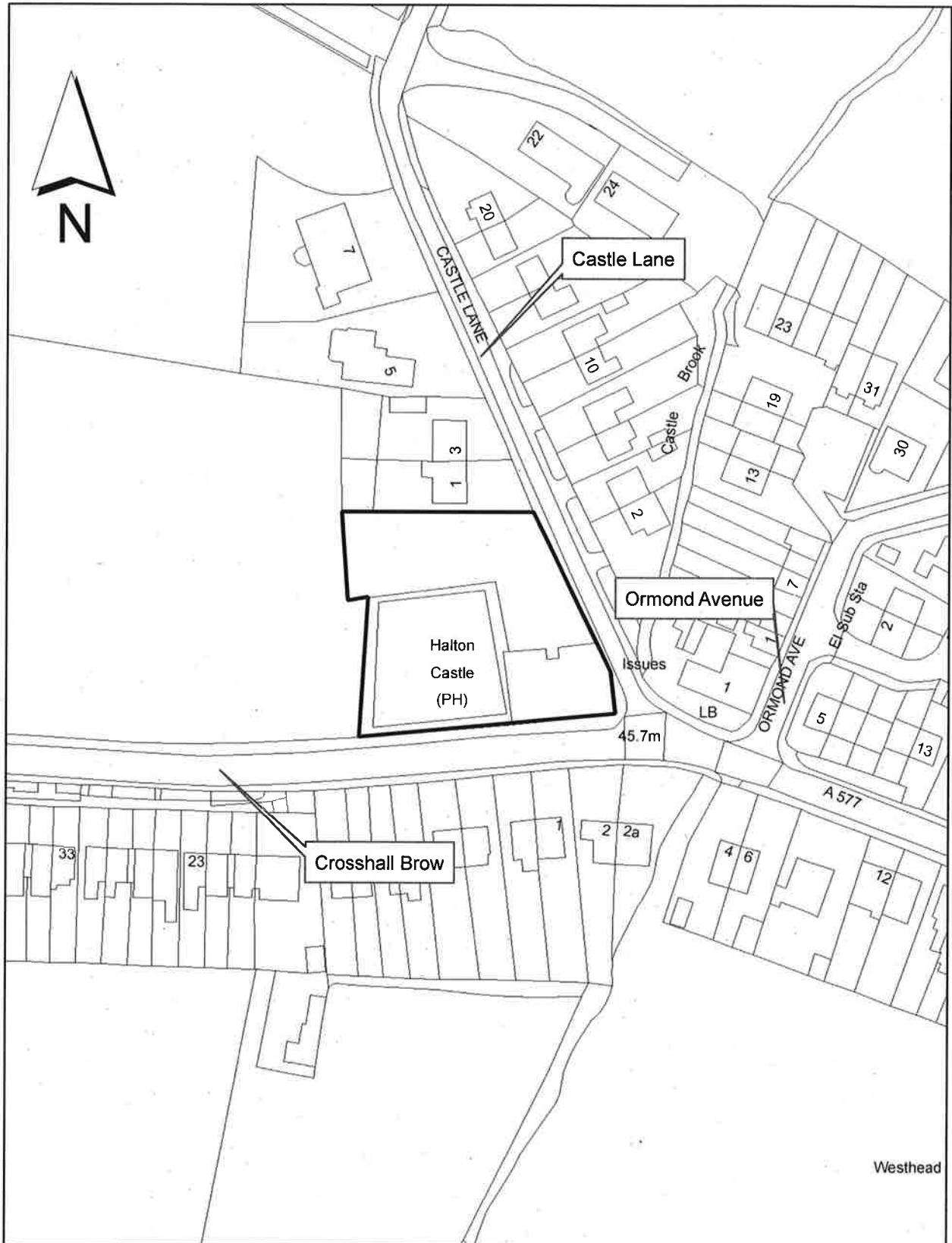


50 St Helens Road, Ormskirk L39 4QT



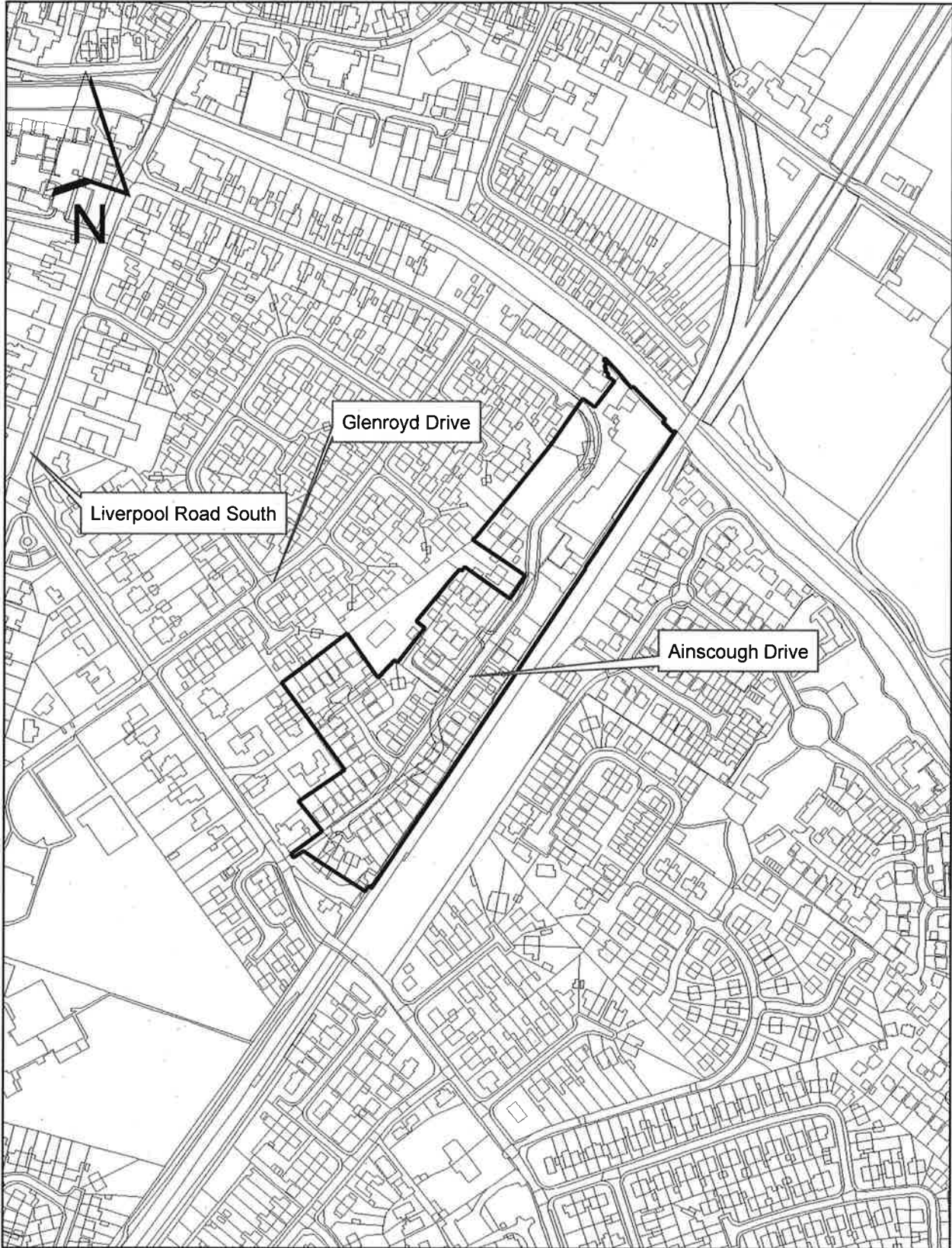


Halton Castle Inn, Crosshall Brow, Westhead, Ormskirk L40 6JF



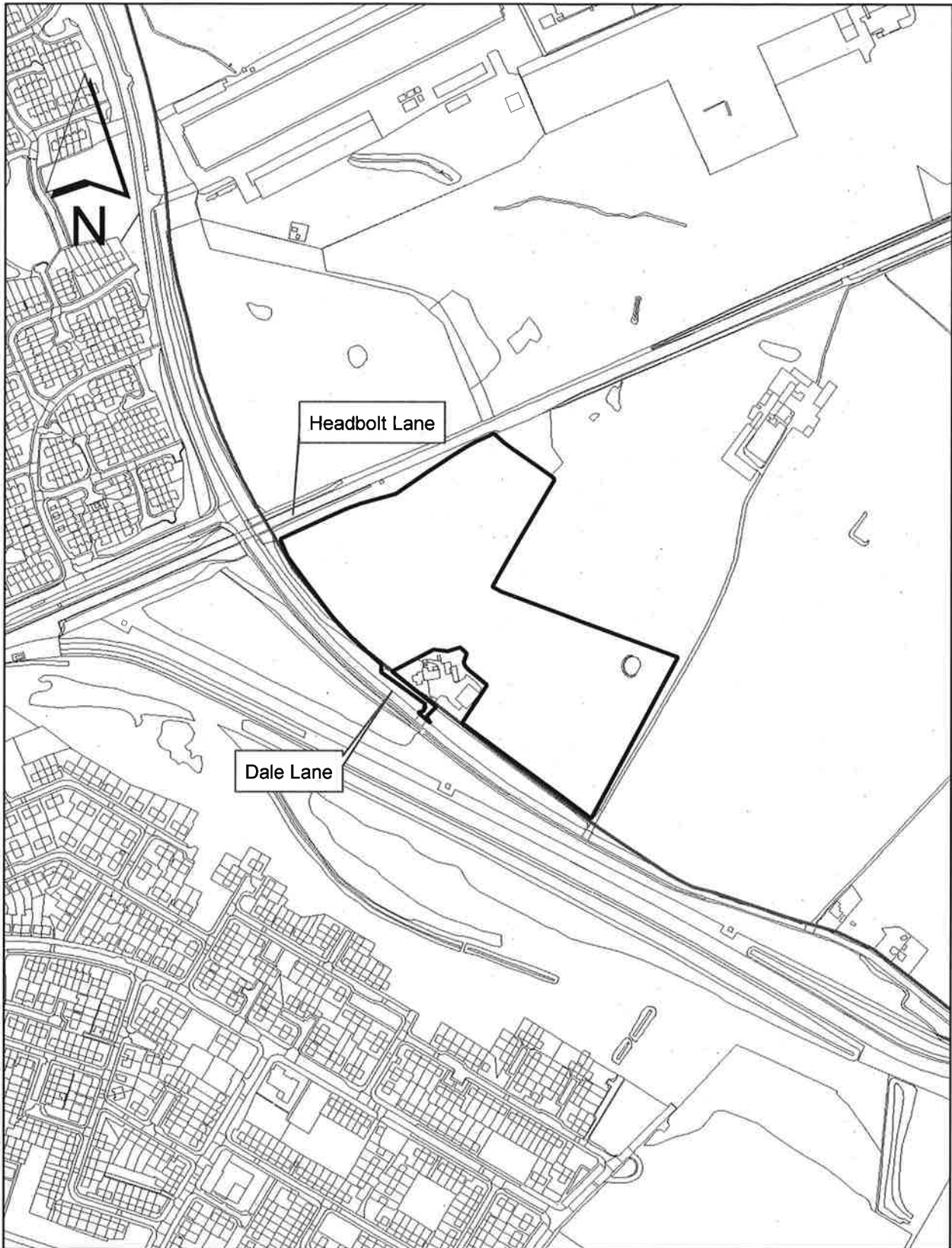


Former Ainscough Mill, Mill Lane, Burscough L40 5UX



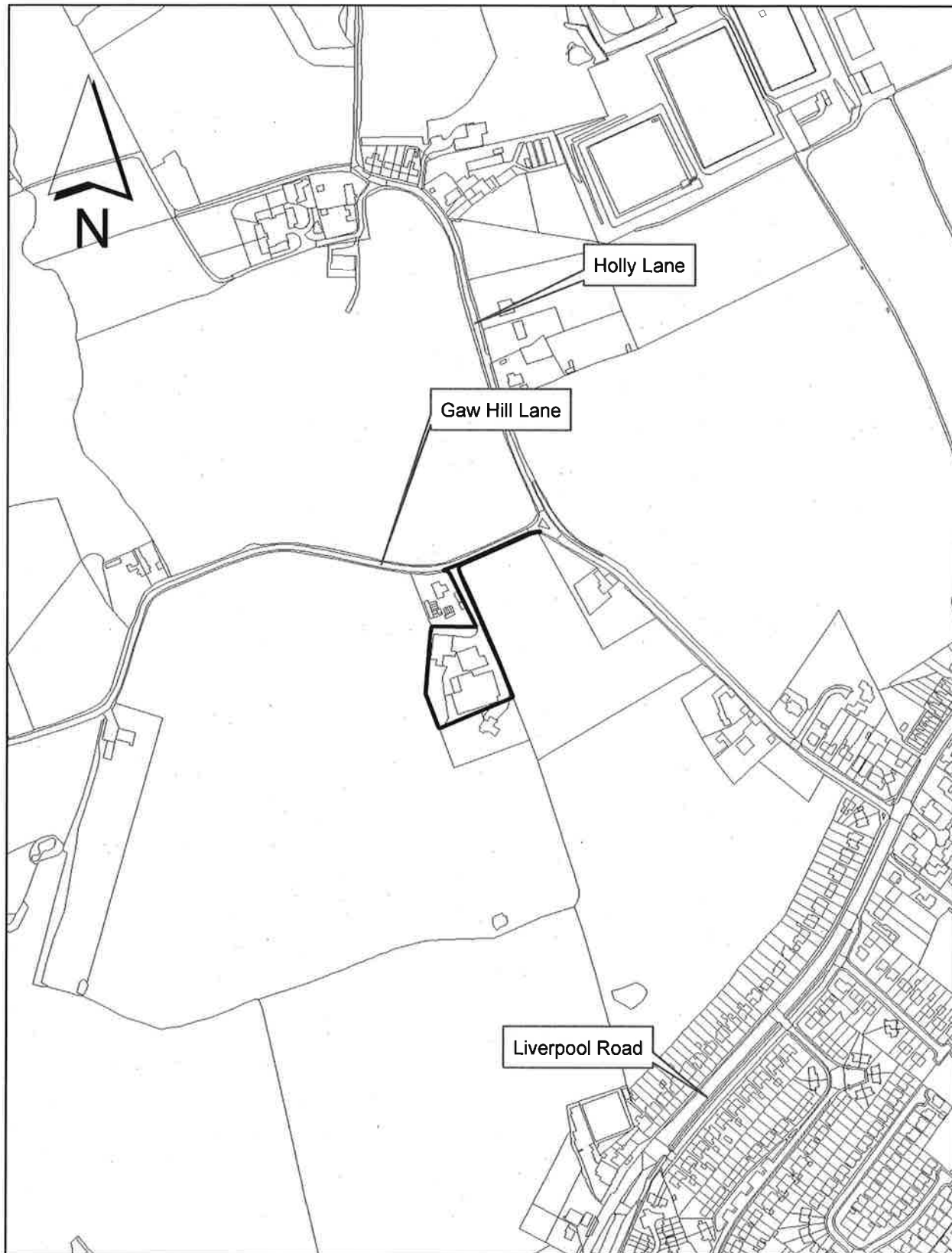


Bridge Farm, Dale Lane, Northwood, Kirkby L33 3AU



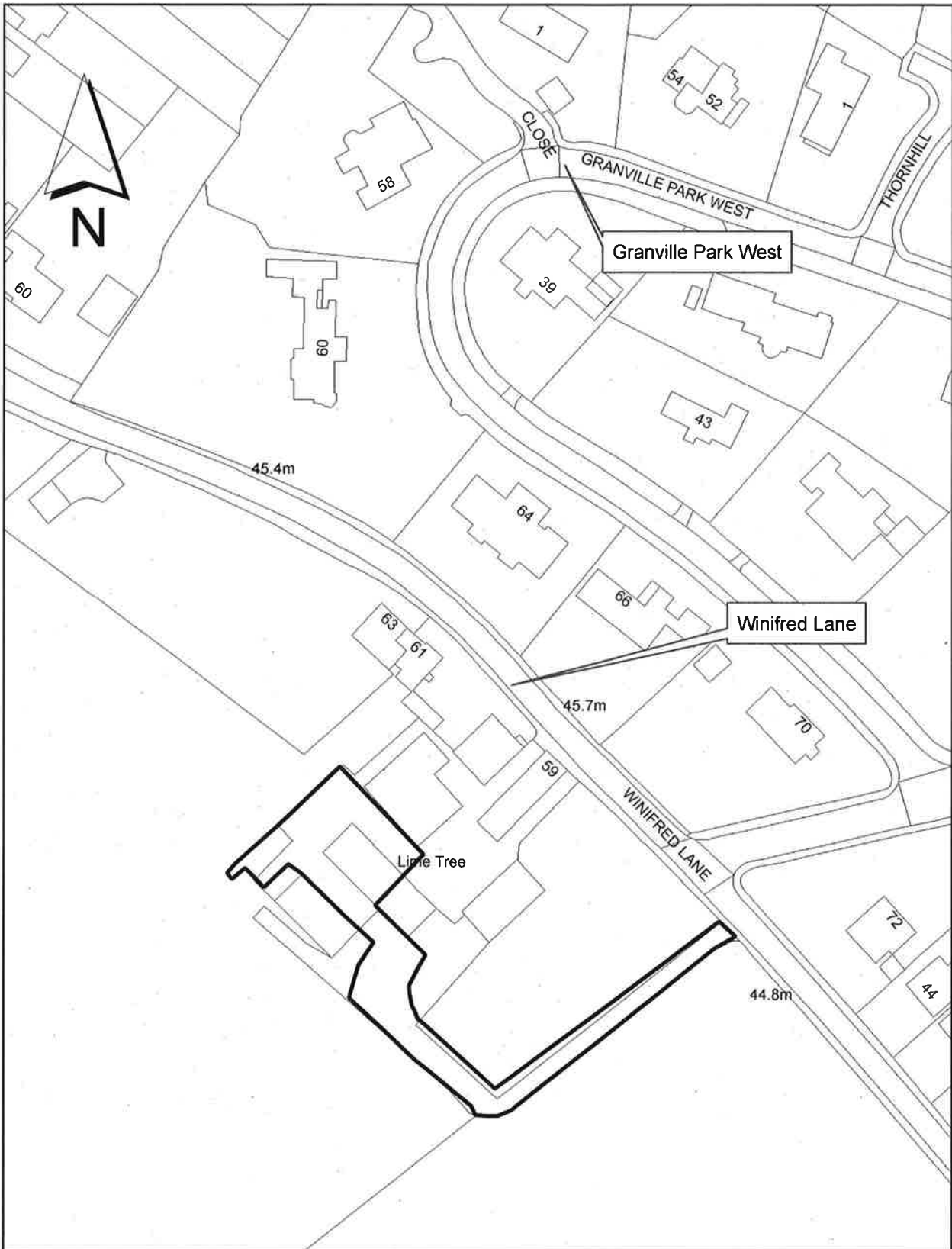


67 Gaw Hill Lane, Aughton, Ormskirk L39 7HA





Lime Tree Barn, 59 Winifred Lane, Aughton, Ormskirk L39 5DH



No.1	APPLICATION NO.	2018/0410/WL3
	LOCATION	62 Lea Crescent Ormskirk Lancashire L39 1PQ
	PROPOSAL	Side and rear single storey bedroom and level access bathroom extension.
	APPLICANT	West Lancashire Borough Council
	WARD	Scott
	PARISH	Unparished - Ormskirk
	TARGET DATE	6th August 2018

1.0 SUMMARY

- 1.1 I am satisfied there will be no significant detrimental impact upon the appearance of the existing dwelling house or character of the area and there would be no significant harm to the amenity of neighbouring properties created as a result of the proposal. The development is considered compliant with relevant planning policies and the application is therefore recommended for approval.

2.0 RECOMMENDATION - APPROVE with conditions.

3.0 SITE DESCRIPTION

- 3.1 The application site consists of a semi-detached two-storey dwellinghouse located to the southern side of Lea Crescent Ormskirk. The property is amongst other semi-detached two-storey properties of a similar style and age within an established residential area of Ormskirk.

4.0 PROPOSAL

- 4.1 The application proposes the construction of a single storey side and rear single storey bedroom and level access bathroom extension to the dwelling. The proposed side element would project approx. 4.5m from the main side wall of the property by 5.67m in length, the rear extension would be set in from the side/rear of the side extension and extend a further 3.8m from the rear wall by 4.3m wide. The roof would be a pitch roof design that measures 2.5m to the eaves and 4.0m to the ridge height.

5.0 CONSULTEES RESPONSES

- 5.1 None received.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 None received.

7.0 OTHER REPRESENTATIONS

- 7.1 None received.

8.0 SUPPORTING INFORMATION

- 8.1 None received.

9.0 RELEVANT PLANNING POLICIES

- 9.1 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.
- 9.2 The site is located within the Key Service Centre as designated in the West Lancashire Local Plan 2012-2027 DPD.
- 9.3 West Lancashire Local Plan Policies
SP1 – A sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development

Supplementary Planning Document - Design Guide (January 2008)

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

- 10.1 The main considerations for this application are

Design/Layout
Impact on residential amenity
Highways

Design/Layout

- 10.2 Policy GN3 supported by the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the streetscene because of their height, scale or roofline.
- 10.3 Visually the side extension would have a reduced ridge and would be set back from the front elevation of the property, as such, it would appear as a subordinate addition to the dwelling. The front elevation has been kept simple and visually resembles the main dwelling. I consider that the design of the side extension is acceptable. The rear part of the proposal would be located to the side corner of the existing dwelling and set in from the side extension, as such it would not be readily visible from the public highway. Overall I consider the proposed development would not have a detrimental impact upon the character of the host building and would not appear incongruous within the street scene. In my view the proposal is acceptable in terms of design and compliant with Policy GN3 of the WLLP and the SPD Design Guide.
- Impact on residential amenity*
- 10.4 Paragraph 17 of the NPPF requires that planning should always seek to ensure a good standard of amenity for all existing and future residents. The application must also be assessed in terms of Policy GN3 of the West Lancashire Local Plan (2012-2027), which states that development should retain or create reasonable levels of privacy and amenity for occupiers of the neighbouring properties.
- 10.5 Owing to the location of the proposed extension and the separation distance to the neighbouring properties, I do not consider that any significant loss of amenity would result in terms of loss of light, poor outlook or loss of privacy.

Highways

- 10.6 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate adequate car parking.
- 10.7 The proposal is for an additional accessible bedroom and bathroom at ground floor level. The property as existing is a three bedroom property and as a result of the proposal would be increased to a four bedroom property. Policy IF2 of the WLLP recommends properties with four or more bedrooms have three parking spaces per dwelling. In this particular case, I consider the level of on-site parking provision remains acceptable.

11.0 RECOMMENDATION

- 11.1 The proposed development is compliant with the NPPF and the relevant policies in the West Lancashire Local Plan 2012-27 and is recommended for approval.

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: Existing and proposed floor plans, site plan and elevations received by the Local Planning Authority on 26th June 2018.
3. All external brickwork and roofing materials shall be identical to those on the existing building in respect of shape, size, colour and texture. If the applicant or developer has any doubts as to whether the proposed materials do match they should check with the Local Planning Authority before commencement of the building works.

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.

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

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.

Agenda Item 7b

No.2	APPLICATION NO.	2018/0411/WL3
	LOCATION	55A Pennington Avenue Ormskirk Lancashire L39 1NG
	PROPOSAL	Change of use from existing ex wardens flat and communal lounge facility to create 5 bed adapted house including rear single storey bedroom and shower room extension and internal modifications. Allocation of 3 parking spaces outside of the building for exclusive use of the dwelling. Change of use from grassed open space to provide 2 no car parking spaces.
	APPLICANT	West Lancashire Borough Council
	WARD	Scott
	PARISH	Unparished - Ormskirk
	TARGET DATE	6th August 2018

1.0 **SUMMARY**

- 1.1 The proposed change of use is acceptable in principle. The single storey rear extension is significant in length but would not result in harm to the host building or result in a loss of amenity of privacy to the neighbouring properties. Adequate parking is provided for the 5 bedroom dwelling. The proposal accords with Policy GN3, RS1 and IF2 of the West Lancashire Local Plan and as such is recommended for approval.

2.0 **RECOMMENDATION**

- 2.1 **APPROVE with conditions**

3.0 **THE SITE**

- 3.1 The site relates to a detached building which was last used as a 3 bed warden's flat on the first floor and a communal lounge for the wider community on the ground floor. A warden has not resided at the property since 2000. The site has an ample rear garden which is bound by a timber fence.

4.0 **THE PROPOSAL**

- 4.1 Planning permission is sought for the change of use from the existing wardens flat and communal lounge facility to a 5 bed adapted house. Also proposed is a single storey rear extension. As part of the proposal 3 allocated spaces to the front of the property are to be provided for the dwelling. In addition to this the proposal would incorporate the change of use from the grassed open space to provide 2 no car parking spaces opposite no 59-61 Pennington Avenue.

5.0 **PREVIOUS RELEVANT DECISIONS**

- 5.1 2017/0402/WL3 - Conversion of existing communal residents lounge, kitchen and offices into a new 3 bed flat. Refurbishment of previous wardens flat and separation of communal garden to provide allocated gardens. Allocation of 4 parking spaces outside of the building for exclusive use of flats. Change of use from grassed open space to provide 3 no car parking spaces. GRANTED
- 5.2 2014/0196/WL3 – Change of use from grassed open space to car parking. Laying of kerbs, stone base, tarmacadam road surfaces and footpaths as on plans. GRANTED

- 5.3 8/81/57 – Full application to erect two storey common room/wardens flat accommodation, provision of 4 parking spaces, landscaping of site and alteration to existing pedestrian/vehicular access on land between 55 and 57 Pennington Avenue. - GRANTED

6.0 CONSULTEE RESPONSES

- 6.1 Lancashire County Council Highways – 22.06.2018
No objection

7.0 OTHER REPRESENTATIONS

- 7.1 1 neighbouring letter of objection has been received and can be summarised as follows:

Parking

Parking is already at a premium on the street;

Non-residents use the street due to its proximity to town;

If the spaces are taken then there will be a struggle to park safely and securely close to our home;

As a result of hazardous parking and limited visibility there has been accidents on the road.

Loss of community facility

The facility is used by the local community for various events;

Some elderly residents use the facilities to socialise. If this is removed you may isolate them from the community.

8.0 SUPPORTING INFORMATION

- 8.1 None

9.0 LOCAL PLAN ALLOCATION

- 9.1 The site is located within Ormskirk which is designated as a Key Service Centre in the West Lancashire Local Plan.

National Planning Policy Framework

Delivering a wide choice of high quality homes

Requiring good design

Promoting healthy communities

West Lancashire Local Plan (2012-2027) DPD

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy RS1 – Residential Development

Policy IF1 – Maintaining Vibrant Town and Local Centres

Policy IF2 – Enhancing Sustainable Transport Choices

- 9.4 **Supplementary Planning Document**, Design Guide (Jan 2008)

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Principle of Development – Residential Development

- 10.1 Policy RS1 of the Local Plan states that residential development will be permitted within the Borough's settlements, including Key Service Centres, on brownfield sites, and on

greenfield sites not protected by other policies. The site is within the settlement area of Ormskirk and as such the principle of a residential use within the settlement boundary is acceptable subject to the proposal complying with all other planning policy.

Loss of community facility

- 10.2 The existing first floor was originally occupied by a warden who oversaw residents in the immediate local area. However a warden has not resided at the property since 2000. The Council still provide sheltered services but no staff have service accommodation.
- 10.3 The communal lounge was last used March 2017 however owing to dwindling number of users the Council made a decision to close the facility. Residents now have access to and use Bath Springs Court facility which is within the sheltered housing scheme. This site is about 0.6miles from the application site.
- 10.4 Whilst the loss of the ground floor communal facility will have some impact upon the local community I am satisfied that there are other similar facilities in Ormskirk to cater for the needs of local residents.

Design / appearance / amenity

- 10.5 A single storey rear extension is proposed to accommodate a bedroom and ensuite. The extension would project out centrally, 7.50m from the rear elevation of the building. Whilst this projection is significant I am satisfied that it would not result in harm to the host building or result in overdevelopment of the site noting that it would be single storey and would leave ample garden space.
- 10.6 Minimal changes are proposed to the external fabric of the building and revolve around the alterations of windows and the alterations of some external materials. All the proposed works are considered acceptable and are in accordance with Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD.
- 10.7 The proposal to create the 2 additional parking bays would result in the removal of part of the grassed area and an ornamental tree which contributes to the attractive make-up of the streetscene, however a section of the grassed area would still remain and therefore the impact on the character of the area would not be significant.

Impact upon adjoining land uses

- 10.8 Policy GN3 of the Local Plan states that developments should 'retain reasonable levels of privacy, amenity and sufficient garden / outdoor space for occupiers of the neighbouring and proposed properties.'
- 10.9 The lawful use of the first floor is already a flat albeit restricted to the warden. As such a full complement of residential accommodation is already provided. The proposed alterations to the ground floor to convert this space into residential accommodation also would not in my opinion result in any detrimental impact to neighbouring properties. If anything the proposal is likely to result in fewer visitors to the site then when it operated as a community facility and was in full use.
- 10.10 The single storey rear extension is proposed centrally within the site. As such I am satisfied that it would not result in any loss of light or overbearing feel to neighbouring properties. Whilst windows and doors are proposed in the side elevations of this extension facing onto neighbouring properties, noting that the extension is single storey and there

are substantial fences to the party boundaries, I am satisfied that no loss of privacy would result.

- 10.11 Noting the above I am satisfied that the amenity and privacy of neighbouring properties is retained as part of the proposal.

Parking / highways

- 10.12 When planning permission for the warden's office and communal facility building was granted (ref 8/81/57) the scheme included 4 parking spaces, 1 for the use of the warden and 3 for the community facility. This proposal would see 3 of these 4 spaces designated for use by the residents of the proposed dwelling.
- 10.13 In practice local residents indicate that they have historically been able to park in the spaces allocated to the community facility. Concern has been expressed about the potential loss of off street parking if these spaces are reserved for use by the residents of the proposed dwelling. Therefore the proposal involves the creation of 2 additional parking bays on the grassed area at the head of the cul-de-sac adjacent to existing bays. The provision of the 2 additional bays will be for the use of other residents of the Avenue. Consequently the residents of Pennington Avenue will not experience a net loss of parking provision.
- 10.14 Each new parking space would exceed the minimum parking standard set out in Manual for Streets (4.80 x 2.40m) measuring 5m x 2.50m. In all cases there is sufficient turning area to enable vehicles to turn within the head of the cul-de-sac to allow them to exit Pennington Avenue in a forward gear. The Highway Authority is satisfied with the parking arrangements.
- 10.15 On this basis I am satisfied that the proposal accords with Policy GN3 and IF2 of the Local Plan.

Summary

- 10.16 The proposal accords with Policy RS1, GN3 and IF2 of the local Plan and as such is recommended for approval.

11.0 RECOMMENDATION

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

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference
Proposed and existing plans and elevations received by the Local Planning Authority on 17.04.2018
Existing and proposed parking plan received by the Local Planning Authority on 18.04.2018
3. Notwithstanding the approved plan, the proposed hardstanding shall be made of a porous material or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the site boundaries.
4. All external elevation materials shall be as detailed on plan reference (proposed plans and elevations) received 17th April 2018. If the applicant or developer has any doubts as to

whether the proposed materials are acceptable they should check with the Local Planning Authority before commencement of the building works.

5. The 2 new parking spaces as detailed on plan reference Existing plans and elevations received by the Local Planning Authority on the 18.04.2018 shall be provided prior to the occupation of the dwelling.

