



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

Wednesday, 21 November 2018

**TO: COUNCILLORS M MILLS, D EVANS, I ASHCROFT, MRS P BAYBUTT,
T DEVINE, G HODSON, J HODSON, D O'TOOLE, G OWEN,
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, 29 NOVEMBER 2018** at **7.00 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 1017 - 1018

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

5. DECLARATIONS OF PARTY WHIP

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

6. MINUTES 1019 - 1020

To receive as a correct record the minutes of the meeting held on the 18 October 2018.

7. PLANNING APPLICATIONS 1021 - 1036

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

7a 2018/0790/ARM - Land to the North of Whalleys Road, Skelmersdale 1037 - 1052

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

7b 2018/0796/FUL - Land to the North of Whalleys Road, Skelmersdale 1053 - 1068

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

7c 2018/0835/OUT - Land to the South of Stopgate Lane, Simonswood 1069 - 1082

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

7d	2018/0525/HYB - Land to the East of Tollgate Road, Burscough To consider the report of the Director of Development and Regeneration.	1083 - 1100
7e	2018/0729/FUL - The Windmill, 24 Wigan Road, Ormskirk To consider the report of the Director of Development and Regeneration.	1101 - 1112
7f	2018/0730/LBC - The Windmill, 24 Wigan Road, Ormskirk To consider the report of the Director of Development and Regeneration.	1113 - 1118
7g	2017/1330/FUL - Scarisbrick Hall School, Southport Road, Scarisbrick To consider the report of the Director of Development and Regeneration.	1119 - 1134
7h	2018/0581/FUL - 198 Burscough Street, Ormskirk To consider the report of the Director of Development and Regeneration.	1135 - 1142
7i	2018/0720/FUL - 200 Burscough Street, Ormskirk To consider the report of the Director of Development and Regeneration.	1143 - 1150
7j	2018/0864/FUL - Netholme Farm, Park Lane, Tarleton, Preston To consider the report of the Director of Development and Regeneration.	1151 - 1156

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

**FIRE EVACUATION PROCEDURE: Please see attached sheet.
MOBILE PHONES: These should be switched off or to 'silent' at all meetings.**

For further information, please contact:-
Jill Ryan on 01695 585017
Or email jill.ryan@westlancs.gov.uk

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

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

IF YOU DISCOVER A FIRE

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

ON HEARING THE FIRE ALARM

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

NOTES:

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

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

CHECKLIST FOR PERSON IN CHARGE

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

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

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

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

NOTE:

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

CHECKLIST FOR ZONE WARDEN

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

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

INSTRUCTIONS FOR DOOR WARDENS

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

Agenda Item 4

MEMBERS INTERESTS 2012

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

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

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

Please tick relevant boxes

Notes

	General		
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i>
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a pecuniary interest because it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest or it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/> <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i> <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>
4.	I have a disclosable pecuniary interest (Dispensation 20/09/16) or a pecuniary interest but it relates to the functions of my Council in respect of: (i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease. (ii) school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends. (iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay. (iv) An allowance, payment or indemnity given to Members (v) Any ceremonial honour given to Members (vi) Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 20/9/16-19/09/20)	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
6.	I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>

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

Interest

Employment, office, trade, profession or vocation

Sponsorship

Prescribed description

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

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

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

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

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

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

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

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

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

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

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

'a connected person' means

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

'body exercising functions of a public nature' means

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

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

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

Agenda Item 6

PLANNING COMMITTEE

HELD: Thursday, 18 October 2018

Start: Time 7.30 p.m.

Finish: Time 8.10 p.m.

PRESENT:

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

Councillors: I Ashcroft
Mrs P Baybutt
C Cooper
R Cooper
G Hodson
D O'Toole

G Owen
E Pope
A Pritchard
Mrs M Westley
A Yates

Officers: Director of Development and Regeneration – Mr J Harrison
Head of Development Management – Mrs C Thomas
Legal and Member Services Manager – Mr M Jones
Principal Planning Officer – Ms T Maguire
Member Services/Civic Support Officer – Mrs J A Ryan

50 APOLOGIES

There were no apologies for absence received.

51 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillors Devine and J Hodson and the appointments of Councillors C Cooper and R Cooper for this meeting only, thereby giving effect to the wishes of the Political Groups.

52 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no urgent items of business.

53 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

54 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

55 MINUTES

RESOLVED: That the minutes of the meeting held on the 6 September 2018 be approved as a correct record and signed by the Chairman.

56 PLANNING COMMITTEE MEETINGS - PROPOSED CHANGE OF TIME FOR FUTURE MEETINGS

RESOLVED: That all future meetings of the Planning Committee commence at 7.00pm.

57 PLANNING APPLICATIONS

The Director of Development and Regeneration submitted a report on planning applications (all prefixed 2018 unless otherwise stated) as contained on pages 965 to 994 of the Book of Reports and on pages 1009 to 1015 of the Late Information Report.

58 2018/0728/FUL - HUGHES MUSHROOM, FARM , COURSE LANE, NEWBURGH

RESOLVED: That planning application 0728/FUL relating to Hughes Mushroom Farm, Course Lane, Newburgh be approved subject to the conditions as set out on pages 970 to 973 of the Report and with the adjustment to Condition 2 as set out on pages 1010 to 1011 of the Late Information Report.

59 2018/0721/FUL - GIBBONS BARN, PLEX LANE, HALSALL

RESOLVED: That planning application 0721/FUL relating to Gibbons Barn, Plex Lane, Halsall, Ormskirk be deferred for one cycle to allow for further negotiations to take place

60 2017/1265/FUL - TANPIT FARM HOUSE, BROAD LANE, DOWNHOLLAND

RESOLVED: That planning application 2017/1265/FUL relating to Tanpit Farm House, Broad Lane, Downholland be refused for the reasons as set out on pages 993 to 994 of the Report.

61 PLANNING CODE OF GOOD PRACTICE

Consideration was given to the report of the Borough Solicitor as contained on pages 995 to 1007 of the Book of Reports the purpose of which was to update the Planning Code of Good Practice to reflect current good practice and recent case law.

RESOLVED: That the updated Planning Code of Good Practice, attached at Appendix 1 of the report be adopted.

.....
- CHAIRMAN -



PLANNING COMMITTEE
29 NOVEMBER 2018

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	Ashurst	2018/0790/ARM	<p>Land To The North Of Whalleys Road Skelmersdale Lancashire</p> <p>Approval of Reserved Matters - Residential development of 129 dwellings including affordable housing. Details of access, appearance, landscaping, layout and scale.</p>	<p>The decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice Chairman of the Planning Committee subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 being entered into.</p>
2	Ashurst	2018/0796/FUL	<p>Land To The North Of Whalleys Road Skelmersdale Lancashire</p> <p>Residential development of 35 dwellings including affordable housing, access, appearance, landscaping, layout and scale.</p>	<p>The decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice Chairman of the Planning Committee subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 being entered into.</p>
3	Bickerstaffe	2018/0835/OUT	<p>Land To The South Of Stopgate Lane Simonswood Lancashire</p> <p>Employment development comprising B2 & B8 uses including ancillary office accommodation together with associated ancillary infrastructure</p>	<p>Planning permission be granted.</p>

4	Burscough West	2018/0525/HYB	<p>Land To The East Of Tollgate Road Burscough Lancashire</p> <p>Hybrid Application - Full planning permission for the construction of a link road between Tollgate Road/Ringtail Road and the Phase 1 residential development of the Yew Tree Farm site including associated drainage and other works; and outline permission for the construction of 31,100 sqm of B1, B2 and/or B8 employment development (all matters reserved except for access positions from the existing/new roads) together with the provision of related infrastructure including the construction of drainage works, services and related utilities.</p>	Planning permission be granted.
5	Derby	2018/0729/FUL	<p>The Windmill 24 Wigan Road Ormskirk Lancashire L39 2AU</p> <p>Change of use, extension and refurbishment of the Windmill Inn into student accommodation. Erection of a new build two storey apartment block on part of the existing bowling green.</p>	Planning permission be refused.
6	Derby	2018/0730/LBC	<p>The Windmill 24 Wigan Road Ormskirk Lancashire L39 2AU</p> <p>Listed Building Consent - Change of use, extension and refurbishment of the Windmill Inn into student accommodation. Erection of a new build two storey apartment block on part of the existing bowling green.</p>	Listed Building Consent be granted.

7	Scarisbrick	2017/1330/FUL	<p>Scarisbrick Hall School Southport Road Scarisbrick Ormskirk Lancashire L40 9RQ</p> <p>Erection of performing arts centre (teaching block and auditorium) with associated landscaping, external works and substation, and refurbishment of the existing Gas Works Cottage including erection of a link to the performing arts centre.</p>	Planning permission be granted.
8	Scott	2018/0581/FUL	<p>198 Burscough Street Ormskirk Lancashire L39 2EY</p> <p>Erection of a block of 9 apartments, comprising 6 x 2 beds and 3 x 1 beds with associated parking.</p>	Planning permission be refused.
9	Scott	2018/0720/FUL	<p>200 Burscough Street Ormskirk Lancashire L39 2EY</p> <p>Change of use from 5 bed student HMO with 1 no. 1 bedroom flat and 1 no. 2 bedroom flat to 5 bed student HMO plus 1 no. 2 bedroom flat and 2 no. studio bedrooms.</p>	Planning permission be granted.
10	Tarleton	2018/0864/FUL	<p>Netholme Farm Park Lane Tarleton Preston Lancashire PR4 6JN</p> <p>Demolition of existing dwellinghouse and erection of replacement dwellinghouse.</p>	Planning permission be refused.



PLANNING COMMITTEE

29th November 2018

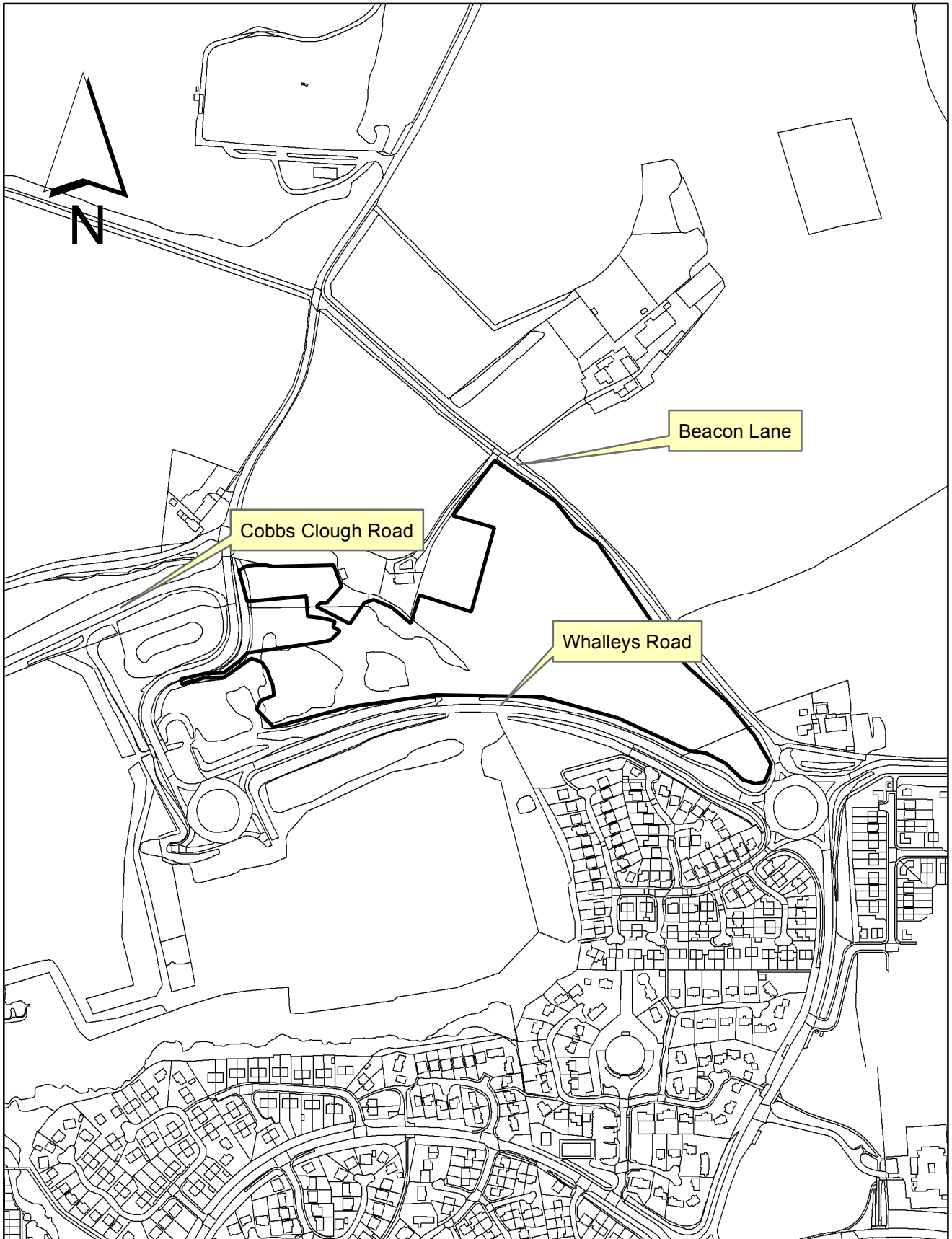
(Agenda Item 7)