Reasons

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To ensure that the development minimises the potential of flash flooding in the interest of local amenity and that the development, therefore, complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To allow for vehicles visiting the site to be parked clear of the highway and to assimilate the new car parking areas within the site and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

1. The new vehicular access, within the adopted highway will need to be constructed under a section 184 agreement of the 1980 Highways Act (Vehicle crossings over footways and verges), The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact LCC before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for "vehicular crossings".

Reason for Approval

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

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy RS1 - Residential Development

Policy IF2 - Enhancing Sustainable Transport Choices

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.	2018/0614/WL3
	LOCATION	9 Rimmer Green Scarisbrick Southport Lancashire PR8 5LP
	PROPOSAL	Rear single storey bedroom and level access bathroom extension.
	APPLICANT	West Lancashire Borough Council
	WARD	Scarisbrick
	PARISH	Scarisbrick
	TARGET DATE	6th August 2018

1.0 SUMMARY

- 1.1 I am satisfied there will be no significant detrimental impact upon the appearance of the existing dwelling house or character of the area and there would be no significant harm to the amenity of neighbouring properties created as a result of the proposal. The development is considered compliant with relevant planning policies and the application is therefore recommended for approval.

2.0 RECOMMENDATION - APPROVE with conditions.

3.0 SITE DESCRIPTION

- 3.1 The application site consists of an end of terrace two-storey dwellinghouse located to the southern side of Rimmer Green, Scarisbrick. The property is within a cul-de-sac of other terraced and semi-detached two-storey properties of a similar style and age centred around the Green.

4.0 PROPOSAL

- 4.1 The application proposes the construction of a single-storey bedroom and level access bathroom extension to the rear of the dwelling. The proposed extension would project approx. 7.1m from the main rear wall by 4.5m wide, it would have dual-pitch roof that measures 2.4m to the eaves and 3.15m to the ridge height.

5.0 CONSULTEES RESPONSES

- 5.1 None received.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 None received.

7.0 OTHER REPRESENTATIONS

- 7.1 None received.

8.0 SUPPORTING INFORMATION

- 8.1 None received.

9.0 RELEVANT PLANNING POLICIES

- 9.1 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.
- 9.2 The site is located within the Small Rural Village as designated in the West Lancashire Local Plan 2012-2027 DPD.
- 9.3 West Lancashire Local Plan Policies
SP1 – A sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development

Supplementary Planning Document - Design Guide (January 2008)

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

- 10.1 The main considerations for this application are

Design/Layout
Impact on residential amenity
Highways

Design/Layout

- 10.2 Policy GN3 supported by the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the streetscene because of their height, scale or roofline.
- 10.3 The proposed single-storey extension would be located to the rear of the dwelling and project approx. 7.1m from the main rear wall. The Design Guide states that "*extensions, measured in length or width should generally not exceed 2/3rds of the corresponding dimension of the existing property*". Although the length of the proposed extension would exceed this figure owing to the fact that the neighbour has an existing extension of approximately the same size and that it would not be readily visible from the public highway I am of the opinion the proposed extension would not detract from the character of the host property or the street scene generally. Overall I consider the proposal has a size, scale, form and external appearance that would not compromise the architectural style or character of the host building and is therefore acceptable in terms of design and compliance with Policy GN3 of the WLLP and the SPD Design Guide.

Impact on residential amenity

- 10.4 Paragraph 17 of the NPPF requires that planning should always seek to ensure a good standard of amenity for all existing and future residents. The application must also be assessed in terms of Policy GN3 of the West Lancashire Local Plan (2012-2027), which states that development should retain or create reasonable levels of privacy and amenity for occupiers of the neighbouring properties.
- 10.5 The adjoining neighbour No. 10 Rimmer Green has an extension to the rear of the dwelling of a similar size, there is a window in the side elevation facing the application site which is fitted with obscure glass. Whilst some loss of light may result to this ground floor window, on balance I do not consider that the overall harm would be so significant to justify refusal of the application.

- 10.6 Owing to the separation distance to the other adjacent neighbour No. 8 Rimmer Green I do not consider that any significant loss of amenity would result. As the development is single storey, there would be no significant impact on the property to the rear of the site.

Highways

- 10.7 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should ensure that parking provision is made in line with the standards set out in Local Plan Policy IF2 and Appendix F.
- 10.8 The proposal is for an additional accessible bedroom and bathroom at ground floor level. The property as existing is a three bedroom property and as a result of the proposal would be increased to a four bedroom property. Policy IF2 of the WLLP recommends properties with four or more bedrooms have three parking spaces per dwelling. In this particular case it is not proposed to provide additional on-site parking but given the highway conditions in Rimmers Green, should on street car parking occur it would be acceptable in this location.

11.0 RECOMMENDATION

- 11.0 The proposed development is compliant with the NPPF and the relevant policies in the West Lancashire Local Plan 2012-27 and is recommended for approval.

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: Dwg date 13.09.2017 - Existing and proposed floor plans, sections and elevations received by the Local Planning Authority on 24th May 2018.
3. All external brickwork and roofing materials shall be identical to those on the existing building in respect of shape, size, colour and texture. If the applicant or developer has any doubts as to whether the proposed materials do match they should check with the Local Planning Authority before commencement of the building works.

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.

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

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.	2017/0975/OUT
	LOCATION	Sisters Of Notre Dame Convent Lancaster Lane Parbold Wigan Lancashire WN8 7HT
	PROPOSAL	Outline - Conversion of Lancaster House SoNDdN Convent to care village including details of access, layout and scale.
	APPLICANT	Sisters Of Notre Dame De Namur
	WARD	Parbold
	PARISH	Parbold
	TARGET DATE	18th December 2017

1.0 SUMMARY

1.1 This is an outline application for use of the site as a care village; the development would involve the erection of 71no. flats and the conversion of Lancaster House. Details of access, layout and scale are to be considered at this stage with appearance and landscaping reserved for future consideration. The principle of development is acceptable in this location. The development would not have a significant detrimental impact on the Lancaster Lane Conservation Area or Our Lady and All Saints Church which is Grade II listed or the amenities of nearby local residents. I consider that the proposed level of car parking and access arrangement are satisfactory. A Bat Survey has been submitted and is currently under review, subject to the findings of this survey being satisfactory I consider that the application should be approved.

2.0 **RECOMMENDATION: APPROVE with conditions, subject to the development having no detrimental impact on protected species.**

3.0 THE SITE

3.1 The site comprises 2.67 hectares of land and is currently used as a convent. To the north is Tan House Lane. There is a gate lodge sited adjacent to the site on the south side of Tan House Lane which is in the ownership of Lancaster House Convent. To the east is Lancaster Lane, with Parbold Douglas C of E Academy School being on the opposite side of the road to the site entrance. The west of the site shares a boundary with houses on both Brandreth Drive and Tan House Lane.

3.2 Lancaster House is the former home of the Ainscough family and was constructed around the middle of the 19th Century; it has been used since 1947 by the Sisters of Notre Dame, of Everton Valley, Liverpool, and is now used as a home for retired nuns. The wider site within which Lancaster House sits includes a number of different buildings of differing eras as the care facility has developed and been added to over time. A 2/3 storey residential expansion and chapel were built in the 1980s. These form a nursing wing to the west of Lancaster House, dividing the site, with the historic landscaped grounds to the south and a parking area to the north.

3.3 There is a 19th Century Stable Block located to the north of Lancaster House. This is a substantial two storey stone built block with a tower which in part has been converted into residential accommodation with the remainder being in office use. Our Lady and All Saints Church is to the south of the site and was built in the grounds of Lancaster House in 1878.

4.0 THE PROPOSAL

- 4.1 The application is in outline form with access, layout and scale to be considered at this stage; appearance and landscaping will be considered at reserved matters stage.
- 4.2 The application is for use of the site as a care village. This would consist of; the conversion of Lancaster House to form reception community facilities (including dining room, treatment rooms, hairdressing salon, rehabilitation gym, lounge, library, hobbies room and guest accommodation); the demolition of the 1980s additions to Lancaster House, and; the construction 71 flats (52no. 2 bedroom flats and 19no. 1 bedroom flats). There would be 56 new build flats, 6 flats in Lancaster House, and 9 flats in the converted Coach House (stable block). There would be support staff on site 24 hours a day.
- 4.3 Access would be taken from the existing access point and there would be 32 car parking spaces provided on site.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 None.

6.0 CONSULTEE RESPONSES

- 6.1 Lancashire Constabulary (03.10.17) – Recommend security measures.
- 6.2 Historic England (11.10.17) – No comments.
- 6.3 Lancashire Archaeological Advisory Service (31.10.17) – Recommend a condition requiring a written scheme of investigation.
- 6.4 West Lancashire Conservation Areas Advisory Panel (16.11.17) – No objection to the principle of creating a Care Village, however, the north elevation (facing onto Tan House Lane) is of concern due to its height/scale/mass. This part of the development when viewed from the Tan House Lane/Lancaster Lane junction would harm the openness of that part of the site and the character and appearance of the Conservation Area. There would be no harm to the setting of the listed Church.
- 6.5 Merseyside Environmental Advisory Service (MEAS) (22.11.17) – More information required in respect of bats. Recommend conditions in respect of breeding birds, landscaping and a Construction Environmental Management Plan. *Bat survey now submitted and under consideration.*
- 6.6 Highway Authority (23.10.17) – No objections. Recommend several planning conditions.
- 6.7 Environmental Health (23.10.17) – No objection. Recommend planning conditions in respect of lighting, plant noise, fume extraction, electric vehicle charging points and Construction Environmental Management Plan.
- 6.8 Technical Services Manager (07.11.17) – No objections subject to condition.

7.0 OTHER REPRESENTATIONS

- 7.1 A total of 6 representations from neighbours have been received, these can be summarised as:

Impact on residential amenity through overlooking.

Trees should be protected.
 Materials should match those of the historic building.
 The building is too tall.
 Proposed car parking is inadequate.
 There may not be enough GP and nursing cover.
 It is a large development for a village the size of Parbold and will have an adverse impact on the character of the village and place pressure on available services.
 Although the development is for a retirement village, over time the profile could change.
 There is no evidence that a retirement village is needed in the area.
 Existing sheltered accommodation in Parbold has vacancies.
 Views of Lancaster House would be obscured.
 There should be fencing to the boundary with Brandreth Drive.
 There will be an increase in noise from the site.
 There should be measures in place to ensure that the gardens are kept in their current form.
 Existing residents shouldn't be expected to relocate.
 Free accommodation and care should be offered to existing residents.
 Wildlife should not be affected.
 The development should not protrude beyond the existing building line of Lancaster House.

- 7.2 Parbold Parish Council (12.10.17) – The car parking is inadequate which will lead to an increase in on-street parking. There should be cooperation between the developer and the local schools to try and alleviate the parking issues. There is a drainage issue in the area which the development will exacerbate. The materials to be used in the development should be sympathetic to the historic buildings. There should be no balconies overlooking Brandreth Drive

8.0 SUPPORTING INFORMATION

- 8.1 Heritage Statement
 Ecology Survey
 Crime Impact Statement
 Drainage Statement
 Flood Risk Assessment
 Design and Access Statement (including Lighting Strategy, Parking and Access Arrangements, Planning Statement and Tree Survey/ Arboricultural Implications Statement)
 Waste Management Plan

9.0 RELEVANT PLANNING POLICIES

- 9.1 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.
- 9.2 The north portion of the site is included within the settlement boundary of Parbold, which is classed as a Key Sustainable Village, whilst the southern section is designated as Green Infrastructure/ Recreation Space in the West Lancashire Local Plan 2012-2027 DPD. The entire site is within the Lancaster Lane Conservation Area. Lancaster House is a Locally Listed Building and the site lies adjacent to the Grade 2 Listed Our Lady and All Saints Church.

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
IF2 – Enhancing Sustainable Transport Choice
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

SPD – Design Guide (Jan 2008)

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Principle of Development

- 10.1 Policy SP1 of the Local Plan advocates development within rural settlements being focussed on the Key and Rural Sustainable Villages, and all new built development in the Borough taking place within settlement boundaries. Policy GN1 goes on to say that within settlement boundaries, development on brownfield land will be encouraged, subject to other relevant Local Plan policies being satisfied. The site is within the Key Sustainable Village of Parbold and as such the principle of development in this location is acceptable, subject to the proposal conforming to all other planning policies. There is no development proposed on the southern part of the site which is designated as Green Infrastructure/Open Recreation Space in the Local Plan. I consider that the principle of allowing a care village development on the site is acceptable.

Heritage Impacts

- 10.2 The site lies within the Lancaster Lane Conservation Area. Lancaster House is a Locally Listed Building and the site lies adjacent to the Grade 2 Listed Our Lady and All Saints Church.
- 10.3 The principle statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. Local Planning Authorities (LPA's) should, in coming to decisions, refer to the principle act in its decisions and/or assessments, which requires for;

Conservation areas – Section 72(1)

That special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Listed Buildings - Section 66(1)

That the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 10.4 Decision makers should consider the impacts on the character and appearance of a conservation area (which includes its setting) separately and take into account the fact that development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable.
- 10.5 The NPPF states that, in determining planning applications LPAs should take account of:

The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

The positive contribution that heritage assets can make to sustainable communities; and
The desirability of new development making a positive contribution to local character and distinctiveness.

- 10.6 Paragraph 132 of the NPPF goes on to say that the significance of a heritage asset needs to be given weight to the asset's conservation. The more important the asset, the greater the weight be provided to its significance. Paragraph 134 requires that where a proposal leads to less than substantial harm to a designated asset (including its setting), this harm should be weighed against the benefits of the proposal including securing its optimum viable use.
- 10.7 Policy EN4 of the Local Plan advocates a presumption in favour of the conservation of designated heritage assets. Development will not be permitted that adversely affects listed buildings, a Scheduled Ancient Monument, a conservation area, historic park or garden or archaeological remains, and part 2(ii) of the policy states that development affecting the historic environment should seek to preserve or enhance the heritage asset and any features of special interest.
- 10.8 The scheme will retain the key historic buildings within the site – Lancaster House, including the attached 'cottage' and the stable block. The remaining 20th Century buildings (including the Nursing Wing and Chapel) which have low significance in terms of their contribution to the overall heritage value of the site will be demolished as part of the redevelopment.
- 10.9 In the wider context the Lancaster Court site benefits from an extensive area of mature trees, gardens and landscaping, glimpsed from the streetscene over the 2m stone boundary wall which runs along the perimeter of the site along Lancaster Lane and Tan House Lane. The Conservation Area Appraisal describes the character of this section of Lancaster Lane thus: 'The area retains a rural feel, enhanced by mature fields and the areas of open farmland which run alongside parts of Lancaster Lane'. There is significant screening provided by vegetation along the northern and eastern boundary and the site represents a transition from the surrounding rural landscape to the beginning of the settlement of Parbold.
- 10.10 From a conservation point of view it is the northern part of the site, and therefore the northern elevation of the new development, which is the most sensitive. The current buildings within the site are a mix of two and three storey blocks, dictated by the changes in land levels across the site. The proposed new residential blocks would be mainly three storey but with the impact of this third storey reduced by setting it in from the front elevation and the incorporation of terraces. Their size and location will clearly mark them out as a new feature of the streetscape along Tanhouse Lane, which is typically formed of large Edwardian and mid-20th Century properties, with some infill of smaller bungalows. The street scene is therefore domestic in scale, which is an important consideration for any proposed new development along this stretch of the Conservation Area.
- 10.11 Although appearance is to be considered as a reserved matter, indicative elevations have been submitted with the application. These indicative elevations show that there has been some attempt in the design and layout of the scheme to break up the massing of development along the northern boundary. This includes a regressed staircase element located in the middle of the northern block. I would welcome some further separation of this block along the northern boundary to bring it more in line with the typical massing and grain of development along Tanhouse Lane, this could be by way of more architectural detailing to create more separation. As the proposal is in outline form with details of appearance to be considered at reserved matters stage, this is something that can be addressed at a later date.

- 10.12 In terms of the architectural detailing shown in the indicative elevations, the proposed blocks incorporate features such as a gabled roofline. The Heritage Statement submitted also describes the use of framed feature windows and plinths and string course details. The elevations appear to be mainly finished with render. There is some use of a rendered finish to some of the properties along Tan House Lane, but this is not a dominant material. I would therefore suggest the incorporation of another material such as brick within some of the elevations in order to tie in with the surrounding materials palette; this is something that can be addressed at reserved matters when appearance is to be considered.
- 10.13 In relation to the Listed Church, the issue is whether the proposal would preserve the character (including its setting) of the building. The Church is a significant landmark in the area which can be glimpsed through the generous tree cover when travelling along Lancaster Lane, but its spire can also be clearly viewed from across the fields around the southern end of Parbold due to its location on higher ground partway up the rise of Parbold Hill. However, given the separation distance (occupied by landscaped grounds) between the proposed development which would be to the rear of Lancaster House and the Listed Church set within its churchyard, I do not believe that the proposed development would be seen within the same context as the church. Therefore, in my view, the proposals would not impact upon its setting.
- 10.14 The principle of the conversion of the original buildings into apartments and the continuation of their use is acceptable in heritage terms. The detailed design of the buildings will be considered at reserved matters stage but I consider that the scale and layout of the development is acceptable. Lancashire Archaeological Advisory Service has been consulted and as there is potential for below-ground remains a condition for a watching brief is recommended. The duty imposed by s.66(1) and S.72 of the P(LBCA) Act 1990 has been given considerable weight in the assessment of this application. In this instance the proposed development would not harm the setting of the listed buildings or the character or appearance of the Lancaster Lane Conservation Area. As such the proposal meets the statutory test and conforms to the planning guidance contained in the NPPF, Policy EN4 of the Local Plan and the Design Guide.

Residential Amenity

- 10.15 There are residential dwellings on Tan House Lane and Brandreth Drive (to the west of the site). The part of the development that would be closest to dwellings on Brandreth Drive (no. 97 and The Spires) would sit largely on the footprint of the existing building that is to be demolished, and would be set off the boundary by approximately 13m. At the point which would be closest to the residential boundary it would be smaller in scale than the existing building at approximately 6m high (compared to the existing building which is approximately 7m high), rising to approximately 11m which would be the highest point of the first floor of the new building. The first floor would be set in from the main elevation of the new building and as such would be approximately 26m from the residential boundary. In terms of potential impact on residents of Brandreth Drive I consider that the separation distances are sufficient to ensure that there would be no undue impact on residential amenity. There would be a separation distance of over 20m between the northern part of the new building and properties on the opposite side of Tan House Lane, this coupled with the screening provided by trees on the boundary ensures that residential amenity would be protected.
- 10.16 Concern has been raised about the increase in noise and activity on the site. The site is currently used for residential purposes and I do not consider that the introduction of a care village on the site would increase noise and disturbance to a level that would warrant refusal of the application.

10.17 I consider that the proposed development would not have an undue impact on residential amenity in accordance with Policy GN3 of the Local Plan.

Trees

10.18 A Tree Survey has been submitted with the application which identifies that some trees would be removed to make way for the development. The loss of these trees would not lead to any significant loss to the arboreal, verdant nature of the Conservation Area.

10.19 The proposed building would be close to several trees on the northern boundary which offer some screening to the site; some of the trees along this boundary have low vigour and have been in decline for many years. This group of trees would benefit from management which would include selective removal and replanting. This could be considered at reserved matters stage as part of the landscaping proposals and any tree protection measures will be subject to a planning condition.

10.20 The proposed building on the western elevation is close to several trees and whilst none have been identified for removal they may be subject to future pruning pressure as a result of constraints associated with shading, light obstruction and views. However, in respect of proximity to trees, the location of the proposed building would be on the footprint of the existing building, which also provides living accommodation, and as such the situation in respect of trees would not be made worse by the proposed development, in accordance with Policy EN2 of the Local Plan.

Highways

10.21 The site is currently in operation as a care facility and so there is a relatively high level of staff working at the site (10 full time employees and 92 part time employees, with approximately 48 members of staff on site at any one time), however, if the site is to be redeveloped as a care village it is anticipated that there would be 17 members of staff for the day to day operation of the facility and for the provision of personal care as and when required. The Transport Statement that has been submitted with the application states that the existing site is expected to generate 314 two-way trips over a 12 hour daily period (07:00 – 19:00), with 12 trips during the AM peak hour, and between 27 and 37 trips across the PM peak period. The proposed development is anticipated to generate 226 two-way trips over an equivalent 12 hour period, with an increase from the existing situation in the AM peak hour (up to 15 two-way trips) and a decrease across the PM peak period. Therefore, overall there would be a reduction in the amount of vehicular movements to and from the site.

10.22 In terms of parking on the site, the proposed scheme shows 32no. car parking spaces on the site; there are currently 61no. car parking spaces. Given that staffing levels would be reduced compared to staff numbers that are currently present on site at any one time (reduced to 17 members of staff on site compared to 48 members of staff), whilst some residents would own their own car and therefore require onsite parking the Highway Authority has confirmed that the level of car parking to be provided is acceptable and in accordance with Policy IF2 of the Local Plan. Given the reduced level of parking on the site, a condition will be imposed to ensure that the site is used as an extra care facility.

10.23 The current access onto Lancaster Lane is approximately 4.3m wide and used by vehicles and pedestrians. The County Surveyor has requested the existing access be widened to facilitate two-way vehicular movements, however, the access is existing and currently

provides an access to 61no. car park spaces on site. There have been no reported accidents in the vicinity of the access point and given that there would be a significant reduction in car parking on site I do not consider that a widened access is necessary for the redevelopment. Furthermore, although the development would consist of some communal facilities owners would occupy their own flats and have access to their own catering facilities etc. and may not be reliant on the level of care provision that is required by some existing residents of the convent, and for this reason I would anticipate that there would be a reduction in vehicular movements from delivery vehicles and staff vehicles than that which currently exists.

10.24 I consider that the proposed level of car parking and access arrangements are acceptable and in accordance with Policy IF2 of the Local Plan.

Drainage

10.25 The planning application form advises that foul sewage will be disposed of via the main sewer, with surface water being disposed of via a sustainable drainage system and use of soakaways.

10.26 The site is within Flood Zone 1 and therefore has a low probability of flooding. A Drainage/Flood Risk Assessment has been submitted with the application. It is proposed that the development will use the existing drainage from the site, all new surfaces will be permeable (there will be a reduction in impermeable area on the site) and subject to infiltration testing soakaway areas in the grounds or other appropriate methods will be used to prevent surface water runoff from the site. Appropriate planning conditions are recommended to secure the submission of detailed drainage proposals.

Ecology

10.27 Ecology surveys have been submitted to support the application. These surveys identify that built features and vegetation on the site may provide nesting opportunities for breeding birds and for this reason tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works should be avoided during the bird nesting season. This can be secured by planning condition.

10.28 As part of the ecological survey a bat roost potential survey of buildings and trees on the site was undertaken, and further to this a desktop study was submitted. This study identified the presence of a Natterer's bat roost within the loft space of Lancaster House. Therefore, bat emergence dusk/dawn surveys were required to be carried out and this has now been undertaken and the resulting report submitted to the Council. This has been forwarded to the Council's Ecological Advisors for review.

10.29 As ecology, with particular reference to bats is now the only outstanding matter, the application is recommended for approval subject to MEAS being satisfied that there would be no detrimental impact on roosting bats as a result of the development, and securing any potential avoidance/mitigation measures that may be deemed necessary by imposition of planning conditions.

11.0 CONCLUSION

11.1 The proposed development is acceptable in principle. The scheme will not be harmful to heritage assets, highway safety or residential amenity. It is therefore recommended that planning permission be granted subject to confirmation of no detrimental impact on bat populations.

12.0 **RECOMMENDATION**

- 12.1 That the decision to grant planning permission be delegated to the Director of Development of Planning and Regeneration in consultation with the Chairman or Vice Chairman of the Planning Committee subject to confirmation that the submitted Bat Survey is satisfactory and subject to the following conditions and any additional conditions being added in respect of bats.

Conditions

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Details of the reserved matters set out below shall be submitted to the local planning authority for approval within 3 years from the date of this permission:
 - i) external appearance
 - ii) landscapingApproval of all reserved matters shall be obtained from the local planning authority in writing prior to commencement of development.
3. No construction work shall take place until full details and samples of the external brickwork and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. Foul and surface water shall be drained on separate systems.
5. No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
6. As part of any reserved matters application and prior to the commencement of any development the following details shall be submitted to, and approved in writing by, the local planning authority.

Details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme. Those details shall include, as a minimum:

 - a) Evidence of an assessment of the site conditions to include any existing surface water flow routes, drains, sewers and watercourses, site investigation and test results to confirm infiltration rates;
 - b) Demonstration that surface water run-off will not exceed or, for formerly developed land, will reduce pre-development run-off rates and volumes. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;
 - c) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
 - d) Evidence that flood flows resulting from rainfall up to and including a 1 in 100 year (including a +30% allowance for climate change) rainfall event will be managed within the site at designated temporary storage locations unless it can be shown to have no material impact by leaving the site in terms of nuisance or damage, or increase river flows during periods of river flooding;

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

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner.

7. 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.

8. 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.

9. Before the development hereby permitted commences 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.

10. Prior to construction a scheme shall be submitted to and approved by the Local Planning Authority that demonstrates that the level of noise from fixed plant shall achieve satisfactory internal noise levels in all flats, as determined by the Local Planning Authority.

11. Before the development hereby permitted commences, a scheme for the installation of equipment to control the emission of fumes and odour from the restaurant kitchen premises shall be submitted to and approved in writing by the local planning authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

12. Prior to implementation of the car park a scheme for electric vehicle charging shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be provided on site in a timetable to be agreed in writing.

13. For the full period of construction/demolition, 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.

14. No construction 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.

15. The development shall not be occupied until the associated car parking spaces and manoeuvring areas are provided in accordance with the approved plan. Thereafter the spaces shall be kept clear for the parking and turning of vehicles.

16. Within 9 months from the date when any part of the development hereby approved is first brought into use the approved landscaping scheme shall be carried out. All trees and

shrubs planted shall comply with BS. 3936 (Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.

17. 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.
18. Tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works shall be avoided during the period 1st March to 31st August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub and hedgerows are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected would be required.
19. Prior to development a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The CEMP shall provide details to manage and mitigate the main environmental effects during the construction phase of the proposed development. The CEMP should include details in respect of ecological mitigation, construction and demolition waste management, pollution prevention and soil resource management.
20. Prior to occupation, a scheme to indicate how the development is to be maintained as an extra care facility should be submitted to and agreed in writing by the Local Planning Authority. This scheme should set out the occupancy criteria for the individual units of accommodation to ensure that the units are maintained for the provision of an extra care facility in perpetuity. Thereafter the facility shall be occupied in accordance with the approved scheme.

Reasons

1. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline and the matters referred to in the Condition are reserved for subsequent approval by the Local Planning Authority.
3. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To secure proper drainage and to manage the risk of flooding and pollution.
5. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development, elsewhere and to future users.
6. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development, elsewhere and to future users.
7. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development.
To reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.
8. To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.
9. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

11. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. In the interests of sustainability in accordance with Local Plan policy IF2.
13. To prevent stones and mud being carried onto the public highway to the detriment of road safety.
14. 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.
15. 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.
16. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
17. To 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.
18. 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.
19. 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.
20. To ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-27 Development Plan Document and that the parking facilities are commensurate with the use of the site, in the interests of highway safety.

Notes

1. The programme of archaeological work should comprise the following:

- i) The creation of a record of the buildings to level 2-3 as set out in Understanding Historic Buildings (Historic England 2016). This work should be carried out by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists.
- ii) A formal watching brief during groundworks, 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.

Lists of suitable contractors are available on the following websites:

Chartered Institute for Archaeologists (CIFA) <http://www.archaeologists.net/>
 British Archaeological Jobs and Resources (BAJR) <http://www.bajr.org/>

Reason for Approval

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

SP1 - A Sustainable Development Framework for West Lancashire
 GN1 - Settlement Boundaries
 GN3 - Criteria for Sustainable Development
 RS1 - Residential Development

IF2 - Enhancing Sustainable Transport Choice

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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.5	APPLICATION NO.	2018/0409/FUL
	LOCATION	Land To The East Of Lords Cottage Hall Lane, Lathom And Pilkington Technology Centre Hall Lane, Lathom
	PROPOSAL	Installation and operation of a solar installation and associated infrastructure.
	APPLICANT	Lightsource SPV 40 Ltd
	WARD	Newburgh
	PARISH	Lathom
	TARGET DATE	20th July 2018

1.0 **SUMMARY**

- 1.1 This is a full application for planning permission for a solar farm in two separate locations to provide electricity to the NSG Technical Centre. Elements of the development would constitute inappropriate development in the Green Belt and would impact on openness, however, the very special circumstances put forward by the applicant have been found to outweigh this harm. There would also be a limited level of harm to the setting of the Lathom Park Conservation Area which is outweighed by the public benefits that would arise from the development. On balance, the siting of the proposed solar arrays is considered acceptable and there would be no undue harm to residential amenity. Subject to suitable planning conditions there would not be an adverse impact on archaeology, ecology and drainage.

2.0 **RECOMMENDATION: APPROVE subject to conditions.**

3.0 **THE SITE**

- 3.1 The application site comprises two parcels of land with the route of the underground cable connection between the two:

Land within the NSG European Technical Centre, off Hall Lane, Lathom (Northern Array)

Land to the east of Lord's Cottage, Hall Lane, Lathom (Southern Array)

- 3.2 The Northern Array comprises approximately 0.95ha of land located within the grounds of the Technical Centre, and accessed from the main site entrance off Hall Lane. The site lies to the north of the main building within the Technical Centre complex. The site of the Northern Array lies within the Lathom Park Conservation Area.
- 3.3 The site of the Southern Array is located to the east of Lord's Cottage, Hall Lane. Access to the site is taken from Hall Lane which is to the west. The site is approximately 4.94ha in size and is a field currently used for agricultural purposes. The southern and northern field boundaries are mature hedgerows and the eastern and western edges are made up of an agricultural fence and sporadic vegetation. In the middle of the southern boundary there is a shed which is in a poor state of repair.

4.0 **THE PROPOSAL**

- 4.1 The proposed development comprises the installation of ground mounted solar panels arranged in a regular pattern in both the Northern and Southern Arrays, with a total generating capacity of 2.5MW. The panels would be approximately 2.009m x 1.232m and have a depth of approximately 480mm and be placed onto mounting frames which would

be pile driven into the ground, onto which the frames would be placed at an angle of 22 degrees from the horizontal. The panels are to be fixed and will not track the movement of the sun. The panels will start at approximately 0.8m above ground level at their lowest point, and will rise to no more than 2.358m at the highest point.

4.2 The mounting structure is designed to allow for smaller livestock, for example sheep to graze underneath and between the rows of panels. In terms of foundations, the type of structure used to mount the panels requires four steel poles per unit to be pile driven into the ground to an approximate depth of 1.5m.

4.3 Along with the solar panels and mounting structures the following equipment and infrastructure will be required:

Inverters to convert the direct current electricity generated by the panels into alternating current. Small string inverters sit beneath the panels.

Transformers to transfer electrical energy from one circuit to another, allowing the energy generated to be fed into the Technical Centre's substation. The open air transformers within the Northern Array will be surrounded by a 2.2m high weld mesh fence; the transformer in the Southern Array will be surrounded by a 2.2m high timber and wire fence.

A substation (approximately 7.7m x 2.6m and 3.3m high) cabinet would be located within the Northern Array area together with a smaller switchgear substation (approximately 4.2m x 2.6m and 3.15m high).

A 2m high agricultural timber and wire fence around the Southern Array.