PLANNING APPLICATION ITEMS

LOCATION PLANS

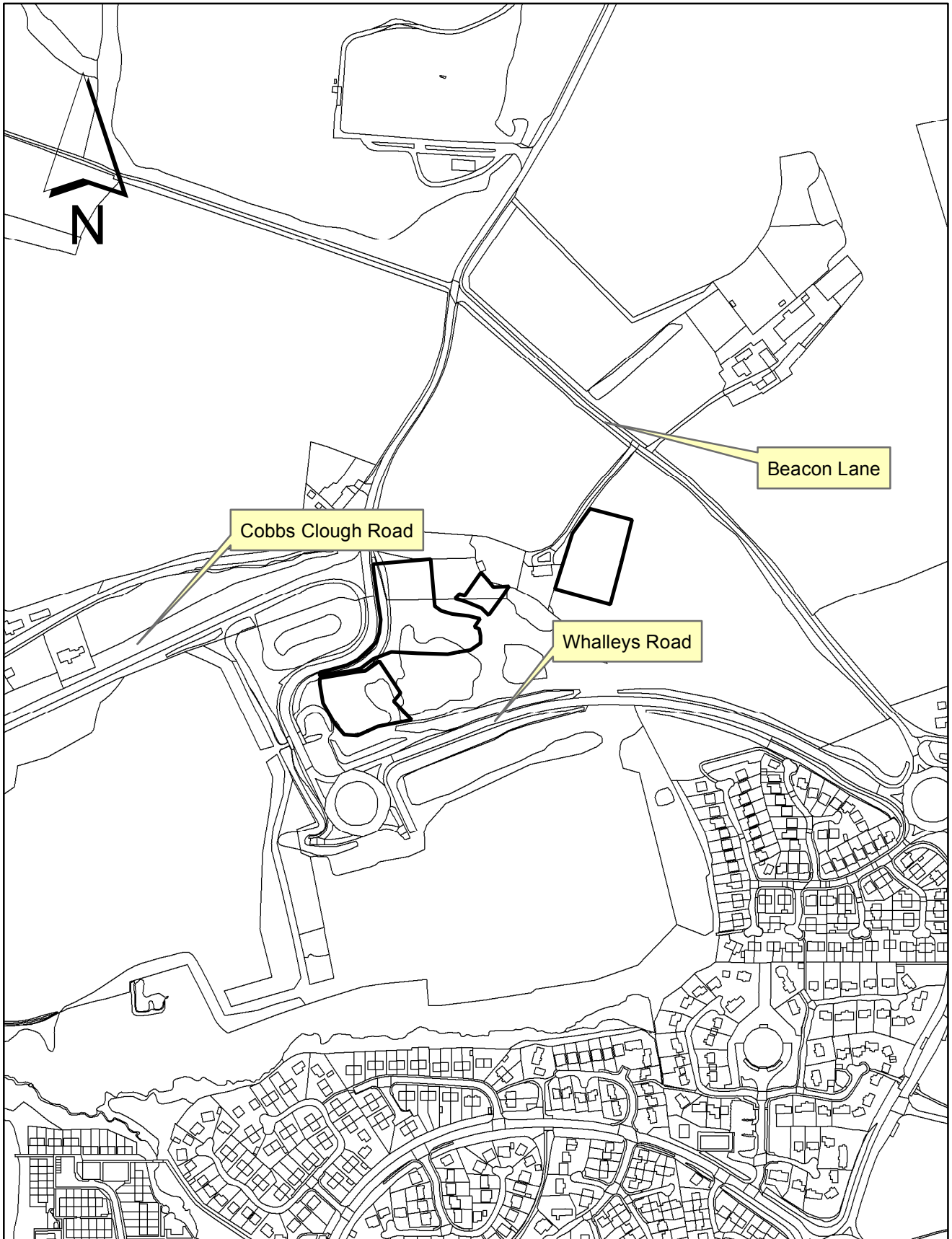


Land to the North of Whalleys Road, Skelmersdale WN8 7SE



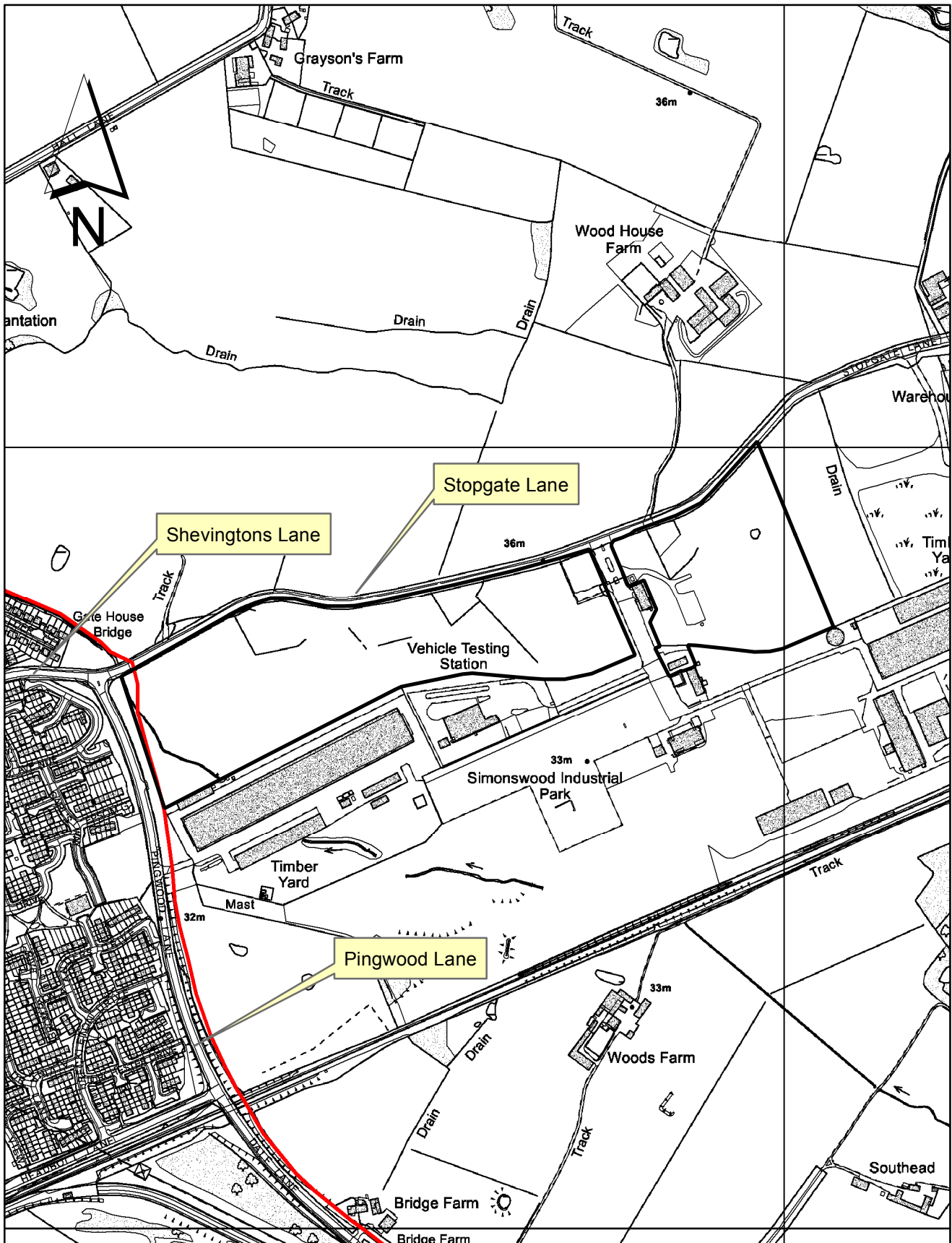


Land to the North of Whalleys Road, Skelmersdale WN8 7SE



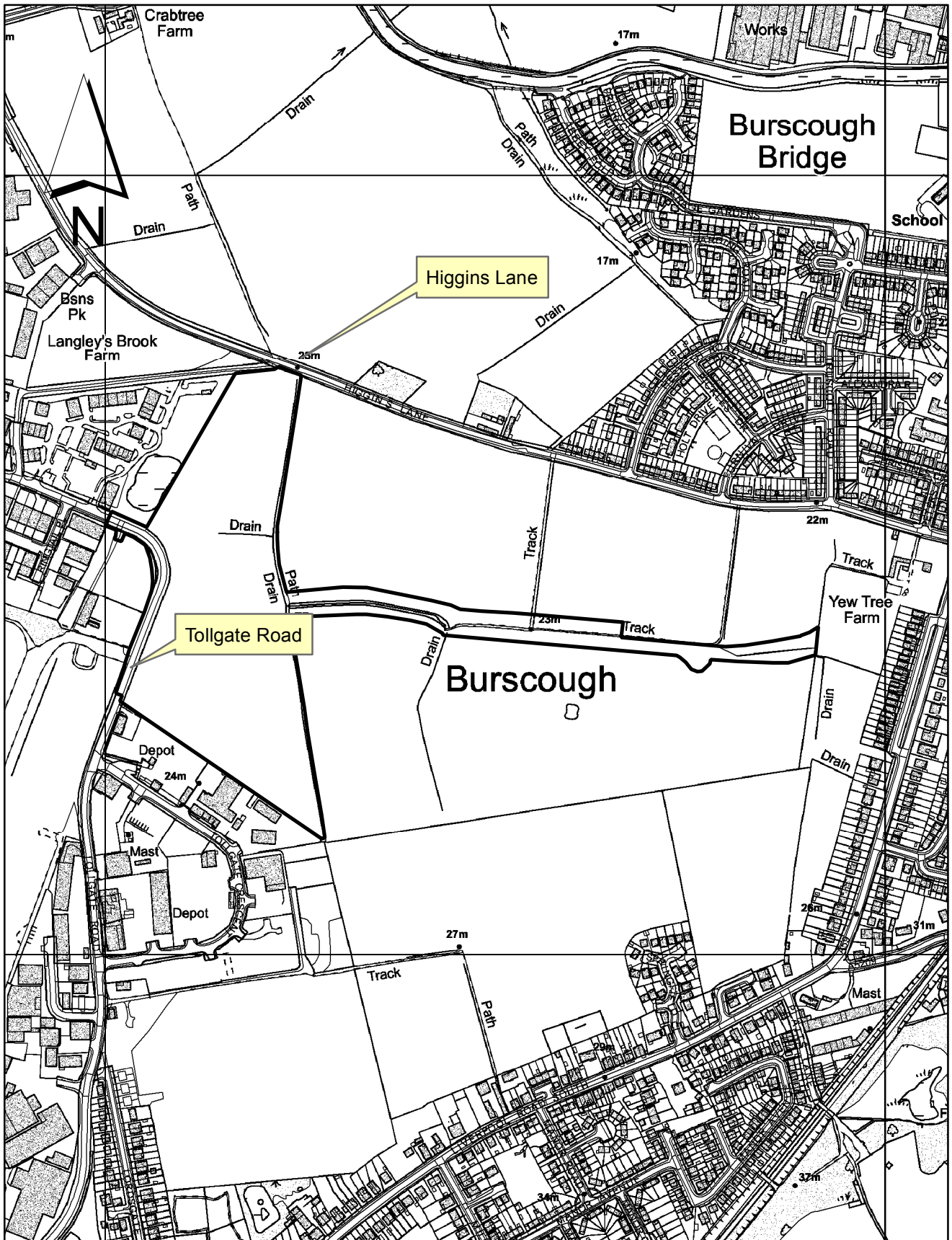


Land to the south of Stopgate Lane, Simonswood



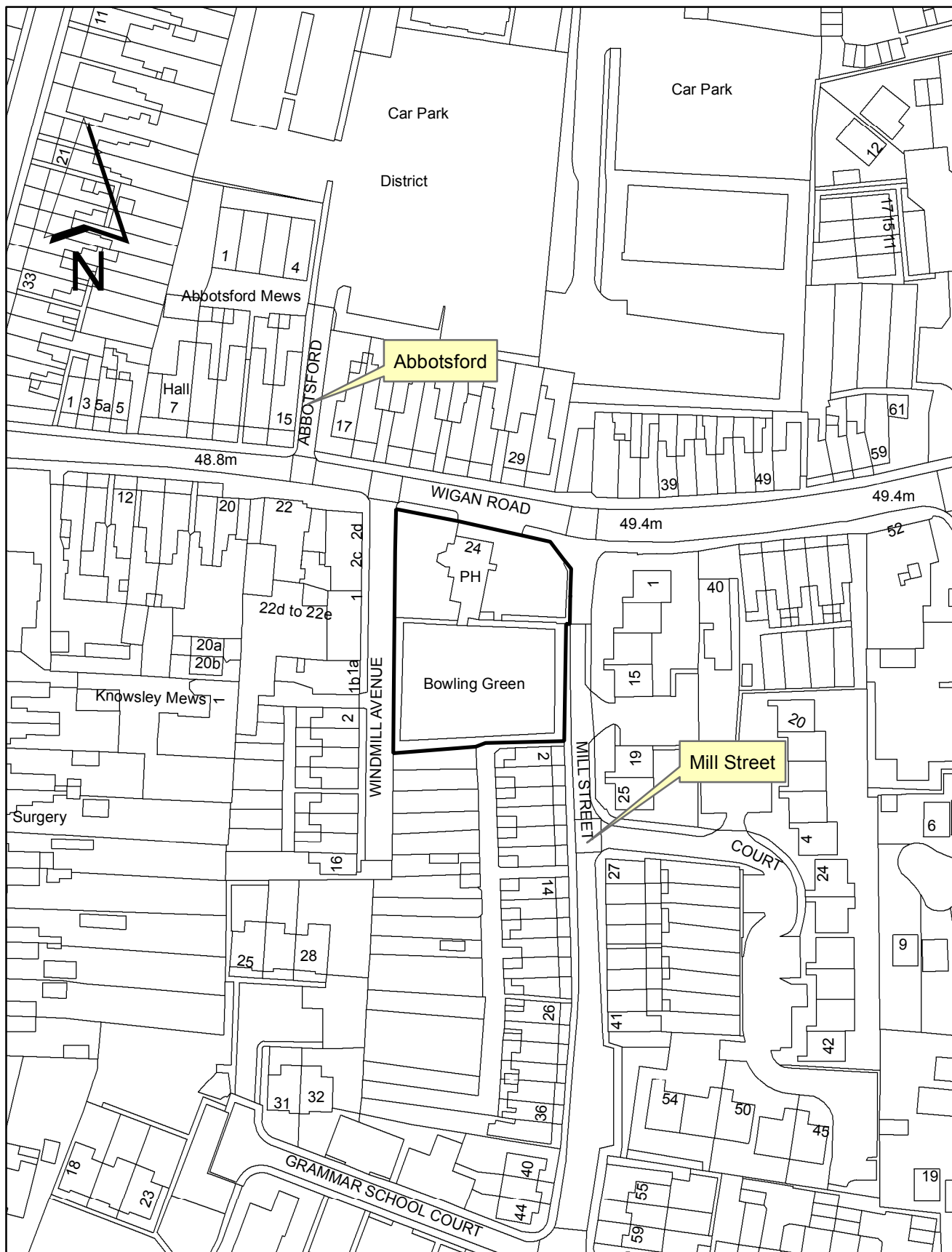


Land to the east of Tollgate Road, Burscough L40 8JY



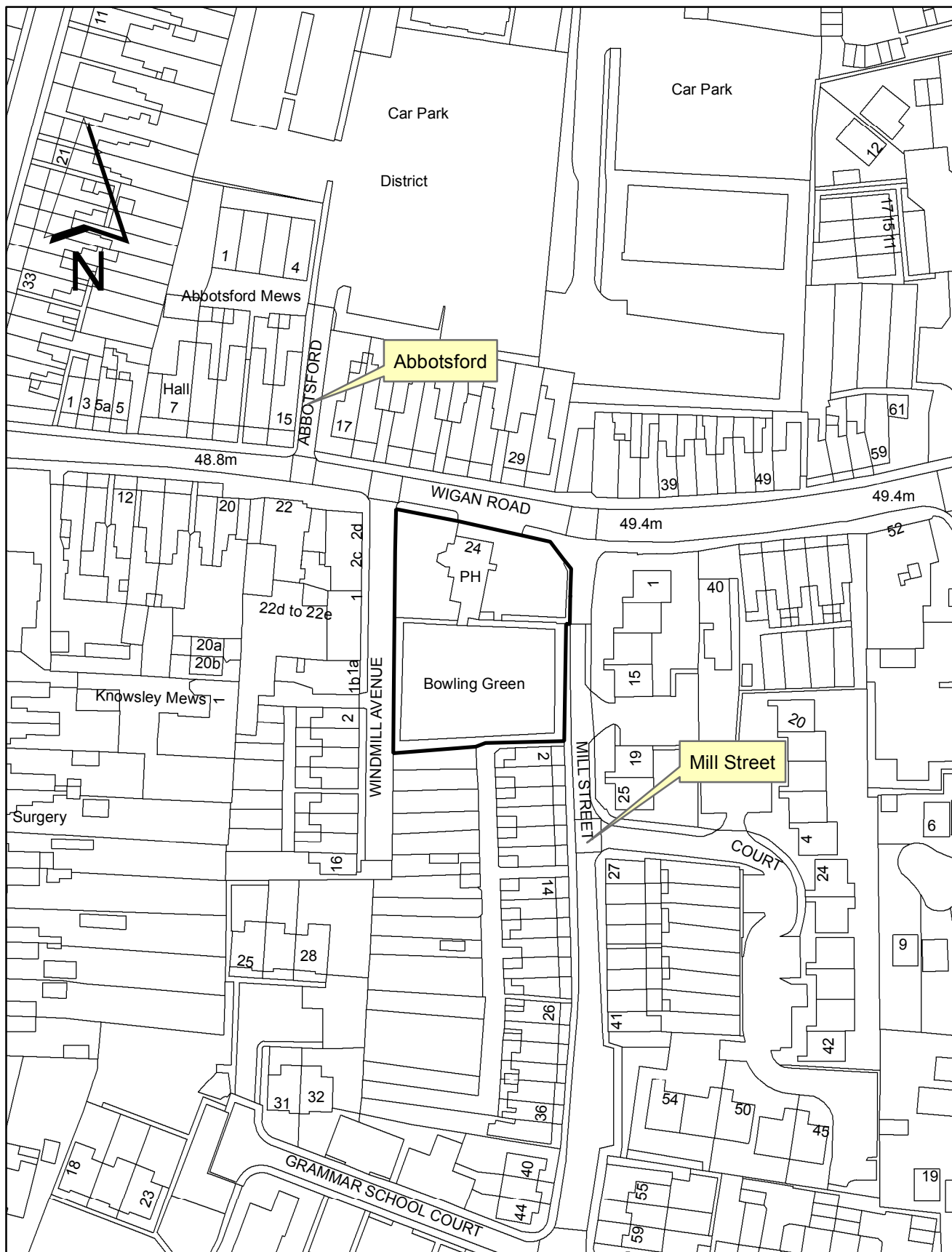


The Windmill, 24 Wigan Road, Ormskirk L39 2AU



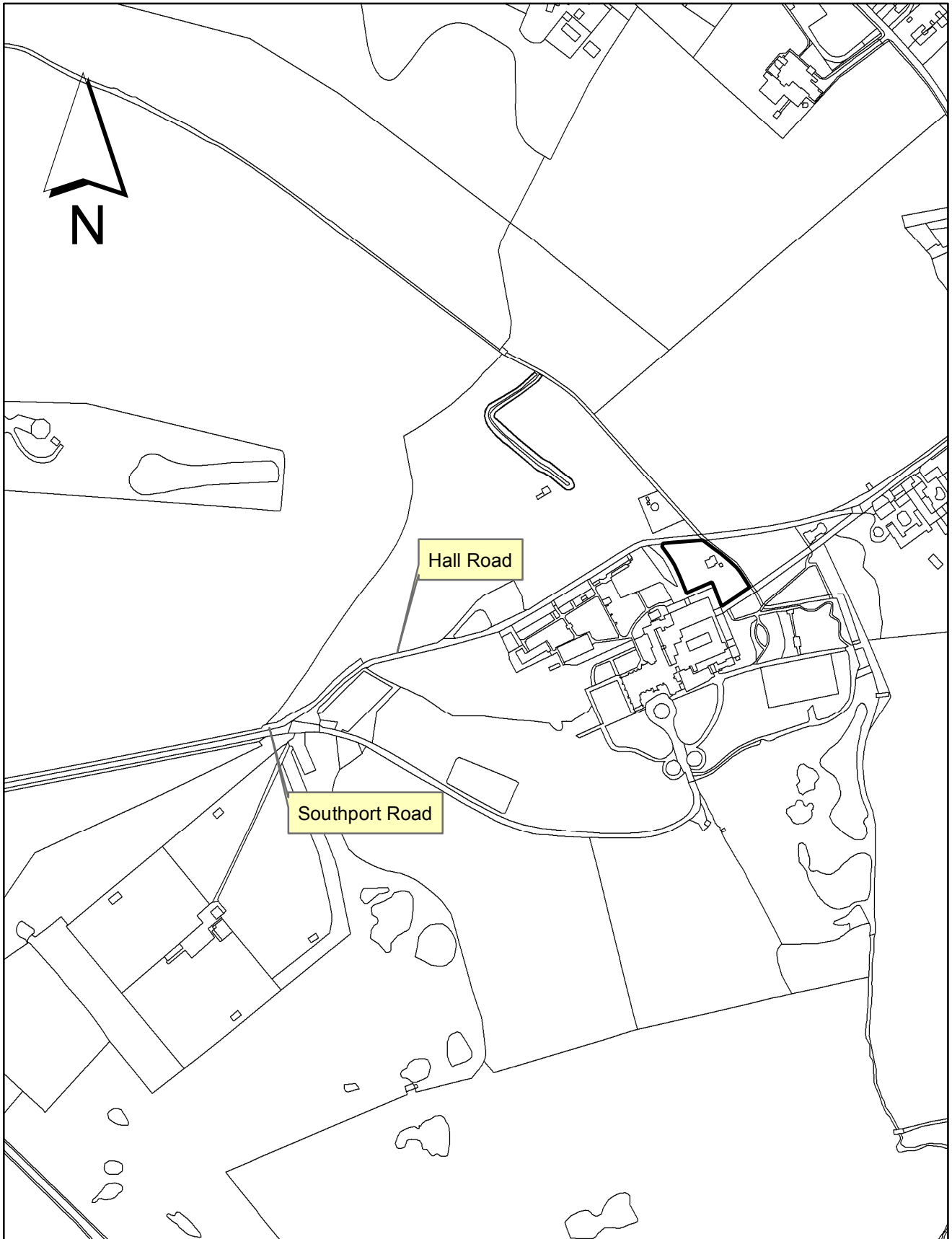


The Windmill, 24 Wigan Road, Ormskirk L39 2AU



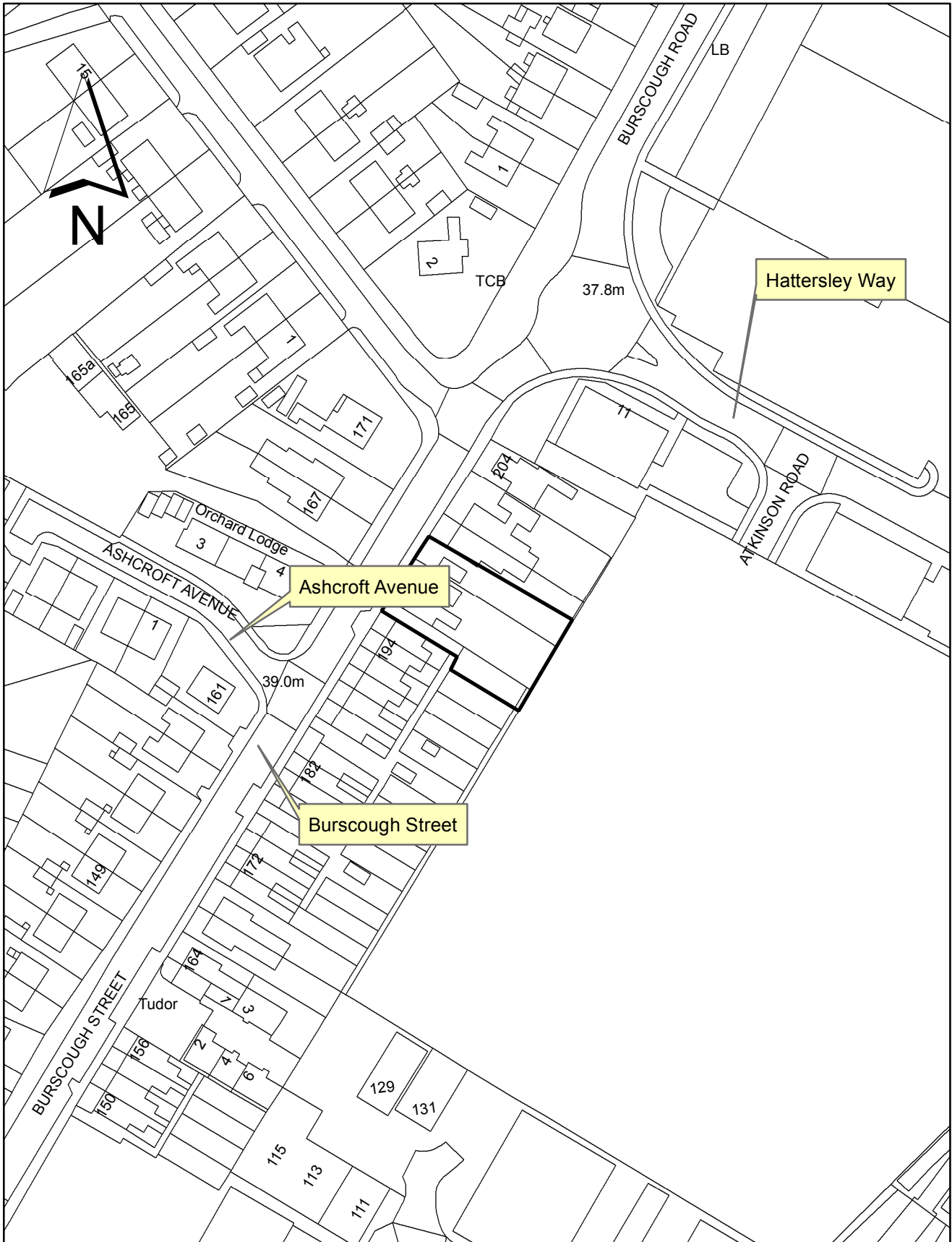


Scarbrick Hall School, Southport Road, Scarisbrick, Ormskirk
L40 9RQ



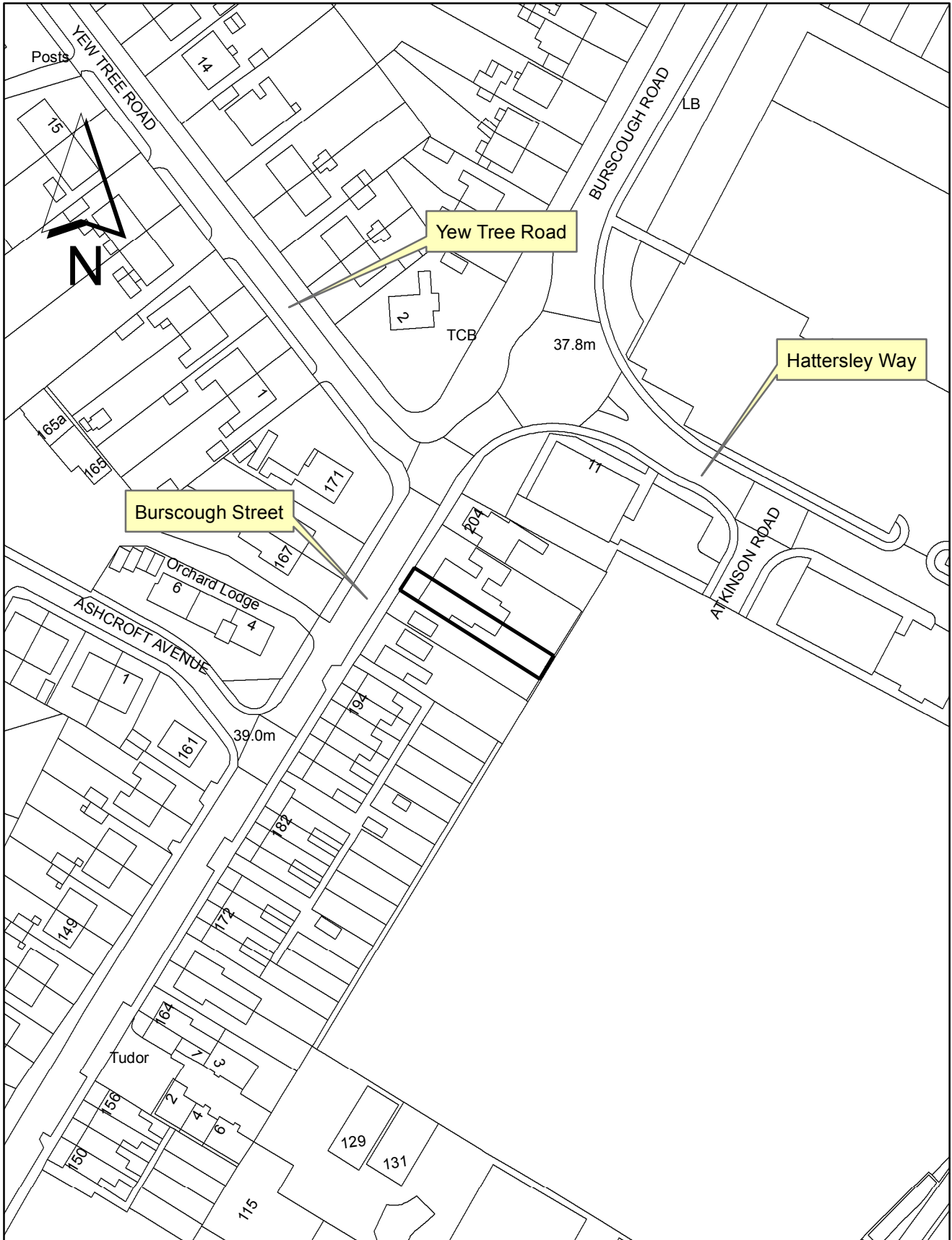


198 Burscough Street, Ormskirk L39 2EY



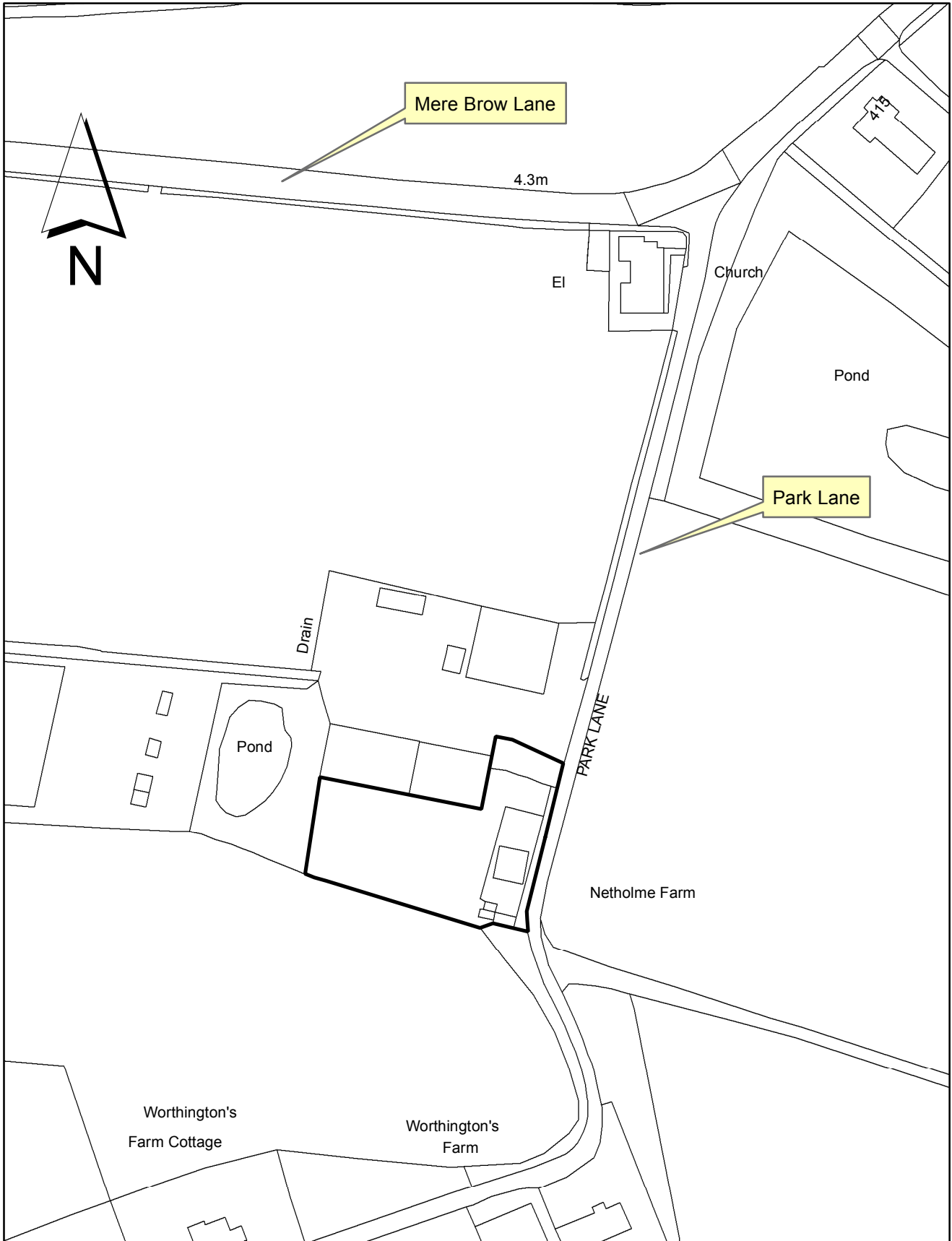


200 Burscough Street, Ormskirk L39 2EY





Netholme Farm, Park Lane, Tarleton, Preston PR4 6JN



Agenda Item 7a

No.1	APPLICATION NO.	2018/0790/ARM
	LOCATION	Land To The North Of Whalleys Road Skelmersdale Lancashire
	PROPOSAL	Approval of Reserved Matters - Residential development of 129 dwellings including affordable housing. Details of access, appearance, landscaping, layout and scale.
	APPLICANT	Kier Living Ltd
	WARD	Ashurst
	PARISH	Unparished - Skelmersdale
	TARGET DATE	23rd October 2018

1.0 **SUMMARY**

- 1.1 It is considered that the principle of residential development at this site is acceptable. I am satisfied that there will be no significant detrimental impact upon the character of the area, amenity of neighbouring properties, biodiversity, trees, flood risk or highway implications. The development is considered to be compliant with relevant planning policies and the application is therefore recommended for approval.

2.0 **RECOMMENDATION: APPROVE subject to planning obligation and conditions.**

3.0 **THE SITE**

- 3.1 The application site relates to a parcel of undeveloped greenfield land in north Skelmersdale, adjacent to Ashurst and approximately 2km north of the town centre. The site forms one of four parcels of land located in Whalleys and within the Skelmersdale settlement boundary that are allocated for residential development (it is known as Whalleys North or Site 5). The site lies to the north of Whalleys Road on a triangular parcel of land between Whalleys Road, Beacon Lane and Cobbs Brow Lane. The site is approximately 6 hectares and is currently grassed with trees and hedges to all boundaries and within the site. The eastern half of the site was last used for agriculture.
- 3.2 The topography of the site has a level difference of approximately 15m with the lowest point to the west where the land leads to a grassed subway under Whalleys Road. The highest point is to the east at the roundabout where Whalleys Road, Beacon Lane and Dalton Park meet. There are a number of residential properties to the south-east on Dalton Park as well as a small play area. Whalleys Farm lies to the east with new residential development under construction at The Woodlands (Whalleys site 4). To the north-east is Beacon Lane with Prescotts Farm and open countryside beyond. Immediately adjacent to the central northern boundary lies Lucas Cottage, a detached dwelling with associated small paddock and stable building. To the north-west is the Maharishi Free School and Ashtons Farm with open countryside beyond and to the west is Cobbs Clough Lane and Cobbs Clough Road with interspersed dwellings and open countryside. To the south-west and south is the remaining undeveloped parcel of the Whalleys development land.
- 3.3 Many of the trees along the northern, eastern and southern boundaries and running north-south through the centre of the site are subject to Tree Preservation Orders.
- 3.4 The site is located on an allocated housing site under Policy RS1 of the Local Plan and within the settlement of Skelmersdale with Up Holland.

4.0 THE PROPOSAL

- 4.1 This is a Reserved Matters application for the erection of 129 dwellings. The application includes details of access, site layout, scale, appearance and landscaping. Two access points are proposed off Whalleys Road, the principle of which has previously been approved under the outline permission for the site. The layout is separated into two distinct parcels of land, between which is an existing mature line of trees and hedges. Each parcel includes a mix of two-storey detached, semi-detached and terraced properties along with some bungalows. The proposed dwellings comprise:
- 1 x 1 bed apartment
 - 24 x 2 bed bungalows
 - 14 x 2 bed houses
 - 57 x 3 bed houses
 - 24 x 4 bed houses
 - 9 x 5 bed houses
- Of these, 38 units (12 x bungalows, 14 x 2 bed houses and 11 x 3 bed houses) will be provided as affordable shared ownership tenure dwellings. This equates to 29.5% of the total number of dwellings proposed.
- 4.2 On the larger eastern parcel of land, the layout is formed by a circular estate road with houses fronting and smaller cul-de-sacs branching off. Dwellings also face outwards along the Whalleys Road frontage. The smaller western parcel is laid out along one main estate road leading to a cul-de-sac before the land falls towards a grassed subway under Whalleys Road. All the dwellings have private gardens and the majority have private driveways, although parking for the smaller units is also provided within shared courts. The dwellings are presented in a variety of heights, styles and materials to cater for different occupants and drawing upon the prevailing character of other dwellings in the area.
- 4.3 Trees and hedgerows are maintained around the boundaries of the site, although these will be trimmed back in places. The central line of trees is also retained, except for a section that is to be removed to create an informal path linking the two sites. Two small attenuation ponds are to be created in the north-west and north-east corners of the site.
- 4.4 Areas of ecological constraint around bat roosting sites have informed much of the layout and buffer areas have been created that result in informal areas of grass that serve to create a sense of openness within the overall layout.

5.0 RELEVANT APPLICATIONS

- 5.1 2018/1090/ARM – Approval of Reserved Matters – (access, appearance, landscaping, layout and scale) in respect of residential development of 120 dwellings, open space and associated infrastructure. PENDING CONSIDERATION (Whalleys South – Seddon Homes and Trafford Housing Trust)
- 5.2 2018/0796/FUL - Residential development of 35 dwellings including affordable housing, access, appearance, landscaping, layout and scale. PENDING CONSIDERATION (Whalleys North – Kier)
- 5.3 2018/0690/NMA - Non-material amendment to planning permission 2016/0769/ARM - Revising approved 1.8m high closed boarded fence to 1.2m high closed boarded fence abutting existing retained hedgerow to plots 50-57, 123, 137, 138, 146-160, 173-174. (Whalleys site 4 – Keepmoat)

- 5.4 2018/0584/NMA - Non-Material Amendment to planning permission 2016/0769/ARM - Repositioning plots 77 & 78 by approximately 1m towards plots 73-76. GRANTED (Whalleys site 4 – Keepmoat)
- 5.5 2018/0080/CON – Approval of Details Reserved by Condition No. 8 of planning permission 2016/0769/ARM relating to surface water drainage scheme. PENDING CONSIDERATION (Whalleys site 4 – Keepmoat)
- 5.6 2017/0247/CON - Approval of Details Reserved by Condition No's. 2 and 8 of planning permission 2016/0769/ARM relating to details of mitigation measures and surface water drainage scheme. PART APPROVED PART REFUSED (Whalleys site 4 – Keepmoat)
- 5.7 2016/0769/ARM - Approval of Reserved Matters - Residential development of 202 units comprising 2, 3 and 4 bed properties with associated roads, footpaths and landscaping. GRANTED 07.02.2017 (Whalleys site 4 – Keepmoat)
- 5.8 2013/1050/WL3 - Outline application (with all matters reserved) for a residential development consisting of up to 630 dwellings together with associated open space and landscaping. GRANTED 28.08.2014
- 5.9 1999/0772 - Outline - Residential development and footpath/bridlepath. Withdrawn 02.08.2005
- 5.10 1998/0216 - Outline - Residential development. Withdrawn 02.08.2005
- 5.11 1994/0258 - Outline - Residential development (including means of access and landscaping). Refused 23.06.1994
- 5.12 Dalton Park (adjacent to site) - 1996/0382 (Granted 16.10.1996) Reserved Matters - Residential development (104 dwellings) with public open space & estate road.

Dalton Park (adjacent to site) -1993/1165 (Granted 15.03.1995) Outline - Residential development including details of access points.

6.0 CONSULTEE RESPONSES

- 6.1 LCC HIGHWAYS (09/11/18, 23/10/18, 10/10/18 and 09/08/18) - No objection. The latest submissions are acceptable as in principle drawings for planning and as the basis of the highways s278 agreement. Conditions recommended.
- 6.2 THE COAL AUTHORITY (28/08/18) The Coal Authority considers that Condition 13 of the outline planning permission has been met and the Coal Authority has no objection to this reserved matters application.
- 6.3 UNITED UTILITIES (15/11/18, 06/09/18 and 23/08/18) No objections subject to the imposition of recommended conditions.
- 6.4 LEAD LOCAL FLOOD AUTHORITY (24/10/18) No objection subject to condition.
- 6.5 MERSEYSIDE ENVIRONMENTAL ADVISORY SERVICE (17/09/18 and 23/10/18) No objection subject to conditions. The applicant has submitted ecology reports that meet BS 42020:2013 and are acceptable. It is welcomed that the applicant has provided proportionate and appropriate mitigation for all identified biodiversity within the site. Barn owl is present within a stable block immediately north of the site, however the mitigation

strategy submitted is considered acceptable and sufficient to ensure the proposals will not harm the local barn owl population.

6.6 LANCASHIRE ARCHAEOLOGICAL ADVISORY SERVICE (06/11/18) No objection. The Written Scheme of Investigation appears appropriate for this stage of the works on this section of the site.

6.7 ENVIRONMENT AGENCY (24/09/18) Not necessary to comment as not in Flood Zone 2 or 3.

7.0 OTHER REPRESENTATIONS

7.1 I have received two letters of objection from neighbouring residents, who raise the following concerns:
insufficient infrastructure to support the increased population;
implications of affordable housing in terms of demographic profile;
Elderly residents will need additional services;
Lack of health and dental care, sports facilities, schools, retail facilities, social experiences;
Increased traffic and lack of public transport;
Catastrophic impact on wildlife;
Impact on political map of the area;
Skelmersdale is becoming a dormitory town and how will a sense of community be created?;
Too many dwellings;
Ignoring the TPO;
Adverse impact on the green corridor;
Impact on owls in adjacent stable building;
Proximity of dwellings to stable block;
Wild orchids will be destroyed;
Path leading on to Beacon Lane is dangerous;
Lack of car parking;
Increased flood risk.

8.0 SUPPORTING INFORMATION

8.1 The application is supported by the following information:
Planning Design and Access Statement
Travel Plan
Highways Technical Note
Tree Survey Report
Landscape Management Plan
Arboricultural Impact Assessment
Ecological Mitigation Strategy
Ecology and Landscape Strategy
Bat Mitigation Strategy
Barn Owl Mitigation Strategy
Flood Risk Assessment
Drainage Statement
Coal Mining Report
Ground Investigation Report
Remediation Strategy Report
Archaeological Evaluation
Waste Management
Energy Statement

9.0 RELEVANT PLANNING POLICIES

9.1 The National Planning Policy Framework (NPPF) (including Technical Guidance to the NPPF) and the West Lancashire Local Plan (2012-2027) DPD provide the policy framework against which the development will be assessed. The site is located within the Regional Town of Skelmersdale in the West Lancashire Local Plan and is also an allocated housing site.

9.2 The following policies apply:

National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development

Section 4 Decision making

Section 5 Delivering a sufficient supply of homes

Section 6 Building a strong, competitive economy

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change

Section 15 Conserving and enhancing the natural environment

Section 17 Facilitating the sustainable use of minerals

West Lancashire Local Plan (2012-2027) DPD

SP1 – A Sustainable Development Framework for West Lancashire

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

RS1 – Residential Development

RS2 – Affordable and Specialist Housing

IF2 – Enhancing Sustainable Transport Choice

IF3 – Service Accessibility and Infrastructure for Growth

IF4 – Developer Contributions

EN1 – Low Carbon Development and Energy Infrastructure

EN2 – Preserving and Enhancing West Lancashire's Natural Environment

EN3 – Provision of Green Infrastructure and Open Recreation Space

EN4 - Preserving and Enhancing West Lancashire's Built Environment

The site is within a Mineral Safeguarding Area and Policy M2 of the Lancashire Minerals and Sites Allocation and Development Management Policies Local Plan is relevant.

9.3 Additionally the following supplementary planning documents are relevant:

Key Principles for Residential Development at Whalleys, Skelmersdale (Sep 2012)

SPD – Design Guide (Jan 2008)

SPD - Open Space/Recreational Provision in New Residential Developments (April 2009).
Updated 2014

SPG – Whalleys Housing Site, Skelmersdale Plus Mixed Development (updated July 2007)

SPG - Natural Areas and Areas of Landscape History Importance 2007

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Background

- 10.1 Outline planning permission, with all matters reserved, has previously been granted for residential development on this site, along with other parcels of land at Whalleys. Outline planning permission 2013/1060/WL3 was granted for up to 630 dwellings on 28th August 2014 and incorporated 4 parcels of land, together with open space and landscaping. The outline permission includes 30 conditions and a S106 Agreement that secures the provision of 30% affordable housing and 20% specialist housing for the elderly across all the sites, public open space, transport contributions and biodiversity mitigation and enhancement.
- 10.2 The first parcel of land to be developed was known as “Whalleys 4”, to the east of Whalleys Road. This secured Reserved Matters Approval for 202 dwellings on 7th February 2017 and is currently being progressed by Keepmoat Homes. A number of dwellings are already occupied on this site. The current application for Reserved Matters Approval subject of this report is the second parcel of land to come forward for development and was indicated in the outline permission as Whalleys 5a and 5b (or Whalleys North).
- 10.3 This Reserved Matters application also seeks to include details of conditions imposed on the outline permission (namely Condition 3 – access, layout, scale, external appearance and landscaping; Condition 5 – levels; Condition 6 – ecology and landscape ; Condition 7 – bats, Condition 9 – soil stripping; Condition 11 – surface water drainage; Condition 13 – coal investigation; Condition 14 – design; Condition 16 – off-site highways; Condition 21 – travel plan; Condition 22 – access; Condition 23 – junction assessment; Condition 28 – archaeology; Condition 29 – energy and Condition 30 – substations).
- 10.4 It should be noted that this application also relates to planning application 2018/0796/FUL elsewhere on the agenda. The two proposed developments are inter-related, although this Reserved Matters application can be delivered independently as it includes the access points and estate road into the site.

Principle of Development

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

Affordable and Specialist Housing for the Elderly

- 10.6 The outline permission for the site requires (in accordance with Policy RS2 of the Local Plan) that 30% of the dwellings are affordable and provided as a mix of house-types. A total of 38 out of the 129 dwellings are of affordable shared ownership tenure. Of these, there are 12 bungalows, 1 x 1bed apartment, 14 x 2 bed properties and 11 x 3 bed properties. These dwellings are dispersed around the site. The Council’s Housing Strategy and Projects Manager is satisfied with the tenure mix and types of dwellings.
- 10.7 In addition to this, Policies RS1 and RS2 and the outline planning permission requires that 20% of the new residential units should be suitable for the elderly. The Council are flexible on how this is achieved, but the planning obligation pertaining to the outline permission set out that a percentage of these should also be affordable units. As such, the 24 bungalows on the site, 50% of which are affordable units, meet the necessary amount. As such, the proposed development is considered to be in full accordance with policies RS1 and RS2 of the Local Plan.

Siting, Layout and Design

- 10.8 Paragraph 124 of the NPPF advises that *The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.* Policy GN3 in the Local Plan together with the Council's SPD Design Guide reiterates this ethos and states that new development should be of a scale, mass and built form which responds to the characteristic of the site and its surroundings. New development is required to be of a high quality design and have regard to visual amenity and complement its surroundings through sensitive design, including appropriate siting, orientation and scale.
- 10.9 The proposed layout offers a legible scheme with clear routes for vehicle and pedestrian movement throughout. A mixture of property sizes is proposed, varying from 2 bedroom bungalows to 5 bedroom two-storey houses with dormers in the roof space. The layout includes the provision of a number of areas of open space and tree cover which breaks up the built development and provides an attractive visual appearance to the overall scheme. This ensures the character of the area is maintained on the edge of the built up settlement and serves to screen the development somewhat from outwith the site.
- 10.10 Existing TPO trees are to be retained except for the provision of access points off Whalleys Road, a pedestrian link onto Cobbs Brow Road and an informal pedestrian link connecting the two parcels of land. This ensures the loss of tree cover is minimised.
- 10.11 The design of properties generally reflects that in the local area of Ashurst which is post 1960's development and is predominantly characterised by two storey semi's and detached properties with some bungalows and a couple of larger blocks of sheltered accommodation. Materials in the area comprise brown, red and buff bricks as well as brown and grey roof tiles. More recently, rendering has been introduced on some properties in the area. This palette of design and materials has been reflected within the proposed development and is therefore consistent with the aims of the NPPF and Policy GN3.
- 10.12 A number of bungalows are proposed on the site (24) and 24 taller properties with rooms in the roofspace are also proposed and these have been sited within the central part of the site so as to reduce their impact on the wider area. The mix of sizes and design of dwellings provides a range to meet local needs. I am satisfied that the proposed dwellings relate well to one another and whilst there is general uniformity in terms of layout, there is also a welcome irregularity to the siting of dwellings with bungalows spread across the site and a varying mix of heights.
- 10.13 Each dwelling benefits from a private amenity area. These generally meet and exceed the recommended garden lengths specified in the Council's SPD. Some plots are narrow and as such permitted development rights will be removed for extensions in order that future development can be properly assessed. The layout also incorporates some side parking and garaging to break up the built form of the development. All dwellings are provided with the requisite number of spaces and size of spaces as advocated in the Local Plan. Those plots where the conversion of garages to habitable rooms would result in inadequate parking spaces below Local Plan thresholds, will be subject to the removal of permitted development rights. Although the amount of frontage parking is not ideal, it is broken up with some front gardens and a high quality landscaping scheme should go some way to softening those areas. In addition, areas of courtyard parking will be surfaced in contrasting materials to break up the amount of tarmacadam within the site.

10.14 I am satisfied that density and layout of the proposed development is commensurate with the size of the site having regard to the constraints posed by existing trees and ecological buffer areas. The proposed design, size and mix of dwellings respects the character of the area and meets the needs of the future population. In my view therefore, the proposal complies with relevant local and national policies and the Council's Design Guide in this regard and would not significantly adversely affect the character and appearance of the local area.