Security cameras to monitor the entrance of the Southern Array and the cabinets within the Northern Array. The cameras would be motion sensed and employ infrared technology so no lighting would be required. The cameras would be mounted on 2.5m high poles.

A monitoring building (approximately 3.2m x 3.86m and 3.3m high) located within the Northern Array to enable remote monitoring of the site. A 5m high satellite dish would stand alongside the monitoring building.

A battery storage unit located within the Northern Array area, allowing for storage of electricity generated at peak times, where it exceeds the Centre's demand, for use at a later time. The unit would comprise of two battery containers 12m long, 2.4m wide and 2.6m high, and one switchgear building measuring approximately 6m in length, 2.4m in width and 2.5m in height, with air conditioning units.

An underground cable to connect the Southern and Northern Arrays.

Cable trays will be used to install the low voltage cables connecting the panel arrays to the transformer in the Southern Array, to avoid earth works impacting on any archaeological features.

Swales will be constructed for drainage purposes.

5.0 PREVIOUS RELEVANT DECISIONS

5.1 None.

6.0 CONSULTEE RESPONSES

6.1 Historic England (14.05.18) – No comments.

6.2 Cadent (11.05.18 and 15.05.18 and 31.05.18) – Land and Development Asset Protection Team (High Pressure Gas Transmission and Electricity Transmission Apparatus) consulted. The applicant should ensure that proposed works do not infringe on Cadent's legal rights. If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus.

- 6.3 Lancashire Archaeology Advisory Service (22.05.18) – No objections. Condition in respect of implementation of a programme of works requested.
- 6.4 Penspen (23.05.18) – no effect to the Shell pipeline.
- 6.5 National Grid (24.05.18 and 19.06.18) – No objection.
- 6.6 West Lancashire Conservation Areas Advisory Panel (23.05.18) – The PV array on the larger site to the south of Pilkingtons, would because of the size of the array and the panel's reflective nature, cause an industrialisation of the landscape which would cause harm to the natural Parkland setting to the Conservation Area and the historic setting to Stand Farm.
- 6.7 Sabic (04.06.18) – The proposed development is situated within the inner consultation zone of a Major Accident Hazard Pipeline. The developer must consult Sabic if any work within 50m is to be carried out.
- 6.8 Highway Authority (11.05.18) – No objection. Conditions recommended.
- 6.9 Natural England (27.06.18,09.07.18 and 17.07.18) – No objection.
- 6.10 Environmental Protection (02.07.18) – No objection in principle. Conditions recommended.
- 6.11 Lead Local Flood Authority (11.07.18) – No objection.
- 6.12 Merseyside Environmental Advisory Service - Comments to follow as late information.

7.0 OTHER REPRESENTATIONS

- 7.1 Lathom Parish Council (16.05.18, 30.05.18 and 31.05.18) – The application conflicts with NPPF paragraphs 88 - 91. The special circumstances would be limited as the energy generated would only provide 30% of the applicant's requirements, leaving 70% to be obtained by the National Grid and provides no energy for public consumption. The impact from the development would not outweigh the loss of Grade 1 agricultural land and impact on the Green Belt. The loss of Grade 1 agricultural land will have the effect of increasing food prices as we will not be able to produce our own food. The site is at risk of being affected by unacceptable levels of noise, soil and water pollution and there would be impacts on the local and natural environment. There are sequentially preferable sites that should be considered, such as placing the panels on the roof, or using nearby brownfield land. The solar farm would spoil views from Parbold Hill and Beacon Country Park. The site is of historical significance as it is believed to be a war horse burial site. The site is in the flight path for birds and it is suggested that solar farm magnetic fields disturb migratory patterns. Bees and deer could be disturbed by the installation. The capacity of the field to deal with flooding would be reduced. Inappropriate development in the Green Belt. There would be a detrimental impact on the character of Lathom.
- 7.2 Parbold Parish Council (04.06.18) – Object due to impact on the Green Belt. The panels would be reflective and therefore visible immediately next to a stone wall forming a garden area boundary. There would be impact on the views from Parbold Hill. The development could lead to infilling of an open area between this site and buildings of Historic Lathom Park.

- 7.3 Lathom Burscough Military History Society (15.05.18) – Green Belt should be protected. It is disturbing that such a historical site will be developed.
- 7.4 Lathom Park Trust (29.05.18) – There are possibly horse burials within the site and whilst a Geophysical Survey has been undertaken of the site, this does not demonstrate that there is an absence of a horse cemetery. If planning permission is granted a watching brief should be included as a condition of the permission.
- 7.5 Historic Lathom Residents Group (18.05.18, 29.06.18 (and updated ecology objection), 09.07.18) – Loss of best and most versatile land. Damage to the openness of the Green Belt. Visual impact on the surrounding area and listed buildings and structures. It would make economic sense to renew the roof at NSG to make it capable of supporting solar panels, or the panels should be sited within the grounds of NSG and car parks. The area is historic from Roman times through to WWI. There are war horse graves on the site. Planting will not hide the solar farm. The solar farm would be seen from The Beacon and Parbold Hill. There will be tonnes of scrap metal, concrete, glass and plastic once the solar farm is out of use; the land will probably be brownfield land prime for housing following decommissioning. Photovoltaic panels degrade over time so the predicted levels of energy generation are overoptimistic. The solar farm would be compromised by shadows from trees and hedges and winds blowing leaves onto the panels. The ecology reports are inadequate. Flooding will increase. There would be a loss of best and most versatile land. Dispute the Statement of Community Involvement.

Insufficient evidence has been submitted to demonstrate that the development would not affect protected species and habitat. There is also inadequate evidence to demonstrate compliance with the statutory duty to assess the likely significant effects on nearby designated sites and supporting habitats. The submitted survey is not independent as the applicant has commissioned the ecologists. The survey work has concentrated on Pink-footed goose and not other SPA species. The survey work has not followed Natural England and Scottish National Heritage guidelines. The numbers of Pink-footed geese recorded in the survey is much lower than would be expected from local people. The report lacks integrity. The development is contrary to paragraph 118 of the NPPF. The applicant has failed to take into account the cumulative input of developments. The development may impact on owls, bats, Water Vole and Great Crested Newt, this has not been addressed fully in the submission. Ground nesting birds would be affected by the development. The land would be too fertile for a wildflower meadow.

The development would result in significant encroachment into the countryside and have a negative effect on and reduce openness. Inappropriate development in the Green Belt and there is land available on the NSG site that could be used. The very special circumstances put forward by the applicant does not outweigh the harm.

- 7.6 West Lancashire Civic Trust (04.05.18) – The southern array will introduce industrialisation into a rural area and will have a detrimental effect on the setting of the Conservation Area. The scheme will adversely affect the setting of Stand Farm which is Grade II listed. If permission is to be granted a condition should be imposed requiring the developer to carry out a watching brief in accordance with the Archaeological Report.
- 7.7 Newburgh Parish Council (28.06.18) – The proposal does not demonstrate the very special circumstances necessary to justify encroachment of the Green Belt and impact on openness. There are also sensitive historical characteristics.
- 7.8 Dalton Parish Council (28.06.18) – Object to the development because it is not within the NSG site itself. The site is of historic value. There may be glint and disturbance for drivers on Spa Lane. The development could be seen from Ashurst Beacon. Stand Farm is a listed building and would be degraded by the development.

7.9 A petition objecting to the proposed development has been submitted by Skelmersdale Veterans Association.

7.10 There have been representations objecting to the application, the main grounds of objection can be summarised as:

The solar farm would be out of place in the grounds of Pilkingtons.
Lathom is a historic area and the solar farm would impact on this.
There are buried remains of war horses on the site.
The site is of local and national historic significance.
Development on the site of the WWI Remount Depot would be disrespectful and insensitive, especially at the time of the centenary commemoration.
The local community will not benefit in any way.
Blight on the landscape.
There is already enough development in Lathom.
There would be glint and glare for drivers.
The Fire Service would have to be trained for potential explosions.
The site is a point of interest for orienteering groups.
The application is contrary to the House of Commons Statement 29th January 2014.
Deer are not mentioned in the ecology report.
Pink footed geese would be affected.
The ancient stone boundary wall supports wildlife.
There would be increased flooding to neighbouring fields.
The amount of water that would channel from the panels down to the brook would increase in speed and volume, and the brook would not be able to receive that amount of water.
There would be a loss of Grade 2 Agricultural Land.
If NSG want to reduce carbon footprint they could introduce car sharing.
Noise will be generated by the operation of the transformer, disturbing the local environment.
The nearby listed buildings will be affected.
Impact on the adjacent Conservation Area.
Detrimental impact on the setting and outlook from Stand Farm which is listed.
Cable suspended solar technology systems should be considered.
Planning Committee should look at the impact from other solar farms before making a decision.
A wind turbine would take up less space.
There are no special circumstances to override the impact on the Green Belt.
Dispute the Statement of Community Involvement.
NSG need to carry out an Energy Saving Review to identify where energy savings can be made.
There would be noise from the site.
The Noise Survey submitted with the application is inadequate.
Horses can be unsettled by noise and glint.
There are gravestones to war horses in other areas.
There is a pipeline running through the site.
Lithium Iron batteries are a fire risk.
Loss of a hunting ground for wildlife.
Construction lorries could harm deer.
There would be no public benefit from the development.
The soil on the site would be too rich to plant a wildflower meadow.
Lightsource want to expand the site of the solar farm and sell to grid.
Natural England should take account of evidence supplied by local residents.
The vantage points chosen by Avian Ecology are inadequate.

The ecology survey is inadequate.

There is no public need for the development.

There are insufficient very special circumstances that outweigh the harm to the Green Belt.

Birds suffer from having their wings melted or burned off from the panels.

Chemicals used for dust suppressants, dielectric fluids and herbicides will contaminate ground water.

Employees of NSG may be forced to support the application.

Landscape character of the area will be adversely affected.

Rates on houses in the area should be reduced.

- 7.11 There have been representations in support of the application, the main grounds for support can be summarised as:

The investment into the site gives confidence to Unite Trade Union that there will be sustained employment in the future.

The development would bring significant sustainability enhancements to the region.

The reduction in costs will improve competitiveness within the glass industry.

The reduction in energy costs will help to secure jobs at the site over the longer term.

The site will have a reduced carbon footprint as carbon emissions will be reduced.

Lightsource BP have a proven track record of delivering safe and reliable projects.

The site will not be visible from the road.

Approving the development may mean that NSG stay in West Lancashire rather than relocate to Europe.

Local wildlife would benefit.

There would be local employment during construction.

Environmental Impact Assessment shows that solar installations have low impact.

NSG provide the glass used in the production of the solar panels and the development would allow this to be showcased.

The development is an example of UK based research delivering world beating products.

It will demonstrate that solar is a viable, low cost and renewable source of energy.

There will be no material impact on any meaningful archaeological features.

The development is forward looking.

Renewable energy initiatives are limited in this region.

No nearby landmarks would be disturbed.

It would be cleaner, environmentally friendly energy.

The addition of livestock to the area would make it more versatile and a useful space.

A balanced approach to energy management in the UK is needed and solar farms form a part.

The development meets the need of both government and company targets for CO2 reduction.

The area for solar panels will be landscaped to ensure hedgerows and wildlife are protected, and to screen the panels and gaps will be filled in.

8.0 SUPPORTING INFORMATION

- 8.1 Design and Access Statement, April 2018
Agricultural Land Classification, December 2017
Archaeological Written Scheme of Investigation, April 2018
Mineral Resource Assessment, December 2017
Settings Impact Assessment. January 2018
Geophysical Survey Report, February 2018
Geophysical Survey Report, April 2018
Archaeological Desk Based Assessment, April 2018
Construction, Decommissioning and Traffic Management Plan, April 2018

Ecological Assessment Report
Statement of Community Involvement, April 2018
Planning Statement, February 2018
Landscape and Visual Assessment, April 2018
Written Scheme of Investigation, April 2018
Flood Risk Assessment, January 2018
Topographic Survey, October 2017

9.0 RELEVANT PLANNING POLICIES

- 9.1 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.
- 9.2 The site of the Northern Array is located within an area of land designated as an 'other significant employment site' whilst the site of the Southern Array is in the Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD. The site of the Northern Array is within the Lathom Park Conservation Area. The following policies are relevant:

The National Planning Policy Framework (NPPF)

Supporting a prosperous rural economy
Requiring good design
Promoting healthy communities
Protecting Green Belt land
Meeting the challenge of climate change, flooding and coastal change
Conserving and enhancing the natural environment
Conserving and enhancing the historic environment

West Lancashire Local Plan 2012-2027

GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
EN1 – Low Carbon Development and Energy Infrastructure
EN2 – Preserving and Enhancing West Lancashire's Natural Environment
EN4 – Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

Supplementary Planning Guidance – Natural Areas and Areas of Landscape History

BRE 'Planning Guidance for the Development of Large Scale Ground Mounted Solar PV Systems'

Renewable Energy - Policy Background

- 9.3 In November 2008, the Climate Change Act was published, which created a new legal framework for the UK to achieve a mandatory 80% cut in the UK's CO₂ emissions and other greenhouse gases by 2050. The UK Renewable Energy Strategy (2009) set a Government target of 15% of the country's energy to come from renewable sources by 2020.
- 9.4 *The National Planning Policy Framework (NPPF)*
At the heart of the NPPF is the presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. In terms of the environmental role, the planning system is required to “*contribute to protecting and enhancing our natural, built and historic environment; and, as part of this, help to improve biodiversity, use natural resources prudently, minimise waste and*

pollution, and mitigate and adapt to climate change including moving to a low carbon economy”.

- 9.5 One of the core planning principles stated in paragraph 17 of the NPPF is to *“support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example by the development of renewable energy)”.*
- 9.6 Paragraph 93 states that *“Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development”.*
- 9.7 Paragraph 97 lists a number of ways in which to help increase the use and supply of renewable and low carbon energy and confirms that local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable and low carbon sources.
- 9.8 Paragraph 98 advises that when determining planning applications, local planning authorities should:-
“Not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small scale projects provide a valuable contribution to cutting greenhouse emissions; and Approve applications, unless material considerations indicate otherwise, if its impact are (or can be made) acceptable”

National Planning Practice Guidance (NPPG)

- 9.9 The Renewable and Low Carbon Energy Chapter sets out a number of factors that need to be considered by Local Planning Authorities in determining applications for large-scale solar farms. At paragraph ID 5-013 it states that *‘the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively’.*
- 9.10 Paragraph ID 5-007 indicates that local topography is an important factor in assessing whether large scale solar farms could have a damaging effect on the landscape and which recognises that impacts can be just as great in predominantly flat landscapes as in hilly or mountainous areas.
- 9.11 The PPG at paragraph ID 5-010 says that *“Renewable energy developments should be acceptable for their proposed location”* and indicates at paragraph ID 5-008 that distance away from a development is just one consideration, stating that *“Distance plays a part, but so does the local context including factors such as topography, the local environment and near-by land uses”.*

National Planning Statement – Overarching National Policy Statement for Energy (EN-1)

- 9.12 This sets out the national policy for energy infrastructure and at paragraph 2.2.6 states that *‘the UK needs to wean itself off a high carbon energy mix: to reduce greenhouse gas emissions and to improve the security, availability and affordability of energy through diversification’.*

- 9.13 This strategy sets out four guiding principles for solar PV, the third of which states, that solar PV should be appropriately sited with proper weight being given to environmental considerations such as landscape, visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them.

West Lancashire Local Plan 2012-2027 DPD (WLLP)

- 9.14 Policy EN1 of the WLLP supports proposals for renewable, low carbon or decentralised energy schemes, provided they can demonstrate that they will not result in unacceptable harm to the local environment, having regard to policies EN2 and EN4, which cannot be satisfactorily addressed and which is not outweighed by the benefits of such proposals.

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Principle of development – employment land

- 10.1 The Northern Array is located on land designated as an 'other significant employment site'. Policy EC1(b)(iii) states that only B1 development will be allowed on the site. The proposed solar array does not fall into this category of development, however, the impact of climate change is acknowledged throughout the Local Plan and according to the supporting information submitted with the application direct benefits would be experienced by the business through the reduction in energy cost associated with the solar development. Therefore, whilst the development would not strictly accord with Policy EC1, I am satisfied that it would be in accordance with one of the main themes of the Development Plan, to promote sustainable development.

Principle of development – Green Belt

- 10.2 The proposed Southern Array would be located within land designated as Green Belt. Paragraphs 89 and 90 of the NPPF set out the forms of development deemed not inappropriate in the Green Belt. The proposal does not fall into any of the categories of development set out. Moreover, paragraph 91 of the NPPF states that when located within the Green Belt, elements of many renewable energy projects will comprise inappropriate development.
- 10.3 On that basis the proposal would be an inappropriate form of development in the Green Belt. Paragraph 87 of the NPPF explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 clarifies that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Impact on openness

- 10.4 Paragraph 79 of the NPPF advises that openness is an essential characteristic of the Green Belt. Openness is generally defined as the absence of built form and development, and this does not depend on visibility. In addition to the array of the solar panels themselves and their resultant impact upon the openness of the Green Belt, the proposal also comprises a number of other elements, namely, the fencing, a CCTV pole and camera, transformer, and switchgear substation (although it is acknowledged that the larger substation, battery storage unit and monitoring building would be located in the Northern Array). The cumulative impact of all these elements will magnify the impact of the proposed development upon the openness of the Green Belt.

- 10.5 Therefore the proposed solar farm would have an impact on openness. Taking into account the rural character of the surroundings, it would also be contrary to one of the five purposes of the Green Belt, that being to safeguard the countryside from encroachment.
- 10.6 The proposed solar farm is inappropriate development in the Green Belt, resulting in a reduction in openness and encroachment into the countryside and is by definition harmful to the Green Belt. This harm must be weighed against the very special circumstances put forward by the applicant.

Very special circumstances

- 10.7 The proposed development has been identified as inappropriate development in the Green Belt and one which causes harm to its openness and conflicts with one of the purposes of including land within the Green Belt, that being to safeguard the countryside from encroachment. In accordance with paragraphs 87 and 88 of the NPPF, inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and substantial weight should be given to any harm to the Green Belt. It is important that Green Belt consideration should assess, in a balanced way, the very special circumstances put forward by the applicant. The NPPF confirms that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. There are no defined criteria for assessing what constitutes very special circumstances and each case must be judged on its own merits.

- 10.8 A number of special circumstances have been put forward by the applicant, these include:

The solar installation would have the capacity to generate 2.5MW of energy, and provide approximately 30% of the Technical Centre's electricity. The battery storage facility included within the proposals will mean that the efficiency of the generated electricity will be increased, with excess generation being stored for use at times of greater demand or lower production.

Environmental benefits of increased renewable energy generation and associated carbon reduction (908 fewer tonnes of carbon dioxide emissions from energy generation in the UK each year – the equivalent of removing 193 standard cars from the road).

The development would support one of the Council's key objectives, to mitigate climate change.

As the electricity generated will be fed directly into the NSG Technology Centre, the development must be deployed in proximity of the private connection point to be a viable enterprise (extent of the viable area is no more than 600m from the substation at the Technology Centre).

Direct economic support and benefit, through the reduction in electricity costs for the NSG Technology Centre, a key local employer (500 staff and contractors on site).

Protection for the NSG Technology Centre against volatile commodity price rises, providing certainty for the business.

Assistance for the Technology Centre to remain profitable and viable to allow operations to continue in this location, maintaining local employment and allowing the business to make long term investment decisions.

The work undertaken at Lathom Technical Centre has played an integral role in the development of the solar modules to be used in this development; the installation will allow NSG to showcase their work.

Ecological enhancements.

There would be landscape benefits as a result of tree and hedgerow planting which would remain in place once the installation is decommissioned.

Archaeological investigation presents the opportunity to provide valuable information regarding the history of the site, therefore increasing archaeological understanding. The agricultural use of the land will continue and following decommissioning will revert back to sole agricultural use. The development is for a temporary period and therefore the effect on the Green Belt is not permanent.

- 10.9 It is imperative that the above very special circumstances put forward by the applicant are carefully and properly considered. The proposal would cause harm to the Green Belt by reason of inappropriateness and because of the reduction in openness it would involve, and its encroachment into the countryside. The proposal would be for a temporary period and so the harm in Green Belt terms would be temporary and reversible. Nevertheless, paragraph 88 of the NPPF tells us that when considering any planning application, local planning authorities should ensure substantial weight is given to any harm to the Green Belt.
- 10.10 In addition, while paragraph 91 of the NPPF accepts that very special circumstances will need to be demonstrated if renewable energy projects are to proceed in the Green Belt, it continues that such very special circumstances may include wider environmental benefits associated with increased production of energy from renewable resources. It is clear therefore that renewable energy projects are not prohibited outright in the Green Belt. It is a matter of balancing any benefits they would bring forward against any harm they would cause.
- 10.11 The proposal would have a total capacity of 2.5MW, meeting the needs of approximately 30% of the Technical Centre's energy needs, and has the potential to offset 908 tonnes of carbon dioxide per year. Reflective of wider Government policy, designed to address the potential impacts of climate change, and to ensure energy security, one of the core planning principles of the NPPF is to encourage the use of renewable resources. Paragraph 97 says that to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to energy generation from renewable or low carbon sources. Comparatively speaking the solar farm would be relatively small in scale to others that have been considered in the Borough, however, paragraph 98 of the NPPF states that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
- 10.12 The proposed solar farm and creation of renewable energy, would have a direct benefit to the NSG Technical Centre, which is a significant employer in the Borough, by bringing economic benefits to NSG by reducing their overall energy cost and in addition to this, allowing them to showcase their work to visitors of the site. Economically, the creation of the solar farm would also assist rural diversification and would provide a mixed use of the land functioning for agricultural purposes, and for the production of renewable energy.
- 10.13 In environmental terms, the proposed development would allow for the retention of grassland habitats beneath and around the solar PV panels, allowing small livestock such as sheep to graze on the field maintaining the use of the land for a form of agriculture.
- 10.14 Paragraph 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Whilst it is acknowledged that the development is inappropriate and harm will be caused to the Green Belt, given that this will be for a temporary period and that there would be environmental and economic benefits from the scheme which are outlined above, I consider that the very special circumstances identified will contribute to sustainable development in accordance with the NPPF and will outweigh the harm to the Green Belt that has been identified in the above assessment.

Landscape character and visual amenity

- 10.15 The site falls within the Ormskirk, Burscough and Lathom landscape character area, predominantly characterised by undulating, well-wooded places, contrasting with adjacent flatter areas to the north.
- 10.16 The site of the proposed Northern Array is located within an area of amenity grass within an existing complex of three and four storey factory buildings and the NSG Centre. A line of ornamental trees and shrubs lies to the east of the grassed area, whilst a mature native deciduous woodland belt encloses the Technical Centre to the east and north. The Southern Array would be located within an agricultural field south of the Technical Centre. The northern boundary of the field is marked by a stone wall forming the southern edge of the former parkland associated with Lathom House; within the field an irregularly spaced row of mature trees line the field boundary. The southern field boundary is formed by a mature Hawthorn hedge approximately 4m high. There are several gaps in the existing hedge. The eastern and western field boundaries are marked by 1.3m high post and wire fences.
- 10.17 The submitted Landscape and Visual Assessment (LVIA) considers the effects of the proposed development on the landscape features within the application site, on the character of the surrounding landscape, and on the visual amenity perceived by receptors likely to be present in the surrounding area.
- 10.18 In terms of the potential effects on landscape features, overall the proposed development would have little effect on the landscape resource of the application site, as the development would result in a temporary change in land use on the Southern Array, from agricultural use to an agricultural use with energy generation, but on decommissioning would revert back to purely agricultural use. There would be no loss of existing trees or hedges, and approximately 445m of new native hedgerow is proposed which would bring a landscape benefit.
- 10.19 As regards landscape character, the LVIA includes a review of landscape character up to 2km from the application site and concludes that the landscape has some capacity to accommodate the proposed development. I agree with the conclusion that the amount of vegetation in the local landscape helps to provide screening and therefore limit the impact from the solar arrays, and that the perception of landscape elements that influence the agricultural character of the landscape would not be redefined if the development was implemented.
- 10.20 With reference to visual amenity, the Northern Array would be visually well contained by the buildings of the Technical Centre. The Southern Array would be visually contained to the north by the tree belts and buildings of the Technical Centre, and to the south west by the mature boundary hedge and trees at Stand Farm. Views from Hall Lane and the footpath to the west would be restricted by the topography of the site (which slopes down to the east) and by the proposed hedgerow planting along the western boundary. Views of the solar panels would be available from a section of Spa Lane and from some residential properties on Spa Lane to the southeast of the proposed Southern Array site. The Visual Assessment found that there would be moderate effects on users of sections of Hall Lane and Spa Lane, and residents at seven houses on Spa Lane. However, all of these effects would be reduced once the proposed landscape scheme is established. There would be a limited number of distant views of the Southern Array, but as these would be over 2km away from the proposed Southern Array the effect would be minimal.

10.21 Although the character of the site which would contain the proposed Southern Array would be altered by the development, any effect would be restricted to the site itself with key landscape features and the surrounding area remaining largely unaffected. There would be some effect on visual amenity but vegetation would provide notable screening. Views would be restricted to the immediate area around the site and would not be overly prominent throughout the Green Belt. I consider that the proposed development accords with paragraph 17 of the NPPF which includes a requirement for account to be taken of the different roles and character of different landscape areas, and Policy EN2 of the Development Plan which requires new development to have regard to different landscape characteristics in the Borough.

Heritage impacts

10.22 In coming to decisions on heritage matters Local Planning Authorities should refer to the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires decision takers to pay special regard to the desirability of preserving listed buildings or their setting (s.66), and to the desirability of preserving or enhancing the character or appearance of conservation areas. 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. Decision makers should consider the impacts on the character and appearance of a conservation area (which includes its setting) separately and development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable.

10.23 The main heritage issues to consider in this case are; whether the proposed development will preserve the historic setting to the nearby designated listed buildings, and; whether the proposed PV installation(s) would preserve the character or appearance (and setting) to Lathom Park Conservation Area.

Setting to the Listed Buildings

10.24 The setting of a heritage asset is defined in the NPPF glossary and identifies that the setting is the surroundings in which an asset is experienced. It need not be fixed and can change and evolve with its surroundings and elements of the setting may make a positive or negative contribution to a heritage asset.

10.25 Historic England's advice on setting is contained in its Planning Note 3 (The Setting of Heritage Assets 2nd Edition – December 2017). Setting can be more extensive than its immediate curtilage and whilst it is often simply expressed by reference to visual considerations, the setting can also be influenced by the historic relationship between places.

10.26 The proposed Northern Array would be internal to the site and visually contained, and whilst the land is not developed it forms part of the existing NSG site, bounded by a car park and a number of existing modern buildings. I consider that the installation of a PV array on this land would not impact beyond the site and even if glimpsed at, there would be no impact on the setting to any nearby listed buildings.

10.27 The site of the Southern Array is set within open farm land which lies outside of the NSG site. There are a number of listed buildings in the vicinity of the site, the closest being Stand Farmhouse which lies approximately 200m to the south of the site edge. Stand Farm sits on slightly raised site within a cluster of mature trees and the site is partially enclosed from view. The farmhouse is somewhat separated from the wider landscape and I do not consider that the application site makes any marked contribution to the significance of its setting. In terms of the potential impact on other nearby listed buildings

(including Ormskirk and Lathom Lodges, Cranes Hall, Lathom Chapel of St John, Almshouses and Stable Block) there would be either no harm or the harm would be very low level and negligible.

- 10.28 However, the remaining part of Lathom House derives part of its significance from its historical landscape setting and further insensitive development could harm its historic significance. Whilst the visual link between the remaining part of Lathom House has been severed by the development of the NSG site, this does not mean that the historical association and significance of the wider parkland landscape to the heritage asset should be ignored and/or need be compromised further. This is discussed further below.

Impact on the setting to Lathom Park Conservation Area

- 10.29 Lathom Park Conservation Area draws much of its significance from its association to the historic events relating to Lathom House and its landscape significance.
- 10.30 In terms of impact from the Southern Array, I consider that because the site is set some way from the road frontage on raising ground and is, to some degree, screened by existing hedges I do not feel that the site plays a significant role in the setting to the southern portion of the Conservation Area. However, the site can still be experienced from the surrounding land, albeit any views, including the more distant views, are already compromised by the presence of the buildings on the Technical Centre site. Other visual detractors include the power line and pylons which lie to the east of the site.
- 10.31 In relation to character, the rural parkland qualities of the conservation area are well defined and the presence, in the landscape of the medieval park is a key characteristic of the area. Whilst grazing can still exist around the arrays I consider that the character of the open farmland site would be changed and the introduction of the upstanding PV panels would to some degree change the character of the landscape along the southern boundary of Lathom Park Conservation Area. This is further emphasised by the fact that the site lies within an area designated as being of Regional Importance in the Areas of Landscape History SPD. However, I consider that the harm to the character and appearance of the Lathom Park Conservation Area would be low level and regarded as being 'less than substantial' (as identified under paragraph 134 of the NPPF).
- 10.32 The supporting information submitted with the application states that mitigation measures would be imposed (additional tree and hedge planting) with the aim of lessening the visual impacts of the arrays over time. I do not think that the measures proposed would wholly mitigate the limited harm on the setting to the Conservation Area because the changes to the character of the site will remain regardless.
- 10.33 The Council is required to give the duty imposed by the P(LBCA) Act 1990 considerable weight in its planning judgement. The guidance in the NPPF allows the harm to the heritage asset to be balanced in the planning judgement by any stated public benefits of the proposal.
- 10.34 In terms of potential heritage impacts I conclude that the proposal would result in a low level of harm to the setting of the Lathom Park Conservation Area. In terms of impact on the historic environment I would regard the harm caused by the proposals to be 'less than substantial' and therefore would need to be balanced by the public benefits of the proposal. The benefits of the proposal have been outlined above as very special circumstances. I consider that the benefits of the proposed development, which include environmental benefits by the reduction in carbon dioxide emissions outweigh the less than substantial harm identified in the above assessment.

Archaeology

- 10.35 Paragraph 141 of the NPPF states that 'Local planning authorities should...require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publically accessible.
- 10.36 An Archaeological Desk Based Assessment (DBA) and Written Scheme of Investigation (WSI) have been submitted in support of the application. The DBA shows that the southern field of the study site has the potential to contain buried remains of potentially regional interest, associated with the use of Lathom Park as a remount station in WWI. Concern has been raised about the potential presence of horse burial pits on the site. A geophysical survey of the site has confirmed that remains of the remount station are present but found no evidence of a horse burial pit. Evidence of Roman and prehistoric date cannot be discounted for the southern field of the study site, however, there is no evidence of remains of more than local interests from these periods in the wider study area.
- 10.37 The site of the Northern Array may have some fragmentary remains associated with the sieges of Lathom Park during the Civil War, however, any that may be present would have been truncated by the construction of the NSG Technical Centre. As such, any remains that survive are likely to be of local interest only.
- 10.38 The DBA concludes that the impact of the proposed development on the study site is very limited, comprising a total below ground impact of less than 1% of the study site area. The 'H' piles which would be used in the construction result in highly localised impacts, and whilst the development proposals have the potential to impact on any sub-surface remains which may survive within the application site, this impact is considered to be minimal. Taking into account the potential for WWI subsurface remains, it is proposed to take additional measures during construction to avoid rutting and other inadvertent impacts. With these measures in place, together with the limited physical impacts from the type of development proposed, the archaeological impact of the proposed development would be minimal.
- 10.39 The documents submitted in relation to archaeology have been reviewed by the Lancashire Archaeological Advisory Service (LAAS) and they have confirmed that the design and proposed construction methods have been developed to ensure that the physical impact of the proposals on the earthworks and buried remains of the World War I Lathom Remount Station is as low as can be achieved whilst allowing the scheme to proceed. It is acknowledged that there would be a significant impact on the setting of the monument, however, the site is not generally publically accessible and this impact is considered to be balanced by the further research and recording that has already been undertaken or is proposed, which will provide and enhanced understanding of the Lathom remount station.
- 10.40 Further, an application has been made to Historic England to ask them to consider scheduling the site of the proposed Southern Array. This application has been rejected and in their response Historic England have advised that whilst there is interest in the physical remains of WWI, these site are relatively well documented, and as a lot is known about the use of horses during WWI, the archaeological potential of the site to provide additional information is relatively limited. The response goes on to say that this assessment would not change even if it was confirmed that the field includes horse burials.

10.41 I consider that in terms of archaeology the proposed development is in accordance with NPPF paragraph 141, subject to a condition to ensure that the WSI submitted as part of the planning application is implemented in full.

Agricultural land

10.42 Paragraph 111 of the NPPF encourages the effective use of land by reusing brownfield land provided that it is not of high environmental quality. Paragraph 112 indicates that significant development of agricultural land should be shown to be necessary and, where this is demonstrated, areas of poorer quality land should be used in preference to that of higher quality.

10.43 Paragraph 13 of the NPPG sets out particular planning considerations that relate to solar development. The first two factors are:

encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;

where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

10.44 The PPG also makes reference to a speech by the Minister for Energy and Climate Change, Greg Barker, to the solar panel industry at the Large Scale Solar conference on 25th April 2013. In this speech Greg Barker said ‘...for larger deployments, brownfield land should always be preferred’ and went on to add ‘we need to be careful that we do not over incentivise large-scale ground-mounted projects in inappropriate places – I am thinking of greenfield agricultural land...’ and ‘where solar farms are not on brownfield land, you must be looking at low grade agricultural land...’.

10.45 In addition, Nick Boles in his oral statement in the House of Commons on 29th January 2014 stated that ‘where significant development is necessary on agricultural land, the national planning policy framework is equally clear that local planning authorities should seek to use areas of poorer quality in preference to that of higher quality. Where land is designated at a relatively high grade it should not be preferred for the siting of such developments’

10.46 Furthermore, the UK Solar PV Strategy: Part 2 of April 2014 sets out the Solar Trade Association’s ‘Solar Farms: 10 Commitments’, the first of which is that focus will be on non-agricultural land or land which is of lower agricultural quality.

10.47 It is therefore clear that the emphasis from Government is to steer large scale solar arrays towards previously developed or non-agricultural land. Where the use of agricultural land is necessary, best and most versatile land (BMV) should be avoided and if BMV land is to be used, this should be the last resort and it must be robustly demonstrated that it is justified.

10.48 The Agricultural Land Classification of England and Wales provides a framework for classifying land according to the extent to which its physical or chemical characteristics impose long term limitations on agricultural use. The principle physical factors together with interactions between them form the basis for classifying land into one of five grades;

Grade 1 land being of excellent quality through to Grade 5 land of very poor quality. Grades 1, 2 and 3a are considered to be the BMV.

- 10.49 In terms of Defra's Agricultural Land Classification (ALC) map of England and Wales, the application site is classified as Grade 1 excellent quality. However, these maps were created over 30 years ago, in the early 1980s and have never been updated. As noted by Natural England *'these maps are not sufficiently accurate for use in assessment of individual fields or development sites, and should not be used other than as general guidance'* (Natural England (2012) Technical Information Note TIN049). Natural England are a statutory consultee on development that would lead to the loss of over 20ha of BMV; given the relatively small size of the solar farm under consideration in this application they have not been consulted on their views regarding this matter.
- 10.50 An Agricultural Land Assessment has been submitted with the application which demonstrates that the land within the Southern Array is Grade 2 Agricultural Land, which falls into the definition of Best and Most Versatile (BMV) agricultural land. Based on the ALC the proposed development would result in a change from potential arable use (although the land is currently used for the grazing of cows rather than arable use) with the land being Grade 2 agricultural land to solar power generation together with sheep grazing underneath and around the solar panels. Whilst the development would not have a permanent effect on the land, it would take the site out of arable use for the duration of the development.
- 10.51 In accordance with Government guidance in the NPPF and NPPG, the first consideration should be whether or not the use of agricultural land is necessary. This exercise should demonstrate that no suitable brownfield land or non-agricultural land is available within a reasonable search area.
- 10.52 There is no national or local guidance when defining a study area and each case should be considered on its own merits taking into account both planning and operational constraints.
- 10.53 The application is supported by a Site Selection Justification to justify the development of the solar farm on the site; it sets out how this requirement has been considered in selecting the Southern Array. The determining factor when assessing the potential suitability of a site for a solar farm development is whether there is sufficient grid capacity with an appropriate point of connection.
- 10.54 The site selection justification shows that land surrounding the site is comprised of Grade 1 and Grade 2 agricultural land, with the closest area of Grade 3 land being 1.3km to the east, more than twice the viable distance from the Technical Centre's substation (at this distance the development costs would be significantly higher than a project within the study area and undermine the business case for the proposal).
- 10.55 Land immediately to the west of the Technical Centre was discounted as the proposed solar array would be visible in views of Lathom House, and discussions with the landowner of the fields to the east confirmed that they were not available, these fields are also Grade 1 agricultural land. Several other sites were considered for further assessment as part of the site selection, but these were discounted for a variety of reasons including potential heritage impacts, potential visual impact, and land not being commercially available. I am satisfied that the information provided in respect of potential alternative sites is satisfactory and I accept the findings of the site selection justification and therefore the use of agricultural land is necessary in this particular instance taking into account the result of the site selection assessment and the viability of the development. Furthermore, the land has most recently been used for grazing of livestock and the array has been

designed to accommodate sheep grazing which would continue the agricultural function of the land.

- 10.56 The Site Selection justification demonstrates that deployment on agricultural land is necessary to provide a suitable level of electricity to the Technology Centre and that all agricultural land within the search area comprises equivalent or higher grade land.
- 10.57 Whilst the proposed life of the solar farm is 25-30 years and accepting that some restoration of land would be required, I consider that the land would not be irreversibly lost for agriculture. Furthermore, the proposal indicates that the land beneath and between the panels will be continued to be used for agricultural purposes through the grazing sheep. Although this might be seen as a minimum level of agricultural activity, it nevertheless constitutes an accepted farming practice that could be employed by the land owner at any time regardless of this proposal. I am aware that grazing sheep under solar panels is now common practice in the UK and studies have shown that sheep farming and solar panels can operate successfully together. Overall therefore, I am satisfied that the use of this land for solar energy along with the continued agricultural use by the grazing of sheep and biodiversity enhancement is acceptable and there will be no significant loss of higher grade agricultural land.

Highway safety

- 10.58 A Construction, Decommissioning and Traffic Management Plan has been submitted as part of the application, which shows that the development will have its greatest impact on the highway network during its construction period; once complete there would be minimal vehicle movements associated with the development. During construction there would be a combined total of 54 HGVs delivering equipment and infrastructure to both sites. The Highway Authority have advised that this level of vehicle movements throughout the construction period is at a level where there would be no highway capacity issues.
- 10.59 Access to the development would be via two existing access points off Hall Lane. The northern access is an existing hard paved access which serves the Pilkington Technology Centre and no alterations are needed. The southern access is an existing single track which serves Lords Cottage and the farmland beyond. The applicant has stated that the track is to be upgraded prior to construction. This can be secured via planning condition.
- 10.60 The proposed development would have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site and is considered acceptable in terms of highway safety.

Flood risk/drainage

- 10.61 The site lies wholly within Flood Zone 1. A Flood Risk Assessment (FRA) has been submitted in support of the application in order to comply with Paragraphs 99-104 of the NPPF which require an FRA for proposals of 1 hectare or greater in Flood Zone 1. The FRA identifies that as the solar panels are raised above the existing ground rainfall falling onto the PV panels would runoff directly into the ground beneath the panels and infiltrate into the ground at the same time as it does in the site's existing greenfield state. Any proposed new access tracks will be permeable in nature.
- 10.62 The extent of impermeable cover as a result of the development amounts to 1.96% for the Northern Array, and 0.011% for the Southern Array. The subsequent effect on the Mean Annual Flood is minimal and equates to a 3.3% increase for the Northern Array and 0.36% for the Southern Array, compared with the greenfield runoff rate.

- 10.63 A sustainable drainage strategy, in the form of swales is proposed for managing the disposal of surface water runoff from the proposed development on the site. Swales are proposed at the low points of the application site to intercept extreme flows which may already run offsite.
- 10.64 The FRA identifies that the proposed development would have only a very limited extent of impermeable ground cover as the area beneath the panels would remain grassed. Rainwater falling onto the panels would drain freely onto the ground beneath and infiltrate into the ground at the same rate as it currently does. Existing drainage features would be retained and, although not necessary, a SUDS strategy in the form of swales to intercept extreme flows would be provided as a form of 'betterment'. The Lead Local Flood Authority have reviewed the proposals and confirmed that provided the development is carried out in accordance with the submitted Flood Risk Assessment they have no objection. This will be secured by planning condition.
- 10.65 I am satisfied that the development will not increase flood risk elsewhere and will reduce flood risk overall, in accordance with Policy GN3 of the Local Plan.

Residential amenity

- 10.66 The nearest residential dwelling to the Northern Array would be 'The Bungalow' which forms part of Lathom Park, which would be approximately 165m away from the array. The nearest residential dwellings to the Southern Array would be Stand Farm and Lord's Cottage, which would be approximately 205m and 198m away respectively. These distances combined with the presence of existing vegetation between the proposed solar arrays and the nearest dwellings means that it is considered that views of the development from these properties would be partial and to some extent screened. It is considered that the potential impact on these views would not be so great that they would significantly impact on living conditions of local residents. New hedgerows are proposed along the eastern and western boundaries of the Southern Array, and infill planting of gaps in the existing vegetation along the southern boundary. This boundary landscaping would be secured by planning condition.
- 10.67 In respect of noise, a Noise Assessment has been submitted with the application. The assessment is desk based and was conducted to identify Noise Sensitive Receptors (NSRs) where it is considered a potential exists for increased noise effects due to the proposed development. Residences closest to the proposed development were identified as the key NSRs for the purposes of the assessment and no baseline monitoring was conducted due to the relatively low levels of noise produced from the proposed development. However, the effects were compared against a background noise level of 30dB, which is typical of a low noise environment. As the proposed development is not yet constructed it was not possible as part of the assessment to measure the actual source noise levels on site. However, predicted impacts were calculated using source noise data from the manufacturer of the noise emitting equipment. The report concludes that there would be a low or negligible impact from the development on occupiers of nearby dwellings, therefore, no noise mitigation measures will be required. To provide an element of protection for local residents a condition will be placed on any approval granted to ensure that the rating level of noise emitted from the site during operation shall not exceed 30dB at any time.
- 10.68 CCTV security cameras would be installed on 2.5m high poles at the entrance to the Southern Array and around the cabinets in the Northern Array. The cameras would be fixed in position and face the solar arrays and as such the privacy of the surrounding residents would not be compromised by the proposed development.

- 10.69 Glint refers to reflection produced as a direct reflection of the sun off a surface. Glare refers to a continuous source of brightness, being the general reflection of a bright sky rather than a direct reflection of the sun. Solar panels are not reflective surfaces, they are coated to maximize daylight absorption, and thus minimize the potential for glare. Less than 9% of total incident visible light is reflected by PV panels, whereas normal glass reflects 17%. The potential for glint and glare from a solar farm is therefore much lower than that from other structures such as poly tunnels and glasshouses that are characteristics in the Borough's rural areas, as well as natural features such as water and snow.
- 10.70 In summer, once the sun reaches sufficient height in the south eastern sky, sunlight will fall directly on the panels and there may be a slight chance of glint occurring, however, the reflected beam would be directed back into the sky toward the south west. During winter, the location of the sun in the sky means that light would be reflected back into the sky toward the west-southeast. Because most of the reflections from the panels would be skyward, the arrays would not create a traffic hazard or nuisance to residential properties.
- 10.71 I am satisfied that in terms of impact on residential amenity the proposed development is acceptable in accordance with Policy GN3 of the Local Plan.

Ecology

- 10.72 Ecology Surveys have been submitted with the application. These surveys include a Desktop Study and an Extended Phase I Habitat Survey, and demonstrate that the value of the site for species which represent a qualifying feature for Martin Mere which is a Ramsar, Special Protection Area, and Site of Special Scientific Interest (SSSI) is considered to be negligible, and that the construction impacts on habitats and protected and notable species are anticipated to be low. The Council's ecology advisors (MEAS) have reviewed the reports and advised that they are satisfied with the research methods adopted and the conclusions reached. Following comments from local residents, further information was submitted by the applicant's ecology advisors, this further information has been scrutinised by MEAS and they have confirmed that subject to conditions, they are satisfied that the proposed development would not have an adverse impact on biodiversity of the site.
- 10.73 MEAS have reviewed the information submitted to inform a Habitats Regulations Assessment and advised that there is no pathway that could give rise to likely significant effects on European sites and it does not warrant a detailed Habitats Regulations Assessment report, as Appendix 4 of the Ecological Assessment Report can be adopted as the Habitats Regulations Assessment for the proposal.
- 10.74 Natural England have also scrutinised the Ecology Surveys, the comments submitted by local residents and the further information submitted by Avian Ecology, and have advised that they consider that development will not have a significant effect on Martin Mere Special Protection Area and that they have no objection to the proposed development.
- 10.75 I am satisfied that the proposed development accords with the requirements of Policy EN2 of the Local Plan.

Community Consultation

- 10.76 The UK Solar Strategy Roadmap states that support for solar PV should, inter alia, provide opportunities for local communities to influence decisions that affect them. The NPPG also says that in identifying a suitable area for renewable and low carbon energy by

local planning authorities, the views of the local communities likely to be affected should be listened to.

10.77 A Statement of Community Involvement has been submitted with the application. This statement advises that prior to submission of the application 720 information leaflets were mailed to addresses within a 2km radius of the site and a press release was also issued; both of these gave information about a community information event. The local MP, Councillors and the Parish Council were all advised of the application in advance of its formal submission.

10.78 Whilst there has been objection to the proposals, I am satisfied that the applicant has followed the recommended procedures for community engagement.

Conclusion

10.79 There are some aspects of the development that would constitute inappropriate development within the Green Belt and would impact on openness. Following assessment I consider that the very special circumstances outweigh this harm. There would be less than substantial harm to the setting of the Lathom Park Conservation Area which is outweighed by the public benefits that would come from the development. The siting of the solar arrays is considered acceptable and subject to planning conditions in respect of noise, archaeology, ecology and drainage I consider that the proposed development is acceptable and in accordance with relevant national and local planning policy. I therefore recommend that planning permission be granted subject to the following conditions and reasons:

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The planning permission hereby granted is for the development to be retained for a period not more than 30 years from the date when electricity is first exported to the electricity grid (First Export Date). Written confirmation of the First Export Date shall be submitted in writing to the Local Planning Authority within one month of the First Export Date.
3. Not less than 12 months before the expiry of this permission, a timetable for decommissioning of the site shall be submitted to and agreed in writing with the Local Planning Authority. The site shall be decommissioned in accordance with the approved timetable and the Construction, Decommissioning and Traffic Management Plan which will form part of the application. For the avoidance of doubt the site shall be decommissioned within 6 months of the expiry of the 30 year period of planning permission.
4. If any of the solar panels hereby permitted ceases to export electricity to the grid for a continuous period of 6 months then a scheme showing their removal from the site and land restoration shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of restoration shall be fully implemented within 6 months of the date of its written approval by the Local Planning Authority.
5. The development hereby approved shall be carried out in accordance with details shown on the following plans:-

Plan reference:

LTHM_LOC_HL

LTH_SLP_01

LTH_01

LTH_CL_01

P17-2012_05 REV D

ACB_01

AUX_01

BTT_01

LS_PILK_CAB_0001
CCTV_01
DRF_01
GTD_01
MTH_01
PNL_SINV_2P
SGS_01
STG_01
SWS_01
TFM_02
TFM_01

received by the Local Planning Authority on 17.04.18.

6. The development shall be carried out in full accordance with the details provided within the submitted Traffic Management Plan.
7. Before the access to the Southern Array is used for vehicular purposes in connection with the development, that part of the access extending from the highway boundary for a minimum distance of 15m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials.
8. No part of the development shall be commenced until all the highway works (temporary signing) have been provided in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.
9. The approved landscaping scheme shall be completed not later than the first planting season following completion of the development. All trees and shrubs planted shall comply with BS. 3936 (Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.
10. The development shall be carried out in accordance with the Flood Risk Assessment February 2018, received by the Local Planning Authority 17.04.18, and maintained as such thereafter.
11. The rating level of noise emitted from the site during operation shall not exceed 30dB(A)_{L_{Aeq},15min} at any time as measured or calculated at the closest building façade of any residential property on Hall Lane, Lathom and Spa Lane Lathom. All measurements and assessments shall be done in accordance with BS 4142:2014.
12. 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 'Land at and to the south of the NSG European Technical Centre, Lathom, West Lancashire Archaeological Written Scheme of investigation' (Orion Heritage, April 2018, reference PN1536).
13. The development shall be carried out in accordance with the reasonable avoidance measures detailed in Appendix 6: Ecological Assessment Report, Avian Ecology, 3rd April 2018.
14. Prior to construction a lighting scheme shall be submitted to and agreed in writing by the Local Planning Authority. The lighting scheme shall refer to the document 'Bats and Lighting in the UK, Bats and the Built Environment Series, Bat Conservation Trust and Institute for Lighting Engineers'. The approved lighting scheme shall be implemented in accordance with the approved details in a timetable to be agreed in writing with the LPA.
15. No works shall be carried out within a minimum of 5m of the top of the ditch in site, and details of methods of protection to this zone shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
16. No tree felling, scrub clearance, hedgerow removal, vegetation management, or building or demolition works to the roof and associated structures 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 buildings, trees, scrub and hedgerows are to be checked first by

an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected would be required.

17. The development shall incorporate the mitigation and enhancement measures set out in Appendix 5 of the Ecological Assessment Report, Avian Ecology, 3rd April 2018.

Reasons

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. The character and location of the property are such that the Local Planning Authority wishes to exercise maximum control over future development to protect the openness of the Green Belt in order to comply with the provisions of Policy GN1(b) in the West Lancashire Local Plan 2012-2027 Development Plan Document and the NPPF.
3. The character and location of the property are such that the Local Planning Authority wishes to exercise maximum control over future development to protect the openness of the Green Belt in order to comply with the provisions of Policy GN1(b) in the West Lancashire Local Plan 2012-2027 Development Plan Document and the NPPF.
4. The character and location of the property are such that the Local Planning Authority wishes to exercise maximum control over future development to protect the openness of the Green Belt in order to comply with the provisions of Policy GN1(b) in the West Lancashire Local Plan 2012-2027 Development Plan Document and the NPPF.
5. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. In the interest of highway safety.
7. To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.
8. To enable all construction traffic to enter and leave the premises in a safe manner without causing hazard to other road users.
9. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.
13. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
14. To 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.
15. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
16. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
17. To 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.

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

EN1 - Low Carbon Development and Energy Infrastructure

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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

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

Agenda Item 7f

No.6	APPLICATION NO.	2018/0375/FUL
	LOCATION	14A New Cut Lane Halsall Southport Lancashire PR8 3DN
	PROPOSAL	Variation of Condition No. 2 of planning permission 2017/0891/FUL relating to the layout of the development to allow for amended house types to incorporate garages and porches.
	APPLICANT	L & C Developments (Southport) Ltd
	WARD	Halsall
	PARISH	Halsall
	TARGET DATE	19th June 2018

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Mills has requested it be referred to Planning Committee to consider the impact upon drainage and trees.

2.0 SUMMARY

- 2.1 This is an application to vary condition number 2 of planning permission 2017/0891/FUL relating to the layout of the development to allow for amended house types to incorporate garages and porches. The proposed design, layout and appearance is considered to be acceptable. Satisfactory interface distances have been achieved in order to protect neighbouring residential amenity and adequate parking has been provided. The proposed drainage details and landscaping proposals are considered to be acceptable. Therefore, I consider the proposal complies with the relevant policies of the Local Plan.

3.0 RECOMMENDATION: APPROVE with conditions

4.0 THE SITE

- 4.1 The site is located wholly within the settlement boundary of Halsall. The majority of the site is designated as Rural Sustainable Village, while the rear of the site is designated as a housing allocation site. The site is located to the rear of number 14a New Cut Lane.
- 4.2 The surrounding area is predominately residential in nature, with residential properties to the north, west and east of the application site. The land to the rear of the site lies within the housing allocation designation mentioned above. Further to the south are agricultural fields and the surrounding land is relatively flat.

5.0 THE PROPOSAL

- 5.1 This application seeks planning permission to vary condition number 2 attached to planning permission reference 2017/0891/FUL relating to the layout of the development, the key changes being new house types involving the addition of front porches and garages to some plots.
- 5.2 The following changes are proposed:

Plots 1 & 6 – New house type with integral garage and enlarged first floor accommodation over the garage and revised roof design. An additional parking bay is provided
Plots 2, 3, 4, 5 and 7 – New house type, ground floor front bay window omitted, new front porch and minor window changes

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2014/0301/FUL GRANTED (June 2015) Erection of 1no. new replacement dwelling (in lieu of No14a) and 7no. new dwellings, all with private rear gardens, in-curtilage car parking and served by a new access road.
- 6.2 2016/0479/FUL GRANTED Demolition of dwelling, erection of two dwellings both with private rear gardens, in-curtilage car parking and served by a new access road.
- 6.3 2016/1173/FUL GRANTED Demolition of dwelling, erection of one dwelling with private rear garden, in-curtilage car parking and served by a new access road.
- 6.4 2016/1152/FUL WITHDRAWN Variation of Condition No. 10 of planning permission 2014/0301/FUL to read "No development shall take place until a surface water drainage scheme and means of disposal has been submitted to and approved in writing by the local planning authority. The surface water drainage scheme must be restricted to existing run-off rates. The development shall be completed, maintained and managed in accordance with the approved details"
- 6.5 2016/1184/FUL WITHDRAWN Removal of Condition No. 8 imposed on planning permission 2014/0301/FUL to enable the access road to extend further south, to facilitate access to an adjacent development and variation of condition 2 and the approved site layout plan.
- 6.6 2017/0722/CON GRANTED Approval of Details Reserved by Condition Nos. 3, 4, 7, 8, and 9 of planning permission 2016/1173/FUL relating to materials; landscaping scheme; finished levels of all parts of the site, including the floor levels of all buildings; a Method Statement detailing measures to be taken during construction (including No-Dig methodology) to protect the health of the existing trees and an easement agreement allowing continuous future access to the surface water drainage system.
- 6.7 2017/0890/FUL GRANTED Removal of Condition No. 8 imposed on planning permission 2014/0301/FUL relating to a scheme for the wildflower garden to allow the access road to extend further south to facilitate access to an adjacent development and variation of condition 2 and the approved site layout plan.
- 6.8 2017/0969/CON GRANTED Approval of Details Reserved by Condition No's. 3, 4 and 5 of planning permission 2014/0301/FUL relating to landscaping scheme, external brickwork and roofing materials, details of the proposed screen walls and/or fences.
- 6.9 2017/0891/FUL GRANTED Variation of Condition No. 10 imposed on planning permission 2014/0301/FUL to read: 'The dwellings hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the approved 'Drainage Strategy Report', Issue 3, dated 26th October 2017, received by the Local Planning Authority on the 30th October 2017 and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.' Removal of Condition No. 15 imposed on planning permission 2014/0301/FUL relating to the prior acquisition of a licence from Natural England.

7.0 CONSULTEE RESPONSES

- 7.1 Technical Services Manager (Drainage) (29.06.18) – No Objection in principle.

8.0 OTHER REPRESENTATIONS

- 8.1 I have received 1 letter of objection from a neighbouring resident and an objection from Halsall Parish Council dated 22.05.18; as their objections are similar, I have summarised them below:

Concern over loss of trees – the original permission featured 26 trees, this scheme shows only 18 trees. The wildflower garden has already been lost and further Arboricultural reduction is unacceptable as trees have both an environmental and ecological benefit (i.e. reduce the amount of surface water drainage);

The proposed 'Black Bitmac' a form of non-permeable tarmac is proposed on the road which will add to the volume of surface water requiring disposal. The originally approved planning application featured the use of porous permeable material for surfacing the access way and other areas, e.g. footpaths. The previously conducted strategic drainage survey and percolation calculations were based on the originally approved materials and not 'Black Bitmac';

The additional garages reduce the areas of naturally draining land and adds to the volume of surface water;

Whilst still retaining reservations regarding the use of Sandy Brook, the Parish Council accepted the attenuation tank solution when it was approved in 2017. However, we are deeply concerned that under the proposed variation, the attenuation tank has been abandoned in favour of a cellular infiltration system (SuDS). A Cellular or Geo infiltration system simply acts as a 'soakaway' for the collected water which permeates into the ground. Dependent on rainfall levels the system and land in the immediate vicinity can become fully saturated and lead to flooding. Unlike attenuation tanks, infiltration systems have no flow control, are difficult to maintain, inspect and replace. Because such systems eventually fill and clog with soil etc., they need to be replaced from time to time whereas a correctly coated quality attenuation tank not only lasts for many years but also directs accumulated water at controlled rates into an approved watercourse, i.e. Sandy Brook. It is recognised by manufacturers that cellular soakaway systems or SuDS are not recommended for use in high water table areas and are never recommended for use in heavy peat areas. New Cut Lane and the surrounding area is well known for the underlying and unstable 'blue billy' peat. Given these circumstances and backed by manufacturers recommendations, the retention of the attenuation tank is viewed as vital.

9.0 LOCAL PLAN ALLOCATION

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

West Lancashire Local Plan 2012-2027 DPD

Policy GN1 – Settlement Boundaries
Policy GN3 – Criteria for Sustainable Development
Policy RS1 – Residential Development

10.0 **SUMMARY OF ISSUES**

Design, Scale and Layout

- 10.1 The applicant has submitted a revised site layout plan, the key changes being new house types involving the addition of front porches and garages to some plots. The proposal involves extending plots 1, 6 and 8 with side garages, plots 1 and 8 will also be extended at first floor to accommodate larger bedrooms. New house types are proposed for plots 2, 3, 4, 5 and 7 which results in changes in the floor layout, a new porch and minor window changes. The resulting changes retain a soft landscaping strip around the north west of plot 1. The car parking standards are maintained within the development. As a result I consider the impact of the changes will be negligible. I am therefore satisfied that the proposed development is acceptable in terms of design, scale and layout and is compliant with Policy GN3 of the Local Plan.

Impact upon Residential Amenity

- 10.2 With respect to neighbouring dwellings, the closest are located to the north on New Cut Lane and to the west in New Cut Close. The minimum spacing distances are still maintained between the proposed and existing properties. I do not consider that the above minor changes will result in an adverse impact upon the amenity of the occupiers of these properties. As such I am satisfied that neighbouring amenity will be maintained and the proposal is therefore compliant with Policy GN3 of the Local Plan.

Impact on Drainage

- 10.3 This site has been subject to lengthy drainage negotiations during the previous planning applications and a suitable drainage scheme secured. In summary, surface water run-off from the site will be dealt with by two methods. Firstly the access road and other vehicular areas will be constructed with porous surfacing materials to allow rainwater to infiltrate into the ground and recharge the water table on the site. Secondly, the run-off from the roof areas will be collected by new surface water drains and conveyed offsite in a north westerly direction to outfall into the watercourse to the north west of the site (Sandy Brook).
- 10.4 Following submission of this application concern was raised by the Council's Principal Drainage Engineer that the plans proposed 'Black Bitmac', a form of non-permeable tarmac which will add to the volume of surface water requiring disposal rather than a porous surfacing material. In addition concern was raised that the additional built development i.e. garages/porches reduce the areas of naturally draining land and adds to the volume of surface water. Halsall Parish Council raised the same concerns.
- 10.5 In response to these concerns, the applicant has submitted an updated drainage strategy which takes into consideration the run-off from the additional roof areas and confirms the use of porous surfacing materials, porous asphalt for the access road area and porous pavings for the driveways and parking areas to allow rainwater to infiltrate into the ground and recharge the water table on the site. The site plan has been updated to include additional trees. The drainage scheme remains as previously agreed: *The run-off from the roof areas will be collected by new surface water drains and conveyed offsite in a north westerly direction to outfall into the watercourse to the north west of the site (Sandy Brook). The rate of discharge into the watercourse will be restricted to a maximum rate of*

5.0 l/s in accordance with general best practice for small sites. The surface water system will include a Hydro-brake flow controller to limit the discharge into the watercourse to a maximum rate of 5.0 l/s along with an attenuation tank immediately upstream of the control manhole. The drainage system proposed will be capable of containing the run-off from storms of up to a 1 in 100 year return period including a climate change allowance of 30%. The updated drainage strategy for this site has been assessed by the Council's Drainage Engineer and he raises no objections and is of the opinion that it satisfies technical requirements. I am satisfied that the principle of an acceptable drainage scheme has been provided and subject to the imposition of a suitable condition, the proposed scheme complies with the requirements of Policy GN3 in the Local Plan.

Conclusion

10.6 In summary, the scheme is in accordance with policy GN3 of the West Lancashire Local Plan and the SPD Design Guide and I recommend that planning permission be granted.

11.0 **RECOMMENDATION**

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

Conditions

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Drawing reference 580_100 Rev A and topo survey received by the Local Planning Authority on 27th March 2015
Drawing reference 580_108 Rev B received by the Local Planning Authority on 9th April 2018
Drawing reference 580_104 Rev B, 580_106 Rev B, 580_107 Rev B and 580_109 Rev B received by the Local Planning Authority on 24th April 2018
Drawing reference 580_105 Rev E received by the Local Planning Authority on 16th May 2018
Drawing reference 580_103 Rev J received by the Local Planning Authority on 14th June 2018
2. The materials shall be that agreed and detailed under application 2017/0969/CON - Fortterra Atherstone Red facing brick, magnolia render and Marley Modern Smooth Grey Tiles.
3. Within 9 months from the date when any part of the development hereby approved is first brought into use the approved landscaping scheme shall be carried out as shown on drawing number 580_103 Rev J received by the Local Planning Authority on 14th June 2018. All trees and shrubs planted shall comply with BS. 3936 (Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.
4. The boundary treatment details shall be as shown on plan reference 580_105 Rev E received by the Local Planning Authority on 16th May 2018.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no garages, extensions, alterations, porches, garden sheds, out buildings, greenhouses, swimming pools, hardstandings or means of enclosure shall be erected or undertaken without the express written permission of the Local Planning Authority.
6. 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.