Impact on Residential Amenity

10.15 In terms of the relationships between the proposed dwellings, I am generally satisfied that the proposed layout accommodates the required interface distances. Where this is not the case, I am satisfied that the resulting impact has been designed out by ensuring that the main outlook is focused away from the neighbouring property or windows are obscurely glazed.

10.16 The closest residential property located adjacent to the site and immediately to the north is Lucas Cottage. This is sited at a lower land level to the proposed development site and is heavily wooded to all sides. A number of dwellings are proposed to the rear of Lucas Cottage; however, there is a dense area of TPO woodland between the proposed dwellings and Lucas Cottage and although some of this is to be managed and cut back, a minimum distance of approximately 45m is retained. There is a small paddock located to the west of Lucas Cottage which is in the same ownership and contains a stable building on the far west of the paddock. This has not been used for the stabling of animals for a considerable time, although it potentially could be in the future. It does, however, contain at least one barn owl roost. A small group of trees lying along the boundary between the paddock and the proposed development site have recently been placed under a draft TPO and this protection, together with the length of garden areas to proposed dwellings along this boundary, ensure that no significant loss of residential amenity occurs to occupiers of Lucas Cottage.

10.17 Other residential properties surround the site at Ashtons Farm, Prescott's Farm, Whalleys Farm, Dalton Park housing estate and the new Keepmoat housing site; however, these properties are a significant distance to the site such that no significant impact on residential amenity is envisaged. Any impact caused to amenity during the construction phase is short lived and can be addressed through other relevant environmental protection legislation.

10.18 On balance therefore I am satisfied that the proposed development would satisfy the requirements of Policy GN3 of the Local Plan in respect of neighbouring amenity.

Traffic and Parking

10.19 Access to the site is to be taken from two points along Whalleys Road at natural breaks in tree cover. These access points are considered acceptable to the Highway Authority who are also of the view that highway safety and capacity in the surrounding area will not be compromised as a result of the increased traffic generated by the development. Further analysis of the Cobbs Brow/A5209/Smithy Brow junction indicates that no further junction improvement to this or any other junction is necessary as a result of the proposed development.

10.20 As part of the application, a 3m wide footpath is to be provided to the northern edge of Whalleys Road along with two bus shelters and a 3m wide footpath along part of Cobbs Brow leading from the development, across a new pedestrian crossing, to the Maharishi

Primary School. This will ensure there is improved safe pedestrian/cycle links for children and others accessing the local school.

- 10.21 In terms of parking provision, a mixture of frontage and side parking is proposed and although a concern has been raised by a neighbouring resident that insufficient parking provision has been provided, I am satisfied that each dwelling has been afforded appropriate parking provision in accordance with the Local Plan requirements. Each property will also be fitted with an electric vehicle charging point.
- 10.22 The Highway Authority are satisfied that the layout and parking provision is acceptable. On this basis I am satisfied that vehicles can manoeuvre safely within the site and access and egress would not cause adverse harm to highway safety or the free flow of traffic in the local area. I consider that the proposed development is compliant with Policy GN3 and IF2 in the Local Plan.

Trees and Biodiversity

- 10.23 The submitted Arboricultural Impact Assessment and Tree Survey Report confirms that the majority of TPO trees on the site will be retained. A small number of trees will be removed at both entrance points along Whalleys Road, the pedestrian link onto Cobbs Brow Road, between the two parcels of land and some tree thinning and management will be undertaken on existing groups of trees. Following concerns about the removal of trees close to the paddock at Lucas Cottage, a draft TPO has been placed on these trees, which are now shown for retention and the layout amended to avoid their loss. Additional landscaping will be incorporated within the development as indicated on a masterplan, the full details of which are required through conditions on the outline permission.
- 10.24 I am satisfied that suitable compensatory planting can be provided to mitigate for the loss of existing tree and shrub cover. Maintenance of landscaping within the site is to be managed through the developer's management company.
- 10.25 The ecological impact of the proposed development has been informed by a range of ecological surveys and assessments, namely, an ecological mitigation strategy and bat and barn owl mitigation strategies as well as a construction environmental management plan that aims to protect any known habitats during the construction phase. This identifies the protection of 3 known bat roosts and a further 7 trees with bat roost potential within the site, the protection of breeding birds, amphibians, reptiles and hedgehog and the eradication of invasive species. The Council's ecology advisor considers that the measures contained within the construction environmental management plans are proportionate and acceptable. In addition, it is considered that the implementation of measures to ensure nesting opportunities for grasshopper warbler, skylark and lapwing contained in the Ecological Mitigation Strategy are acceptable. These details can be secured by condition.
- 10.26 It is proposed through the implementation of the other submitted ecology reports to provide native trees, shrubs and grassland/wildflower meadow planting, habitat management, creation of surface water features planted with native wetland grass and wildflower seed mix, new bat roosting opportunities and provision of alternative bird nesting opportunities to ensure that no net loss of biodiversity will occur.
- 10.27 During the course of consideration of the application, following a site visit and representation from the neighbouring owner, it became apparent that at least one barn owl was nesting in the adjacent stable building at Lucas Cottage. As such a Barn Owl Mitigation Strategy was submitted. This has been reviewed and accepted by the Council's ecological advisors. One of the key aspects of mitigation for any loss of biodiversity on

this site (and the Keepmoat site) is the provision of an area of land on the upper part of Beacon Lane (currently in agricultural use) to be used in perpetuity for specific managed agriculture. A scrape of land within the central part of the field will be created to provide an area of shallow water with muddy edge and tussocky grassland. This will provide enhanced grasshopper warbler, lapwing and skylark habitat for displaced species found within Whalleys. Furthermore, barn owl boxes and wild bird seed mix will be provided on this area of land, which will provide compensatory mitigation for any disturbance caused to existing barn owls in the area. The mitigation land is owned by Homes England and will be managed by them in accordance with the outline permission and existing planning obligation.

- 10.28 One of the aims of the planning system is to seek environmental gains, to contribute to protecting and enhancing the natural environment and help to improve biodiversity. The NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the natural environment, including moving from a net loss of biodiversity to achieving net gains for nature. Subject to the imposition of conditions for the implementation of the mitigation strategies submitted, I am satisfied that the proposed development will have no detrimental impact on ecology and complies with Policy EN2 of the Local Plan.

Public Open Space

- 10.29 The outline planning permission required a large area of neighbourhood equipped public open space within the overall Whalleys development. The indicative layout presented at outline stage shows this provided on Whalleys South (which remains undeveloped at present but is subject to a current application for Reserved Matters Approval for 120 dwellings on part of the site Ref: 2018/1090/ARM). As such, no separate equipped area of public open space is required on Whalleys North. A pedestrian/cycle link has been provided to link with any future area of open space on the western edge of the site (eventually passing under Whalleys Road via an existing grassed subway).
- 10.30 Notwithstanding this area of equipped open space, due to ecological constraints, the site incorporates a significant amount of informal open space. Furthermore, the applicant is required under the terms of the planning obligation associated with outline planning permission, to provide a financial contribution towards the provision of a multi-use games area and play equipment for the open space to be provided on Whalleys South and also towards the enhancement of the Cobbs Clough woodland. Based on the Council's SPD Open Space/Recreational Provision in New Residential Developments (April 2009) this figure amounts to £110,603.

Surface Water, Drainage and Flood Risk

- 10.31 It is a requirement of Policy GN3 that new development does not result in unacceptable flood risk or drainage problems. The applicant has confirmed that foul water from the development will discharge to the public sewer system and technical approval has been granted by United Utilities for this option.
- 10.32 In terms of surface water, a Flood Risk Assessment and detailed surface water drainage scheme has been submitted. The original drainage proposal for the site has been amended in order to satisfy the requirements of the Lead Local Flood Authority in accordance with the NPPF so that surface water generated by the development is managed in a sustainable manner to mimic water flows arising from the site prior to the development.

- 10.33 In this case the applicant has suitably discounted infiltration due to ground conditions within the site and it is proposed to provide attenuation basins and underground geocell crates within the site to capture and store water prior to discharging via a tiered hydrobrake system into the basins and then to the public surface water sewer. The main piped system and outfalls are to be adopted by United Utilities and the basins and any geocell system will be the responsibility of the management company. Floor levels will generally be set a minimum of 150mm above surrounding external levels to reduce any risk of flooding.
- 10.34 Both United Utilities and the Lead Local Flood Authority are now satisfied that the proposed drainage strategy is acceptable and will not increase the risk of flooding either on or off the site. On this basis, I find the proposed development acceptable and in accordance with the NPPF and Policy GN3 of the Local Plan.

Other Matters

- 10.35 The site lies within an area of former coal mining and as such, Policy M2 of the Lancashire Minerals and Sites Allocation and Development Management Policies Local Plan advises that the potential for mineral extraction should be investigated on such sites. However, the outline application was accompanied by a comprehensive report on the potential for mineral/coal extraction. This concluded that future extraction from the site was unlikely, due to the depth of the coal seams and associated economic viability issues. Furthermore, the demonstrable need for the delivery of housing across the Borough outweighs the need to avoid the sterilization of coal present on the site. The extraction of coal on this site would also lead to considerable damage to the surrounding environment by way of noise, dust, vibration and biodiversity given the close proximity of existing housing, schools and Biological Heritage Sites.
- 10.36 The overall Whalleys site was identified as having the potential to contain archaeological interest. As such a Written Scheme of Investigation has been submitted that concludes archaeological features cannot be ruled out on the site, although no significant remains were detected. An archaeological contractor will be appointed during the construction phase who will be responsible for monitoring and recording any archaeological information found. Lancashire Archaeology Advisory Service are satisfied with this approach.
- 10.37 Concerns have been raised by a neighbouring occupier that a proposed path leading onto Beacon Lane was not a safe cycle or pedestrian route. I agreed with this observation and this path has now been removed from the layout. I have also received comments from a local resident who raises concerns in relation to a proposed development at Whalleys South, although quotes the current application reference. Some comments relate to the wider Whalleys development and are of note - that there are insufficient facilities in the area to accommodate the amount of people that will be generated by the Whalleys development. The potential for development at Whalleys has been envisaged for a considerable number of years and facilities such as dentists, doctors, schools, shops and sports facilities are likely to grow and become more viable and self-sustaining as the number of occupiers within Whalleys increases. This in turn will assist in the long-term objective of creating a sustainable community with the commensurate level of amenities. Furthermore, public transport will be supported through the requirement of a commuted sum towards its sustained future and improved pedestrian and cycle links will be created which will increase accessibility to the site by means other than the car.

Planning Obligation

- 10.38 The outline permission granted for the redevelopment of this site is the subject of a legal agreement requiring the developer to provide 30% of the units as affordable housing, 20%

as specialist housing for the elderly, an area of on-site public open space on Cobbs Clough/Site 2 (Whalleys South), an off-site public open space contribution and a financial contribution towards highway improvements which include the provision of bus stops, provision of an off road cycle lane from Cobbs Brow Lane to Summer Street and provision of funding for the diversion/creation of a bus route and ecology mitigation and enhancement. These obligations reflect the relevant policy requirements at the time outline permission was granted and remain part of the proposed development which must be delivered in line with the terms of the agreement. A deed to vary this agreement is proposed and the variation relates to securing the terms of the affordable housing, which remains at 30% but is all shared ownership tenure.

Summary

10.39 In summary, it is considered that the proposed development is acceptable in terms of layout, housing mix, appearance and scale and that the proposed landscaping scheme will assimilate the development into its surroundings. I am satisfied that the proposed development would allow for the provision and retention of reasonable levels of amenity for the occupants of future and neighbouring properties. I find that the proposed development is compliant with the NPPF and the Local Plan in respect of drainage, highways and ecology.

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 deed of variation (planning obligation) under S106 of the Town and Country Planning Act 1990 to secure:-

a) the terms and conditions of the affordable housing

11.2 That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation 11.1 above be subject to the following conditions:

Conditions

1. The development in this phase of the development authorised under outline planning permission 2013/1060/WL3 must commence within two years of the date of this reserved matters approval in accordance with section 92 Town & Country Planning Act 1990.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
A799 001 Rev G (Planning Layout) received by the Local Planning Authority on 23rd October 2018;
Substation ES352 A2 006/02L received by the Local Planning Authority on 23rd October 2018;
Housetypes plans:
A799 008 Rev A Chelmsford received by the Local Planning Authority on 23rd October 2018;
A799 010 - Newford received by the Local Planning Authority on 23rd October 2018;
A799 023 - Castleford received by the Local Planning Authority on 23rd October 2018;
A799 007 - Castleford received by the Local Planning Authority on 23rd October 2018;
A799 009 Rev A Cranford 2 received by the Local Planning Authority on 23rd October 2018;
A799 024 Rev A Cranford 2 received by the Local Planning Authority on 23rd October 2018;
A799 030 - Cranford 2 received by the Local Planning Authority on 23rd October 2018;
A799 004 Rev A Holmewood received by the Local Planning Authority on 23rd October 2018;

A799 005 Rev C Ravenwood received by the Local Planning Authority on 23rd October 2018;

A799 028 Rev A Ravenwood received by the Local Planning Authority on 23rd October 2018;

A799 029 - Chelmsford received by the Local Planning Authority on 23rd October 2018;

A799 006 Rev A Redwood received by the Local Planning Authority on 23rd October 2018;

A799 002 Rev A Denton received by the Local Planning Authority on 23rd October 2018;

A799 003 rev A Bungalow V1 and V2 received by the Local Planning Authority on 23rd October 2018;

A799 25 Rev A Bungalow V3 received by the Local Planning Authority on 23rd October 2018;

A799 013 Rev A A3L received by the Local Planning Authority on 23rd October 2018;

A799 011 - KS(FOG) and AC3 received by the Local Planning Authority on 23rd October 2018;

A799 012 - KS(FOG) and AC3 received by the Local Planning Authority on 23rd October 2018;

A799 014 - single garage received by the Local Planning Authority on 23rd October 2018;

A799 015 - double garage received by the Local Planning Authority on 23rd October 2018;

3. The development hereby approved shall be constructed from the materials indicated on drawing ref: A799 018 Rev G received by the Local Planning Authority on 19th November 2018.
4. Levels shall be in accordance with Plan Ref: A799 026 Rev D received by the Local Planning Authority on 23rd October 2018.
5. Boundary treatment shall be implemented in accordance with Plan Ref: A799 019 Rev F received by the Local Planning Authority on 23rd October 2018.
6. No dwellings shall be occupied on Whalleys Site 5a, or 5b until the highway works indicated on plan references: SCP/18262/D02 Rev C, SCP/18262/D20 and SCP/18262/D33 Rev A (including 2x bus stop/ shelter on north side of Whalleys Road, right turn lanes for the 2 new junctions incorporating pedestrian refuge island, 3m wide footway across the site frontage to Whalleys Road and 3m wide upgrade of the existing Whalleys Road southern footway to the Beacon Lane roundabout junction to link into new/existing pedestrian/cycle infrastructure, Toucan crossing on Cobbs Brow Lane) have been implemented.
7. The development hereby approved shall be carried out in accordance with the approved surface water drainage scheme (as shown on drawing reference 7055 / 01 Revision B) received by the Local Planning Authority on 19th October 2018. The surface water drainage scheme shall be fully implemented prior to occupation and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the arrangements outlined in the approved Maintenance Agreement (Landscape Maintenance Plan, Amenity Open Space Areas with SuDS, Trust Green, reference TG702 Whalleys, dated 18.10.2018 - Revision A).
8. The recommendations contained in the Ecological Mitigation Strategy (5060.ECO.WHALLEYSBIRDMITIGATION.001, May 2018, Version 6.0) received by Local Planning Authority on 23rd October 2018 shall be implemented in full prior to any clearance of the site.
9. The recommendations contained within Sections 4, 5 and 6 of the Penny Anderson Associates Ltd Ecology and Landscape Strategy July 2018 and received by the Local Planning Authority on 23rd October 2018 shall be adhered to during and after construction of the development hereby approved and maintained in perpetuity.
10. The development shall be carried out in accordance with Section 4 of the Penny Anderson Associates Ltd Bat Mitigation Strategy received by the Local Planning Authority on 23rd October 2018.

11. The development shall be carried out in accordance with the mitigation and monitoring measures specified in paragraphs 1.10 to 1.34 inclusive of the Penny Anderson Associates Ltd Barn Owl Mitigation Strategy received by the Local Planning Authority on 23rd October 2018.
12. The details contained in the Kier Environmental Management Plan (EMP) dated 19th July 2018 and received by the Local Planning Authority on 23rd October 2018 shall be implemented at all times during construction of the development hereby permitted.
13. The details contained in the Coopers Remediation Strategy report dated 6th July 2018 and received by the Local Planning Authority on 23rd October shall be implemented during construction of the development hereby permitted and in accordance with Section 10 of the report, a verification report shall be submitted to the Local Planning Authority upon completion of the development.
14. Notwithstanding the submitted Landscape Masterplan, no dwelling shall be occupied until a detailed landscaping scheme has been submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, species and number of all proposed trees, shrubs, hedges and grassed. 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 elements of the landscaping details shall be completed within 9 months of the last dwelling being occupied. 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.
15. Notwithstanding the details contained with the Trust Green Maintenance Agreement dated 18th October 2018 Rev A and received by the Local Planning Authority on 19th October 2018, management of individual and groups of trees to be retained shall be carried out in accordance with a specific scheme to be submitted to and approved in writing by the Local Planning Authority within 3 months of commencement of development (known as supplementary maintenance agreement). The landscaping and amenity open space areas shall be maintained in accordance with the Trust Green Maintenance Agreement dated 18th October 2018 Rev A and the individual and groups of trees shall be maintained in accordance with the supplementary maintenance agreement.
16. The development shall be carried out in accordance with the TPM Landscape Ltd Report: 502A Arboricultural Impact Assessment and Method Statement received by the Local Planning Authority on 19th November 2018 together with the Tree Protection, Removal and Retention Plans Ref: 3030 105 rev B and 3030 106 rev A received by the Local Planning Authority on 19th November 2018.
17. The Written Scheme of Archaeological Investigation shall be carried out in accordance with the details provided in WYG "The Whalleys Archaeological Evaluation Written Scheme of Investigation A090070-418", and any measures deemed necessary resulting from the findings of that investigation shall be fully implemented in accordance with the recommendations of the investigator.
18. 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, out buildings, swimming pools or means of enclosure shall be erected or undertaken on Plots 10, 11, 14, 15, 16, 40,41,42, 52-57, 82, 103-107, 115-125 without the express written permission of the Local Planning Authority.
19. 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, the garage on Plots 1, 9, 10, 11,14,15,33 44 and 51 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.

Reasons

1. To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with section 92 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 ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7.
 - a. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
 - b. To reduce the risk of flooding to the proposed development and future occupants.
 - c. To ensure that the drainage for the proposed development can be adequately maintained.
 - d. To ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.
and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. In order to provide mitigation land for the displacement of skylarks, lapwings, grasshopper warbler, barn owls and other priority bird species in the interests of biodiversity and to accord with the provisions of Policy EN2 of the West Lancashire Local Plan 2012-2027 DPD.
9. In order to provide mitigation land for the displacement of skylarks, lapwings, grasshopper warbler, barn owls and other priority bird species in the interests of biodiversity and to accord with the provisions of Policy EN2 of the West Lancashire Local Plan 2012-2027 DPD.
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 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.
13. To ensure that the development is adequately protected against potentially contaminated land and so complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
14. 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.
15. To ensure continued maintenance and management of landscaped areas within the site and therefore safeguard the amenity of residents 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.

16. 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.
17. As the site is of archaeological interest and in order to comply with the provisions of Policy EN4 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
18. These plots are small such that the Local Planning Authority wish to exercise maximum control over future development in order to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
19. Should the garages on these plots be converted to habitable accommodation, insufficient off-street car parking may be provided such that the Local Planning Authority wish to exercise maximum control over future development in order to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Reason for Approval

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

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 - Residential Development

RS2 - Affordable and Specialist Housing

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

IF4 - Developer Contributions

EN1 - Low Carbon Development and Energy Infrastructure

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN3 - Provision of Green Infrastructure and Open Recreation Space

EN4 - Preserving and Enhancing West Lancashire's Built Environment

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

No.2	APPLICATION NO.	2018/0796/FUL
	LOCATION	Land To The North Of Whalleys Road Skelmersdale Lancashire
	PROPOSAL	Residential development of 35 dwellings including affordable housing, access, appearance, landscaping, layout and scale.
	APPLICANT	Kier Living Ltd
	WARD	Ashurst
	PARISH	Unparished - Skelmersdale
	TARGET DATE	23rd October 2018

1.0 **SUMMARY**

- 1.1 It is considered that the principle of residential development at this site is acceptable. I am satisfied that there will be no significant detrimental impact upon the character of the area, amenity of neighbouring properties, biodiversity, trees, flood risk or highway implications. The development is considered to be compliant with relevant planning policies and the application is therefore recommended for approval.

2.0 **RECOMMENDATION: APPROVE subject to planning obligation and conditions.**

3.0 **THE SITE**

- 3.1 The application site relates to a parcel of undeveloped greenfield land in north Skelmersdale, adjacent to Ashurst and approximately 2km north of the town centre. The site falls within one of four parcels of land located in Whalleys and within the Skelmersdale settlement boundary that are allocated for residential development (it is known as Whalleys North or Site 5). The site lies to the north of Whalleys Road on a triangular parcel of land between Whalleys Road, Beacon Lane and Cobbs Brow Lane. The site is approximately 1.3 hectares and forms separate pockets of development within Whalleys North. The land is currently grassed with trees and hedges to all boundaries.
- 3.2 The topography of the larger Whalleys North site has a level difference of approximately 15m with the lowest point to the west where the land leads to a grassed subway under Whalleys Road. The highest point is to the east at the roundabout where Whalleys Road, Beacon Lane and Dalton Park meet. The pockets of proposed development within this wider Whalleys North site subject to the current application are located mainly within the western half of the site.
- 3.3 There are a number of residential properties to the south-east on Dalton Park as well as a small play area. Whalleys Farm lies to the east with new residential development under construction at The Woodlands (Whalleys site 4). To the north-east is Beacon Lane with Prescotts Farm and open countryside beyond. Immediately adjacent to the central northern boundary lies Lucas Cottage, a detached dwelling with associated small paddock and stable building. To the north-west is the Maharishi Free School and Ashtons Farm with open countryside beyond and to the west is Cobbs Clough Lane and Cobbs Clough Road with interspersed dwellings and open countryside. To the south-west and south is the remaining undeveloped parcel of the Whalleys development land.
- 3.4 Many of the trees along the northern, eastern and southern boundaries and running north-south through the centre of the wider Whalleys North site are subject to Tree Preservation Orders.