7. Prior to the commencement of development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul water shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. This development shall be completed, maintained and managed in accordance with the approved details.
8. The dwellings hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the approved 'Drainage Strategy Report', C-0703 Issue 5 and on drawing number C-0703-01 rev B, received by the Local Planning Authority on the 27th June 2018 and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
9. In order to ensure that impacts on reptiles such as Slow-worm (protected species and Species of Principal Importance) and hedgehog (species of Principal Importance) are avoided during the works:
 - Works affecting any features likely to provide shelter for reptiles and/or hedgehogs (for example log piles, piles of leaf litter, dense vegetation) will be avoided during the core hibernation period (Nov-Feb inclusive)
 - Vegetation to be removed shall be cut at a height of approx 6-7 inches and removed (note the need to ensure nesting birds are not affected)
 - All areas of suitable terrestrial habitat, including likely places of shelter, shall be carefully searched by hand by a suitably qualified ecologist immediately prior to removal/development works. All heaped debris and any other habitat suitable for sheltering/hibernating hedgehogs and reptiles shall be uplifted carefully by hand and removed from the site
 - Vegetation shall then be kept at ground level until works commence
 - Any hedgehogs or reptiles (or any other wildlife) encountered shall be moved carefully to a safe area of suitable habitat, which will then remain undisturbed
 - The duration of all ground works should be kept as short as possible and any excavations should be made in a phased order when required to minimise the time holes are exposed for
 - Trenches and other excavations shall be backfilled or covered before nightfall, or a ramp (low angle sloping boards of approximately 300mm wide) placed in excavations to allow animals to easily exit. All excavations left open overnight shall be searched/checked every morning prior to commencement of works and any hedgehogs or reptiles found shall be removed to a safe area of suitable habitat, which will then remain undisturbed
 - In order to retain habitat connectivity for Species of Principal Importance, such as hedgehogs, boundary treatments should be raised from ground level of 0.15 to 0.2 metres or suitably sized gaps should be left at strategic points.
10. No tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected
11. External lighting associated with the development shall be directional and designed to avoid excessive light spill and shall not illuminate bat roosting opportunities within the site, the roof or eaves of nearby buildings or trees and hedgerows. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institute of Lighting Engineers guidance Bats and Lighting in the UK, 2009)
12. If any plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) occur on the site, such as Japanese Knotweed, then they shall be eradicated from the site and working methods shall be adopted to prevent their spread
13. The recommendations made within Section 4 of the 'Loss of Habitat/Biodiversity Compensation/Enhancement' document (The Tryer Partnership, June 2014 (received by the local planning authority on 11th August 2014) shall be adhered to at all times during and following the development hereby approved.
14. The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base

course level up to the entrance of the site compound before any development takes place within the site and shall be further extended before any development commences fronting the new access road.

15. Before the use of the site hereby permitted is brought into operation and for the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.
16. The car parking and manoeuvring areas shall be provided in accordance with the approved plan before the dwellings are occupied and permanently maintained thereafter
17. Before the access is used for vehicular purposes the visibility splays measuring 2.4 metres by 43 metres in both directions are to be provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of New Cut Lane, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

Reasons

1. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
2. To ensure that the 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.
3. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 with respect to trees and biodiversity in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
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 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. 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.
7. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To 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 safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. 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.
13. To ensure that the proposed development does not have a detrimental impact on bats and is in accordance with Policy EN1 in the West Lancashire Replacement Local Plan and Policy EN2 in the West Lancashire Local Plan 2012-2027 Submission Document.

14. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.
15. To avoid the possibility of the public highway being affected by the deposit of mud and/or base materials thus creating a potential hazard to road users
16. To allow for the effective use of the parking areas.
17. To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Quality of Development Policy and Transport Policy in the Local Plan.

Reason for Approval

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

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy RS1 - Residential Development

Policy IF2 - Enhancing Sustainable Transport Choice

Policy EN1 - Low Carbon Development and Energy Infrastructure

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

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

No.7	APPLICATION NO.	2018/0275/FUL
	LOCATION	50 St Helens Road Ormskirk Lancashire L39 4QT
	PROPOSAL	Alterations to form 10 bed HMO - 6 bedrooms and 4 studio bedrooms
	APPLICANT	Mr James Coates
	WARD	Derby
	PARISH	Unparished - Ormskirk
	TARGET DATE	11th May 2018

1.0 **REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme however Councillor Owens has requested it be referred to Committee to consider the impact upon highway conditions the principle of development and the impact of the proposal on the character and appearance of the area.

2.0 **SUMMARY**

- 2.1 The proposed alteration to the existing HMO, to increase occupancy from 6 residents to 10 is considered acceptable in principle. Whilst the proposal would result in an intensification of the use of the site it is not envisaged that the increase would result in significant harm to the amenities or privacy of neighbouring properties. The layout and amenity provision for future occupants is considered acceptable as is the parking provision on site. Minimal external works are proposed and as such the impact on the appearance and character of the Conservation Area is retained. The proposed development is considered to be compliant with the NPPF and Policies GN1, GN3, RS1, RS3, IF2 and EN4 of the West Lancashire Local Plan 2012-2027 DPD.

3.0 **RECOMMENDATION** - **APPROVE with conditions.**

4.0 **SITE DESCRIPTION**

- 4.1 The site relates to a two storey property located on the corner of St Helens Road and Small Lane. The property operates as a 6 bedroom House in Multiple Occupation (HMO) and was a HMO prior to the Article 4 Direction taking effect. Parking exists to the side, south of the site with an existing access onto St Helens Road.
- 4.2 Internal works have already been carried out to the site in preparation for this application however to the Council's knowledge the rooms have not been occupied. These works include the layout out of the 4 studio apartments to the ground floor and the creation of a second floor within the roof space. The ceiling height of the first floor has been lowered to accommodate the second floor. Roof lights have also been added to the southern roof slope.

5.0 **PROPOSAL**

- 5.1 The application seeks permission to alter the existing 6 bedroom HMO to a 10 bedroom HMO with 6 bedrooms on the first and second floor and 4 studio apartments on the ground floor.
- 5.2 All rooms would be single occupancy and as such a total of 10 residents would occupy the property at any one time.

6.0 PREVIOUS RELEVANT DECISIONS

6.1 None.

7.0 OBSERVATIONS OF CONSULTEES

7.1 **Lancashire County Council Highways** – 03.04.2018

No objection in principle;
Condition suggested.

7.2 **Environmental Protection** – awaiting response at time of writing report.

8.0 OTHER REPRESENTATIONS

8.1 1 neighbouring letter of support has been received for the proposal.

8.2 11 neighbouring letters of objection have been received including 1 from the Ormskirk Residents group. Their comments can be summarised as follows:

Current situation

There is a current oversupply of student accommodation. Presently there are more than 100 unoccupied student beds in the town and in addition, student houses on the market for sale;

Many properties within the town centre are empty as they cannot be filled;

The Deputy Vice Chancellor of the University has stated that the University has reduced its intake by 250 students and this is likely to shrink further.

Policy

Policy RS3 – in the immediate vicinity of this property there is significant HMO clustering (Small Lane, St Helens Road from Small Lane to Park Road). Although the property is already a HMO additional students residents would serve to exacerbate clustering.

Amenity

Intensification of the site and the increased potential for noise, disturbance and anti-social behaviour both at the application property and through an increased number of comings and goings when considered cumulatively with the large number of HMOs in the immediate vicinity;

Differing patterns of movements of 10 adults in the property;

St Helens Road is already a hub of antisocial behaviour.

Amenity of occupants

Rooms 5 and 6 would be very cramped owing to the pitch of the roof;

On the first floor one back room has been split into rooms 2 and 3 which looks cramped;

On the ground floor Shower /WC rooms for studio 1, 3 and 4 look cramped particularly the shower in Studio 4;

In studio 1 the WC and room door arcs clash;

The number of students should be reduced so that the students are not overcrowded.

Impact on the Conservation Area

The Conservation Area could be negatively altered by the loss of landscaping and greenery should a higher number of parking spaces be provided.

Unauthorised works

Work has already started on site and has been ongoing for the last 12 months with varying numbers of residents present.

Trees/ hedges

The applicant states that no trees or hedges are on the site – this is clearly not the case;
The proposal will result in the loss of greenery and landscaping;
Trees have already been removed from the site and this is not in keeping with the Conservation Area and is poignant noting its location on the entrance to the town centre.

Highways /Parking

The proposal will create additional problems with parking;
The junction of Knowsley Road and St Helens Road is already a hazardous tight corner at Small Lane which creates a very dangerous traffic problem;
There have been several accidents by the junction in the past;
Small Lane is far too narrow to have parked cars right up to the junction;
Having cars coming out the entrance of No 50 on this already congested part of town is dangerous and unwise;
Traffic is already busy along this stretch of road;
Car parking shown is insufficient for 10 residents – questions are raised whether the available space can accommodate parking and manoeuvrability of 7 vehicles;
Crossing Knowsley Road is already unsafe.

General

The proposal would remove the potential to revert to a C3 occupancy without the need for planning permission and thus the loss of a potential family house;
Sets a dangerous precedent of converting HMOs to student housing.

9.0 RELEVANT PLANNING POLICIES

- 9.1 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.
- 9.2 The site is located within the settlement area of Ormskirk designated as a Key Service Centre in the West Lancashire Local Plan 2012-2027 DPD. The site is also located within the Ruff Lane Conservation Area.
- 9.3 **West Lancashire Local Plan 2012-2027 DPD**
Policy SP1 – A Sustainable Development Framework for West Lancashire
Policy GN1 – Settlement Boundaries
Policy GN3 – Criteria for Sustainable Development
Policy RS1 – Residential Development
Policy RS3 – Provision of Student Accommodation
Policy IF2 – Enhancing Sustainable Transport Choice
Policy EN2 – Preserving and Enhancing West Lancashire's Natural Environment
Policy EN4 – Preserving and Enhancing West Lancashire's Cultural and Heritage Assets
- 9.4 **Supplementary Planning Document 'Design Guide' (Jan.2008).**

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

- 10.1 The main considerations for this application are:

Principle of development;

Design/ appearance / Layout / amenity;
Impact on residential amenity;
Highways.

Principle of development

- 10.2 The existing property is a 6 bed HMO. The proposed application would increase the number of occupants within the property from 6 to 10. As the property already has a HMO status, Local Plan Policy RS3 - Provision of Student Accommodation is not directly relevant to this application. The site is within the settlement area of Ormskirk and as such the principle of a residential use within the settlement boundary is acceptable subject to the proposal complying with all other planning policy. I am therefore satisfied that the principle of development is acceptable.

Impact on residential amenity

- 10.3 Paragraph 17 of the NPPF requires that planning should always seek to ensure a good standard of amenity for all existing and future residents. Policy GN3 of the Local Plan states that developments should 'retain reasonable levels of privacy and amenity for occupiers of the neighbouring properties. The property is substantial and I am satisfied that the room layout would provide reasonable levels of amenity for future occupants. There is a limited amount of external amenity space on site, excluding the area proposed for parking but given the site's location in close proximity to a local park I am satisfied that future residents will have good access to outside space.
- 10.4 As part of the proposal a small single storey side extension has been demolished to accommodate additional parking. The proposal also includes the provision of roof lights in the rear roof slope. I consider these alterations to be acceptable in design terms and they would not be harmful to the appearance of the property. The separation distance between the new roof lights and the neighbouring property at 52 St Helen's Road meets the standards in the Council's Design Guide.
- 10.5 The proposal would increase the number of occupants within the property from 6 to 10. Whilst I accept that this would result in increased comings and goings to the property with the potential to cause additional noise and disturbance, in this location I do not consider this would be substantial. St Helens Road is a main arterial route into the town centre, lying in very close proximity to the University and as such a degree of noise and comings and goings are already experienced.
- 10.6 The attached neighbouring property at 1 Small Lane is a HMO therefore the application site is not physically attached to a family dwelling. There are also other HMO's in the vicinity, for example the majority of properties on Small Lane are HMO's, including numbers 2, 3 and 4. There are also properties nearby which are converted into flats, for example, 48 St Helens Road. Therefore within its immediate grouping the majority of properties are no longer occupied as single dwellinghouses and in this particular location I do not consider the increase in the number of residents at the application site would result in significant noise and disturbance above and beyond that currently existing to warrant a refusal of planning permission.
- 10.7 Whilst I accept that the increase in residents by 4 at the property would result in an intensification of the use, I consider that on balance, there are site specific circumstances which indicate that this increase would not result in significant harm to the amenities of neighbouring properties.

10.8 Therefore I am satisfied that the proposal accords with Policy GN3 in the Council's Local plan as the development would retain reasonable levels of privacy and amenity for future and existing occupants.

Impact upon the Conservation Area

10.9 Conservation Areas are defined under s.69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as being areas of "*special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance.*" There is a need to consider whether the proposal would meet the statutory duty to preserve or enhance the character or appearance of the Conservation Area. In assessing proposals, the P(LBCA) Act requires that decision makers (in this case the Council) consider character and appearance separately and that proposals need to satisfy the test above in both aspects.

10.10 50 St Helens Road is a large property which sits on a prominent corner site in the Ruff Lane Conservation Area. The area in this part of the Conservation Area is characterised by large detached late Victorian/Edwardian residential properties.

10.11 The property is already in HMO use and the area to the south is already laid to hardstanding and used for parking.

10.12 As the use exists and very little work is proposed to the exterior of the property I am satisfied that there is no additional impact on the character or appearance of the Conservation Area.

10.13 As I am required to do, I have given the duty's imposed by the P(LBCA) Act 1990 considerable weight in my comments. In my view the proposal does not harm the character or appearance of the Conservation Area and as such the proposals conform to the national planning guidance contained in the NPPF and Policy EN4 of the Local Plan.

Highways / parking

10.14 Policy GN3 requires that adequate parking provision is made in line with the standards set out in the Local Plan Policy IF2 and Appendix F unless the local circumstances justify a deviation from the policy. Policy GN3 also requires that development incorporates suitable and safe access and road layout design.

10.15 Lancashire County Council as Highway Authority has been consulted as part of this proposal. They raise no objection in principle and consider that the proposed development would have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

10.16 The property is located within walking distance of Edge Hill University and has good accessibility to local amenities and public transport. As such LCC highways is satisfied that 50% parking provision would be acceptable for this development.

10.17 The proposal is for a 10 bed HMO and would therefore require 5 parking spaces to be provided for residents. The submitted plans show 7 car parking spaces laid out to the side of the property. LCC Highways considers that this provision is acceptable in terms of layout.

10.18 No cycle storage has been depicted on the plans and to aid social inclusion and to promote sustainable forms of transport a condition can be attached to ensure that cycle parking is provided as part of any approval.

Summary

10.19 On balance, the proposal accord with Policy GN3, RS1, RS3 and IF2 of the Local Plan and the NPPF and as such the proposal is recommend for approval.

11.0 RECOMMENDATION

11.1 The proposed development is compliant with the NPPF and the relevant policies in the West Lancashire Local Plan 2012-27 and is recommended for approval.

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 2462/PL/1b received by the Local Planning Authority on 06.06.2018
3. Before the development hereby approved is occupied, the car parking and manoeuvring area shall be marked out in accordance with the approved plan (2462/PL/1b).
4. The property shall be occupied by no more than 10 residents at any one time.
5. Prior to occupation of the property full details of the bin stores shall be submitted to and approved by the in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reasons

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

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:
Policy SP1 - A Sustainable Development Framework for West Lancashire
Policy GN1 - Settlement Boundaries
Policy GN3 - Criteria for Sustainable Development
Policy RS1 - Residential Development
Policy RS3 - Provision of Student Accommodation
Policy IF2 - Enhancing Sustainable Transport Choice
Policy EN2 - Preserving and Enhancing West Lancashire's Natural Environment
Policy EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

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

No.8	APPLICATION NO.	2018/0394/FUL
	LOCATION	Halton Castle Inn Crosshall Brow Westhead Ormskirk Lancashire L40 6JF
	PROPOSAL	Demolition of disused public house and erection of 6 semi-detached houses and 4 apartments.
	APPLICANT	GM 2 LTD
	WARD	Derby
	PARISH	Unparished - Ormskirk
	TARGET DATE	12th July 2018

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme, however, former Councillor Dowling has requested it be referred to Planning Committee to consider the impact and risks of flooding in the area and the loss of a community facility.

2.0 SUMMARY

- 2.1 This is an application for the demolition of the Halton Castle public house and erection of 6 semi-detached dwellings and 4 apartments. The proposed design, layout and appearance is considered to be acceptable. The development will not have a severe detrimental impact on highway safety and adequate parking has been provided. Satisfactory interface distances have been achieved in order to protect neighbouring residential amenity. A supporting case has been put forward to justify the loss of the community facility. I consider the proposal complies with the relevant policies of the Local Plan and is acceptable in principle.

3.0 RECOMMENDATION: APPROVE subject to conditions

4.0 THE SITE

- 4.1 The site comprises of the Halton Castle Public House and its large car park and bowling green. It is located to the north of Crosshall Brow, on the corner with Castle Lane, Westhead. Residential properties are located to the north, east and south. To the west is an open field which comprises the boundary with the Green Belt.

5.0 THE PROPOSAL

- 5.1 This application seeks planning permission to demolish the Halton Castle public house and erect a total of 10 residential properties comprising of 6 semi-detached dwellings and 4 apartments. Access is proposed off Castle Lane.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2017/0370/FUL REFUSED Demolition of disused public house. Development of site to provide 10 No semi-detached houses. The application was refused for the following reasons:

The applicant has failed to compensate or demonstrate that the loss of the recreational and cultural facility (bowling green) provides an overall benefit to the community in social, environmental and economic terms and therefore fails to comply with Policy EN3 in the West Lancashire Local Plan;

The proposed development conflicts with Policy EN2 in the West Lancashire Local Plan 2012-2027 DPD and paragraph 118 of the National Planning Policy Framework in that it has not been demonstrated that the proposal would not adversely affect priority species and their habitats, namely bats;

The proposed development would conflict with Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD and National Planning Policy Framework in that it has not been demonstrated that the development would not increase the risk of flooding within the vicinity of the site;

The proposed development is contrary to Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD and adopted supplementary planning document 'Design Guide' in that the siting of plots 8 to 10 results in overdevelopment and an unreasonable loss of privacy in terms of overlooking to the occupiers of plots 8 and 10 and number 1 Castle Lane;

The proposed development conflicts with Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD in that insufficient information has been submitted to assess whether or not a suitable and safe access to the site can be provided to enable the Local Planning Authority to be satisfied that the development would not have a detrimental effect on highway safety in the immediate surrounding area.

- 6.2 The current application seeks to overcome the reasons for refusal of application 2017/0370/FUL.

7.0 CONSULTEE RESPONSES

- 7.1 Highways (03.05.18) – No Objections subject to conditions.
- 7.2 Environmental Health (07.06.18) – No Objection, conditions to be attached relating a noise assessment and electric vehicle recharging.
- 7.3 United Utilities (24.04.18) – Recommend foul and surface water drainage conditions are attached.
- 7.4 Merseyside Ecological Advisory Services (MEAS) (11.06.18) – No objection. Condition suggested.
- 7.5 Technical Services Manager (Drainage) (04.05.18) – No Objection subject to conditions.

8.0 OTHER REPRESENTATIONS

- 8.1 I have received 6 letters of objection from local residents who raise the following concerns:

Loss of a much loved historic building which adds character to the village;
Loss of privacy from the new apartment block - the apartments would overlook my garden and windows;
Appearance of the apartment is not sympathetic to the older and newer properties on Castle Lane;
Inadequate Flood Risk Assessment – doesn't mention past flooding incidents or review the topography of the wider area;
Concern about surface water flooding in the immediate area;
The Halton Castle floods with every heavy storm with run off surface water. The new build, hard surfacing and increased drainage requirements will lead to more storm run off onto Wigan Rd, Castle Lane and Ormond Avenue. Serious flooding occurred Boxing Day 2015

leading to closure of Wigan Road a key route to Ormskirk Hospital;
The site is not close to a watercourse;
Adequate surface water drainage system need to be put in place;
Concern over noise from the apartments so close to my boundary;
Concern the apartments will be pursued for students;
Query raised over the term affordable housing;
Request to see the retention of the stone wall;
The building of a new bowling green within the village to replace the one lost by the proposals should still be paramount.

- 8.2 I have received two letters from Halton Castle Bowling Club which acknowledges that at the last meeting between The Halton Castle Bowling Club and Castle Lane Bowling Club it was agreed that the club accepted a heads of terms document offered by the applicant to contribute to the provision of new facilities / upgrade of existing bowling facilities and to mitigate for the loss of the bowling green. The club would hope the planning committee would make sure that the honouring of this document would be part of the conditions of granting planning approval. This would make sure the club's commitment to keeping facilities available for future generations will be possible.

9.0 LOCAL PLAN ALLOCATION

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

The site is located within the Small Rural Village of Westhead as designated in the West Lancashire Local Plan 2012-2027 DPD

West Lancashire Local Plan 2012-2027 DPD

GN1 Settlement boundaries
GN3 Criteria for sustainable development
EC2 The Rural Economy
RS1 Residential Development
RS2 Affordable and Specialist Housing
IF2 Enhancing Sustainable Transport Choice
IF3 Service Accessibility and Infrastructure for Growth
EN1 Low Carbon Development and Energy Infrastructure
EN2 Preserving and Enhancing West Lancashire's Natural Environment
EN3 Provision of Green Infrastructure and Open Recreation Space
EN4 Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

Supplementary Planning Document 'Design Guide' (Jan.2008).

10.0 SUMMARY OF ISSUES

Principle of Development

Housing

- 10.1 Policy RS1 'Residential Development' of the Local Plan states that within Small Rural Villages, the appropriate re-use of an existing building, and very limited infill development (i.e. up to 4 units) will be permitted for market housing. For the purposes of this policy, infill development refers to development within the settlement boundary of the village.

- 10.2 Infill developments of 5 or more units may also be permitted where proposals provide the minimum amount of market housing to make the scheme financially viable, with the remainder of the housing being made available as affordable housing. On such sites, it will be expected that the affordable housing provision should be not less than 50% of all housing on the site.
- 10.3 I consider this site is an 'infill' site within the settlement boundary of the village. The scheme proposes 10 units with 5 of the units affordable. The terms and conditions of the affordable housing can be secured via a section 106 agreement attached to any approval given.

Loss of Public House and Employment Use

- 10.4 Paragraph 28 and 70 of the NPPF and policies IF3 and EC1 of the Local Plan make it clear that the loss of essential facilities, including public houses, within communities will not be permitted unless it would not adversely affect the vitality and viability of the area, it can be demonstrated that adequate alternative provision exists and it can be demonstrated that there is no longer any demand for the pub within the area. As a result the applicant has submitted a viability assessment.
- 10.5 The Halton Castle ceased trading in June 2016 due to poor trading and has remained closed since that time. Marstons Estates were responsible for the marketing strategy in disposing the pub and sales particulars showing the pub was marketed for a lengthy period are included within the viability statement. Although there were three offers on the pub, none were to continue to run the site as a public house.
- 10.6 The viability statement outlines a number of issues which have harmed the viability of the business. The applicant states that the public house sector is in decline and there is a lack of demand for the pub as indicated in the lack of interest in the site for a commercial use and a decline in custom. I am aware that there is another pub within Westhead, The Prince Albert, which provides alternative provision.
- 10.7 In view of the evidence put forward, I am satisfied that sufficient alternative facilities exist within an accessible distance such that the local community remain adequately served by public houses. I would agree that demand for such a facility can be readily met in the area and that the loss of one public house within this catchment, where another remains, would more likely ensure the continuing viability of the remaining pub. Therefore, I conclude that the proposed development would not be contrary to Policy IF3 of the West Lancashire Local Plan.
- 10.8 I am also satisfied that there is unlikely to be a realistic chance of retaining such a use or indeed any alternative commercial use in this location. The proposal is therefore consistent with the NPPF in that, in my opinion, there is no reasonable prospect of the site being used for employment use and as such applications for alternative uses of land should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable communities. In my view, the redevelopment of the land for residential use would support the community in a more positive way by providing more custom for the remaining public houses, shops and schools in the area and making the best use of this sustainable residential location.

Loss of Bowling Green

- 10.9 Paragraph 74 of the NPPF and Policy EN3 of the Local Plan seek to resist the loss of sport and recreation facilities. Policy EN3 advises that development that results in the loss of existing open space or sports and recreational facilities (including school playing fields)

will only be permitted if one of the following conditions are met:

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

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

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

- 10.10 The Council's Open Space, Sports and Recreation Study (Oct, 2009), in relation to bowling greens, recommends that 'focus should be placed on protecting existing sites from development and maintaining and enhancing the quality of existing provision'.
- 10.11 The bowling green is no longer in use and has not been used since the pub ceased trading. However it is understood that the bowling clubs which formally played at the site now play at other club's within the vicinity for example Ormskirk Bowling Club (OBC). The applicant has been in discussions with Halton Castle Bowling Club (HCBC) and Castle Lane Bowling Club (CLBC) regarding the provision of a new bowling green in the locality. However a suitable site has not been identified. In order to comply with local plan policy to provide alternative improved provision within the locality, the applicant has suggested that they will provide lighting at Ormskirk Bowling Club, situated on Alty's Lane. This lighting will benefit all bowlers at the Club as it would greatly extend the hours of playing on the artificial green, particularly in the winter months and on the grass green. I consider this approach to be acceptable and consider that subject to a S106 agreement to secure the provision of lighting to Ormskirk Bowling Club, the requirements of EN3 are met.

Heritage Asset

- 10.12 The building features on the 1845 historic maps. Consequently, the building represents an unlisted heritage asset and a Heritage Report has been submitted. The report identifies that Halton Castle is an undesignated building of interest to Westhead and its significance resides primarily in its historical associations as a village inn. I consider the heritage interest in this building is low and the retention of the building cannot be justified on heritage grounds.

Design, Scale, Layout and Impact on Residential Amenity

- 10.13 There is a mix of dwelling types in the immediate area surrounding the site including detached and semi-detached properties. The scheme proposes six semi-detached dwellings along the frontage of Crosshall Brow and a two storey apartment block to the rear of the site fronting Castle Lane. This ensures an active frontage onto both Crosshall Brow and Castle Lane whilst avoiding a layout which is overtly inward looking and thereby meeting a key policy aim. Each of the dwellings will be accessed via a private access way off Castle Lane. The semi-detached dwellings will have rear facing driveways and the apartment blocks will have a shared car park. A 1m high stone wall is proposed as an attractive boundary treatment along Castle Lane and Crosshall Brow.
- 10.14 Street scene elevations have been provided with the planning application which demonstrate that the overall scale and design of the dwellings and apartment block is commensurate with those in the locality. In terms of the level of amenity afforded to residents of the development, I am satisfied that the private rear gardens generally accord with the standards advised in the Council's Design Guide SPD. A communal garden is proposed for the apartment blocks and the size of the space provided is considered to be acceptable. The proposed development would also provide adequate interface distances between the proposed and existing dwellings and as such I consider it will not have a

detrimental impact on amenity, privacy or outlook. In response to the concern raised by an adjacent neighbour with respect to loss of privacy from the first floor side windows of the apartment block serving a kitchen and bathroom overlooking their garden, amended plans have been received which propose two high level obscure glazed windows. I consider this will adequately address the concerns relating to overlooking and loss of privacy. Overall, I am satisfied that the proposed development can be accommodated within the site in accordance with the requirements of the NPPF and Policy GN3 of the Local Plan.

Highways

- 10.15 The development will be served via an access road proposed off Castle Lane. A 2m wide footway is proposed across the full site frontage on Castle Lane linking to the existing footway to the north and Crosshall Brow to the south. I have sought the advice of the Highway Engineer who is of the opinion the proposal will be acceptable in terms of highway safety as the footway provision will secure adequate visibility for drivers emerging from the proposed access and the development traffic levels will not be significant compared to the existing public house/bowling green. In terms of car parking, each dwelling will have a driveway which will provide adequate parking for at least 2 vehicles. The apartments will be served by a communal car park with 2 spaces each. Overall, I am satisfied that vehicles can manoeuvre safely within the site and that adequate parking provision has been made. On this basis the proposed development is considered to be compliant with Policies GN3 and IF2 in the Local Plan.

Ecology

- 10.16 A Preliminary Roost Assessment for Bats carried out in February 2017 and updated in September 2017, has been submitted which identified that the building offered a moderate potential for roosting bat species. As a result further dusk emergence and dawn re-entry surveys were carried out which identified no bats roosting in the building. MEAS have been consulted and consider the information submitted is acceptable and consider the development would not have any significant ecological impacts.

Drainage

- 10.17 The application site lies in Flood Zone 1 and a Flood Risk Assessment and Drainage Strategy has been submitted. The Council's Drainage Engineer has reviewed the Flood Risk Assessment and Drainage proposals and is satisfied that the scheme will deliver some improvement. A large part of the site is currently hard surfaced. The site currently drains to a public sewer on Crosshall Brow. The applicants propose to use permeable paving for hard surfaced areas which would drain via infiltration. The restricted flow from the site will be designed to reduce surface water run-off by 30% from existing rates and will discharge into the existing surface water culvert in Castle Lane. Foul water will connect to the existing public sewers in Crosshall Brow. This approach is acceptable in principle, and full details of the foul and surface water disposal strategy will be required by condition. I am satisfied that the development site can be adequately drained and will not result in increased flood risk on or off the site.

Conclusion

- 10.18 In summary, the scheme overcomes the reasons for refusal under planning application reference 2017/0370/FUL therefore the proposal is in accordance with policies RS1, EC1, EN2, EN3, GN3 and IF3 of the West Lancashire Local Plan and the SPD Design Guide. I therefore recommend that planning permission be granted subject to a S106 agreement to secure mitigation for the loss of the Bowling Green and the terms and conditions of the affordable housing.

11.0 RECOMMENDATION

- 11.1 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 terms and conditions of the affordable housing units
To secure the provision of lighting at Ormskirk Bowling Club

- 11.2 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 Location Plan, PB532/14C, PB532/15 and PB532/11B received by the Local Planning Authority on 12th April 2018.
Plan reference PB532/12B received by the Local Planning Authority on 19th June 2018.
3. No development above slab level shall take place until full details and samples of the external brickwork and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No construction work 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.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no garages, extensions, out buildings, greenhouses, swimming pools, hardstandings or means of enclosure shall be erected or undertaken without the express written permission of the Local Planning Authority.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no window shall be added to any property until details of the positioning, size and design have been submitted to and approved in writing by the Local Planning Authority.
7. Prior to the commencement of the use of the development hereby approved, unless required for purposes as an escape window(s), the first floor windows on the north elevation of the apartment block shall be fitted with obscure glass (Pilkington level 3 or equivalent) and shall remain so fitted at all times thereafter for the duration of the development.
8. No development shall take place until a strategy for the separate foul and surface water drainage of the development, including any necessary attenuation measures, has been fully agreed with the relevant statutory body/bodies, and until written evidence of that agreement has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage strategy must be in accordance with the relevant provisions of this councils Planning Applications - Drainage, Flood Risk and Sustainability guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event that the use of infiltration techniques is not feasible, the pass forward flow rate to the receiving surface water

drainage system must be restricted to an agreed rate of discharge. The drainage scheme shall be completed in accordance with the approved details prior to occupation of the dwelling.

9. No development above slab level shall take place until full details and samples of the hardstanding have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the proposed hardstanding shall be made of a porous materials.
10. No development above slab level shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas. Trees and shrubs planted shall comply with BS. 3936(Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). Within a period of 9 months of each dwelling being occupied the respective landscaping details relating to that plot 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.
11. No development shall take place until a scheme for protecting the proposed dwellings from noise from the A577 Crosshall Brow has been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before the dwellings are occupied and retained thereafter.
12. No tree felling, scrub clearance, 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 vegetation 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 must be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved details.
13. 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.
14. No development shall take place until a detailed construction design and schedule of scheme delivery for the new site access from Castle Lane, and all other accesses and off-site highway works (including a 2m footway on the Castle Lane frontage) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority as part of a Section 278 Agreement under the Highways Act 1980. The works shall be constructed and completed in accordance with the approved details prior to first occupation of the development hereby approved.
15. Prior to commencement of any part of the development hereby approved, including site clearance, ground preparation, or drainage works, a facility shall be provided by which the wheels of all vehicles leaving the site can be cleaned. The wheels of all vehicles leaving the site during all stages of implementation shall be cleaned so that they do not carry any mud, soil, grit or other such materials onto the public highway.
16. No development shall take place until details of the proposed arrangements for future management and maintenance of the proposed street within the development have been submitted to and approved in writing by the Local Planning Authority. The street shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.
17. No development above slab level shall take place until details of boundary treatments have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved boundary treatment for the plot has been provided in accordance with the approved details.