- 3.5 The site is located on an allocated housing site under Policy RS1 of the Local Plan and within the settlement of Skelmersdale with Up Holland.

4.0 THE PROPOSAL

- 4.1 This is a full application for the erection of 35 dwellings. The application comprises four pockets of land located within the overall layout of the Reserved Matters application 2018/0790/ARM, which is under consideration elsewhere on this agenda. Access to these pockets of land is reliant upon application 2018/0790/ARM being granted planning permission. The number of dwellings proposed has reduced from that originally proposed to 35 and comprises a mix of two storey and bungalow accommodation:

9 x 2 bed bungalows

10 x 2 bed houses

13 x 3 bed houses

2 x 4 bed houses

1 x 5 bed house

Of these, 11 units (2 x bungalows, 5 x 2 bed houses and 4 x 3 bed houses) will be provided as affordable shared ownership tenure dwellings. This equates to 31% of the total number of dwellings proposed.

- 4.2 The proposed dwellings are located mainly on the western half of the wider Whalleys North site. Twenty four dwellings are accessed from one estate road proposed under application 2018/0790/ARM, and eleven dwellings are accessed off another proposed estate road proposed under application 2018/0790/ARM, which are both, in turn, accessed from Whalleys Road. All the “additional dwellings” forming part of the current full application are effectively located at the end of the estate roads proposed under the Reserved Matters application and form cul-de-sac areas. All the dwellings have private gardens and private driveways or frontage parking. The dwellings are presented in a variety of heights, styles and materials to cater for different occupants and drawing upon the prevailing character of other dwellings in the area. The house-types are the same as those used in the Reserved Matters application.

5.0 RELEVANT APPLICATIONS

- 5.1 2018/1090/ARM – Approval of Reserved Matters – (access, appearance, landscaping, layout and scale) in respect of residential development of 120 dwellings, open space and associated infrastructure. PENDING CONSIDERATION (Whalleys South – Seddon Homes and Trafford Housing Trust)
- 5.2 2018/0790/ARM - Approval of Reserved Matters - Residential development of 129 dwellings including affordable housing. Details of access, appearance, landscaping, layout and scale. PENDING CONSIDERATION (Whalleys North – Kier)
- 5.3 2018/0690/NMA - Non-material amendment to planning permission 2016/0769/ARM - Revising approved 1.8m high closed boarded fence to 1.2m high closed boarded fence abutting existing retained hedgerow to plots 50-57, 123, 137, 138, 146-160, 173-174. (Whalleys site 4 – Keepmoat)
- 5.4 2018/0584/NMA - Non-Material Amendment to planning permission 2016/0769/ARM - Repositioning plots 77 & 78 by approximately 1m towards plots 73-76. GRANTED (Whalleys site 4 – Keepmoat)
- 5.5 2018/0080/CON – Approval of Details Reserved by Condition No. 8 of planning permission 2016/0769/ARM relating to surface water drainage scheme. PENDING CONSIDERATION (Whalleys site 4 – Keepmoat)

- 5.6 2017/0247/CON - Approval of Details Reserved by Condition No's. 2 and 8 of planning permission 2016/0769/ARM relating to details of mitigation measures and surface water drainage scheme. PART APPROVED PART REFUSED (Whalleys site 4 – Keepmoat)
- 5.7 2016/0769/ARM - Approval of Reserved Matters - Residential development of 202 units comprising 2, 3 and 4 bed properties with associated roads, footpaths and landscaping. GRANTED 07.02.2017 (Whalleys site 4 – Keepmoat)
- 5.8 2013/1050/WL3 - Outline application (with all matters reserved) for a residential development consisting of up to 630 dwellings together with associated open space and landscaping. GRANTED 28.08.2014
- 5.9 1999/0772 - Outline - Residential development and footpath/bridlepath. Withdrawn 02.08.2005
- 5.10 1998/0216 - Outline - Residential development. Withdrawn 02.08.2005
- 5.11 1994/0258 - Outline - Residential development (including means of access and landscaping). Refused 23.06.1994
- 5.12 Dalton Park (adjacent to site) - 1996/0382 (Granted 16.10.1996) Reserved Matters - Residential development (104 dwellings) with public open space & estate road.
- Dalton Park (adjacent to site) -1993/1165 (Granted 15.03.1995) Outline - Residential development including details of access points.

6.0 CONSULTEE RESPONSES

- 6.1 LCC HIGHWAYS (09/11/18, 23/10/18, 10/10/18 and 09/08/18) - No objection. The latest submissions are acceptable as in principle drawings for planning and as the basis of the highways s278 agreement. Conditions recommended.
- 6.2 THE COAL AUTHORITY (28/08/18) No objection. The Coal Authority records indicate that the site has been subject to both recorded and unrecorded underground coal mining at shallow depth. Whilst coal has been found within isolated areas of the site, the submitted report recommends further consideration will be needed to be given to the impact of coal present within 1m of the floor slabs and on foundations in the NW and SW area of the site in the form of prior extraction. An Incidental Coal Agreement will be required for these purposes. The isolated areas are likely to impact on 8 plots. Based on the above, the Coal Authority has no objection subject to the remedial measures identified in the submitted report.
- 6.3 UNITED UTILITIES (20/08/18) No objections subject to the imposition of conditions.
- 6.4 LEAD LOCAL FLOOD AUTHORITY (24/10/18) No objection subject to condition.
- 6.5 MERSEYSIDE ENVIRONMENTAL ADVISORY SERVICE (17/09/18 and 22/10/18) No objection subject to conditions. The applicant has submitted ecology reports that meet BS 42020:2013 and are acceptable. It is welcomed that the applicant has provided proportionate and appropriate mitigation for all identified biodiversity within the site. Barn owl is present within a stable block immediately north of the site, however the mitigation strategy submitted is considered acceptable and sufficient to ensure the proposals will not harm the local barn owl population.

- 6.6 LANCASHIRE ARCHAEOLOGICAL ADVISORY SERVICE (06/11/18) No objection. The Written Scheme of Investigation appears appropriate for this stage of the works on this section of the site.
- 6.7 ENVIRONMENT AGENCY (24/09/18) Not necessary to comment as not in Flood Zone 2 or 3.
- 6.8 LCC EDUCATION (28/08/18) – No education contribution required.

7.0 OTHER REPRESENTATIONS

- 7.1 I have received two letters of objection from neighbouring residents, who raise the following concerns:
- insufficient infrastructure to support the increased population
 - implications of affordable housing in terms of demographic profile
 - Elderly residents will need additional services
 - Lack of health and dental care, sports facilities, schools, retail facilities, social experiences
 - Increased traffic and lack of public transport
 - Catastrophic impact on wildlife
 - Impact on political map of the area
 - Skelmersdale is becoming a dormitory town and how will a sense of community be created?
 - Too many dwellings
 - Ignoring the TPO
 - Adverse impact on the green corridor
 - Impact on owls in adjacent stable building
 - Proximity of dwellings to stable block
 - Wild orchids will be destroyed
 - Path leading on to Beacon Lane is dangerous
 - Lack of car parking
 - Increased flood risk

8.0 SUPPORTING INFORMATION

- 8.1 The application is supported by the following information:
- Planning Design and Access Statement
 - Travel Plan
 - Highways Technical Note
 - Tree Survey Report
 - Landscape Management Plan
 - Arboricultural Impact Assessment
 - Ecological Mitigation Strategy
 - Ecology and Landscape Strategy
 - Bat Mitigation Strategy
 - Barn Owl Mitigation Strategy
 - Flood Risk Assessment
 - Drainage Statement
 - Coal Mining Report
 - Ground Investigation Report
 - Remediation Strategy Report
 - Archaeological Evaluation
 - Waste Management
 - Energy Statement
 - Crime Impact Statement

9.0 RELEVANT PLANNING POLICIES

9.1 The National Planning Policy Framework (NPPF) (including Technical Guidance to the NPPF) and the West Lancashire Local Plan (2012-2027) DPD provide the policy framework against which the development will be assessed. The site is located within the Regional Town of Skelmersdale in the West Lancashire Local Plan is also an allocated housing site.

9.2 The following policies apply:

National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development

Section 4 Decision making

Section 5 Delivering a sufficient supply of homes

Section 6 Building a strong, competitive economy

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change

Section 15 Conserving and enhancing the natural environment

Section 17 Facilitating the sustainable use of minerals

West Lancashire Local Plan (2012-2027) DPD

SP1 – A Sustainable Development Framework for West Lancashire

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

RS1 – Residential Development

RS2 – Affordable and Specialist Housing

IF2 – Enhancing Sustainable Transport Choice

IF3 – Service Accessibility and Infrastructure for Growth

IF4 – Developer Contributions

EN1 – Low Carbon Development and Energy Infrastructure

EN2 – Preserving and Enhancing West Lancashire's Natural Environment

EN3 – Provision of Green Infrastructure and Open Recreation Space

EN4 - Preserving and Enhancing West Lancashire's Built Environment

The site is within a Mineral Safeguarding Area and Policy M2 of the Lancashire Minerals and Sites Allocation and Development Management Policies Local Plan is relevant.

9.3 Additionally the following supplementary planning documents are relevant:
Key Principles for Residential Development at Whalleys, Skelmersdale (Sep 2012)
SPD – Design Guide (Jan 2008)
SPD - Open Space/Recreational Provision in New Residential Developments (April 2009).
Updated 2014
SPG – Whalleys Housing Site, Skelmersdale Plus Mixed Development (updated July 2007)
SPG - Natural Areas and Areas of Landscape History Importance 2007

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Background

10.1 Outline planning permission, with all matters reserved, has previously been granted for residential development on this site, along with other parcels of land at Whalleys. Outline

planning permission 2013/1060/WL3 was granted for up to 630 dwellings on 28th August 2014 and incorporated 4 parcels of land, together with open space and landscaping. The outline permission includes 30 conditions and a S106 Agreement that secures the provision of 30% affordable housing and 20% specialist housing for the elderly across all the sites, public open space, transport contributions and biodiversity mitigation and enhancement.

- 10.2 The first parcel of land to be developed was known as 'Whalleys 4', to the east of Whalleys Road. Reserved Matters Approval for 202 dwellings was granted on this land on 7th February 2017 and is currently being progressed by Keepmoat Homes. A number of dwellings are already occupied on this site.
- 10.3 A second application for Reserved Matters Approval has been submitted for the erection of 129 dwellings on Whalleys North (indicated in the outline permission as Whalleys 5a and 5b). This is application 2018/0790/ARM and is reported elsewhere on this agenda. The Reserved Matters application has been submitted by Kier Living, the same applicant as the detailed application under consideration in this report. The Reserved Matters application was limited to 129 dwellings by the owner of the land, Homes England and any additional dwellings proposed over and above this amount were required to be dealt with through separate full applications so that the total amount of dwellings submitted as Reserved Matters did not exceed the 630 approved by the outline permission at Whalleys. The current application for 35 dwellings is therefore 'overage' on this site. It is reliant on the Reserved Matters application being approved in order that access can be gained to the location of the 35 dwellings from the public highway, Whalleys Road.

Principle of Development

- 10.4 The site is located within the urban settlement of Skelmersdale and in accordance with the NPPF and Policy RS1 of the Local Plan, the principle of residential development on the site is acceptable. Furthermore, residential development has already been established as acceptable through the approval of outline permission. Whilst the cumulative number of dwellings proposed by this full application and the linked application for Reserved Matters approval is more than that illustrated in the outline planning application documentation (164 as opposed to 129), this was illustrative only and the overall cumulative density of development at 35 dwellings per hectare is reasonable for the site given its location within the settlement boundary of the Borough's regional town. The 'addition' of the 35 dwellings proposed is therefore considered to be acceptable in principle, subject to compliance with other Local Plan policies.

Affordable and Specialist Housing for the Elderly

- 10.5 In accordance with Policy RS2 of the Local Plan, 30% of the dwellings are required to be affordable and provided as a mix of house-types. A total of 11 out of the 35 dwellings are of affordable shared ownership tenure. Of these, there are 2 bungalows, 5 x 2 bed properties and 4 x 3 bed properties. These dwellings are dispersed around the site. The Council's Housing Strategy and Projects Manager is satisfied with the tenure mix and types of dwellings.
- 10.6 In addition to this, Policies RS1 and RS2 and the outline planning permission require that 20% of the new residential units should be suitable for the elderly. The Council are flexible on how this is achieved, as such, the 9 bungalows on the site, 2 of which are affordable units, more than meet the necessary amount. On this basis, the proposed development is considered to be in full accordance with policies RS1 and RS2 of the Local Plan.

Siting, Layout and Design

- 10.7 Paragraph 124 of the NPPF advises that *the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.* Policy GN3 in the Local Plan together with the Council's SPD Design Guide reiterates this ethos and states that new development should be of a scale, mass and built form which responds to the characteristic of the site and its surroundings. New development is required to be of a high quality design and have regard to visual amenity and complement its surroundings through sensitive design, including appropriate siting, orientation and scale.
- 10.8 The proposed layout is clearly dependent upon approval of the submitted Reserved Matters application for the same site and the two applications should be read together in terms of the comprehensive layout. The overall layout offers a legible scheme with clear routes for vehicle and pedestrian movement throughout. A mixture of property sizes is proposed, varying from 2 bedroom bungalows to a 5 bedroom two-storey house. The layout subject of this full application includes some areas of existing wooded landscaped parcels along the boundary of the site, which provides an attractive visual appearance to the overall scheme. This ensures the character of the area is maintained on the edge of the built up settlement and serves to screen the development somewhat from outwith the site.
- 10.9 Existing TPO trees are to be retained except for the provision of access points off Whalleys Road, a pedestrian link onto Cobbs Brow Road and an informal pedestrian link in the centre of the wider site. This ensures the loss of tree cover is minimised.
- 10.10 The design of the dwellings generally reflects that in the local area of Ashurst which is post 1960's development and is predominantly characterised by two storey semi's and detached properties with some bungalows and a couple of larger blocks of sheltered accommodation. Materials in the area comprise brown, red and buff bricks as well as brown and grey roof tiles. More recently, rendering has been introduced on some properties in the area. This palette of design and materials has been reflected within the proposed development and is therefore consistent with the aims of the NPPF and Policy GN3.
- 10.11 A number of bungalows are proposed on the site (9). The mix of sizes and design of dwellings provides a range to meet local needs. I am satisfied that the proposed dwellings relate well to one another and whilst there is general uniformity in terms of layout, there is also a welcome irregularity due to the varying mix of heights.
- 10.12 Each dwelling benefits from a private amenity area. These generally meet and exceed the recommended garden lengths specified in the Council's SPD. The layout also incorporates some side parking and garaging to break up the built form of the development. All dwellings are provided with the requisite number of spaces and size of spaces as advocated in the Local Plan. Although the amount of frontage parking is not ideal, it is broken up with some front gardens and a high quality landscaping scheme should go some way to softening those areas. In addition, the area of parking fronting plots 25-35 will be surfaced in contrasting materials to break up the amount of tarmac within the site.
- 10.13 I am satisfied that density and layout of the proposed development is commensurate with the size of the site having regard to the constraints posed by existing trees and ecological buffer areas. The additional 35 dwellings proposed over and above that envisaged by the outline application for this site (129) do not, in my opinion, result in a cramped

development. The proposed design, size and mix of dwellings respects the character of the area and meets the needs of the future population. In my view therefore, the proposal complies with relevant local and national policies and the Council's Design Guide in this regard and would not significantly adversely affect the character and appearance of the local area.

Impact on Residential Amenity

- 10.14 In terms of the relationships between the proposed dwellings, I am satisfied that the proposed layout accommodates the required interface distances.
- 10.15 The closest residential property to the site is Lucas Cottage. This is sited at a lower land level to the proposed development site and is heavily wooded to all sides. A number of dwellings proposed within the Reserved Matters application lie between Lucas Cottage (including the associated paddock) and the boundary of this full application. Therefore, I am satisfied that no additional loss of residential amenity would be created as a result of the proposed development.
- 10.16 Other residential properties surround the site at Ashtons Farm, Prescott's Farm, Whalleys Farm, Dalton Park housing estate and the new Keepmoat housing site; however, these properties are a significant distance to the site such that no significant impact on residential amenity is envisaged. Any impact caused to amenity during the construction phase is short lived and can be addressed through other relevant environmental protection legislation. Harm caused to residential amenity by increased traffic in the area is addressed below.
- 10.17 On balance therefore I am satisfied that the proposed development would satisfy the requirements of Policy GN3 of the Local Plan in respect of neighbouring amenity.

Traffic and Parking

- 10.18 Lancashire County Council as Highway Authority consider that highway safety and capacity in the surrounding area will not be compromised as a result of the increased traffic generated by the proposed 35 dwellings. Further analysis of the Cobbs Brow/A5209/Smithy Brow junction indicates that no further junction improvement to this or any other junction is necessary as a result of the proposed development.
- 10.19 Access to the site is to be taken from two points along Whalleys Road at natural breaks in tree cover. These access points and continuing estate roads are proposed as part of the Reserved Matters application 2018/0790/ARM under consideration elsewhere on this agenda. If this application were refused, there would be no access onto the highway for the proposed 35 dwellings and as such, the application would need further consideration. However, if the Reserved Matters application is approved, I am satisfied that adequate access will be provided to the proposed 35 dwellings.
- 10.20 In terms of parking provision, a mixture of frontage and side parking is proposed and although a concern has been raised by a neighbouring resident that insufficient parking provision has been provided, I am satisfied that each dwelling has been afforded appropriate parking provision in accordance with the Local Plan requirements. Each property will also be fitted with an electric vehicle charging point.
- 10.21 The Highway Authority are satisfied that the layout and parking provision is acceptable. On this basis I am satisfied that vehicles can manoeuvre safely within the site and access and egress would not cause adverse harm to highway safety or the free flow of traffic in

the local area. I consider that the proposed development is compliant with Policy GN3 and IF2 in the Local Plan.

Trees and Biodiversity

- 10.22 The submitted Arboricultural Impact Assessment and Tree Survey Report confirms that the majority of TPO trees on the site will be retained. A number of trees will be removed to facilitate the Reserved Matters proposal, however, none are proposed to be removed as part of this application. Additional landscaping will be incorporated within the development, the full details of which can be required by condition. Maintenance of landscaping within the site is to be managed through the developer's management company.
- 10.23 The ecological impact of the proposed development has been informed by a range of ecological surveys and assessments, namely, an ecological mitigation strategy and bat and barn owl mitigation strategies as well as a construction environmental management plan that aims to protect any known habitats during the constructions phase. This identifies the protection of 3 known bat roosts and a further 7 trees with bat roost potential within the wider site, the protection of breeding birds, amphibians, reptiles and hedgehog and the eradication of invasive species. The Council's ecology advisor considers that the measures contained within the CEMP are proportionate and acceptable. In addition, it is considered that the implementation of measures to ensure nesting opportunities for grasshopper warbler, skylark and lapwing contained in the Ecological Mitigation Strategy are acceptable. These details can be secured by condition.
- 10.24 It is proposed through the implementation of the other submitted ecology reports for the Reserved Matters application, to provide native trees, shrubs and grassland/wildflower meadow planting, habitat management, creation of surface water features planted with native wetland grass and wildflower seed mix, new bat roosting opportunities and provision of alternative bird nesting opportunities. This will ensure that no net loss of biodiversity will occur on the site.
- 10.25 During the course of consideration of the application, following a site visit and representation from the neighbouring owner, it became apparent that at least one barn owl was nesting in the stable building at Lucas Cottage. As such a Barn Owl Mitigation Strategy was submitted. This has been reviewed and accepted by the Council's ecological advisors. One of the key aspects of mitigation for any loss of biodiversity on this site (and the Keepmoat site) is the provision of an area of land on the upper part of Beacon Lane (currently in agricultural use) to be used in perpetuity for specific managed agriculture. A scrape of land within the central part of the field will be created to provide an area of shallow water with muddy edge and tussocky grassland. This will provide enhanced grasshopper warbler, lapwing and skylark habitat for displaced species found within Whalleys. Furthermore, barn owl boxes and wild bird seed mix will be provided on this area of land, which will provide compensatory mitigation for any disturbance caused to existing barn owls in the area. The mitigation land is owned by Homes England and will be managed by them in accordance with the outline permission and existing planning obligation pertaining to this site.
- 10.26 I note one of the aims of the planning system is to seek environmental gains, to contribute to protecting and enhancing the natural environment and help to improve biodiversity. The NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the natural environment, including moving from a net loss of biodiversity to achieving net gains for nature. Subject to the imposition of conditions for the implementation of the mitigation strategies submitted, I am satisfied that the proposed development is compliant with the Habitat Regulations and Policy EN2 of the Local Plan.

Public Open Space

10.27 The outline planning permission requires a large area of neighbourhood equipped public open space within the overall Whalleys development. There is no requirement to provide additional on-site open space as part of developments of less than 40 dwellings and none is provided within this application. However, within the combined layout of the Reserved Matters application and the full application there is a significant amount of open space. As such, I am satisfied that the site itself and the wider area includes the requisite level of open space in compliance with Policy EN3 of the Local Plan.