18. The car park shall be surfaced and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the occupation of the first dwelling and shall thereafter be kept clear for the parking and turning 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. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To protect the privacy of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To protect the privacy of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To protect the privacy of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To 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.
11. To safeguard future occupiers 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.
12. 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.
13. In the interests of sustainability in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
14. To ensure that satisfactory vehicular and pedestrian access is provided to the site before the development hereby permitted becomes occupied.
15. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
16. To ensure future management and maintenance of the proposed streets is secured
17. 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.
18. 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.

Notes

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Lancashire Highway services at, Cuerden Mill Depot, Cuerden Way, Bamber Bridge, Preston PR5 6BJ in the first instance to ascertain the details of such an agreement and the information to be provided.
2. The applicant is advised that to discharge condition 16 the Local Planning Authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980, or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
3. The 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.
4. This permission is subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

Reason for Approval

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

GN1 Settlement boundaries

GN3 Criteria for sustainable development

EC2 The Rural Economy

RS1 Residential Development

RS2 Affordable and Specialist Housing

IF2 Enhancing Sustainable Transport Choice

IF3 Service Accessibility and Infrastructure for Growth

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.

Agenda Item 7i

No.9	APPLICATION NO.	2017/1055/FUL
	LOCATION	Former Ainscough Mill Mill Lane Burscough Lancashire L40 5UX
	PROPOSAL	Variation of Condition No's. 2 and 15 of planning permission 2012/0549/FUL to read: Condition 2 The development hereby approved shall be carried out in accordance with details shown on the following plans: - Plan references: JB/PL1/AMB rev J received 5 October 2017. LP1/AMB; 375/01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14 received 16 May 2012. House type plans: Newby, Hatfield, Rufford, Crathorne, Cherryburn, Clandon, Clevedon, Roseberry, Barrington, Runswick & Penshaw received May 2012. 15. Full details of the car park layout including the provision for 10% mobility standard/visitor spaces shall be in accordance with plan JB/PL1/AMB rev J received 5 October 2017. Thereafter the parking area shall be provided in accordance with those details and retained for the duration of the development.
	APPLICANT	Persimmon Homes Lancashire
	WARD	Burscough East
	PARISH	Burscough
	TARGET DATE	5th January 2018

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegated scheme; however, Councillor Evans has requested it be referred to Committee to consider the impact of the development on public open space and highway safety.

2.0 SUMMARY

- 2.1 It is considered that the variation of conditions 2 and 15 of planning permission 2012/0548/FUL to provide additional parking within a small area of existing public open space is acceptable. I am satisfied that there will be no significant detrimental impact upon the character of the area, amenity of neighbouring properties, landscaping or highway implications. The development is considered to be compliant with relevant planning policies and the application is therefore recommended for approval.

3.0 RECOMMENDATION

- 3.1 That the variation of conditions 2 and 15 of planning permission 2012/0549/FUL be APPROVED.

4.0 THE SITE

- 4.1 The application site at the former Ainscough Mill lies within the main settlement area of Burscough at the end of Mill Lane. The Ormskirk-Preston railway lies to the south-east and the Leeds-Liverpool Canal to the northeast. To the western boundaries lies predominantly residential development. The site is within close proximity to the town centre, local services and transport links. Junction Lane Railway Station and parking area lie at the southern tip of the site.
- 4.2 On the northern part of the site sits the iconic Grade II listed Ainscough Mill with associated engine house and 40m chimneystack as well as the associated Mansion

House, also a Grade II listed building. These buildings have been converted to residential accommodation by virtue of planning permission 2012/0549/FUL and Listed Building Consent 2012/0550/LBC. To the south of the former mill buildings are modern semi-detached and detached residential properties constructed as part of the mill redevelopment. Adjacent to the main mill building is an 84 space car park and opposite this is an area of grassed public open space.

5.0 THE PROPOSAL

- 5.1 Permission is sought to vary conditions 2 and 15 on planning permission 2012/0549/FUL.

Condition 2 reads "*The development hereby approved shall be carried out in accordance with details shown on the following plans:- Plan references: JB/PL1/AMB Rev. B received by the Local Planning Authority on 3 January 2012.*

LP1/AMB; 375/01, 02, 03, 04, 05, 06, 07, 09, 10, 11, 12, 13, 14 received 16 May 2012. House type plans: Newby, Hatfield, Rufford, Crathorne, Cherryburn, Clandon, Clevedon, Roseberry, Barrington, Runswick & Penshaw received 16 May 2012."

Condition 15 reads "*Within three months of the date of commencement of development full details of the communal car park layout including swept path analysis for refuse collection vehicles and provision of 10% mobility standard spaces shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the parking area shall be provided in accordance with those details prior to first occupation of the Ainscough Mill Building or Manor House and be retained for the duration of the development. For the avoidance of doubt spaces within the communal car park shall not be allocated to individuals or individual addresses."*

- 5.2 It is proposed to vary Condition 2 to amend the site plan to incorporate an additional 8 car parking spaces within the existing area of public open space. The parking spaces are of a mobility width standard, although it is not proposed to mark them out as such so that they could be used for either mobility users or not. This results in one updated plan replacing plan JB/PL1/AMB Rev B with plan JB/PL1/AMB Rev J. All other plans remain as approved. Similarly, it is proposed to vary condition 15 to refer to amended site layout plan JB/PL1/AMB/ Rev J as the car park layout. The varied condition 15 also removes reference to the requirement not to allocate spaces within the car park to individuals or individual addresses. This is because spaces have already been allocated by the housebuilder, Persimmon, to specific apartments/addresses within the mill and Mansion House.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2018/0320/CON – Approved (16/07/2018) Approval of Details Reserved by Condition No's. 16, 24, 25, 27 and 28 of planning permission 2012/0549/FUL relating to separate foul and surface water systems, surface water drainage scheme, foul drainage scheme, implementation of ERAP Ecology recommendations, barn owl roosting/nesting box.
- 6.2 2018/0026/CON – Approved (22/02/2018) Consideration - Approval of Details Reserved by Condition No. 7 of planning permission 2012/0549/FUL relating to a programme of building recording and analysis.
- 6.3 2015/0688/CON – Approved (08.10.2015) Part approval of details reserved by condition no. 3 of Listed Building Consent 2012/0550/LBC relating to details of boundary wall finish profiles for Mansion House.

- 6.4 2015/0680/CON – Approved (08.10.2015) Approval of Details reserved by condition no.s 3, 14 and 17 of planning permission 2012/0549/FUL relating to material details and confirmation of surface treatments, fencing or means of enclosure details, and landscaping scheme and management plan. Part approval of details reserved by condition no.8 of planning permission 2012/0549/FUL relating to details of existing boundary wall finishing profile.
- 6.5 2015/0617/NMA – Approved (10.07.2015) Non-material amendment to planning permission 2012/0549/FUL - Narrowing of emergency access.
- 6.6 2013/0930/CON – Part Approved/Part Refused (30.04.2015) Approval of Details Reserved by Condition No. 3, 7, 10, 13, 14, 16, 17, 18, 19, 21, 22, 24, 25 and 26 of planning permission 2012/0549/FUL.
- 6.7 2013/1327/CON – Part Approved/Part Refused (29.04.2015) Approval of Details Reserved by Condition Nos. 4, 8, 16, 24, 25 and 28 of planning permission 2012/0549/FUL relating to measures to protect the Leeds and Liverpool canal and its users from harm during construction; details relating to schedule of repair works and methods; details of foul and surface water drainage; scheme for surface water drainage and means of disposal; details of foul drainage scheme and barn owl roosting/nesting box details.
- 6.8 2013/1362/CON – Part Approved/Part Refused (01.10.2014) Approval of Details Reserved by Condition No. 3 of Listed Building Consent 2012/0550/LBC relating to details of schedule of repair works and methods.
- 6.9 2012/0549/FUL – Approved (13.08.2013) Erection of 66 dwellings; demolition of part of existing mill and conversion of remainder into 50 apartments; conversion of chimney house into 2 apartments and mansion house into 4 apartments; provision of public open space; car parking and estate roads.
- 6.10 2012/0550/LBC – Listed Building Consent (14.01.2013) Demolition of part of existing Mill & conversion of remainder into 50 apartments; conversion of chimney house into 2 apartments and Mansion House into 4 apartments; provision of public open space; car parking and estate roads.
- 6.11 2010/0996/LBC - Listed Building Consent (14.12.2010) - Demolition of part of the existing Mill and "mothballing" works to prevent further deterioration to the condition of the main structure.
- 6.12 2009/0969/CON – Approved (09.02.2011) Approval of details reserved by condition nos 2, 3, 4, 5, 6, 8, 11 and 12 on planning permission 2005/1145 relating to materials details, landscaping scheme, tree protection, service runs, details of site and finished floor levels, boundary treatments, contamination investigation and environmental management plan.
- 6.13 2005/1145 – Allowed on appeal (02.11.06): Erection of 58 dwellings; demolition of part of existing Mill and conversion of the remainder into 52 apartments; conversion of Chimney House into 2 apartments and Mansion House into 3 apartments; provision of public open space, car parking and estate roads.
- 6.14 2003/1429 Listed Building Consent (21.04.2005) – Conversion into 3 apartments.
- 6.15 2003/1385 Dismissed at appeal (21.04.05) - Erection of 58 dwellings; demolition of part of existing Mill and conversion of remainder into 52 apartments; conversion of chimney

house into 2 apartments and Mansion House into 3 apartments; provision of public open space, car parking & estate roads. Appeal dismissed 21.04.2005.

RELEVANT ENFORCEMENT

- 6.16 E/2017/0012/BCN – Breach of Condition Notice Served 31.08.2017 regarding condition no. 15 of planning permission 2012/0549/FUL (communal car parking)
- 6.17 E/2015/0135/BCN - Breach of Condition Notice served 13.01.2016 regarding conditions 15, 16, 23, 24, 25, 27, and 28 on planning permission 2012/0549/FUL

7.0 CONSULTEE RESPONSES

- 7.1 LCC HIGHWAYS (13.11.17) – No objections. Due to the speed of the road and available visibility, no objection to the positioning of parking spaces in this location, however, normally, mobility standard parking is located as close to the access points of a building as possible. The applicant has indicated that these spaces are visitor/mobility spaces which would go some way to reducing the number of visitors parking on the road. Vehicular crossing should be constructed to LCC specification and future maintenance of the parking spaces should be provided for. Recommend a condition requiring details of surfacing and marking out of car park.

8.0 OTHER REPRESENTATIONS

- 8.1 I have received nine letters of objection from local residents whose main concerns are summarised as follows:

Will cause increased flooding;

Loss of open space, contrary to Policy EN2 and GN3;

Loss of landscaping would result in significant visual harm to the estate, as the predominant character of the estate when entering it would be that of hard standing and road, resembling a shopping /retail carpark instead of a residential area;

Results in depriving the children of the estate somewhere safe within the estate to play ball games;

Residents pay a maintenance charge for the upkeep of the public open space and do not wish to pay for maintenance of additional car park;

Who will make sure the spaces are used properly?;

This is all Persimmon's making and now residents have to lose green space;

Could cause accident if reversing out of spaces as you come round the corner;

If the proposed bays are for disabled users only then this will only increase disruption on the road;

Having regard to the total number of apartments, the car park should provide 106 spaces according to Policy IF2 of the Local Plan but actually only provides 83 with no space for mobility or visitors so there is already a shortfall and cars park along the road;

If the car park was to remain unallocated, the current issue of parking on the road should be resolved as the car park is never completely full but because spaces have been allocated, people park across their two spaces with only one car;

The proposed 8 spaces only provides the required 10% mobility and no visitor spaces;

Planning permission has already been refused for 3 properties in this area for conversion of garden to additional parking on the grounds of impact on character and appearance of the surrounding area so to approve this application would be a complete contradiction;

The original condition has been ignored by the developer and to allow it would send out the wrong signals to other developers;

Landscaping and path through the open space has not been implemented in accordance with the approved plans;

Turning head outside 58 and 60 Mill Lane should be closed now that the estate road has been constructed;

Will signage be included on the road or by signs to ensure the proposed parking area is used properly?;

The whole of Mill Lane and The Carriages should be a 20mph zone and traffic calming put near the bend into The Carriages;

Persimmon should be required to make good the drains to UU standard and ensure the road is adopted;

Cars currently park across part of the footpath;

If the proposal affected my two allocated spaces I would not be happy.

- 8.2 One local resident make the point that if visitors and residents can park in the proposed new bays this will be beneficial to all.

9.0 SUPPORTING INFORMATION

- 9.1 The application is supported by the following information:
Drainage Plan

10.0 RELEVANT PLANNING POLICIES

- 10.1 National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the West Lancashire Local Plan 2012-2027 DPD (WLLP) provide the policy framework against which the development proposals will be assessed. The site is located within the Key service Centre of Burscough. The following policies are relevant:

10.2 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 and historic environment

West Lancashire Local Plan 2012-2027 DPD

SP1 – A Sustainable Development Framework for West Lancashire

RS1 – Residential Development

RS2 – Affordable and Specialist Housing

IF2 – Enhancing Sustainable Transport Choice

IF3 – Service Accessibility and Infrastructure for Growth

IF4 – Developer Contributions

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

GN3 – Criteria for Sustainable Development

GN4 – Demonstrating Viability

- 10.3 In addition the following supplementary documents are material considerations:

SPD – Design Guide (Jan 2008)

SPD - Open Space/Recreational Provision in New Residential Developments (July 2014).

11.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Background and Principle of Development

- 11.1 It is accepted that the applicant has clearly been in breach of conditions on the original planning permission for residential development on this site. However, irrespective of the present breach (in that Persimmon Homes permitted the allocation of parking spaces to residents within the Mill and Mansion House buildings) the main issue to consider is whether or not the proposed additional spaces in the location proposed is acceptable. It is of great concern to local residents and the Council that Persimmon Homes allowed the breach to occur and residents within the Mill and Mansion House have effectively "bought" specific spaces within the car park as part of their apartment purchases. If the Council were to prosecute Persimmon Homes for the breach of condition, it would undoubtedly result in these spaces potentially having to be bought back, affecting many residents within the Mill and Mansion House and could lead to lengthy litigation.
- 11.2 It is important to note that national policy (reflected in the Council's own Enforcement Plan) focuses towards resolution rather than prosecution. The Council must consider the expediency of taking formal action and other options, such as further planning applications, may in some instances be an option to consider. Planning enforcement is discretionary: Councils have the power to enforce but no duty to do so. In this instance, in view of the duty on the Council to work towards amicable resolution with formal prosecution being a last resort, it was suggested to the applicant that additional parking provision may overcome the Council's concerns and the current application has been submitted in an attempt to resolve the breach.
- 11.3 The site is located within a main settlement area where the principle of residential development, including car parking, is considered to be acceptable and in accordance with Policy SP1 of the Local Plan.

Impact on Highway Safety

- 11.4 The proposed 8 parking spaces are located opposite the existing car park off the existing highway at the end of Mill Lane, which is a 20mph road. Although the spaces are located directly off the road and given the highway conditions, the Highway Authority has no objection to the proposed development. They consider that due to the speed of the road and the available visibility, there would not be a significant impact on highway safety. Furthermore, the creation of additional parking in the area, whether it be for residents, visitors and/or mobility impaired, would result in less on-street parking. As such, I am satisfied that the proposed development is compliant with Policy GN3 of the Local Plan.

Impact on Residential Amenity

- 11.5 In terms of residential amenity, the location of the additional car park is approximately 23m from the closest residential properties at Newlands Avenue and 30m from 62-66 Mill Lane and the Mansion House. At these distances I am satisfied that there would be no significant harm caused by way of noise, disturbance or overlooking. As such, the proposal complies with policy GN3 of the Local Plan.

Impact on layout and loss of public open space/landscaping

- 11.6 At the time planning permission 2012/0549/FUL was granted, the Council required an area of on-site public open space to be provided. This was located at the entrance to the site and laid to grass with the addition of some trees planted and serves as an attractive and "green" entrance to the development. Concerns have been expressed that the incursion of the proposed parking area into this area of public open space harms the character of the site and restricts the area available. Whilst I acknowledge that some space will be lost (150sqm), it is an area close to the access road into the site and in my

view, the function of the remaining area of public open space will not differ significantly from its current function and I consider that the proposed development will not significantly harm the character or appearance of the surrounding area.

- 11.7 The existing area of public open space is managed and maintained by a private company and residents of the existing development have raised concerns about maintenance charges that could be incurred by the introduction of the proposed parking area. The impact upon fees and how these are distributed amongst residents, be it in the houses or the apartments, is not a material planning consideration, it is a civil matter.

Drainage

- 11.8 The creation of a hardsurfaced area for parking will increase the amount of non-porous material on the site and as such, consideration should be given to the means of surface water drainage. It is proposed that surface water is captured through gullies which runs into the highway drain along Mill Lane and into an existing attenuated under-ground storage tank with a hydrobrake to the existing watercourse under the canal. This system has been approved as part of the original permission for the site and it is considered sufficient to deal with the minor additional amount of surface water generated by the proposal.

Summary

- 11.9 It is accepted that the applicant is in breach of Condition 15 of planning permission 2012/0549/FUL in that spaces within the communal car park have been allocated to individuals or individual addresses within the Mill. In an attempt to provide the mix of visitor and mobility spaces that were required to be provided within the main car park, it is proposed to create an additional 8 spaces on an area of existing open space opposite the main car park. No objection has been raised from LCC Highways and there is considered to be no significant impact upon residential amenity, the character of the area or drainage and therefore the proposal to vary the relevant conditions to permit the additional parking space complies with Policy GN3 of the Local Plan. All other elements of the development remain as approved under application 2012/0549/FUL.

12.0 RECOMMENDATION

- 12.1 That planning permission be GRANTED subject to the following conditions

Conditions

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:- Plan references: JB/PL1/AMB Rev. L received by the Local Planning Authority on 10th November 2017; Plan Reference 153.PST.01 received 21st November 2017; Plan Reference "Visitor Car Parking" and Plan Reference "Engineering Layout 971-1 Rev K received 1st February 2018
LP1/AMB; 375/01, 02, 03, 04, 05, 06, 07, 09, 10, 11, 12, 13, 14 received 16 May 2012.
House type plans: Newby, Hatfield, Rufford, Crathorne, Cherryburn, Clandon, Clevedon, Roseberry, Barrington, Runswick & Penshaw received 16 May 2012.
2. The first floor window(s) on the north-western elevation of Plot 1 and the first floor window(s) on the south-western elevation of Plot 39 as shown on the approved layout plan shall be fitted with obscure glass prior to commencement of use of the development hereby approved and shall remain thus fitted at all times thereafter.
3. Notwithstanding the provisions of 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 no window shall be added to the side elevations of dwellings on plots 1, 27, 39, 45, 62 and 63 until details of the

positioning, size and design have been submitted to and approved in writing by the Local Planning Authority.

4. Notwithstanding the provisions of 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, the integral and detached garages shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no additional areas of hardstanding other than those shown on the approved layout plan shall be created or formed without the express written permission of the Local Planning Authority.
6. Within 4 months of the date of this decision the car park shall be laid out in accordance with Plan JB/PL1/AMB Rev L received by the Local Planning Authority on 10th November 2017 and Plan 153.PST received by the Local Planning Authority on 21st November 2017. Thereafter the parking area shall be maintained and retained for the duration of the development.
7. Landscaping and landscape maintenance shall be implemented in accordance with the details provided in Landscaping Plans Ref. 4206.03 Rev A received by the Local Planning Authority on 29th August 2013 and the TBA Landscape Management Plan received by the Local Planning Authority on 29th August 2013 all agreed as part of application 2013/0930/CON together with Plan Ref 4206.02 Rev D (Landscape Proposals Sheet 1 of 2) received by the Local Planning Authority on 6th July 2015 and agreed as part of application 2015/0680/CON.
Trees and shrubs planted shall comply with BS. 3936(Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). Within a period of 9 months of each dwelling being occupied the respective landscaping details relating to that plot shall be carried out. Within 9 months of any dwelling or apartment being occupied the common areas of landscaping and public open space shall be carried out. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.
8. Any external lighting erected on the site, other than street lighting, shall be implemented in accordance with a scheme which shall first be submitted to and approved in writing by the Local Planning Authority. No external lighting shall be permitted to shine over the Leeds - Liverpool Canal, the adjacent railway line or the existing tree lines.
9. Prior to first occupation of any of the dwellings hereby approved a scheme for the improvement of the car park at Junction Lane Station shall be submitted and approved in writing with the Local Planning Authority. Subject to the landowners agreement, the approved works shall be carried out in accordance with the approved details before first occupation of any of the dwellings occurs. In the event the landowner does not agree to the approved works there is no obligation for the applicant / developer to implement the approved scheme.
10. Foul and surface water shall be drained separately and the surface water drainage systems shall be implemented in accordance with the details approved by application 2018/0320/CON (as shown on Engineering layout plans 971-1 rev. K; 971-1-104 rev. M; 971-13-1 rev. B; 971-13-2 rev. A; 971-5-rev. C; 971-12-1; 971-12-2 rev. B; 971-12-3 rev. B; 971-35 rev. A and Persimmon letter (dated 28 February 2018) confirming United Utilities main drainage adoptions and maintenance, and private drainage responsibilities all received by the Local Planning Authority on 21 March 2018, and confirmation of pre-development site conditions detailed in Persimmon letter (dated 26 June 2018) received by the Local Planning Authority on 27 June 201).
11. Foul drainage on the site shall be implemented in accordance with the details approved by application 2018/0320/CON (details as shown on RAB plans 971-1 rev. K; 971-1-104 rev. M; 971-13-1 rev. B; 971-13-2 rev. A; 971-5-rev. C; 971-12-1; 971-12-2 rev. B; 971-12-3

rev. B; 971-35 rev. A and Persimmon letter (dated 28 February 2018) confirming United Utilities main drainage adoptions and maintenance, and private drainage responsibilities all received by the Local Planning Authority on 21 March 2018).

12. The recommendations at Section 5 of the Updated Ecological Survey and Assessment, May 2013, by ERAP Ltd. together with the details of the application approved by 2018/0320/CON (proposed detail for implementation within Persimmon letter dated 28 February 2018 and plan references ERAP Ltd 2012/125 v1; 4206.01, 4206.02 rev A and 4206.03 rev B, all received by the Local Planning Authority on 21 March 2018; and, plan 9337-LD03896_1A Rev A (excluding the car park area) received by the Local Planning Authority on 29th August 2014) shall be implemented as an integral part of the development and all new installed nesting facilities retained for the duration of the development.
13. The barn owl mitigation shall be implemented in accordance with the details approved by application 2018/0320/CON (box type and locations shown on plan ref. ERAP Ltd. 2012/125 v1 received by the Local Planning Authority on 21 March 2018) and maintained as such thereafter.

Reasons

1. For the avoidance of doubt and to ensure compliance with the provisions of Policies GN3 and EN4 in the West Lancashire Local Plan (2012-2027) DPD
2. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the West Lancashire Local Plan (2012-2027) DPD.
3. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the West Lancashire Local Plan (2012-2027) DPD.
4. To ensure an adequate provision of parking for the development and 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 West Lancashire Local Plan 2012-2027 DPD.
5. To control and minimise the amount of hardstanding and loss of vegetated areas in the interest of surface water management on the site and thereby comply with Policy IF3 in the West Lancashire Local Plan (2012-2027) DPD.
6. In order to provide an appropriate and inclusive level of parking provision and servicing at the site and thereby comply with Policies GN3 and IF2 in the West Lancashire Local Plan (2012-2027) DPD.
7. To assimilate the proposed development into its surroundings and provide an appropriate standard of public open space to ensure that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 DPD.
8. To safeguard the amenity of adjacent properties, biodiversity interests and the area generally and so comply with the provisions of Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 DPD.
9. In order to comply with the requirements of Policy IF3 in the West Lancashire Local Plan (2012-2027) DPD
10. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the Submission version of the West Lancashire Local Plan 2012-2027 DPD.
11. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the West Lancashire Local Plan 2012-2027 DPD.
12. To safeguard the amenity of adjacent properties, biodiversity interests and the area generally and so comply with the provisions of Policies GN3 and EN2 in the Submission version of the West Lancashire Local Plan 2012-2027 DPD.
13. To retain the site value for barn owls and so comply with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 DPD.

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
 - RS1 - Residential Development
 - RS2 - Affordable and Specialist Housing
 - IF2 - Enhancing Sustainable Transport Choice
 - IF3 - Service Accessibility and Infrastructure for Growth
 - IF4 - Developer Contributions
 - 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
 - GN3 - Criteria for Sustainable Development
 - GN4 - Demonstrating Viabilitytogether 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.

Agenda Item 7j

No.10 APPLICATION NO.	2016/1166/FUL
LOCATION	Bridge Farm Dale Lane Northwood Kirkby Liverpool Knowsley L33 3AU
PROPOSAL	Change of existing pasture land to a golf facility incorporating a new floodlit driving range with covered practice bays and administration office; a nine hole par 3 golf course; an adventure golf course and parking provision. The proposals incorporate a rainwater water harvesting scheme for irrigation with an associated water storage lagoon together with significant planting and greatly increased biodiversity. The landscape works are to be undertaken using imported inert soils approved for use by the Environment Agency.
APPLICANT	Mrs Helen Ferguson
WARD	Bickerstaffe
PARISH	Simonswood
TARGET DATE	25th December 2017

1.0 SUMMARY

- 1.1 This application to change the use of the land to a golf facility is considered to be unacceptable as insufficient ecological and wintering bird surveys have been carried to determine whether the proposed development would affect internationally designated sites, their qualifying features and supporting habitat. In addition, the proposed engineering operations to re-grade the land are considered to be harmful to the visual amenity and landscape character of the Green Belt. Furthermore, insufficient information has been submitted to assess whether or not a suitable and safe access to the site can be provided for vehicles, HGVs and pedestrians. The development will also result in the loss of high quality agricultural land, and it has not been demonstrated that areas of lower quality land could not accommodate the development. Consequently, I consider that the proposal does not accord with the NPPF and policies GN1, GN3 and EN2 of the Local Plan and as such should be recommended for refusal.

2.0 RECOMMENDATION: That planning permission be **REFUSED**

3.0 THE SITE

- 3.1 Bridge Farm is located in the Green Belt to the east of Dale Lane, Simonswood. The site comprises of the main farmhouse and a number of outbuildings with 5.7ha of flat open arable land to the rear with a ditch running through the middle. The site is set back off Dale Lane and is surrounded by agricultural land on three of its boundaries. In the far north lies Simonswood Industrial Estate. The access point is located in the administrative boundary of Knowsley Council to the south of the site.

4.0 THE PROPOSAL

- 4.1 This application seeks planning permission to change the use of the land to a golf facility incorporating a new floodlit driving range with 14 covered practice bays and administration office, a nine hole par 3 golf course, an adventure golf course, a short game practice area, and parking provision.
- 4.2 The covered practice bays with ancillary administrative office would measure 58.7m by 8m with a maximum height of 4.6m and would be sited centrally in the site close to the existing farmhouse. A short section of ball stop netting (12m high) is required running from

the southern end of the covered bays down to the line of the existing ditch. Low impact 'berm' lighting is proposed on the driving range outfield. A 76 space car park is proposed in the south west corner of the site close to the proposed entrance and will be surfaced with a wearing course and a grass reinforcement system (grassform or similar).

- 4.3 The proposals incorporate a rainwater water harvesting scheme for irrigation with an associated water storage lagoon together with significant tree and shrub planting along the boundaries and within the site.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 None.

6.0 OBSERVATIONS OF CONSULTEES

- 6.1 Environment Agency (18.07.17) – No Objections.
- 6.2 LCC Highways (10.07.17) – Traffic Impact will be on Knowsley's Network as the site access and main access routes are in and through Kirkby. I am satisfied that the application will not have a material impact on roads under the jurisdiction of LCC.
- 6.3 United Utilities (17.07.17) - No Objections.
- 6.4 Environmental Health (29.11.18, 09.01.18 & 05.07.18) - No Objection subject to conditions.
- 6.5 MEAS (09.01.18, 21.03.18 & 15.06.18) Objects; Surveys are not acceptable and a comprehensive wintering bird survey is required
- 6.6 Technical Services Manager (Drainage) (21.06.18) - No Objections subject to conditions.
- 6.7 Knowsley MBC Highways (02.02.18 & 06.07.18) Objects on the grounds that it has not been demonstrated that the development would not have a detrimental impact on highway safety and highway conditions in the vicinity of the site.

7.0 OTHER REPRESENTATIONS

- 7.1 Simonswood Parish Council (15.07.17) Objects;

Unsuitable development for the area

There are no stated opening hours

Concerns for the light omissions (for surrounding residents at night)

Concern regarding 70 parking spaces for vehicles as it will mean more traffic for Perimeter Road

Main line railway is in close proximity

Height of net may have an adverse effect on wildlife

- 7.2 CPRE (24.07.17) Objects;

Green Belt location which provides an essential separation of the urban areas

It forms part of the Western edge of the upland moorlands of Simonswood, Bickerstaff and Whitemoss moorlands which collectively create a totally different landscape character to that of the adjoining urban area of Kirkby.

Neither the green metal cladding on the proposed buildings nor the high boundary fences are shown on the photomontages of the proposed development.

The application contains an assessment that the arable pasture is graded 2 or 3a agricultural land. With good husbandry it could be restored to Grade 1 MAFF classification.

The scheme destroys the pond and replaces it with two attenuation ponds elsewhere on the site. The pond provide a good habitat and wildlife cannot be expected to thrive in attenuation ponds.

There are bats in the wider area and we consider the submitted bat survey inadequate.

The land raising and modelling by importation of 133,110 cu meters of “inert soil approved by the Environment Agency” to raise the land gives us great concern for two reasons:

a) This large quantity would seem to be based on the fill material necessary to achieve the final design contours of the proposed landform. In practice some 20-30 % more will be needed to form higher mounds to allow for compaction during the construction phase and long term settlement so that the proposed design contours for rainwater runoff are achieved in the long term.

b) The Environment Agency does not approve or apparently monitor the composition of inert soil. The Environment Agency, when it considers it appropriate, “for engineering and other purposes” issues Waste Management Licenses. These authorise the disposal or deposit of controlled waste in or on land provided it does not cause pollution, harm to health or serious detriment to local amenity. The authorised waste is typically demolition material; ungraded rubble, brick, stone, concrete and other waste of various size.

Our observation of similar “improvements” at the golf driving range and practice field at the Beacon Park is that large lumps of stone and concrete quickly appear on the surface as the thin layer of replaced fine topsoil washes into the fill.

Once implemented this development will be irreversible for the site cannot be economically restored to pasture land in the event of the Golf Academy being unsuccessful.

We note that the Long Term Business Plan, section 3.4 of the Environmental Statement is very brief. It does not include forecasts of costs, numbers of users or proposed charges.

There is no justification for either the number of car parking spaces to be provided or the long proposed opening hours of the Golfing Academy.

Golf driving ranges in both West Lancashire and Knowsley have closed in recent years and although the applicant’s aspirations are worthy such a development should not be permitted in the West Lancashire Green Belt but may be more appropriate elsewhere in Knowsley and Greater Liverpool on existing developed land. There are no “very special circumstances” that justify any departure from the approved WLBC local plan.

8.0 SUPPORTING INFORMATION

- 8.1 Transport Statement
- Environmental Impact Assessment
- Design and Access Statement
- Planning Statement
- Landscape and Visual Impact Assessment
- Flood Risk Assessment & Drainage Strategy (October 2017)
- Ecological Impact Assessment incl Pink Footed Geese Surveys
- Arboricultural Impact Assessment
- Noise Impact Assessment

9.0 RELEVANT PLANNING POLICIES

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

The site is located within Green Belt as designated in the West Lancashire Local Plan

West Lancashire Local Plan 2012-2027 DPD

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

EC2 – The Rural Economy

IF2 – Enhancing Sustainable Transport Choice

EN1 – Low Carbon Development and Energy Infrastructure

EN2 – Preserving and Enhancing West Lancashire's Natural Environment

Supplementary Planning Advice

SPD – Design Guide (January 2008)

SPD Development in the Green Belt (2015)

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Principle of Development - Green Belt

- 10.1 The site is situated in the Green Belt on the edge of the settlement of Kirkby. One of the aims of the Green Belt is to assist in safeguarding the countryside from encroachment. Whilst the development would result in encroachment of this otherwise undeveloped piece of land, the NPPF encourages opportunities for outdoor sport and recreation subject to assessment of other impacts.
- 10.2 Changes of use within the Green Belt are not listed within the specified forms of development that are acceptable in the Green Belt under the provisions of the NPPF, therefore the proposal would be regarded as inappropriate development. Whilst inappropriate development is, by definition, harmful to the openness of the Green Belt, it is recognised that the physical use of the site by groups or individuals playing golf does not result in any significant permanent harm. The use is transitory and relates to one of the NPPF's aims for enhancing and encouraging outdoor sports. However, the works associated with formation of the golf course and ancillary requirements may result in harm.
- 10.3 The NPPF confirms that the construction of new buildings in the Green Belt should be regarded as inappropriate development. There are a number of exceptions to this including the provision of appropriate facilities for outdoor sport and outdoor recreation subject to the proviso that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 10.4 Of the built development proposed, the covered practice bays with ancillary administrative office can be regarded as 'appropriate facilities' for outdoor sport and recreation. The practice bays and office by their very presence, will have an impact on the openness of that part of the Green Belt on which it is proposed they stand. However, they have been sited in a less exposed location close to the existing farmstead and will appear as one group, of a similar scale and design as an agricultural building and will be constructed in juniper green cladding, therefore not appearing out of context within the setting. I would therefore conclude that the practice bays and ancillary office of this scale can be considered an appropriate form of development in the Green Belt which will not result in a significant loss of openness.
- 10.5 The development consists of engineering operations in respect of re-grading land levels, creation of tees, green, bunkers, fairways, waterbodies and landscape mounds along with

a 76 space car park. Some of the engineering works proposed are substantial, particularly with reference to the re-grading of the land and the proposed 76 space car park whilst others, such as creating raised tees and greens and water storage lagoon are less so. These will all impact on the openness of the Green Belt because engineering operations are by definition 'development' and 'openness' relates to the absolute test of the presence or absence of development. However, under the terms of the NPPF this is subject to an assessment of what is a reasonable impact on the openness if it complies with the reasons for including land within the Green Belt and is consistent with the stated aim of planning positively for opportunities for outdoor sport and recreation amongst other aspirations.

- 10.6 In assessing the harm, the car parking for the facility is proposed to be situated in a less exposed location – close to the railway embankment, the road and existing farmstead, and will be screened by trees and hedgerows, therefore preserving the perception of openness of the site. The car park will be surfaced with a grass reinforcement system to avoid a large expanse of hardstanding. The proposed netting whilst 12m high has been restricted to a small area of the site between the practice bay and farmstead. Therefore it is considered that this aspect will not result in a significant impact upon the openness of the Green Belt.
- 10.7 The proposed engineering works to form the golf course will result in a finished surface which is significantly different to the profile of the existing ground which is relatively flat. This significant re-profiling of the land results in an increase in land levels up to 4-5m in some places across the site. The re-profiled area will use existing and imported inert materials that will ultimately form a base for 'natural' growth, albeit intensively managed. In my view, the change in profile will not in itself harm the openness of the Green Belt. The impact on visual amenity will be assessed later in this report.
- 10.8 For the reasons set out above the majority of the proposed development is inappropriate development in the Green Belt, will give rise to a loss of openness and, in parts, will conflict with the purposes of including land within the Green Belt by virtue of encroachment. Paragraph 88 of the NPPF advises that substantial weight should be given to any harm to the Green Belt. Inappropriate development in the Green Belt should only be allowed in 'very special circumstances' that 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.

Very Special Circumstances

- 10.9 Under the terms of the NPPF, the overarching approach of the planning function is to contribute to the achievement of sustainable development and there is a presumption in favour of sustainable development. This requires consideration of the economic, social and environmental aspects of development. The applicant has put forward a case of very special circumstances on the following grounds:

The facility will be a grass roots golfing academy inclusive to all. There is no existing facility within the local area that currently compares with the proposed development. The proposal would offer a variety of outdoor golf based activities as well as educational activities to the local community. The Adventure Golf course would attract younger children and families to broaden the appeal of the facility to a wider audience;

It would encourage outdoor pursuits and a healthier lifestyle. Golf is a socially enjoyable sport and its popularity is on the rise and 'Activity by the England Golf Partnership' has helped to kick start the revitalisation of the sport;

Significant biodiversity enhancements would result. Almost 6000m² of native woodland, creating habitat corridors will be planted, large tracts of the site (18,380m²) will be set aside and left to low maintenance grassland, creating wildflower meadows and areas of wet grassland (2,783m²) will be established throughout the site;

The development would contribute to achieving the NPPFs objectives of securing a positive use of the Green Belt and support a prosperous rural economy;

The facility will allow schools, clubs and other groups to teach in unique environment which will enhance concentration and motivation;

The scheme would generate jobs in the local area with the future aim of introducing a green space apprenticeship scheme

- 10.10 In considering these matters I am mindful that the NPPF gives weight to supporting a strong rural economy in supporting the sustainable growth and expansion of all types of business and enterprise in rural areas. In West Lancashire, golf facilities are inevitably going to be located within the Green Belt. The associated benefits arising from direct job creation must be considered as must the impacts to the local economy. I am also mindful that the application site lies on the edge of a settlement, adjacent to the greenbelt boundary.
- 10.11 Therefore, whilst it has been demonstrated that the elements of the scheme are inappropriate, there would be some harm to openness and the development would result in encroachment, given the location of the site adjacent to the built up area and the case put forward by the applicant referring to economic, environmental and social benefits, in this particular case I consider the very special circumstances put forward would be sufficient to outweigh the identified harm to the green belt.

Visual Amenity & Landscape Character

- 10.12 West Lancashire Borough Council's 'Supplementary Planning Guidance' (SPG) entitled; Natural Areas and Areas of Landscape History Importance, lists the area as 'Upland Type Mosses'. The checklist section of the SPG, under the heading: 'mechanism for minimising environmental impact', states there is a *'need to minimise the introduction of unnecessary or inappropriate landscaping. Mounding inappropriate'*. To assess the overall impact of the development, the applicant has carried out a Landscape and Visual Impact Assessment (LVIA) which includes photographs from 10 locations with short to medium range views. The selected viewpoints are intended to provide an assessment of visual impact across a range of receptors.
- 10.13 The applicant is of the view that the application site is not sensitive to buildings and landscaping given the backdrop of high raised engineered embankments both along the neighbouring road and industrial complex. The farm complex of Bridge Farm borders the site which is a mixture of residential and functional out-buildings. The applicant asserts that whilst the existing site can be considered fairly typical of the Landscape Character Area the immediate surroundings to the site are very much uncharacteristic of the Landscape Character Area given the site lies on the urban industrial fringe of Kirkby and is influenced by this character when viewed from the North East. Although there is a sense of a more rural character created by the extensive open flat fields and woodland to the north, the southern and western boundaries being of more urban character mean that the significance of the effect on Landscape Character during the operational stage is predicted to be moderate. The applicant points out that the character of the landscape will not change from being open grassland essentially but acknowledges that the form of the landscape will be altered (from a flat agricultural landscape). The applicant considers the

significance of the effect is only minor adverse because the site sits within and immediately adjacent to an engineered landscape (high banks, urban fringe character and human activity) and because the proposed land grading is simple in form (no intense mounding/sharp slopes) and due to the proposed extension and enhancement of woodland on the northern boundary as a result of the proposals.

- 10.14 However I do not necessarily concur with this view. The main cause of my concern lies with the engineering works that would result in significant re-profiling of the land and an increase in land levels up to 4/5m in some places across the site. Whilst I note the rationale for the gradients which include to create golfing interest and to ensure good drainage, the formation of the golf course will bring about a more formal appearance and contoured topography to an area of relatively flat informal pasture land which will be noticeable in parts, particularly when viewed from the Green Belt to the north and east. I have concerns that 4-5m heights is excessive for the proposed development and would represent a significant change and introduce a formalised, man-made appearance to the landscape, with consequent visual harm. The adverse landscape and visual effects arising from the visual prominence of the proposal, when seen within its local landscape context, would be experienced by a wide variety of receptors including the bridge at Dale Lane and the railway line alongside the site, as well as the surrounding green belt which is largely unchanged expansive flat open landscape. In terms of the landscaping, I disagree that the impact on the visual receptors will be diminished by the proposed planting scheme as I consider the landscaping on the northern and eastern boundaries to be inadequate as a buffer and screen to the development from the Green Belt. The Council's SPD specifically advises that 'mounding is inappropriate' within this landscape character area and there is a 'need to minimise the introduction of inappropriate re-profiling' and I consider the re-profiling harmful and excessive.
- 10.15 It must be remembered that the site lies within the green belt and the NPPF at paragraph 81 requires that once green belts have been identified LPA's should plan positively to enhance the beneficial use of the green belt to retain and enhance landscapes, visual amenity and biodiversity. The re-grading of the land to a height of 4m or 5m is considered significant and would appear as an inappropriate man-made intrusion in an area characterised by flat landscape. On balance, I consider the engineering works would have a materially harmful impact on the landscape and visual amenity of the area, contrary to the NPPF and policies GN3 and EN2 in the Local Plan, sufficient to warrant a refusal of planning permission.

Agricultural Land

- 10.16 Policy EN2 seeks to protect the best quality agricultural land requiring that planning permission be refused unless the development is strategic infrastructure, or development associated with the agricultural use of the land. Neither of these exceptions is applicable here. Paragraph 111 of the NPPF encourages the effective use of land by reusing brownfield land provided that it is not of high environmental quality, and paragraph 112 indicates that significant development of agricultural land should be shown to be necessary and, where this is demonstrated, areas of poorer quality land should be used in preference to that of higher quality.
- 10.17 The Agricultural Land Classification (ALC) of England and Wales provides a framework for classifying land according to the extent to which its physical or chemical characteristics impose long term limitations on agricultural use. The principle physical factors together with interactions between them form the basis for classifying land into one of five grades; Grade 1 land being of excellent quality through to Grade 5 land of very poor quality. Grades 1, 2 and 3a are considered to be the best and most versatile (BMV).

- 10.18 The ALC shows the northern part of the development site is classified as Grade 1 (excellent) with the southern part of the site classified as 'Urban'. However the Agricultural Land Classification maps were published in the 1980's, take a broad brush approach and are not considered to be wholly reliable at a site specific level. Therefore an Agricultural Land Classification report has been submitted by the applicant which concludes that the land is of a lower grade. The land to the west of the existing central ditch is classified as subgrade 3a while the land to the east of the ditch is classified as grade 2. However the report confirms the site remains Best and Most Versatile Agricultural Land.
- 10.19 The submitted ALC report confirms that that the engineering works would involve the stripping, storing and replacement of topsoil and subsoil on site but would also include the importation of recycled Environment Agency approved inert soils and subsoils (133,110m³) to allow for the raising of land levels and land remodelling. The supporting statement states that these would be EA approved imported soils and that it would be possible to restore soil profiles that are of a similar ALC grade to those prior to works. In this way the applicant contends that the loss of best and most versatile land would be minimised. I do not concur with this view.
- 10.20 In accordance with Government guidance in the NPPF and NPPG, the first consideration should be whether or not the use of agricultural land is necessary. This exercise should demonstrate that no suitable brownfield land or non-agricultural land is available within a reasonable search area. The NPPF also requires consideration of other sites with poorer quality agricultural land. There is no national or local guidance when defining a study area and each case should be considered on its own merits taking into account both planning and operational constraints. This would require the consideration of alternative sites not just within West Lancashire but also within the Borough of Knowsley. The proposed development does not comply with the paragraph 112 NPPF or NPPG in that the applicant has failed to demonstrate that the use of a lower grade of agricultural land is not possible, and details of a sequential site search have not been submitted as part of this application. Therefore I cannot conclude that the loss of best and most versatile agricultural land is justified, and the proposal is therefore contrary to both the NPPF and Policy EN2 of the Local Plan.

Impact on Trees

- 10.21 An Arboricultural Impact Assessment (AIA) has been submitted as five groups of low value trees are to be removed as part of the development proposals. Whilst I have no objection to the removal of these trees I am concerned over the re-grading of the land, particularly near the boundaries and the potential impact upon the existing trees and hedges which are to be retained as part of the proposals. In an attempt to address this the applicant has advised that the raising of the ground levels or soil piling would take place outside the root protection area for the trees which are to remain in situ.
- 10.22 Whilst the majority of trees and hedges on the boundary will be retained, a landscape planting scheme has been submitted with the application that includes key woodland block planting on the south and south east boundaries. A replacement hedgerow for the fragmented hedgerow lost on the northern boundary is also proposed. The proposed landscaping scheme is in accordance with Council policy, however, I would like to see further planting around the area proposed for car parking and along the northern and eastern boundaries of the driving range outfield. These areas are very exposed when viewed from the higher road elevation and surrounding green belt as it is flat and open. Were the scheme to be considered acceptable in principle, I would require the landscaping scheme to be modified to address this issue.

Impact on adjacent land uses

- 10.23 Given the distance of the main activity area from neighbouring sensitive properties the main impacts are anticipated as those arising from traffic entering and leaving the site and the noise and light associated with the use of the practice range, adventure golf course and 9 hole golf course.
- 10.24 Noise aspects include playing (golf ball drives) and maintenance of the practice outfield, adventure golf course and 9 hole golf course. The whole site is a considerable distance away from residential properties, the nearest being the adjacent farm at over 200m away and so it is expected that noise levels from golf play itself would not be at a level to cause disturbance to nearby dwellings. The mechanical ball collection and electrically powered ball cleaning equipment along with the regular grass cutting may give rise to some noise, however, subject to controlled hours of operation it is not considered that any significant noise nuisance would arise to the nearest residential occupiers.
- 10.25 Low impact 'berm' lighting is proposed on the outfield and a light assessment shows the vertical illuminance levels for surrounding properties, including The Cottage on Dale Lane which is directly in line of sight to the practice range and also Southead and Woods Farms and properties on Shacklady Road and Warrenhouse Road. I have sought the advice of the Environmental Health Officer who is satisfied that the lighting design demonstrates that the lighting would not cause significant disturbance to nearby residents.
- 10.26 There is considerable potential for noise and dust to be an issue during the construction phases of this project, both with deliveries of soil and construction of the landscaping on site. The application suggests that during the construction phase there could be on average 130 HGV trips a day. Conditions could be imposed to ensure the route HGVs take to arrive at the site avoids, where possible, residential areas and to ensure HGV arrivals are spaced throughout the day. HGVs tipping on site and onsite construction activities with the tipped soil are also likely to be noisy. The accompanying noise assessment states that noise levels at the nearest residential properties will not exceed 55dB LAeq(1hr) which the Environmental Health Officer considers acceptable.
- 10.27 No other direct adverse impacts on surrounding land uses are anticipated. In summary, subject to appropriate working practises and vehicle routing, which could be secured via planning condition, I consider the development would accord with the requirements of Policy GN3 in the Local Plan.

Impact on Ecology

- 10.28 The site lies close to an identified area of supporting habitat to a Natura 2000 site within West Lancashire and adjoining Merseyside Authority areas, primarily designated as such due to the use of the area as feeding grounds for pink footed geese.
- 10.29 MEAS have been consulted and are of the view that although a Wintering Bird Survey accompanies the application it is limited and fails to assess the potential effects of the proposals on non-breeding birds nor consider the impacts of floodlighting on the Simonswood Moss (pink footed goose) roost, flight lines and adjacent fields. The submitted wintering bird survey also fails to follow the best practice methods, only includes the immediate site and not the wider buffer area, and does not cover the entire non-breeding bird period which is September – April inclusive. The survey only covers the months of January – March and omits the autumn passage, which misses the peak in pink-footed geese numbers in October.
- 10.30 The applicant has also submitted an Ecological Impact Assessment and MEAS are not

satisfied that the survey has been carried out adequately as incorrect guidelines have been used and therefore MEAS are unable to assess the impact of the proposal on protected species.

- 10.31 In summary, the submitted ecology surveys are considered to be insufficient and do not adequately establish the significance of any impacts on these habitats and the bird species using them and flight lines between the areas, particularly in relation to pink footed geese. Therefore, there is currently insufficient information to allow the Council to complete a Habitat Regulations Assessment and fulfil its duty as a Competent Authority insofar as it is unable to determine the potential impact of the proposal on non-breeding birds including pink footed goose and whooper swan. The proposed development therefore fails to comply with the requirements of the NPPF and to Policy EN2 in the Local Plan.

Highway Safety

- 10.32 It is proposed to utilise the current Bridge Farm access from Dale Lane to access the proposed facility. The site access and main access routes are under Knowsley Council's control, therefore Knowsley Council as Highway Authority have been consulted and have expressed concern about the access point. One of the concerns relates to access by HGVs approaching from the north west of the site being unable to turn into the site without taking up the whole width of the opposing lane. The applicant has confirmed that all construction traffic will be routed to the site from the south. However, the Highway Authority is concerned this is insufficient to mitigate the concern and a control to inhibit a left turn approaching from the north would be required. Prior to the determination of the application achievable solutions would need to be put forward to ensure a left hand manoeuvre into the site is prohibited along with revised swept path analysis.
- 10.33 In addition the Highway Authority is concerned that the access road is too narrow to allow for two vehicles to pass, therefore the applicant submitted a revised sketch showing the access road widened to 5.5m. However, a further swept path analysis is required taking into account the proposed revisions including radii changes to show that there will be no conflict between vehicles passing at all points accessing and egressing the site, from Dale Lane into and including the car park entrance. Due to the above concerns the Highway Authority is of the view that consideration should be given to moving the proposed access either as a construction phase option (with subsequent reinstatement) and/or a permanent new access provision location/configuration to the proposed site. The Highway Authority is also concerned that the exit position from the car park is too tight to the boundary of the adjacent residential property thus reducing visibility and as such the exit point may need to be moved away from the boundary. In response the applicant has confirmed in writing that a 3m radii is proposed for drivers exiting, however a visibility splay diagram would be required before the Highway Authority could support this solution.
- 10.34 Another concern highlighted by the Highway Authority relates to the lack of pedestrian footpaths entering and exiting the site. The applicant has confirmed that the proposed access road will be shared with pedestrians although they anticipate pedestrian movements will be minimal due to the type of development. However, in order to allow for pedestrians (some may have trolleys or be carrying golf bags) to cross Dale Lane safely the Highway Authority requires an inline pedestrian crossing point to be constructed close to the access point. In addition a footpath will be required along the access point to ensure pedestrians can safely access the development.
- 10.35 It is considered that the golf facility itself will have a negligible impact on traffic flows in the area and it is anticipated that it will generate a maximum of 25 two way trips during the busiest evening peak (5pm - 6pm). A 76 space car park is proposed in the south west

corner of the site close to the proposed entrance and will be surfaced with a wearing course and a grass reinforcement system which is considered to be acceptable.

- 10.36 The main traffic impact will be from the construction phase and as such Traffic Impact Assessment has been undertaken covering both the construction and operational phases of the development. The temporary construction of the development involves the transportation of the inert material to the site from designated landfill sites. It is estimated 133,110m³ of inert materials are to be transported to the site using HGVs carrying an average of 8m³ per delivery. Over a 24 month construction period this would result in a maximum of 6 additional HGV vehicle trips during the AM and PM peak hours with a total daily increase of 64 two way trips. To ensure that the numbers of HGVs on the local highway network does not significantly increase the Highway Authority would recommend this is controlled by condition.
- 10.37 In summary, the proposed development conflicts with Policy GN3 of the Local Plan as insufficient information has been submitted to assess whether or not a suitable and safe access to the site for vehicles, HGVs and pedestrians, can be provided to enable the Local Planning Authority to be satisfied that the development would not have a detrimental effect on highway safety in the immediate surrounding area.

Flood Risk and Impact on Drainage

- 10.38 The site is located in Flood Zone 1, an area considered to have the lowest probability of fluvial and tidal flooding. A Flood Risk Assessment and Drainage Strategy accompanies the application which embraces the concept of sustainable drainage and recognises that flood risk is an important aspect of the development proposals. The site is currently permeable due to its greenfield status however the scheme would introduce hard standing which would result in an increase in surface water run off rates and volumes. The imported subsoil would provide additional storage for infiltration and retain the greenfield drainage characteristics. A detention basin in the lower northern extent of the site would be incorporated and water within the basin would be used for irrigation. Any run off from hardstanding, buildings and landscaped areas would be directed towards the basin over ground in designated conveyance channels. Any water that does not infiltrate or get reused through irrigation would discharge to Simonswood Brook at a limited discharge rate of 12.3 l/s. In order to achieve this attenuation storage would be required.
- 10.39 In respect of foul drainage, as the development site is not within an area served by mains drainage, a private package treatment plant would be utilised for foul drainage. Treated effluent would be discharged to a drainage field or alternatively discharged to the surface water drainage network onsite.
- 10.40 I am satisfied the submitted Flood Risk Assessment and drainage strategy provides sufficient information to ensure the scheme would not increase flood risk in the locality. A condition could be imposed to secure a submission of a detailed drainage design including attenuation volumes and survey work to confirm connectivity of the land drain to the wider river network, to ensure that the development would comply with policy GN3 in the Local Plan.

11.0 DEPARTURE APPLICATION

- 11.1 This proposal is a Departure from the Development Plan in that it involves a development normally inappropriate in the Green Belt. The application should, therefore be referred to the Secretary of State if the Council were mindful to grant approval.

12.0 CONCLUSION

- 12.1 The development would result in harm to the visual amenity and landscape character of this part of the Green belt and result in loss of best and most versatile agricultural land. Furthermore it has not been demonstrated that the development would not be detrimental to ecology or highway safety. Therefore it is recommended that planning permission be refused for the following reasons:

Reasons for Refusal

1. The proposed development conflicts with paragraph 118 of the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017 and Policy EN2 of the West Lancashire Local Plan Development Plan Document 2012-2027 in that insufficient information has been provided to demonstrate that the proposed development would not adversely affect internationally designated sites, their qualifying features and supporting habitat.
2. By virtue of their height and scale the proposed engineering operations to re-grade the land would be harmful to the visual amenity and landscape character of this part of the Green Belt contrary to the National Planning Policy Framework, Policies GN3 and EN2 of the West Lancashire Local Plan Development Plan Document 2012-2027 and the Council's Supplementary Planning Guidance "Natural Areas and Areas of Landscape History Importance".
3. The proposed development conflicts with Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD in that insufficient information has been submitted to assess whether or not a suitable and safe access to the site can be provided for vehicles, HGVs and pedestrians to enable the Local Planning Authority to be satisfied that the development would not have a detrimental effect on highway safety in the immediate surrounding area.
4. The applicant has failed to demonstrate that the development of agricultural land is necessary nor has it been demonstrated that sites of lower agricultural quality are not available. Consequently the development does not comply with the sequential test set out in the National Planning Practice Guidance and therefore the proposal is not in accordance with government guidance in this respect and is contrary to paragraph 112 of the National Planning Policy Framework.

No.11	APPLICATION NO.	2018/0401/OUT
	LOCATION	67 Gaw Hill Lane Aughton Ormskirk Lancashire L39 7HA
	PROPOSAL	Outline - Erection of up to seven residential units following the demolition of the existing buildings including details of access (all other matters reserved).
	APPLICANT	Boundary Group Ltd
	WARD	Aughton Park
	PARISH	Aughton
	TARGET DATE	11th June 2018

1.0 REFERRAL/DEFFERAL

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor O'Toole has requested it be referred to Committee due to the large number of concerns raised by local residents.

2.0 SUMMARY

- 2.1 The proposed development seeks permission for the principle of residential development and access only; all other matters have been reserved. In this respect the proposal is considered acceptable. I am satisfied that a development could be brought forward which would have no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Furthermore, I am satisfied that the proposed development would not result in the creation of new isolated homes in the countryside and an acceptable case for the loss of the existing employment has been presented. The proposed access is acceptable and the development will not have a significant impact on highway safety. I am satisfied that the residential development can be provided on site without causing harm to the character of the area, amenity of neighbouring properties, landscaping or ecology. The development is considered to be compliant with the NPPF and the relevant planning policies of the Local Plan and the application is therefore recommended for approval.

3.0 RECOMMENDATION:

- 3.1 That Outline planning permission be GRANTED subject to conditions.

4.0 THE SITE

- 4.1 The site is currently occupied by various agricultural type buildings situated to the south of Gaw Hill Lane in Aughton. The site is situated on lower land to Gaw Hill Lane and is in the Green Belt. Whilst the land surrounding the site remains free and open from development the site is immediately bounded to the north and the south by residential dwellings. The site has established vegetation screening to its boundaries.
- 4.2 The site currently operates as a Feed and Agricultural Merchants. Grain is stored and dried in the buildings and sold to customers primarily for horse feed.

5.0 THE PROPOSAL

- 5.1 This application seeks outline planning permission for the erection of up to seven dwellings. This application will consider the principle of development and means of access only, with all other matters reserved.

5.2 It should be noted that, as originally submitted, the proposed development sought approval on the matters of layout and scale also. However the proposed layout has been withdrawn and the description of development revised to reflect the absence of any definitive layout/no. of proposed dwellings.

6.0 PREVIOUS RELEVANT DECISIONS

6.1 2017/1065/OUT – REFUSED (01.12.2017) Outline - Seven detached dwelling houses, associated landscaping and access road following the demolition of the existing buildings including details of access, layout and scale.

6.2 8/6/10863 Approved -Erection of agricultural workers dwelling.

6.3 8/6/10863/1 Approved - Details of agricultural workers dwelling.

6.4 8/75/245 Approved - 2 single storey extensions and roofing of existing balcony.

6.5 8/80/686 Refused - Use of land for storage or 8 touring caravans.

6.6 8/82/673 Approved - Retention of use of existing buildings for grain drying and storage and associated garages/workshop/vehicle store.

6.7 8/85/139 Approved - Retention of use of existing building without compliance with condition 4 of 8/82/673 and amended condition and erection of extension.

6.8 8/87/441 Approved - Extension to grain store and retention of use of grain store for preparation of animal food.

6.9 8/90/791 Approved - 2 storey extension at rear.

7.0 OBSERVATIONS OF CONSULTEES

7.1 Lancashire County Council (Highway Authority) (15.05.2018) – No objection in principle to the proposed development. Conditions recommended.

7.2 United Utilities (15.05.2018) – No objections in principle. Conditions recommended.

7.3 Merseyside Environmental Advisory Service (05.06.2018) (16.07.18) – No objections in principal. Conditions recommended.

8.0 OTHER REPRESENTATIONS

8.1 Aughton Parish Council: Members would, once again, refer to the relevant policies in the West Lancashire Local Plan and National Planning Policy Framework on Protection of the Green Belt. The Parish Council could not support this Outline Planning Application for the following reasons:

The proposal would, by definition, be harmful to the Green Belt – very special circumstances would not apply so the proposed use would be inappropriate;

The site is considered 'isolated' given its very rural location. Any new dwellings would be prominent in this location;

On viability, the poor condition of the majority of unsubstantial buildings on site, and concern that the ongoing employment use (agriculture) was not viable, would not justify the change of land use to 'new residential'.

8.2 I have received 25 letters of objection from neighbouring properties and a petition containing 27 signatures. The main points of concern are summarised as follows:

Loss of rural area
Impact on natural beauty spot
Destroy developing nature reserve
Detrimental to local wildlife
Impact on protected species
Insignificant changes to previous refusal
There are many homes for sale in Aughton area; no more are needed
Loss of employment
Isolated dwellings
Design is not in keeping with rural area
Loss of existing trees/hedges
Increase in vehicular movements at junction of Gaw Hill Lane/A59
Loss of privacy and overlooking
Non-compliance with Local Plan
Non-compliance with Government guidance
Loss of views across the countryside
General impact on local residential amenities
Financial reports highlights that not all criteria met
It's difficult to understand why existing access is a problem for the business
If planning permission is granted restrictions should be attached regarding construction works to minimise impact on local neighbours
No documentation has been submitted to evidence any marketing of the site
It is unclear how foul water would drain from the site
Width of access for potential number of cars
If approval is given it would increase pressure on housing on two nearby plots currently classed as 'parked'
Impact on Green Belt
The development would not fall within the definition of affordable housing
Totally out of character
Unsafe access
Dwellings would incorporate balconies which is out of keeping
Loss of valuable green space
This is a farm and farm buildings
Removal of trees will increase flooding in local area
Barn owls are not mentioned in the supporting documentation
Loss of quiet enjoyment of garden amenities
Breach of Human Rights – right to peaceful enjoyment of all their possessions and right to respect for their private and family life
The previous reasons for refusal still apply
Change of use from commercial to residential is unnecessary
The Council has already reached their quota for housing

One letter of support has been received, raising the following points:
Good location; topography would permit development with less intrusion than average
Visit site weekly and development would be an asset to the surrounding area
Add character and economic benefits to the area
Enhance countryside

9.0 SUPPORTING INFORMATION

9.1 The application is supported by the following information:

Bat Survey – Preliminary Roost Assessment (updated 6.7.2018)
Bat Survey – Emergence and Activity Surveys
Preliminary Ecological Appraisal Survey
Information on distance to local amenities
Planning and Green Belt Statement
Drainage Statement
Viability Statement
Arboricultural Implications Assessment

10.0 RELEVANT PLANNING POLICY

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

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

National Planning Policy Framework

Supporting a prosperous rural economy
Delivering a wide choice of quality homes
Requiring good design
Protecting the Green Belt
Conserving and enhancing the natural environment

West Lancashire Local Plan 2012-2027 DPD

GN1 – Settlement Boundaries
GN3 Criteria for Sustainable Development
GN4 – Demonstrating Viability
RS1 – Residential Development
EC1 – The Economy and Employment Land
EN2 – The Rural Economy
EN4 – Preserving and Enhancing West Lancashire's Natural Environment

Supplementary Planning Advice

SPD – Design Guide (January 2008)

11.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Background

- 11.1 The site has an extensive planning history dating back to the 1960's. In 1987 permission was granted for '*Extension to grain store and retention of use of grain store for preparation of animal food*' subject to condition number 4 which read '*The premises shall only be used for the preparation of animal feeds in accordance with the submitted application and for no other purpose including any other purpose in Class B2 (General Industrial) of the Schedule of the Town and Country Planning (Use Classes) Order 1987.* In my view, this permission and current use of the site, demonstrates that the site is considered to be brownfield and not agricultural.