Surface Water, Drainage and Flood Risk

10.28 It is a requirement of Policy GN3 that new development does not result in unacceptable flood risk or drainage problems. The drainage strategy for this application is combined with that of the Reserved Matters application to provide a comprehensive solution to both surface water and foul drainage. The applicant has confirmed that foul water from the development will discharge to the public sewer system and technical approval has been granted by United Utilities for this option.

10.29 In terms of surface water, a Flood Risk Assessment and detailed surface water drainage scheme has been submitted. The original drainage proposal for the site has been amended in order to satisfy the requirements of the Lead Local Flood Authority in accordance with the NPPF so that surface water generated by the development is managed in a sustainable manner to mimic water flows arising from the site prior to the development.

10.30 In this case the applicant has suitably discounted infiltration due to ground conditions within the site and it is proposed to provide attenuation basins and underground geocell crates within the wider Whalleys North site to capture and store water from the proposed dwellings and associated roads and hardstandings prior to discharging via a tiered hydrobrake system into the basins and then to the public surface water sewer. The main piped system and outfalls are to be adopted by United Utilities and the basins and any geocell system will be the responsibility of the management company. Floor levels will generally be set a minimum of 150mm above surrounding external levels to reduce any risk of flooding.

10.31 The Lead Local Flood Authority are satisfied that the proposed drainage strategy is acceptable and will not increase the risk of flooding either on or off the site. United Utilities have no objection in principle subject to conditions. On this basis, I find the proposed development acceptable and in accordance with the NPPF and Policy GN3 of the Local Plan.

Other Matters

10.32 The site lies within an area of former coal mining and as such, Policy M2 of the Lancashire Minerals and Sites Allocation and Development Management Policies Local Plan advises that the potential for mineral extraction should be investigated on such sites. However, the outline application was accompanied by a comprehensive report on the potential for mineral/coal extraction and this covered the current application site. This concluded that future extraction from the site was unlikely, due to the depth of the coal seams and associated economic viability issues. Furthermore, the demonstrable need for the delivery of housing across the Borough outweighs the need to avoid the sterilization of coal present on the site. The extraction of coal on this site would also lead to considerable damage to the surrounding environment by way of noise, dust, vibration and biodiversity

given the close proximity of existing housing, schools and Biological Heritage Sites. However, parts of the site contain coal deposits that will need to be extracted within 1m of proposed floor slabs during the construction phase and under an agreement with the Coal Authority.

- 10.33 The overall Whalleys site was identified as having the potential to contain archaeological interest. As such a Written Scheme of Investigation has been submitted that concludes archaeological features cannot be ruled out on the site, although no significant remains were detected. An archaeological contractor will be appointed during the construction phase who will be responsible for monitoring and recording any archaeological information found. Lancashire Archaeological Advisory Service is satisfied with this approach.
- 10.34 Concerns have been raised by a neighbouring occupier that the proposed path leading onto Beacon Lane is not a safe cycle or pedestrian route. I agree with this observation and this path has now been removed from the wider layout. I have also received comments from a local resident who raises concerns in relation to a proposed development at Whalleys South, although quotes the current application reference. Some comments relate to the wider Whalleys development and are of note - that there are insufficient facilities in the area to accommodate the amount of people that will be generated by the Whalleys development. The potential for development at Whalleys has been envisaged for a considerable number of years and facilities such as dentists, doctors, schools, shops and sports facilities are likely to grow and become more viable and self-sustaining as the number of occupiers within Whalleys increases. This in turn will assist in the long-term objective of creating a sustainable community with the commensurate level of amenities. Furthermore, public transport will be supported through the requirement of a commuted sum towards its sustained future and improved pedestrian and cycle links will be created which will increase accessibility to the site by means other than the car.

Planning Obligation

- 10.35 A planning obligation will be required to be entered into to secure delivery of the affordable housing units.

Summary

- 10.36 In summary, it is considered that the proposed development is acceptable in terms of layout, housing mix, appearance and scale. I am satisfied that the proposed development would allow for the provision and retention of reasonable levels of amenity for the occupants of future and neighbouring properties. I find that the proposed development is compliant with the NPPF and the Local Plan in respect of drainage and ecology. Subject to the Reserved Matters application 2018/0790/ARM being approved, the access and highway implications are also considered to be acceptable.

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:-

(a) the terms and conditions of the affordable housing

- 11.2 That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation 11.1 above be subject to the following conditions:

Condition(s)

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:-
A818 001 Rev B (Planning Layout) received by the Local Planning Authority on 23rd October 2018;
Substation ES352 A2 006/02L received by the Local Planning Authority on 23rd October 2018;
Housetypes plans:
A818 010 - Newford received by the Local Planning Authority on 23rd October 2018;
A818 004 Rev A Holmewood received by the Local Planning Authority on 23rd October 2018;
A818 005 Rev A Ravenwood received by the Local Planning Authority on 23rd October 2018;
A818 008 Chelmsford received by the Local Planning Authority on 23rd October 2018;
A818 009 Cranford 2 received by the Local Planning Authority on 23rd October 2018;
A818 030 Cranford 2 received by the Local Planning Authority on 23rd October 2018;
A818 002 Denton received by the Local Planning Authority on 23rd October 2018;
A818 003 Bungalow V1 and V2 received by the Local Planning Authority on 23rd October 2018;
A818 013 Rev A A3L received by the Local Planning Authority on 23rd October 2018;
A818 015 - double garage received by the Local Planning Authority on 23rd October 2018;
3. The development hereby approved shall be constructed from the materials indicated on drawing ref: A818 018 Rev C received by the Local Planning Authority on 23rd October 2018.
4. Levels shall be in accordance with Plan Ref: A818 026 Rev A received by the Local Planning Authority on 23rd October 2018.
5. Boundary treatment shall be implemented in accordance with Plan Ref: A818 019 Rev A received by the Local Planning Authority on 23rd October 2018.
6. No dwellings shall be occupied on Whalleys Site 5a, or 5b until the highway works indicated on plan references: SCP/18262/D02 Rev C, SCP/18262/D20 and SCP/18262/D33 Rev A (including 2x bus stop/ shelter on north side of Whalleys Road, right turn lanes for the 2 new junctions incorporating pedestrian refuge island, 3m wide footway across the site frontage to Whalleys Road and 3m wide upgrade of the existing Whalleys Road southern footway to the Beacon Lane roundabout junction to link into new/existing pedestrian/cycle infrastructure, Toucan crossing on Cobbs Brow Lane) have been implemented.
7. The development hereby approved shall be carried out in accordance with the approved surface water drainage scheme (as shown on drawing reference 7055 / 01 Revision B) received by the Local Planning Authority on 19th October 2018. The surface water drainage scheme shall be fully implemented prior to occupation and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the arrangements outlined in the approved Maintenance Agreement (Landscape Maintenance Plan, Amenity Open Space Areas with SuDS, Trust Green, reference TG702 Whalleys, dated 18.10.2018 - Revision A).
8. The recommendations contained in the Ecological Mitigation Strategy (5060.ECO.WHALLEYSBIRDMITIGATION.001, May 2018, Version 6.0) received by Local

Planning Authority on 23rd October 2018 shall be implemented in full prior to any clearance of the site.

9. The recommendations contained within Sections 4,5 and 6 of the Penny Anderson Associates Ltd Ecology and Landscape Strategy July 2018 and received by the Local Planning Authority on 23rd October 2018 shall be adhered to during and after construction of the development hereby approved and maintained in perpetuity.
10. The development shall be carried out in accordance with Section 4 of the Penny Anderson Associates Ltd Bat Mitigation Strategy received by the Local Planning Authority on 23rd October 2018.
11. The development shall be carried out in accordance with the mitigation and monitoring measures specified in paragraphs 1.10 to 1.34 inclusive of the Penny Anderson Associates Ltd Barn Owl Mitigation Strategy received by the Local Planning Authority on 23rd October 2018.
12. The details contained in the Kier Environmental Management Plan (EMP) dated 19th July 2018 and received by the Local Planning Authority on 23rd October 2018 shall be implemented at all times during construction of the development hereby permitted.
13. The details contained in the Coopers Remediation Strategy report dated 6th July 2018 and received by the Local Planning Authority on 23rd October shall be implemented during construction of the development hereby permitted and in accordance with Section 10 of the report, a verification report shall be submitted to the Local Planning Authority upon completion of the development.
14. Notwithstanding the submitted Landscape Masterplan, no dwelling shall be occupied until a detailed landscaping scheme has been submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, species and number of all proposed trees, shrubs, hedges and grassed. 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 elements of the landscaping details shall be completed within 9 months of the last dwelling being occupied. 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.
15. Notwithstanding the details contained with the Trust Green Maintenance Agreement dated 18th October 2018 Rev A and received by the Local Planning Authority on 19th October 2018, management of individual and groups of trees to be retained shall be carried out in accordance with a specific scheme to be submitted to and approved in writing by the Local Planning Authority within 3 months of commencement of development (known as supplementary maintenance agreement). The landscaping and amenity open space areas shall be maintained in accordance with the Trust Green Maintenance Agreement dated 18th October 2018 Rev A and the individual and groups of trees shall be maintained in accordance with the supplementary maintenance agreement.
16. The development shall be carried out in accordance with the TPM Landscape Ltd Report: 502A Arboricultural Impact Assessment and Method Statement received by the Local Planning Authority on 19th November 2018 together with the Tree Protection, Removal and Retention Plans Ref: 3030 105 rev B and 3030 106 rev A received by the Local Planning Authority on 19th November 2018.
17. The Written Scheme of Archaeological Investigation shall be carried out in accordance with the details provided in WYG "The Whalleys Archaeological Evaluation Written Scheme of Investigation A090070-418", and any measures deemed necessary resulting from the findings of that investigation shall be fully implemented in accordance with the recommendations of the investigator.
18. 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, out buildings, swimming pools or means of enclosure shall be erected or

undertaken on Plots 25-31 without the express written permission of the Local Planning Authority.

19. Notwithstanding the particulars accompanying the planning application, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development. The Travel Plan shall include objectives, targets, measures and funding mechanism to achieve targets, monitoring, implementation timescales for delivery (which exceeds the build out period) and the provision of a travel plan co-ordinator. The approved plan shall be audited and updated at intervals as approved. The approved plan shall be implemented in accordance with the details as approved.

Reason(s)

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 ensure that the external appearance of the development is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7.
 - a. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
 - b. To reduce the risk of flooding to the proposed development and future occupants.
 - c. To ensure that the drainage for the proposed development can be adequately maintained.
 - d. To ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.
and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. In order to provide mitigation land for the displacement of skylarks, lapwings, grasshopper warbler, barn owls and other priority bird species in the interests of biodiversity and to accord with the provisions of Policy EN2 of the West Lancashire Local Plan 2012-2027 DPD.
9. In order to provide mitigation land for the displacement of skylarks, lapwings, grasshopper warbler, barn owls and other priority bird species in the interests of biodiversity and to accord with the provisions of Policy EN2 of the West Lancashire Local Plan 2012-2027 DPD.
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 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.
13. To ensure that the development is adequately protected against potentially contaminated land and so complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
14. 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.
15. To ensure continued maintenance and management of landscaped areas within the site and therefore safeguard the amenity of residents 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.
16. 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.
17. As the site is of archaeological interest and in order to comply with the provisions of Policy EN4 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
18. These plots are small such that the Local Planning Authority wish to exercise maximum control over future development in order to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
19. To promote sustainable transport in the interests of good planning and to comply with Policy IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

Reason for Approval

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

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 - Residential Development

RS2 - Affordable and Specialist Housing

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

IF4 - Developer Contributions

EN1 - Low Carbon Development and Energy Infrastructure

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN3 - Provision of Green Infrastructure and Open Recreation Space

EN4 - Preserving and Enhancing West Lancashire's Built Environment

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

No.3	APPLICATION NO.	2018/0835/OUT
	LOCATION	Land To The South Of Stopgate Lane Simonswood Lancashire
	PROPOSAL	Employment development comprising B2 & B8 uses including ancillary office accommodation together with associated ancillary infrastructure
	APPLICANT	Peel Land & Property
	WARD	Bickerstaffe
	PARISH	Simonswood
	TARGET DATE	5th December 2018

1.0 SUMMARY

1.1 This is an outline application with all matters reserved for employment development comprising a mix of B2 and B8 uses. In 2015, outline planning permission (2015/0729/OUT) was obtained for employment development comprising B2 & B8 uses including ancillary office accommodation together with associated ancillary infrastructure. This consent recently expired and this application seeks to 'renew' the outline planning permission and it is considered there are no material changes to planning policy or the proposal to warrant a different decision.

2.0 RECOMMENDATION: APPROVE with conditions

3.0 THE SITE

3.1 The application site is located to the south of Stopgate Lane in Simonswood, at the junction with Pingwood Lane and Shevington's Lane along the eastern edge of the borough boundary with Knowsley. The site extends to approximately 13.3 hectares and is broadly rectangular in shape, comprising greenfield open flat and mostly agricultural land at present.

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

4.0 THE PROPOSAL

4.1 This application is seeking outline planning permission with all matters reserved for employment development comprising a mix of B2 and B8 uses with associated ancillary infrastructure.

4.2 An illustrative site plan is included within the supporting documents which shows how the site would include a sustainable drainage area and ecology park at the western end of the site, landscaping and a layout of varying size industrial units with their associated parking and manoeuvring areas and internal access roads.

4.3 In 2015, outline planning consent (2015/0729/OUT) was obtained for employment development comprising B2 & B8 uses including ancillary office accommodation together

with associated ancillary infrastructure. This consent recently expired and this application seeks to 'renew' the outline planning permission.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2015/0729/OUT GRANTED Outline - Employment development comprising B2 & B8 uses including ancillary office accommodation together with associated ancillary infrastructure
- 5.2 2014/0542/FUL GRANTED Development of a single wind turbine generator with a maximum height to blade tip of 102 metres above ground level, vehicle access tracks, crane pad, sub-station building and construction compound.
- 5.3 2013/1188/SCR Screening Opinion - Development comprising a mix of industrial units for uses falling within Classes B1, B2 and B8 together with an ecology park and sustainable drainage area. (Development is NOT EIA development)

6.0 OBSERVATIONS OF CONSULTEES

- 6.1 LCC Highways (01.10.18) – No Objections
- 6.2 MEAS (Merseyside Ecological Advisory Service) (24.09.18) – No objection subject to planning conditions
- 6.3 Environment Agency (01.10.18) – No Objections subject to condition (intrusive site investigation)
- 6.4 Natural England (24.09.18) – No Comments
- 6.5 LAAS (Lancashire Archaeological Advisory Service) (08.10.18) – No Objection subject to a condition requiring archaeological investigation and recording of the site.
- 6.6 Environmental Health (22.10.18) No Objections subject to conditions
- 6.7 LCC Constabulary (13.09.18) – Advice given

7.0 OTHER REPRESENTATIONS

- 7.1 Simonswood Parish Council (05/10/18) Objects on the following grounds:

The road surface is currently unsuitable for the flow of traffic it receives;
Increased road traffic will deteriorate the road condition;
Increased risk of flooding – pressure on the drains and the brook;
Will main sewage pipes be laid on the site?;
The Industrial Estate will become harder to police with additional development;
Additional traffic results in emissions which will affect residents;
Will there be a designated route to and from the site as the current HGVs disregard this.

8.0 SUPPORTING INFORMATION

- 8.1 In addition to a Planning Statement setting out the planning policy position, the application is supported by the following:

Framework Travel Plan
Phase 1 Preliminary Risk Assessment
Ecological Assessment

Flood Risk Assessment and Drainage Strategy
Design and Access Statement
Minerals Safeguarding Statement
Noise Impact Assessment
Travel Plan

9.0 RELEVANT PLANNING POLICY

- 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 allocated as Protected Land within the Local Plan. The site also falls within the Mineral Safeguarding Area as designated under Policy M2 of the Joint Lancashire Minerals and Waste Local Plan.

West Lancashire Local Plan 2012-2027 DPD

SP1 – A Sustainable Development Framework for West Lancashire
GN1 – Settlement Boundaries
GN3 – Design of Development
EC1 - The Economy and Employment Land
IF2 – Enhancing Sustainable Transport Choice
IF3 – Service Accessibility and Infrastructure for Growth
IF4 – Developer Contributions
EN1 – Low Carbon Development and Energy Infrastructure
EN2 - Preserving and Enhancing West Lancashire’s Natural Environment
EN3 – Provision of Green Infrastructure and Open Recreation Space
EN4 – Preserving and Enhancing West Lancashire’s Built Environment

Supplementary Planning Advice

SPD – Design Guide (January 2008)

Relevant Joint Lancashire Minerals and Waste Local Plan Policies

Policy M2 – Safeguarding Minerals

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Principle of Development

- 10.1 Although the site is not allocated for employment land in the Local Plan, but is designated as Protected Land, the principle of development has been established by the granting of outline planning permission (2015/079/OUT) as detailed above.
- 10.2 In the case of planning permission 2015/0729/OUT, it was considered that the applicant put forward a significant amount of evidence that collectively amounted to significant material considerations to justify a departure from the adopted Local Plan. For example, demand for employment land in the Liverpool City Region and the impact of the new Liverpool 2 container terminal at the Port of Liverpool provides a compelling case for the need for a greater supply of employment land in the City Region over the coming years. The issue of delivery of employment land is also important, and it is acknowledged that there has been a lack of employment land delivery in West Lancashire in recent years. As such, West Lancashire is not currently delivering the 5ha of employment land a year anticipated in the Local Plan. While national planning policy does not require a local planning authority to demonstrate a 5 year supply of employment land in the way it does

for housing, this lack of delivery is an important material consideration in this application and one that carries significant weight in favour of the proposal. Weighing all of the above into the balance, the lack of employment land delivery and the anticipated demand for employment land over the next few years in the Liverpool City Region are still considered to be significant material considerations to justify a departure from Policy GN1 (b) of the adopted Local Plan.

- 10.3 Whilst there has been no changes to adopted Local Plan policy since approval of application 2015/0791/OUT, it is worth noting that the Council are currently consulting on the Local Plan Review Preferred Options (emerging local plan) which identifies the application site as part of the extended employment allocation at Simonswood. Whilst this is at an early stage in the Local Plan process and can therefore be given little weight in decision making, it shows the Council's thinking at the current time.
- 10.4 In terms of National Policy a revised National Planning Policy Framework was published on 24th July 2018 which is a material consideration in the assessment of the planning application. I have taken into account the revised NPPF and I am satisfied that it raises no further relevant matters than previously considered under the former NPPF in relation to the principle of development.

Site Design and Layout

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

Access, Traffic and Highways

- 10.7 As per the previous approval, all vehicular access to the site will be from Stopgate Lane and for indicative purposes a number of separate access points are shown, although this could change once the Reserved Matters are submitted. Stopgate Lane is a narrow road between 5 and 5.5m and features a 60mph speed limit which changes to 30mph on the approach to the junction with Pingwood Lane. There is a 7.5t weight restriction for vehicles to the east of the site up to Siding Lane.
- 10.8 The applicant has confirmed that the use of the proposed development will be for B2 (general industrial) and B8 (storage and distribution) with the B1 (office) uses being ancillary only.
- 10.9 Lancashire County Council have been consulted and have raised no objection, subject to planning conditions, as there is no material change to the proposal since the previous application. As part of the improvements required, it is necessary to widen Stopgate Lane

in front of the site to 7.5m and provide a 2m wide footway on one side of the road. It is also proposed to reduce the speed limit to 40mph for the length of Stopgate Lane fronting the site and to provide a 3.5m wide lit footway/cyclepath within the site along the southern edge to link through to Pingwood Lane and incorporate a pedestrian crossing point to the residential area in Simonswood, Kirby, to the west.

- 10.10 I am satisfied that the development would not have a significant impact on highway conditions within the vicinity of the site. Full details of access, parking and highway works would be secured at the reserved matters stage and through the imposition of appropriate conditions.

Impact on Neighbouring Land Uses and Noise

- 10.11 It is necessary to consider the impact of the proposed development on the amenity of existing surrounding land uses, including neighbouring residents. As this application is in outline, only an illustrative layout has been provided indicating that the industrial units would be located a considerable distance from the nearest residential properties at Simonswood and Wood House Farm to the north. Should the proposal be considered acceptable in outline, then a more detailed Reserved Matters application will be required to be submitted to assess the detailed implications upon neighbouring amenity with particular regard to the properties off Shevington's Lane.
- 10.12 However, given the proposed development is for employment use, the impact of noise upon neighbouring residents needs to be assessed. A noise report has been submitted with the application which recommends a number of noise control measures including building specifications, noise limits imposed for fixed items of plant, restrictions on service yards and roller shutter doors during the night time hours and a 3m high acoustic barrier along the western boundary. The Council's Environmental Health Officer is satisfied that as this is an outline application, based on the initial assessment, noise can be controlled with mitigation where necessary. As this is an outline application a further noise report will be required at the reserved matter stage for each phase of the development.
- 10.13 In terms of the additional traffic impact on surrounding land uses that will be generated as a result of this development, any HGV's or vehicles over 7.5t in weight would be unable to pass along residential routes to and from the site due to existing weight restrictions. On balance I consider the development, subject to conditions, meets the requirements of Policy GN3 of the Local Plan.