Principle of Development

- 11.2 The site falls within a Green Belt area of Aughton and is also classed as being a brownfield site, so I consider that there are three policy areas that need to be considered to assess the principle of the development. These are:

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

Principle of Development - Green Belt

- 11.3 Paragraph 89, Section 9 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. One of these exceptions allows for “Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 11.4 Annex 2 of the Framework defines ‘previously developed land’ (PDL) as being land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole curtilage should be developed) and any associated fixed surface infrastructure.
- 11.5 This site is currently developed with an employment use and is therefore a brownfield site (within Green Belt). Therefore, the main issue is whether the proposed development would have a greater impact on the openness of the Green Belt than the existing development.
- 11.6 As the proposal is in outline form only with no precise details on the number of dwellings/scale of development it is not possible to assess the precise impact on the Green Belt as required by the NPPF. However, the proposal is for a maximum of seven dwellings and it has been previously determined that seven detached dwellings could be provided on site and the overall built volume would be reduced by approximately 50%. Furthermore, the average height of the dwellings would not exceed that of the existing buildings. The spread of development and the resulting impact would need to be considered further at the reserved matters stage. Therefore, I consider that a residential scheme on this site consisting of no more than seven dwellings would not in principle have a greater impact on the openness of the Green Belt or the purpose of including land within it than the existing development.

Principle of Development - Loss of an existing employment site

- 11.7 Policy EC1 ‘The Economy and Employment Land’ of the Local Plan states that the re-development of existing individual employment sites for other uses will be considered where a viability case can be put forward (in line with Policy GN4) and where the provisions of Policy EC2 and EC3 are met, where relevant.
- 11.8 Policy EC2, ‘The Rural Economy’, states that the Council will protect the continued employment use of existing employment sites in rural areas. This could include any type of employment use, including agriculture and farming, and not merely be restricted to B1, B2 and B8 land uses. Where it can be robustly demonstrated that the site is unsuitable for an ongoing viable employment use (in accordance with the requirements of Policy GN4), the Council will consider alternative uses where this is in accordance with other policies in the Local Plan. Policy GN4 ‘Demonstrating Viability’ seeks to retain existing commercial / industrial (B1, B2 or B8) and retail (A1). Policy GN4 sets three tests and any proposal involving the loss of these uses must meet only one of the three tests.

- 11.9 The previous proposal for the redevelopment of this site was refused for three reasons; one of these related to a failure to demonstrate that the site was unsuitable for an on-going viable employment use. The previous assessment concluded that there were constraints which justified why it was not viable to redevelop the site for an alternative use or a mixed use and I am satisfied that these constraints remain. However it was found that the loss of the existing employment had not been addressed.
- 11.10 The applicant has sought to address the above issue by the submission of further supporting information and in particular a Condition Survey Report, a letter from the applicant's accountant and letters from a previous client outlining the difficulties in using the current business and raising the possibility of a joint venture in the future.
- 11.11 The information provided advises that whilst the current business (Feed and Agricultural Merchants) continues to operate, the projected future of the business is limited due to condition of the site/buildings and the need for investment to continue to operate a viable enterprise. The costs involved in this have been outlined and are considered to be prohibitive. Furthermore, the applicant's accountant has outlined the downturn in the existing business and the impact this has had on the applicant's personal and business finances and therefore the achievability of the necessary investment. The loss of trade has, in part, been put down to the constraints of the site which were identified under the last application (age of buildings, format, limited site area and parking facilities, restricted access for commercial activity) and this is reflected in the submission of a letter from a former client. Lastly, the applicant has submitted evidence of a possible future venture with a similar business in the West Lancashire area which operates from a site with less identifiable constraints.
- 11.12 The information provided has identified the struggles that the existing business is likely to face in the future. These, together with the site constraints identified and accepted under the last submission, appear to me to evidence that the continued use of the site for its existing use is not viable in the long term. Whilst the possibility of a joint venture with a related company in the future is something that I note the applicant aspires to, it would not be prudent/appropriate for the Local Planning Authority to have any control over this; the above assessment is based on the information provided in respect of the condition of the site/building, comments from a previous user and the financial overview provided.
- 11.13 On the basis of the above, I am satisfied that the applicant has submitted sufficient justification to evidence compliance with Policy GN4.1 (a) and (b) (although only one of these tests have to be met) and in turn compliance with Policy EC1 and EC2 of the Local Plan.

Principle of Development - Sustainability of Location

- 11.14 One of the reasons for refusing the previous residential proposal for this site was due to the concern that it would result in the creation of new isolated homes in the countryside. Furthermore it was noted that there was no connectivity between the site and the services located in nearby Aughton, therefore making it an unsustainable location.
- 11.15 There have been no changes to the NPPF in the intervening time and paragraph 55 of the NPPF continues to advise that in order to promote sustainable development, rural housing should be located where it would enhance or maintain the vitality of rural communities. However since this previous decision there have been a number of appeal decisions on this particular topic and as the NPPF does not offer any definition of the term 'isolated', the outcome of relevant appeal decisions are a material consideration in determining planning applications. In addition to appeal decisions, there has been a High Court Judgement on consideration of the meaning of 'isolation'. *Braintree District Council v Secretary of State*

for Communities and Local Government, Greyread Limited & Granville Developments Limited [2017] confirmed that 'isolation' should be given its ordinary meaning of "far away from other places, buildings or people".

- 11.16 Given the proximity of the application site to two existing residential dwellings, with further residential dwellings located close to the east, the proposed dwellings could not be considered as being far from other buildings or people.
- 11.17 In accordance with the aforementioned High Court decision and subsequent appeal decisions (such as APP/P2365/W/17/3182494 – Plumtree Barn) it is also necessary to consider whether the proposed development would be far away from other places. This includes consideration of whether the site is a suitable location for housing having regard to its location and accessibility. In this respect the application is located approximately 0.6m away from a range of day to day services located in Aughton (Key Service Centre) such as shops, a post office, school and public house. North and south bus stops are also located along the main A59 approximately 0.5m away from the site. In terms of accessibility to these services, this proposal offers a material change in circumstances in that it has been confirmed that a previously overgrown footpath linking the application site to an existing footpath at the junction of Holly Lane/Gaw Hill Lane, which in turn links to the A59, would be uncovered and reinstated. The Highway Authority has confirmed the acceptability of this footpath in usability terms. This provides a definitive link to the aforementioned services, one which could reasonably be expected to provide further occupants of the development a sustainable link to a variety of every day facilities and to public transport links to services further afield.
- 11.18 Whilst I am mindful of the Council's previous conclusions in this respect, it is imperative to give due consideration to material changes which have occurred in the intervening period, such as those outlined above. For these reasons, it is no longer considered that the site is isolated in terms of the requirements of paragraph 55 of the NPPF and the proposal would provide sustainable development which would enhance or maintain the vitality of the surrounding rural community.

Siting/Design

- 11.19 As this is an outline application, the planning application has effectively been submitted to test the principle of the development for up to 7 dwellings having an access off Gaw Hill Lane. Whilst the layout of the scheme was originally submitted, this has subsequently been withdrawn and the matters of layout and scale have now been reserved for consideration at a later date (reserved matters). As it now stands, there is no layout, indicative or otherwise, to consider.
- 11.20 Notwithstanding the above, I am satisfied that a residential scheme can be provided on this site which would not cause significant harm to the character or appearance of the local area. I am of the opinion that such a development would need to be 'bespoke' in nature and sympathetic of its rural surroundings. In achieving this, I am not convinced that the site can accommodate seven detached dwellings. However the proposal is for up to seven dwellings and the detailing of layout, scale and appearance have been reserved for consideration at a later date.

Impact on Residential Amenity

- 11.21 As above, as the application is in Outline form it is not possible to fully assess the impact of any future development on the amenities of neighbouring occupants. This assessment would form part of a future reserved matters application when the details of the development (no. of dwellings, siting, scale, appearance etc.) is known.

- 11.22 Notwithstanding the above however, given the location of the site and the achievable separation distances from both neighbouring properties (Nos. 67 and 69 Gaw Hill Lane), I am satisfied that the residential scheme could be provided which would be compliant with Policy GN3 of the Local Plan. It's worth noting that the previously refused scheme, which showed seven detached dwellings in a circular formation, was found to be acceptable in respect of its relationship with the two neighbouring properties mentioned above.
- 11.23 As documented during the previous submission, the interface distances between the site and properties along Liverpool Road and the top of Gaw Hill Lane (who have raised concerns over loss of privacy and overlooking) are in excess of the guidelines provided in the Council's Design and Access Statement. For this reason, I am satisfied that a residential development could be provided which does not cause harm to residents in these areas.
- 11.24 At this stage, I am satisfied that a residential development could be provided which would be compliant with Policy GN3 of the Local Plan in respect of neighbouring amenity.

Highways

- 11.25 The dwellings will be served by the existing shared access off Gaw Hill Lane. The Highway Authority has assessed the proposals and is satisfied visibility from this access is acceptable for the proposed development.
- 11.26 As this application does not provide any details in relation to layout, it is not possible to comment on parking or manoeuvrability. However any future proposals for the redevelopment of this site would be expected to meet the minimum parking standards as outlined in Policy IF2 of the Local Plan and provide sufficient space for vehicles to enter and leave the site in a safe manner in accordance with Policy GN3 of the Local Plan.

Impact on Trees

- 11.27 The site is within an area referenced in the Local Plan as being: 'Area of Local Landscape History Importance' due to the fragments of historic landscape in an area of major landscape change. Simply put, the area used to consist of a mosaic of fields and boundary hedgerows which were typical for farmed landscapes in this area. Over time, modern farming practices have created larger fields that are now flat and open.
- 11.28 As details of layout are not included within this submission, the extent of necessary works to trees effectively remains unknown at this time. It is however likely that any form of residential re-development would necessitate the loss of some of the existing tree cover.
- 11.29 It has been identified that the majority of the site consists of an over-grown boundary hedge made up of mainly unmanaged *Leylandii* conifers. The planting of these types of conifers is a poor choice in a rural environment and, although collectively, they can appear as a 'green screen', they are limited in terms of wildlife habitat and biodiversity. There are also a few mainly low grade trees in the north east corner of the site that includes species such as Ash, Sycamore and Alder.
- 11.30 The previously considered scheme accepted the loss of the majority of tree cover on site, although it was clearly stated that some compensation would be required. I am satisfied that the same approach should be adopted in this case.
- 11.31 Therefore, whilst the full impact on existing trees cannot be determined at this time, I am satisfied that a residential development could be provided which may result in the loss of

the majority of the existing tree cover but which can provide a suitable compensatory scheme in order to appropriately assimilate the development into its surroundings.

Ecology

- 11.32 The proposed development would result in the demolition of the existing buildings. Ecological surveys, including an updated bat report, have been submitted in accordance with Policy EN2 of the Local Plan.
- 11.33 These reports have highlighted that the site provides extensive bat foraging and commuting habitat and roosts are in close vicinity to the site however the bat report received in June 2018 found no evidence of bat use or presence within the buildings or trees. Given the proximity of bat activity it would be expected that any redevelopment of the site addressed this matter by incorporating integrated bat boxes and controlled lighting and such matters can be controlled by condition.
- 11.34 The June 2018 survey found buildings and trees on site to offer negligible habitat for barn owl. The Council's Ecologist finds this conclusion to be acceptable and therefore barn owl requires no further consideration in relation to this proposal.
- 11.35 It has been identified that the site provides nesting opportunities for breeding bird and a condition has been recommended that no works take place within the bird breeding season unless checks are first undertaken. In addition the proposed redevelopment of the site would result in the loss of bird breeding habitat and mitigation would be required in the form of bird nesting boxes; the necessary mitigation can be secured via a planning condition.
- 11.36 Further precautionary conditions are required in relation to common amphibians, reptile and small mammal species during both the demolition and construction phase.
- 11.37 It is noted that the Preliminary Ecological Appraisal states that any proposals which affect trees may result in changes to the recommendations as the condition of the trees may change in the interim. It is noted that the assessment provided does not discuss the loss of trees within the site. However, as the proposal is in outline form only the extent of the impact on trees remains unknown at this time. Therefore I am satisfied with the level of information provided and conclude that further ecological information would be required at the later stage when details of layout and landscaping are required.
- 11.38 From the information provided and subject to conditions, I am satisfied that the proposals accord with Policy EN2 of the Local Plan in respect of the impact of the proposed redevelopment of the site on protected species or their habitat.

Drainage

- 11.39 In terms of flood risk the site is located in Flood Zone 1 and also outside of areas susceptible to surface water flooding so the risk of flooding is considered to be low. However, it is a requirement of Policy GN3 that new development does not result in unacceptable flood risk or drainage problems. The submitted information advises that the site would be drained on a separate system. It is stated that foul water from the development would connect to the mains drainage system; however a check of the United Utilities map indicates that there are no nearby public sewers, therefore further investigations would be required in this respect and I am satisfied that this could be undertaken under a suitably worded condition.

11.40 With regards to the disposal of surface water, the information provided is again restricted in that it has only been confirmed that surface water will discharge in accordance with the Building Regulations hierarchical approach for the disposal of surface water. Given the Outline nature of this application I am satisfied that a condition can be imposed which requires full and definitive details of a drainage scheme to be submitted and agreed by the Council before any construction works take place.

12.0 CONCLUSION

12.1 The proposed Outline development would not be harmful to the Green Belt, amenity of neighbouring residents, highway safety or ecology and is in a sustainable location for future residential development. It is therefore recommended that Outline planning permission be granted subject to the following conditions:

Conditions

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Before any part of the development is commenced, approval shall be obtained from the Local Planning Authority for the Reserved Matters, namely the siting, design, layout, scale and appearance and landscaping (including details of landscape management and maintenance).
3. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Drawing no. A103 Rev 2 received by the Local Planning Authority 26th July 2018
4. No development on the construction phase 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.
5. No development on the construction phase shall commence until details of the design of the surface water drainage system, based on sustainable drainage principles, have been submitted to and approved in writing by the Local Planning Authority. Those details should include:
 - a) A drainage strategy confirming the proposed means of surface water disposal together with a SuDS management and maintenance plan, if applicable;
 - b) Evidence of the existing site topography to include any existing surface water flow routes, drains, sewers and watercourses in a readable 3D Autocad .drawing format;
 - c) Evidence of site investigation, test results to confirm soil infiltrations rates and calculations to indicate existing SW runoff rates and volumes;
 - d) Demonstration that SW run-off will not exceed pre-development run-off rates and volumes and, for formerly developed land, that the requisite reduction in runoff will be achieved;
 - e) Demonstration that existing natural land drainage water (e.g. spring water, ground water or surface runoff) from surrounding areas that enters the site is managed in such a way to have no material impact by leaving the site in terms of nuisance (e.g. exacerbation of existing flooding) or damage;
 - f) Design calculations using relevant storm periods and intensities (e.g. 1 in 30 and 1 in 100 year + agreed allowance for climate change), runoff discharge rates and volumes (both pre and post development), facilities for temporary storage, the methods employed to delay and control SW 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 metres AOD;

- g) Evidence that flood flows will be effectively managed within the site during the lifetime of the development including the construction period, will have no material impact by leaving the site in terms of nuisance or damage, or increase watercourse flows during periods of river flooding;
- h) In addition to the normal printed input/output files supporting calculations for existing discharge rates (if applicable) and drainage proposals are to be submitted in an electronic format suitable for use in MicroDrainage software (e.g. mdx file format). Any flow control details should be modelled using the Depth/ Flow Relationship for the Control Type for MicroDrainage version 2015 or earlier;
- i) Existing and proposed 3D level data submitted in a suitable format i.e. CSV or Autocad .drawing; and
- j) Existing and proposed catchment areas in a suitable format i.e. Autocad .drawing.
- The scheme shall be implemented in full in accordance with the approved details prior to first occupation of the first new dwelling, or completion of the development, whichever is the sooner. The approved drainage system shall be retained, managed and maintained in accordance with the approved details at all times for the duration of the development.
6. No development on the construction phase shall commence until details of the design and implementation of an appropriate foul drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the first new dwelling and retained, managed and maintained as such at all times for the duration of the development. To assist with approval a copy of the completion certificate issued by the Building Control body should be submitted.
7. The mitigation and enhancement measures set out in section 4.2 Table 8 of the Bat Survey - Preliminary Roost Assessment (ARBTECH, June 2018) received by the Local Planning Authority on 6th July 2018 and section 4.2 Table 7 of the Preliminary Ecology Appraisal Survey (ARBTECH, August, 2017) received by the Local Planning Authority on 16th April 2018 shall be implemented in full during and following the development hereby approved.
8. Tree felling, scrub clearance, vegetation management and/or ground clearance shall be avoided 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 vegetation shall be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected must be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved details.
9. No temporary or external lighting shall be present on the site until a lighting scheme has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved detail and in a timetable to be agreed in writing with the Local Planning Authority.
10. The development hereby permitted shall not be occupied until details of bird boxes and timing for their installation has been submitted to and approved in writing by the Local Planning Authority. The bird boxes shall be provided in accordance with the approved details.
11. No development shall take place until a scheme outlining Reasonable Avoidance Measures (RAMs) for the protection of common amphibian, reptile and small mammal species has been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be adhered to at all times.
12. The proposed access from the site to Gaw Hill Lane, shall be constructed to a (minimum) width of 5.5m and this width shall be maintained for a minimum distance of 10m measured back from the nearside edge of the carriageway prior to the first occupation of any of the approved dwellings.
13. No part of the development hereby approved shall take place until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the

Highway Authority as part of an appropriate legal agreement, under the Highways Act 1980.

14. The pedestrian footpath, as shown on plan reference A103 Rev 2 received by the Local Planning Authority on 26th June 2018, shall be provided prior to the first occupation of any of the approved dwellings and shall be maintained thereafter, clear of any obstructions.

Reasons

1. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline and the matters referred to in the condition are reserved for subsequent approval by the Local Planning Authority.
3. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To ensure the site is adequately drained in the interest of local amenity, there is no increase in flood risk on or off the site resulting from the proposed development or resulting from inadequate maintenance of the proposed surface water drainage system including the SuDS, appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development for the ongoing maintenance of the proposed surface water drainage system including the SuDS, to identify the responsible organisation/body/company/undertaker for the proposed SuDS and the water quality is not detrimentally impacted by the proposed development, so the development complies with the provisions of Policies GN3 and IF3 in the West Lancashire Local Plan 2012-2027 Development Plan
6. To ensure the site is adequately drained in the interest of local amenity, there is no flood risk on or off the site resulting from the proposed development, that appropriate and sufficient maintenance mechanisms are put in place for the lifetime of the development to reduce the flood risk to the development as a result of inadequate maintenance and the water quality is not detrimentally impacted by the proposed development, so the development complies with the provisions of Policies GN3 and IF3 in the 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 safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To safeguard 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 safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. To enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users.
13. 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.
14. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

1. The applicant is advised that the new site access and proposed footpath will require the applicant to enter into an appropriate legal agreement with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes the design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the County Council's Highway Development Control Section on lhscustomerservice@lancashire.gov.uk or by writing to the Highway Development Control Manager, Cuerden Mill Depot, Cuerden Way, Bamber Bridge, Preston PR5 6BJ quoting the planning application number in either case.

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

GN4 - Demonstrating Viability

RS1 - Residential Development

EC1 - The Economy and Employment Land

EN2 - The Rural Economy

EN4 - 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.

Agenda Item 71

No.12 APPLICATION NO.	2018/0003/COU
LOCATION	Lime Tree Barn 59 Winifred Lane Aughton Ormskirk Lancashire L39 5DH
PROPOSAL	Change of use of barn to pet crematorium, including 1000 litre fuel tank and additional hardstanding to rear of building.
APPLICANT	Mrs S Fitzgerald
WARD	Aughton And Downholland
PARISH	Aughton
TARGET DATE	28th July 2018

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 surrounding residents.

2.0 SUMMARY

- 2.1 The proposed development to change the use of the barn to a pet crematorium is considered to be acceptable in principle and in compliance with Policy GN1 of the West Lancashire Local Plan. The proposal is considered to be appropriate to the location and will not have a significant impact on the character or appearance of the surrounding area or on the amenity of neighbouring properties. Suitable planning conditions will be added to any approval to ensure landscape and highway works are carried out appropriately. The proposed development is considered to be compliant with the NPPF and Policies GN1, GN3, EC2, IF2, EN4 and EN2 of the West Lancashire Local Plan 2012-2027 DPD.

3.0 RECOMMENDATION: APPROVE subject to conditions.

4.0 THE SITE

- 4.1 The application site relates to an existing barn to the rear of Lime Tree Barn, no. 59 Winifred Lane. The site is located to the west side of Winifred Lane and is sited within the Green Belt and Granville Park Conservation Area.

5.0 THE PROPOSAL

- 5.1 Planning permission is sought for a change of use of the barn to a pet crematorium. A 1000 litre fuel tank and additional hardstanding to the rear of the building is also proposed.
- 5.2 Planning supporting information indicates that cremations at the site will be pre-booked and will likely to generate in the order of 2 vehicles at any one time, with the maximum vehicles entering and leaving the site being approximately 20 vehicles on any day. The crematorium will operate on Monday to Friday between 08.00 and 17.30 and on Saturdays 08.00-13.00. There will be no cremations taking place on Sundays or bank / public holidays. It is envisaged that the enterprise will employ two full time members of staff. A 1500 litre fuel tank is also proposed to the rear of the crematorium building.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2011/1137/FUL - Construction of new agricultural access and field gate. Refused 22.12.2011. Allowed on Appeal 20.09.2012.

- 6.2 2010/0423/FUL - Demolition of existing stable block. Extension and conversion of existing farm building to form new stable block. (Amendment to planning permission 2008/0868/FUL). Refused 16.06.2010. Dismissed on Appeal 14.02.2011.
- 6.3 2007/0286/FUL – Retention of agricultural building. Granted 06.12.2007.
- 6.4 2004/0384 - Consideration of Details for Prior Approval - Erection of agricultural storage building. Details Approved 08.06.2004.

7.0 **CONSULTEE RESPONSES**

- 7.1 Highways Authority (20/06/2018) – No objection in principle to this application and is of the opinion that the proposed development should have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site.
- 7.2 Environmental Health (30/04/2018) – No objections in principle. Requests planning condition in relation to times of operation.

8.0 **OTHER REPRESENTATIONS**

- 8.1 Aughton Parish Council (13/04/2018) and (14/06/2018) – No objections.
- 8.2 West Lancashire Conservation Areas Advisory Panel (23/05/2018) - Recommend refusal on the grounds that the proposal would industrialise the site and harm the residential character of the Granville Park Conservation Area.
- 8.3 Neighbour representations have been received from 19 local addresses objecting to the application on the grounds of:

Disturbance;
 Loss of privacy;
 Noise;
 Health and safety;
 Emissions;
 Odour;
 Commercial use not suited to the Conservation Area and Green Belt;
 Increase in traffic;
 Lack of details about what is to be incinerated;
 Highway safety;
 Set a precedent;
 Possibility of commercial signage;
 Impact on value of property;
 Possibilities of expansion;
 Lack of consultation;
 Already have two pet crematoriums within half hour of Aughton;
 Hours of operation too long;
 Access to be used is agricultural;
 Unhappy about burials;
 Impact upon drainage / sewerage / flooding;
 Impact upon wildlife;
 Health risk;
 Chimney visible;
 Object to long hours of operation.

- 8.4 One letter has been received from no. 63 Winifred Lane which withdraws their objection.
- 8.5 Three letters of support has been received, welcoming a new local business.

9.0 SUPPORTING INFORMATION

- 9.1 Supporting Statement
- 9.2 Cremator Information

10.0 RELEVANT PLANNING POLICIES

- 10.1 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.
- 10.2 The site is located within the Green Belt as designated in the West Lancashire Local Plan. The site is also located within the Granville Park Conservation Area.

National Planning Policy Framework 2012 (NPPF)

Delivering sustainable development
Promoting sustainable transport
Requiring good design
Conserving and enhancing the natural environment

West Lancashire Local Plan 2012-2026 (WLLP) policies:

Policy GN1 – Settlement Boundaries
Policy GN3 – Criteria for Sustainable Development
Policy EC2 – The Rural Economy
Policy IF2 – Enhancing Sustainable Transport Choice
Policy EN2 – Preserving and Enhancing West Lancashire's Natural Environment
Policy EN4 – Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

Supplementary Planning Document, Design Guide (Jan 2008)

11.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Assessment

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

Principle of Development;
Impact upon Green Belt;
Impact upon the Conservation Area;
Highways;
Impact upon adjoining land uses including neighbouring properties.

Principle of Development

- 11.2 Policy GN1 of the adopted WLLP states that 'development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies'.
- 11.3 Paragraph 90 of the NPPF is relevant and lists five other forms of development that are not inappropriate in Green Belt provided they preserve the openness of the Green Belt

and do not conflict with the purposes of including land in Green Belt. The re-use of a building provided that the building is of permanent and substantial construction is one of the developments listed.

- 11.4 The proposed works do not see any extension to the building, only minor fenestration alterations are proposed together with an external flue. Externally a 1500 litre fuel tank will be located to the rear of the building which will sit on a concrete base.
- 11.5 Although no structural survey has been submitted with the planning application, the application building is a modern structure, which whilst it is currently empty it has been previously used until recently by the applicant. Therefore, I do consider that the existing building is of a permanent and substantial construction and is suitable for re-use as a pet crematorium. Therefore, the principle of the development in my view is acceptable.

Impact upon Green Belt

- 11.6 As no extensions are proposed to the building, I am of the view that the development would not have an adverse impact upon the Green Belt. A 1500 litre fuel tank is proposed to the rear of the building, however, the siting has been kept as close as possible to existing built development. The hardstanding proposed to the rear of the building has been significantly reduced since first submission and now covers just an area of 2m x 75cm as a base for the fuel tank. An existing access track will also be utilised thus minimising the impact upon the Green Belt. Car parking will be provided within an existing yard area, I am therefore satisfied that the development will result in minimal encroachment in the green belt.
- 11.7 I note that concerns have been raised by neighbouring properties in relation to burials taking place on the site. It is confirmed that no on-site burials will take place at this site.

Impact upon the Conservation Area / Visual Impact

- 11.8 The application site lies within the Granville Park Conservation Area. The principle statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 is to preserve heritage assets including their setting. The NPPF states that where a proposal would lead to less than substantial harm to a heritage asset, the harm should be weighed against the public benefits of the proposal. Policy EN4 in the Local Plan advises that development affecting the historic environment should seek to preserve or enhance the heritage asset. In this particular case the main issues with regard to the impact on the Conservation Area relate to the proposed changes to the building caused by housing the crematorium incinerator and the potential changes in the character of the site caused by the proposed commercial activity.
- 11.9 The building proposed to house the crematorium business is situated at the rear of the site and given the existence of landscaping and buildings is highly screened from main viewing points of the Conservation Area. It is therefore considered that the fenestration alterations to the building would be obscure from public viewing points. The main alteration to the building is the erection of the chimney which is at a height of 8m from ground floor level. Taking into consideration the rear location of the building, whilst glimpsed views may be obtained of the chimney through existing spaces between buildings and landscaping, it is not considered the appearance of the Conservation Area will be harmed in any significant way by this change to the building. Any minimal impact caused by the flue will be mitigated by imposing a condition requiring it to be painted a suitable colour.
- 11.10 In terms of impact on the character of the Conservation Area, it is noted that the access track and car parking area are already in existence and given the low level of vehicular

use and activity proposed in relation to the business use it is not considered that the character of the Conservation Area will be harmed. Details of a landscaping scheme will be requested as part of any approval to improve the appearance of the access track which is currently bounded by post and rail fencing. This will also provide additional screening to the building from Winifred Lane from a southerly direction. Therefore although the development unit will result in some very limited harm to the character and appearance of the Conservation Area, this is less than substantial and will be outweighed by the public benefits of the proposal, namely the reuse of the redundant agricultural building and creation of a new business and employment opportunity. The duty under section 72 of the P (LBCA) Act 1990 has been given considerable weight in the assessment of the application.

Highways

- 11.11 The proposals will utilise an existing agricultural access from Winifred Lane. Winifred Lane is a classified road with a speed limit of 30mph fronting the site. It is anticipated that cremations will be pre-booked and the likely traffic generation will be in the order of 2 customer vehicles at any one time. The maximum number of vehicular movements into and out of the site related to the crematorium activities on any one day will be 20 vehicles in and 20 vehicles out. There will also be two members of staff working at the application site.
- 11.12 The submitted plans detail that there is sufficient space within the site to accommodate parking for visitors and staff. Additional plans have also been submitted which demonstrate that sightlines can be achieved. The width of the access is also adequate for two vehicles to pass when entering/exiting the site. On consultation with Lancashire County Council no objections have been raised and they are of the opinion that the proposed development should have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site.

Impact upon adjoining land uses including neighbouring properties

- 11.13 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring and proposed properties.
- 11.14 I note concerns from local residents which are listed in paragraph 8 above in terms of odour, smells, emissions, noise and health and safety. The Council's Environmental Health Officer has been consulted in relation to the potential impact of the development upon neighbouring properties and has raised no objections in principle.
- 11.15 A cremator of the capacity proposed would not need an Environmental Permit from the Local Authority or the Environment Agency so there are no other Local Authority regulatory controls over emissions. Instead the appliance must be DEFRA Approved and all pet crematoria sites must be approved by the Health and Veterinary Laboratories Agency (AHVLA). The proposed cremator is DEFRA Approved and complies with the EU Animal By-Products Regulation (EC) No 1069/2009. Such an appliance should not result in any visible smoke or odours. A stack height calculation has been submitted which requires an 8m stack height to ensure satisfactory operation and this is shown on the submitted plans. I am therefore satisfied that the development will not be detrimental to nearby residents through the creation of odour or emissions.
- 11.16 Manufacturer data on noise levels has also been provided. The Council's Environmental Health Officer is of the view that noise levels of the cremator are unlikely to exceed

daytime background noise levels in at the nearest residential property and hence the development will not result in noise disturbance to nearby residents.

11.17 In terms of vehicular movements to and from the site I consider the limited amount of visiting vehicles during the working day should not cause undue disturbance to neighbouring properties. The access and car parking areas are sufficiently distant from adjoining residential properties to ensure that noise and disturbance from vehicular movements is unlikely to have a significant impact on neighbours.

12.0 CONCLUSION

12.1 The proposed development would not be significantly harmful to the green belt, Conservation Area, residential amenity or highway conditions in the vicinity of the site and is therefore recommended for approval.

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 2017/002/C; 2017/003/B and 2017/004 received by the Local Planning Authority on 05/07/2018; 05/07/2018 and 01/06/2018.
3. Within three months of commencement of development, a landscaping scheme shall be submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas. Trees and shrubs planted shall comply with BS. 3936(Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). Within a period of 9 months from the date when any part of the development is brought into use the approved landscaping scheme shall be carried out. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.
4. No part of the development shall be utilised until all the highway works within the adopted highway have been constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority as part of an appropriate legal agreement, under the Highways Act 1980.
5. The cremator shall not be operated and no deliveries in connection with the crematorium business shall be taken at or dispatched from the site (including waste collections) outside the hours of 0800 - 1800 Monday to Friday; 0800 - 1300 Saturday nor at any time on Sundays, Bank or Public Holidays.
6. The chimney shall not be erected until details of its colour have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the chimney shall be installed in accordance with the approved details.

Reasons

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

4. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway works are acceptable and to ensure the development complies with Policy GN3 of the West Lancashire Local Plan.
5. To protect the amenity of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To 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.

Notes

1. The new vehicular access, within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (Vehicle crossings over footways and verges); The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Environment Directorate before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for vehicular crossings.

Reason for Approval

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

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy EC2 – The Rural Economy

Policy IF2 – Enhancing Sustainable Transport Choice

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.