Surface Water, Drainage and Flood Risk

- 10.14 United Utilities has previously confirmed that there is an easement crossing the western area of the site and a strategic trunk main crosses the site. No development will be permitted over either and it will be necessary to re-assess the internal layout when considering any Reserved Matters application. The site will be drained on separate systems and foul water will be connected to the public sewer at the western end of the site.
- 10.15 In terms of surface water, this will be collected from the site and directed to new adopted surface water drainage networks, which in turn outfall to a large attenuation pond at the western end of the site adjacent Simonswood Brook. Flows will then be restricted to greenfield run-off rates to the watercourse. The western part of the site is located within Flood Zone 3, the classification most at risk of flooding. In order to ensure there is no risk of flooding, all buildings will be set at least 300mm above existing ground levels. The Environment Agency have confirmed that they are satisfied with the submitted Flood Risk Assessment. As highlighted in the previous application the illustrative layout indicates

development within 8m of the bank of Simonswood Brook; however, as the application is in outline, the layout of any future Reserved Matters application can be designed so as to ensure no development encroaches into the main river easement. I am satisfied that the proposed development demonstrates compliance in principle with the NPPF and Local Plan Policy regarding drainage and flood risk.

Ecology, Trees and Landscape

- 10.16 The application site is located in an area which could have the potential to support qualifying features within or in close proximity to the designated sites of the Ribble and Alt Estuaries, Mersey Estuary and Martin Mere SPA, Ramsar and SSSI site.
- 10.17 An updated ecology survey has been submitted as part of the application. MEAS have been consulted and conclude that construction and operation of the site will have no likely significant effect on the European protected sites and a detailed Habitats Regulations Assessment report is not required because pink footed geese were not recorded within, or close to, the site during the survey and very few numbers of other qualifying features were recorded. Therefore the proposals will not displace significant numbers of foraging qualifying bird species.
- 10.18 MEAS also conclude that the Council does not need to consider the proposals against the three tests in the Habitat Regulations with regards bats and great crested newts as no evidence of roosts was found. Evidence of water vole was recorded alongside Simonswood Brook. It is recommended that the brook be re-surveyed for water vole prior to the start of works and the results of the survey used to inform the SUDs design and any mitigation required. This can be secured by condition.
- 10.19 The present site offers bat foraging and bird breeding habitat which will be significantly reduced by the proposed development; however the creation of an ecology park, provided it is planted with similar native species, will provide mitigation for the loss of habitat and on balance the development is considered to comply with Policy EN2 of the Local Plan and the NPPF.
- 10.20 In respect of trees within the site, they are of a self-set, small and scrubby nature within the overall vegetated area of scrub hawthorn and bramble. The indicative layout shows that the area of trees and woody shrubs will be removed to accommodate the development; however, as part of the proposals, an area to the west of the site (12% of the overall site) will be dedicated as a SUDs area and ecology park. Existing vegetation in this area will be retained and managed to enhance biodiversity and create habitats for invertebrates, birds and water voles.

Landscape and Visual Impact

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

land will be lost but that it will be seen against the backdrop of the industrial park to the south and the settlement boundary of Kirby to the west.

Archaeology

- 10.22 Lancashire Archaeological Advisory Service has identified that the site includes the former sites of Warren's Farm, Stopgate Farm and Stopgate Inn which used to lie in a former hunting forest extant in the 13th Century. It is probable that there will be buried remains within the site from these farmsteads which merit examination and recording prior to their destruction. A programme of archaeological investigation and recording is recommended prior to the start of development and this can be secured by condition.

Mineral Safeguarding Area

- 10.23 As per the previous approval, this application is supported by details of data held on the British Geological Survey Minerals UK information which confirms that there is potential for deep coal and possible silica sand on the site. The applicant advises that due to the characteristics of the surrounding land uses, the ecology interest and watercourse on the site, the limited size of the site and the uncertainty of mineral resources being found, it is considered that it would be commercially unviable and environmentally unacceptable to extract minerals from the application site. As such the exemption requirements of Policy M2 of the Lancashire Minerals and Waste Local Plan have been engaged and the scheme is therefore considered acceptable in this regard.

Conclusion

- 10.24 Although the principle of development on Protected land is generally not acceptable, as per the approved application, I am satisfied that there are significant material considerations to justify a departure from Local Plan policy – namely the realistic prospect of delivery of employment land and employment opportunities. There are no other technical issues that cannot be resolved at Reserved Matters stage and the development is considered to comply with all other relevant Local Plan policies.

11.0 RECOMMENDATION

- 11.1 That 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 two years beginning with the date of this permission and the development must be begun not later than the expiration of three years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Before any part of the development hereby approved is commenced, approval shall be obtained from the Local Planning Authority for the Reserved Matters, namely the access, layout, scale and appearance of the buildings and landscaping of the site.
3. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan Reference Site Location Plan received by the Local Planning Authority on 3rd August 2018.
4. No development shall take place, including any demolition, site clearance or ground works, until a phasing programme for the whole of the site, including the off-site highway works has been submitted to, and approved in writing by the Local Planning Authority. The phasing plan shall identify the delivery and completion of all offsite highway works and the

phased delivery of infrastructure, access, employment units and the ecology park. The development shall be implemented in accordance with the approved phasing plan.

5. No development shall take place until full details of the finished levels of all parts of the site, including the floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those details.
6. The estate road for each phase (as set out in the phasing plan) of the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within that phase.
7. Car parking courts within each phase shall be surfaced or paved in porous materials in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the industrial units hereby permitted within the relevant phase become operative.
8. The off-site highway improvement works, which are also subject to a S278 Agreement under the Highway Act, as are follows.
Widening of Stopgate Lane to 7.3m as indicated on Plan Refs: VN30270-D104.1 and VN30270-D104.2
Provision of 2m footway on south side of Stopgate Lane as indicated on the above plans;
Provision of Pedestrian Crossing on Pingwood Lane
Amendment to Speed Restriction along Stopgate Lane
For clarity, all the measures outlined above shall be implemented in accordance with a Section 278 Agreement prior to occupation of the first industrial unit.
9. No construction works shall commence on each phase of development (as set out in the phasing plan) until a scheme for the construction of the internal access road, cycleway and footway networks for that phase of development has been first submitted to, and approved in writing by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved details.
10. No building on each phase of development shall be occupied until a travel plan for that phase has been submitted to and agreed in writing with the Local Planning Authority. The approved travel plan shall be implemented in full.
11. There shall not at any time in connection with the development hereby permitted be planted hedges, trees or shrubs over 600mm above the road level within any visibility splay required to maintain safe operation for all users.
12. There shall be no loading/unloading of vehicles and no deliveries taken at or dispatched from the site (Including waste collections) outside the following times 0700 to 1800 Mondays to Saturdays nor at any time on Sundays, Bank or Public Holidays.
13. No development shall take place on a phase until a further survey to determine the presence or absence of water voles is undertaken, and submitted to and approved in writing by the Local Planning Authority. Should water voles be found to be present, a detailed mitigation and enhancement scheme for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to occupation of any building on that phase of development.
14. For each phase of development, details of bird boxes to be installed on site (number, type and location) shall be submitted to and approved in writing by the Local Planning Authority. The approved bird boxes shall be installed in a timetable to be agreed in writing with the Local Planning Authority.
15. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Flood Risk Assessment and Drainage Strategy Report, Stopgate Lane, Simonswood, Kirby, Merseyside, Thomasons, Contract No. 7109, 7th February 2014) and all mitigation measures detailed within the FRA:

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

16. This site must be drained using a total separate drainage system in full accordance with the FRA submitted. For the avoidance of doubt, no surface water flows generated from the site will be allowed to connect with the public sewerage system via direct and or indirect means.
17. As part of any reserved matters application and prior to the commencement of any development the following details shall be submitted to, and approved in writing by, the local planning authority.
 1. Surface water drainage scheme which as a minimum shall include:
 - a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
 - b) The drainage scheme should demonstrate that the peak surface water runoff rate from the development to the sustainable drainage system for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event does not exceed the peak greenfield runoff rate for the same event in line with Standard S2 of the Non-Statutory Technical Standards for Sustainable Drainage Systems. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
 - c) Flood water exceedance routes, both on- and off-site;
 - d) A timetable for implementation, including phasing where applicable;
 - e) Site investigation and test results to confirm infiltrations rates;
 - f) Details of water quality controls and SuDS treatment train.The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
18. No development shall commence on each phase (as set out in the phasing plan) until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of that phase of the development have been submitted which, as a minimum, shall include:
 1. a) the arrangements for adoption by an appropriate public body or statutory undertaker, or Management and Maintenance Company
 2. b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
 3. c) Means of access for maintenance and easements where applicable.The scheme shall be implemented in accordance with the approved details in accordance with the Phasing Plan. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.
19. Prior to the first occupation of any industrial unit, that unit shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.
20. No development of each phase shall take place until a further noise assessment has been carried out for that phase in accordance with the current version of BS4142. The assessment shall demonstrate that the rating level of noise emitted from the site's plant, equipment and machinery and activity in service yards shall not exceed 5dBA above the

background levels determined at all boundaries near to noise-sensitive premises; and that noise from externally mounted ancillary plant, equipment and servicing shall not exceed a rating level of 5dB (LAeq) below background levels determined at all boundaries near to noise-sensitive premises. The layout, design and materials and any other noise mitigation required to ensure that the development meets these criteria shall be specified. Confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

21. Prior to occupation of any building on the site, the proposed Pedestrian/Cycle Way along the southern edge of the site indicated on plan Ref VN30270-D102 shall be provided in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall include, but not be limited to, cross-sections of the path, details of lighting, details of levels, details of surfacing and management and maintenance of the path.
22. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological investigation and recording. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.
23. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2006 (as amended), or in any subsequent Orders or statutory provision re-enacting the provisions of these Orders, the buildings and associated land shall be used for B2 (general industrial) and B8 (storage and distribution) purposes only .
24. No development on a phase shall take place until a scheme detailing the proposed lighting to be installed on that phase has been 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.
25. No plant or machinery shall be operated, and no process shall be carried out outside the following times 0700 to 2300 Mondays to Saturdays, nor at any time on Sundays, Bank or Public Holidays.
26. No development of each phase until a scheme that deals with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority and adhered to thereafter. The scheme should include:
 1. A preliminary risk assessment which has identified:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination of the site
 2. A site investigation scheme based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site
 3. The results of the site investigation and detailed risk assessment referred to in (2) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
27. No building on each phase shall be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long term monitoring and maintenance plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The long terms monitoring and maintenance plan shall be implemented as approved.

Reasons

1. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline and the matters referred to in the condition are reserved for subsequent approval by the Local Planning Authority.
3. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To define the permission and in the interests of the proper development of the site in accordance with Policies EC1 and GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To allow for the effective use of the parking areas in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To allow for the effective use of the parking areas in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To ensure that the development provides sustainable transport options in accordance with Policy IF2 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To ensure adequate visibility splays are maintained at all times and to ensure that the development complies with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. To 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.
13. In the interests of protecting biodiversity so to ensure compliance with Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
14. In the interests of protecting biodiversity so to ensure compliance with Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
15. To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site, to prevent flooding elsewhere by ensuring that surface water is discharged from the site at the pre-development greenfield runoff rate for all events and to reduce the risk of flooding to the proposed development and future occupants in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
16. To reduce the risk of flooding to the proposed development and future occupants in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
17. To ensure that the proposed development can be adequately drained, to ensure that there is no floodrisk on or off the site resulting from the proposed development and to ensure that water quality is not detrimentally impacted by the development proposal in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
18. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible

organisation/body/company/undertaker for the sustainable drainage system in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

19. In the interests of sustainable transport choice and to comply with Policy IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
20. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
21. To promote sustainable measures in accordance with Policy IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
22. To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site in accordance with Policy EN4 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
23. In order to enable an assessment of the highway impact in the local area and to safeguard the safety and interests of the users of the highway and ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
24. In order to enable an assessment of the impact in the local area and to safeguard the safety and interests of the users of the site and ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
25. 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.
26. To ensure the development does not pose a risk of pollution to controlled waters and comply with the provisions of policy GN3 of the West Lancashire Local Plan 2012 - 2027 Development Plan Document.
27. To ensure the development does not pose a risk of pollution to controlled waters and comply with the provisions of policy GN3 of the West Lancashire Local Plan 2012 - 2027 Development Plan Document.

Notes

1. Flood Defence consent:

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

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

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

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

Your Consent application must demonstrate that:

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

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

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

2. For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given.
The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here: <http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>
3. The applicant is advised that the new site access and highway improvement works, will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Environment Directorate before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for "278 agreement".
4. Traffic Regulation Orders, diversions of Public Rights of Way, Stopping up of existing highways, changes to public transport scheduling/routing and other activities require separate statutory consultation processes beyond the planning application process. The applicant will be obliged to meet all the costs associated with these works and ensure that any works which rely upon them do not commence until all legal processes have been satisfactorily completed.
5. It is an offence to carry out any works within the public highway without permission of the Highway Authority. Permission under the Town and Country Planning Act 1990 should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under S38 of the Highways Act 1980. Any roadworks included in the application that are to be considered for adoption as maintainable highway will require a S38 Agreement. The applicant is advised to contact the Lancashire County Council's Highway Team for further advice, to ascertain the details of such an agreement and the information to be provided.

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:
SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Design of Development
EC1 - The Economy and Employment Land
IF2 - Enhancing Sustainable Transport Choice
IF3 - Service Accessibility and Infrastructure for Growth
IF4 - Developer Contributions
EN1 - Low Carbon Development and Energy Infrastructure
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN3 - Provision of Green Infrastructure and Open Recreation Space
EN4 - Preserving and Enhancing West Lancashire's Built Environment
together with Supplementary Planning Guidance and all relevant material considerations. Whilst the Local Planning Authority recognises that the proposal does not fully comply with Policy/Policy GN1 (b) in the West Lancashire Local Plan 2012-2027 DPD it feels that special circumstances exist, namely the realistic prospect of delivery of employment land and employment opportunities. . It is considered that these special circumstances justify approval of the application as set out in the Officer's report. This report can be viewed or a copy provided on request to the Local Planning Authority.

No.4	APPLICATION NO.	2018/0525/HYB
	LOCATION	Land To The East Of Tollgate Road Burscough Lancashire
	PROPOSAL	Hybrid Application - Full planning permission for the construction of a link road between Tollgate Road/Ringtail Road and the Phase 1 residential development of the Yew Tree Farm site including associated drainage and other works; and outline permission for the construction of 31,100 sqm of B1, B2 and/or B8 employment development (all matters reserved except for access positions from the existing/new roads) together with the provision of related infrastructure including the construction of drainage works, services and related utilities.
	APPLICANT	Crompton Property Developments Ltd
	WARD	Burscough West
	PARISH	Burscough
	TARGET DATE	18th September 2018

1.0 SUMMARY

- 1.1 This is a hybrid application which comprises a full application for the construction of a link road from the access road into the Phase 1 residential development at Yew Tree Farm off Liverpool Road South, eastwards to connect to Tollgate Road, including drainage works, services and related utility provision and a number of access points into future development sites. The outline application is for erection of up to 31,000sqm of B1, B2 and/or B8 employment development with all matters reserved except the access points from existing and the new link road. I am satisfied that the proposed location and design of the link road and the location and principle of employment development on the site is acceptable. In my view the proposal complies with the relevant policies of the Local Plan and the Yew Tree Farm Masterplan.

2.0 RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

3.0 THE SITE

- 3.1 The site comprises a further phase of the wider strategic development site of Yew Tree Farm, previously granted outline planning permission for a mixed-use development (2015/0171/OUT). It is located within the settlement boundary of Burscough. The site itself is split into two distinct elements - a triangular area of agricultural land and a route for a link road. The total site area is approximately 11.2 hectares. The proposed link road cuts through the northern part of the overall Yew Tree Farm site with fields on both sides and Higgins Lane to the north. To the east the road connects to the road recently constructed by Redrow for Phase 1a and 1b residential development, which in turn, leads off Liverpool Road South. To the south are fields with Liverpool Road South beyond.
- 3.2 The proposed employment area encompasses a triangular parcel of land bound by Higgins Lane to the north, Tollgate Road and the rear of Merlin Park to the west, rear of Tollgate Crescent to the south and fields to the east (forming part of the wider Yew Tree Farm allocation).

4.0 THE PROPOSAL

- 4.1 This is a hybrid application for the full details of the construction of a link road and associated drainage works between Tollgate Road and the Phase 1 residential development leading onto Liverpool Road South. It also includes the outline details for the

principle of 31,100sqm of B1, B2 and/or B8 employment development, including the provision of drainage works and services/utilities.

- 4.2 The proposed link road will be 7.3m wide with a 3m wide footway both sides. It will link into the access road currently under construction for the first phase of residential development leading from a signalised junction on Liverpool Road South. It will then extend westwards to meet Tollgate Road at the point where Tollgate Road takes a sharp right-hand bend and becomes Ringtail Road. The proposed junction has been modified since originally submitted so that the link road will swing south to link into Tollgate Road, with Ringtail Road connecting into the outside of the bend at a priority controlled junction. A further access road is proposed off the eastern side of Tollgate Road into the land forming part of the outline element of this application. A number of access points are also proposed off the proposed link road into future phases of development – two on the northern side of the link road and two on the southern side. A pedestrian crossing with refuge island is proposed along Tollgate Road. In addition, a swale and attenuation ponds are proposed along the southern edge of the link road, along with a new foul water pumping station.
- 4.3 The outline element of the application includes a triangular area of approximately 7.77 hectares for employment uses. The site will be effectively split into two parcels of land, one to the north of the proposed link road (3.01ha) and one to the south (4.76ha). Indicative plans show 31,000sqm of buildings with various sized footprints along with parking and maneuvering areas for each unit. A drainage basin is also proposed within the northern parcel of land, close to the proposed link road separating the two parcels. Access into the northern parcel will be from this proposed new link road (not from Higgins Lane) and access to the southern parcel will be from Tollgate Road.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2017/0431/ARM - Approval of Reserved Matters for 146 dwellings with associated car parking and landscaping for phases 1a & 1b (denoted as 1 & 1a on the Outline approved master plan). The reserved matters for which consent is sought on these two phases are appearance & scale, layout and landscaping. Discharge of Condition No. 27 (foul and surface water drainage strategy) and Condition No. 35 (updated noise assessment) of planning permission 2015/0171/OUT. APPROVED (20.09.2017)
- 5.2 2015/0171/OUT - Demolition of the existing buildings, and outline planning permission (including details of access) for the erection of up to 580 dwellings (C3); Extra Care or Care Accommodation (C2); a Local Centre (comprising up to 500m² of A1, A2, A3, A4 and A5 floorspace; and community uses); the construction of 4.6 hectares of Employment Development (up to 13,800m² of B1, B2 and B8 floorspace); the provision of open space and associated recreation facilities (including parkland, allotments, play areas, a linear park, cycle and pedestrian facilities); together with the provision of related infrastructure including the construction of drainage works (including sustainable urban drainage systems), roads, services and related utilities; and associated works. APPROVED SUBJECT TO A S106 AGREEMENT (20.03.2017).
- 5.3 2014/1054/SCO - Scoping Opinion - Residential-led mixed-use development - Development IS EIA development (25.11.2014)

6.0 CONSULTEE RESPONSES

- 6.1 LANCASHIRE CONSTABULARY (02.07.2018) – Recommend security measures.
- 6.2 LCC LEAD LOCAL FLOOD AUTHORITY (18.07.2018 and 19.11.2018) – Following submission of a revised FRA, no objection subject to condition.

- 6.3 LCC HIGHWAYS (24.08.2018 and 19.09.2018) – No objections subject to conditions.
- 6.4 NATURAL ENGLAND (03.08.2018) – A satisfactory Habitats Regulations Assessment should be undertaken by the Local Planning Authority and notification be given to NE before any work commences.
- 6.5 MERSEYSIDE ENVIRONMENTAL ADVISORY SERVICE (03.08.2018) – No objection subject to conditions. In terms of the Habitats Regulations, I have reviewed the proposal submitted by the applicant and considered the possibility of likely significant effects under the Habitats Regulations using the source-pathway-receptor model. I advise there is no pathway that could give rise to likely significant effects on the European sites and designated sites and it does not warrant a detailed Habitats Regulations Assessment report for the following reason:
Non-breeding bird surveys have been undertaken in support of the application which demonstrate that the application site is not functionally linked to European sites. The results of the non-breeding bird survey are consistent with previous surveys undertaken on the site in 2013/4 and 2015 in support of the Yew Tree Farm Masterplan application (LPA ref: 2015/0171/OUT). As none of the trees on the site are of a sufficient maturity to have developed features to support roosting bats, I advise that the Council does not need to consider the proposals against the three tests (Habitats Regulations).
- 6.6 UNITED UTILITIES (03.09.2018 and 09/11/2018) – Following receipt of additional information, no objection subject to conditions.

7.0 OTHER REPRESENTATIONS

- 7.1 I have received an objection from a neighbouring business, Biffa Waste Services who advise that their site has a long standing use from the 1990's as a Waste Transfer Station managing hazardous wastes. They consider that account should be taken in the determination of the application to the fact that their facility deals with hazardous waste and no inappropriate development which could impact on current operations should be approved adjacent to their site. The extension of the industrial estate is not necessarily a concern to Biffa, however, a school and residential development effectively bordering Biffa's Hazardous Waste Management Facility may be inappropriate development and it may be that the future surrounding developments would be better planned in the masterplan for the wider area by extending the industrial estate around our facility rather than future proposals for a school and residential development.

8.0 SUPPORTING INFORMATION

- 8.1 The application is supported by the following information:
Planning Statement
Agricultural Land Assessment
Transport Assessment
Mineral Resource Assessment
Flood Risk Assessment
Drainage Strategy
Ecological Appraisal Report
Design and Access Statement

9.0 RELEVANT PLANNING POLICIES

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

assessed. The site is also subject of a Supplementary Planning Document: Yew Tree Farm Masterplan (February 2015) which aims to guide developers and their applicants in their proposals and planning applications for development on the site.

- 9.2 The site is allocated as SP3 – Yew Tree Farm, Burscough – A Strategic Development Site.

Relevant West Lancashire Local Plan (2012-2027) DPD policies:

SP1 – A Sustainable Development Framework for West Lancashire

SP3 – Strategic development Site: Yew Tree Farm

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

RS1 – Residential Development

RS2 – Affordable and Specialist Housing

EC1 – The Economy and Employment Land

IF1 – Maintaining Vibrant Town and Local Centres

IF2 – Enhancing Sustainable Transport Choice

IF3 – Service Accessibility and Infrastructure for Growth

IF4 – Developer Contributions

EN1 – Low Carbon Development and Energy Infrastructure

EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

EN3 – Provision of Green Infrastructure and Open Recreation Space

EN4 - Preserving and Enhancing West Lancashire’s Built Environment

The site is also within a Mineral Safeguarding Area and therefore an assessment of whether or not the site should be retained for future mineral extraction should be made in order to accord with Policy M2 of the Lancashire Minerals and Sites Allocation and Development Management Policies Local Plan.

- 9.3 Additionally the following supplementary planning documents are relevant:

SPD – Yew Tree Farm Masterplan (Feb 2015)

SPD - Open Space (July 2014).

SPD – Design Guide (Jan 2008)

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Background

- 10.1 The site forms part of the Strategic Development Site of Yew Tree Farm as allocated in the Local Plan. It is identified as an employment area and the location of the link road is as indicated in the Yew Tree Farm Masterplan SPD. Outline planning permission has already been granted for a mix of residential, extra care, local centre, employment and open space development on part of the wider allocated site adjacent to the current proposed application site boundary (Ref: 2015/0171/OUT). Reserved Matters Approval has been granted for the first phase of residential development in the north-eastern part of the wider site. The main access points into the wider Yew Tree Farm site formed part of the outline planning permission and work has already commenced on the roundabout at the southern end of Tollgate Road and the main access off Liverpool Road South.

Principle of Development

- 10.2 The principle of employment development and a link road between Liverpool Road South and Tollgate Road is considered acceptable and in accordance with Policy SP3 of the Local Plan and the Yew Tree Farm Masterplan SPD. Furthermore, the submitted scheme does not, in my opinion, prejudice the delivery of a mixed use scheme on the remainder of the site covered by the Strategic Development Site allocation nor the adopted

Supplementary Planning Document: Yew Tree Farm Masterplan. There have been no significant policy changes in the interim which may have affected this decision, therefore I am satisfied that the principle of development remains compliant with the aims and objectives of the NPPF and Policies RS1 and SP3 of the Local Plan.

- 10.3 I have had regard to the Environmental Impact Assessment Regulations and conclude that, as the EIA on the outline application also considered the cumulative effects of the development now proposed, the proposed development has been adequately assessed and mitigated for.

Siting, Layout and Design

- 10.4 The location of the proposed link road is as envisaged within the Yew Tree Farm Masterplan and connects Liverpool Road South (A59) with Tollgate Road in an east/west form. It has been designed to use existing features on the site, including hedge lines and topography of the site. With regards the design of the link road, the proposed 7.3m wide carriageway with 3m wide footers is in accordance with the specification agreed with LCC and the proposed road is considered adequate to serve the proposed development and would satisfy pedestrian accessibility. The location of the proposed drainage basins and swales follows the natural topography of the site and creates a sustainable drainage solution for the proposed and future development on the wider Yew Tree Farm site.
- 10.5 The proposed employment development is in outline form and whilst the indicative plans submitted with the application show a development comprising 18 units of differing sizes, each with parking and turning provision, these plans are only indicative: details of design and layout would be considered as part of any subsequent application for reserved matters. Access points into the employment land areas are considered acceptable and have been agreed with LCC.

Highways

- 10.6 LCC Highways have been consulted in respect of the proposals and have confirmed that traffic impact of the proposed employment land can be accommodated on the local highway network and as such would not cause adverse harm to highway safety or the free flow of traffic in the local area... In my view, the construction of the link road will provide an alternative access for traffic travelling north/south as well as east/west through Burscough. It is also considered likely that a large number of the potential employees would reside in the proposed residential development on Yew Tree Farm and this would reduce traffic generation/external trips from all phases of the development of the wider Yew Tree Farm site. The link road will be subject to a 30mph speed limit and its design has regard to the types of vehicles that operate within and around the Burscough Industrial Estate.
- 10.7 The proposed junction to Tollgate Road has been amended to that originally approved through the outline planning permission. A roundabout was originally proposed; however, as some of the businesses on the industrial estate use long vehicles, LCC advised that a priority junction should be considered instead. The design of the junction now proposed results in a continuation of the proposed link road as the through road to Liverpool Road South with Ringtail Road as a secondary access. A right-turn lane and a refuge island to accommodate a pedestrian crossing point along Tollgate Road is incorporated within the new road layout. LCC are satisfied that adequate visibility can be achieved at all proposed access junctions to the proposed employment land and other future development sites within the strategic development site.
- 10.8 A public footpath runs along the eastern boundary of the site (FP74) and would cross the proposed link road. It is proposed to retain this footpath and incorporate it into the wider

pedestrian network as a green link in accordance with the Masterplan. As such, I consider the proposed development complies with the Policy SP3 and GN3 of the Local Plan and the Yew Tree Farm Masterplan SPD.

Surface Water, Drainage and Flood Risk

- 10.9 In terms of drainage, there are three main issues on this site. Firstly, it is known that there are surface water flooding issues in the Burscough area and secondly, the foul water system is at capacity. At the time the outline planning application was considered, the statutory bodies assessing the impact of the proposed development on the above matters (United Utilities (UU), Environment Agency (EA) and LCC Lead Local Food Authority)) did not raise any objections to the proposal. Stringent conditions were imposed on the outline planning permission requiring details of the surface water management scheme and compliance with the Flood Risk Assessment submitted.
- 10.10 It is important to ensure that a comprehensive drainage strategy is provided for the wider Yew Tree Farm strategic development site and the details already submitted and approved for the outline permission have been analysed and incorporated into a detailed FRA and drainage strategy for the link road and proposed employment area.
- 10.11 The FRA advises that the existing site has a high risk of surface water flooding due to low-lying land surface relative to existing top of ditch banks, no positive overland flow direct to a watercourse resulting in ponding in low-lying areas, poor infiltration due to clay soil and unmaintained watercourses. The proposed development will address this risk by raising the finished development levels, providing attenuated surface water drainage system limited to green-field run-of rates and incorporating final discharge flow controls, a system of underground tank or sewer storage and open pond attenuation. The drainage from the proposed link road will be discharged to the new attenuated drainage system within the site boundary thus there will be no additional discharge to the existing highway drainage network.
- 10.12 In terms of foul water, there is an existing combined water public sewer flowing from south to north through the site. Although there is no record of past flooding of this public sewer within the site, UU have stated that the sewers in the Burscough area are in the main at capacity as is the Waste Water Treatment Works (WWTW) and that future upgrade of the Public Sewer and WWTW system are in place. As part of the overall development of Yew Tree Farm it has already been previously agreed with the developer that existing surface water from dwellings on Lordsgate Lane will be disconnected and diverted away from the existing combined water sewer. This reduces flood risk along the length of this public sewer and makes available capacity for foul water discharge to the existing sewer. Therefore the proposed foul water discharge from the development will connect by unrestricted gravity flow pipe network to the existing public combined water sewer already established within the site. A foul ware pumping station is proposed adjacent to the proposed link road to assist with the gravity-led system.
- 10.13 Following liaison between United Utilities and the Lead Local Flood Authority, a revised FRA has been submitted which satisfies the statutory agency's requirements. On this basis, I am satisfied that the foul water system is acceptable and the surface water disposal will form a sustainable urban drainage system in accordance with the NPPF and Local Plan Policies SP3 and GN3.

Impact on surrounding land uses

- 10.14 In terms of the relationship between the proposed link road and surrounding land uses, this comprises agricultural land which is allocated for further development. In my view, the

construction of a new link road in this location will assist surrounding residents and businesses in terms of accessibility. Furthermore, I consider the subsequent use of the link road will not generate significant traffic to create a detrimental impact on surrounding residential properties by way of noise or air quality.

- 10.15 With regards the impact of the proposed employment land on surrounding land uses, this is located alongside existing industrial units and as such, no detrimental impact is envisaged by way of noise and disturbance. The closest residential properties to the proposed employment site are along Higgins Lane; however, this is at a distance of approximately 120m. As this part of the application is in outline, the layout and any potential noise impact on residential amenity will be considered at reserved matters stage. Nevertheless, I am satisfied that the site can be developed for employment purposes in accordance with the Yew Tree Farm Masterplan and without loss of amenity to nearby residents and businesses.
- 10.16 Concerns have been raised by Biffa Waste Services to the proximity of the proposed development to their hazardous waste facility. However, the current application is for employment development adjacent to their site off Tollgate Crescent. As such, I am satisfied that this is an appropriate form of development and is in accordance with Policy GN3 of the Local Plan.

Landscaping and Linear Park

- 10.17 Policy SP3 of the Local Plan along with the Masterplan requires the wider site to deliver a new town park and a Linear Park. The town park is proposed to the east of the proposed employment site as a future form of development. The linear park will run alongside the southern side of the proposed link road and this is indicated in part as part of the full application for the link road. Swales are incorporated into this area to enhance the overall appearance of the linear park. The site at present is generally open with some longer views over larger open tracts of land. Scattered copses of trees and hedgerows are prevalent on the site.
- 10.18 Whilst the proposed wider Yew Tree Farm development will change the character of the landscape, elements of the existing vegetation should be retained wherever possible. It is proposed to retain the existing hedgerow between the existing industrial estate at Tollgate Crescent and the proposed employment site and along Higgins Lane and in parts along the proposed link road. However, some hedgerows will require removal to facilitate the development. In accordance with Policy EN2 of the Local Plan a condition will be imposed to ensure that the development will incorporate suitable tree protection and landscaping measures.

Biodiversity

- 10.19 A Phase 1 Ecology Report has been submitted with the application and upon review of the information, Natural England have concluded that a Habitats Regulations Assessment may be required to be undertaken and this should be carried out by the Local Planning Authority.
- 10.20 Paragraphs 9,109 and 152 of the NPPF advise that development should provide opportunities for environmental enhancement and Natural England provide information regarding what this might encompass. The proposed development contributes to the provision of a new footpath through the site alongside the link road to connect to existing rights of way FP74, maintenance of existing hedgerows, creation of ponds and swales and through the requirement for native landscaping on the site, in my view, the proposal is likely to provide an overall net gain in biodiversity.

- 10.21 MEAS have assessed the proposals and consider that there is no pathway that could give rise to likely significant effects on European sites and therefore the application does not warrant a detailed Habitats Regulations Assessment report. This is because non-breeding bird surveys have been undertaken in support of the application which demonstrate that the application site is not functionally linked to European sites. Furthermore, impacts upon the nearby SSSI's are not anticipated for the same reason. MEAS also conclude that none of the trees on the site are of sufficient maturity to have developed features to support roosting bats and therefore the Council does not need to consider the proposals against the three tests in the Habitats Regulations. However, lighting may affect the use of habitats on and adjacent to the site by bats and excessive light spill should be avoided. The proposed link road will include street lighting for safety reasons and for adoption. However, new street lighting is erected with limited light spillage. Precautionary measures are recommended to be taken during construction and site clearance phases to check for water voles and common toad and this can be secured by suitably worded condition.
- 10.22 MEAS also advise that, as the proposed development will result in the loss of breeding bird habitat, to mitigate for this loss, bird nesting boxes should be provided, the number, type and location of which can be secured by condition. Subject to the above suitably worded conditions, I consider that there would be no undue impact on ecology as a result of the development in accordance with Policy EN2 of the Local Plan.

Mineral Safeguarding

- 10.23 The Lancashire County Council Minerals and Waste Site Allocation and Development Management Policies DPD was adopted in September 2013. This plan provides policies for minerals and waste planning in Lancashire. Policy M2 of this document identifies the site as falling within a Minerals Safeguarding Area. Within these areas, planning permission will generally not be granted for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals found on the land (in this case the extraction of the Shirdley Hill Sand Formation), unless the applicant can demonstrate that the mineral concerned is no longer of any value or has been fully extracted, or there is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource.
- 10.24 A Mineral Assessment has been submitted by the applicant. The assessment concludes that the future extraction of the silica sand from the site is unlikely, due to the very small thickness of the deposit which is too thin to be worth extracting. Furthermore it is sand without any gravel content and the particle size is too fine to use as aggregate or as a source of glass sand. Consequently, as the mineral resource is not a commercially viable deposit, the development of the site for uses not compatible with mineral extraction would be in conformity with Policy M2. I would agree with this assessment and also consider that the extraction of sand on this site would lead to considerable damage to the surrounding environment by way of noise, dust, vibration and biodiversity given the close proximity of existing housing. Therefore, on balance, I consider the development of the site for a link road and employment land to meet the future needs of the Borough outweighs the limited potential for mineral extraction on the site and is in compliance with Policy M2 of the Minerals and Waste Site Allocations DPD.

Summary

- 10.25 The principle of the link road and employment development is accepted on this site given guidance contained in the NPPF, the Local Plan allocation and the adopted Yew Tree Farm Masterplan SPD. The principles of the drainage strategy are satisfactory and the detailed design of the link road and proposed access to the employment site have been

considered and found to be acceptable subject to S278 works. LCC Highways are satisfied that the levels of traffic generated by the employment development can be safely accommodated within capacities of the local highway network having regard to the new link road. As such the proposals are in compliance with the NPPF, relevant policies in the Local Plan and the Yew Tree Farm Masterplan SPD.

11.0 RECOMMENDATION

11.1 That planning permission be GRANTED for that part of the development applied for in FULL subject to the conditions listed below:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference 18-019 1300 (site parameters plan) received by the Local Planning Authority on 19th June 2018;
Plan reference 18-019 600 (application boundary new link road) received by the Local Planning Authority on 19th June 2018;
Plan reference 18-019 800 (application boundary development zones) received by the Local Planning Authority on 19th June 2018;
Plan reference CBO-0576-003 (key plan) received by the Local Planning Authority on 19th June 2018;
Plan reference CBO-0576-004 Rev B (proposed link road western section) received by the Local Planning Authority on 20th November 2018;
Plan reference CBO-0576-005 Rev B (proposed link road eastern section) received by the Local Planning Authority on 19th June 2018;
Reason: 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. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
Reason: 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.
4. The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage scheme (as shown on drawing reference 16079-D06RevisionA, dated May 2018).
Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and 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.
5. All attenuation basins and flow control devices and structures are to be constructed and operational prior to the commencement of any other development and prior to any development phase.
Reason: To ensure site drainage during the construction process does not enter the watercourses at un-attenuated rate and to prevent a flood risk during the construction of the development in order to ensure the development complies with the provisions of

Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. Within two months of the commencement of development, details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority, which, as a minimum, shall include:

a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a 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.

d) An evidence of a legal agreement to demonstrate that the Football Club owners will honour the responsibilities to maintain the SuDS provision within their ownership for the lifetime of the housing development regardless of future ownership changes.

The plan shall be implemented in accordance with the approved details prior to completion of the development. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development so to comply with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

7. Within two months of the commencement of development hereby permitted, 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.

Reason: To assimilate the proposed development into its surroundings and enhance the biodiversity value of the site in order to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

8. Within two months of the commencement of development, full details of the management and maintenance of the landscaped areas have been submitted to and approved in writing by the Local Planning Authority. The landscaped areas shall be maintained in accordance with the approved scheme in perpetuity.

Reason: To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

9. No development shall commence until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall propose measures to mitigate environmental biodiversity effects during the construction phases of the proposed development. With regard to ecology the EMP should include:

Reasonable Avoidance Measures for protected and notable species (including common toad, hedgehog, brown hare and breeding birds).

Pre-commencement inspection of ditches for water vole; and

Invasive species eradication scheme.

The development shall be implemented in accordance with the approved details.

Reason: The proposed development may result in the loss of ecological habitat and as such precautions are required during the construction phase in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Reason for Approval

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

Policy GN1 Settlement Boundaries

Policy GN3 Criteria for Sustainable Development

Policy GN4 Demonstrating Viability

Policy EC2 The Rural Economy

Policy RS1 Residential Development

Policy RS2 Affordable and Specialist Housing

Policy IF2 Enhancing Sustainable Transport Choice

Policy EN1 Low Carbon Development and Energy Infrastructure

Policy EN2 Preserving and Enhancing West Lancashire's Natural Environment

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

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.

11.2 That planning permission be GRANTED for that part of the development applied for in OUTLINE subject to the conditions listed below:

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.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990

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) layout

ii) scale

iii) external appearance

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

Reason: To ensure that the external appearance of the development is satisfactory and is assimilated into the surrounding area such that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

3. 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.

Reason: To ensure that the external appearance of the development is satisfactory and is assimilated into the surrounding area such that the development complies with the

provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

4. No part of the development shall be commenced until all the highway works for the site (within the adopted highway) and the Tollgate Road/Ringtail Road/ Link Road junction have been constructed in accordance with Plan reference CBO-0576-003 (key plan) received by the Local Planning Authority on 19th June 2018;
Plan reference CBO-0576-004 Rev B (proposed link road western section) received by the Local Planning Authority on 20th November 2018;
Plan reference CBO-0576-005 Rev B (proposed link road eastern section) received by the Local Planning Authority on 19th June 2018;
Reason: In order to satisfy the Local Planning Authority and Highway Authority that the details of the highway scheme/works are 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. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. A Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development. The Travel Plan shall include objectives, targets, measures and funding mechanism to achieve targets, monitoring, implementation timescales for delivery (which exceeds the build out period) and the provision of a travel plan co-ordinator. The approved plan shall be audited and updated at intervals as approved. The approved plan shall be implemented in accordance with the details as approved.
Reason: To promote sustainable transport in the interests of good planning and to comply with Policy IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
6. No building shall be occupied until a detailed landscaping scheme has been submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, species and number of all proposed trees, shrubs, hedges and grassed. 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 the building being occupied the respective landscaping details relating to that plot shall be carried out. All elements of the landscaping details shall be completed within 9 months of the last dwelling being occupied. 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.
Reason: To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. 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.
Reason: 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.
8. No building shall be occupied until full details of the management and maintenance of the landscaping and hardsurfaced areas have been submitted to and approved in writing by the Local Planning Authority. The landscaped and hardsurfaced areas shall be maintained in accordance with the approved scheme in perpetuity.
Reason: To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

9. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (reference 16079 –FRA_EMPLAND Revision A, October 2018) and the mitigation measures detailed within the FRA.
Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To reduce the risk of flooding to the proposed development and future occupants and so to comply with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority.
Those details shall include, as a minimum:
- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
 - b) The drainage strategy should demonstrate that the surface water run-off rate be limited to 2 litres per second per hectare.
 - c) A plan of overland flow routes and or flood water exceedance routes, both on and off site;
 - d) A timetable for implementation, including phasing as applicable;
 - e) Details of water quality controls, where applicable.
 - f) The submitted scheme shall demonstrate how the proposed surface water drainage details interact with the wider Yew Tree Farm Strategic Site and shall be consistent with the principles established in the associated foul and surface water drainage strategy and details approved pursuant to planning permission 2015/0171/OUT.
- The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved buildings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.
Reason: To ensure that the proposed development can be adequately drained. To ensure that there is no flood risk on or off the site resulting from the proposed development. To ensure that water quality is not detrimentally impacted by the development proposal and so to comply with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. Within two months of the commencement of development, details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority, which, as a minimum, shall include:
- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a 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.
 - d) An evidence of a legal agreement to demonstrate that the Football Club owners will honour the responsibilities to maintain the SuDS provision within their ownership for the lifetime of the housing development regardless of future ownership changes.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved buildings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development so to comply with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

12. Prior to the commencement of development hereby permitted, a foul water drainage scheme, including details of the foul water pumping station, shall be submitted to the local planning authority and agreed in writing. The submitted scheme shall be in accordance with the principles established on plan references 16079-PS-01 Rev A, 16079-PS-02 Rev A, 16079-PS-03 Rev A, 16079-PS-04 Rev A and the email from Lindsay Rutter to United Utilities dated 8 November 2018. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To secure proper drainage, to manage the risk of flooding and pollution and to ensure a holistic and coordinated approach to the construction of drainage infrastructure at the Yew Tree Farm Strategic Site and therefore comply with Policies SP3, GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

13. No building shall be occupied until details of bird nesting boxes (number, type and location on an appropriately scaled plan) to be erected on the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: The proposed development will result in the loss of bird breeding habitat and as such mitigation is required in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

14. No development shall commence until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall propose measures to mitigate environmental biodiversity effects during the construction phases of the proposed development. With regard to ecology the EMP should include:

Reasonable Avoidance Measures for protected and notable species (including common toad, hedgehog, brown hare and breeding birds).

Pre-commencement inspection of ditches for water vole; and

Invasive species eradication scheme.

The development shall be implemented in accordance with the approved details.

Reason: The proposed development may result in the loss of ecological habitat and as such precautions are required during the construction phase in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Reason for Approval

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

Policy GN1 Settlement Boundaries

Policy GN3 Criteria for Sustainable Development

Policy GN4 Demonstrating Viability

Policy EC2 The Rural Economy

Policy RS1 Residential Development

Policy RS2 Affordable and Specialist Housing

Policy IF2 Enhancing Sustainable Transport Choice

Policy EN1 Low Carbon Development and Energy Infrastructure

Policy EN2 Preserving and Enhancing West Lancashire's Natural Environment

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

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.

NOTES

Highways

1. The applicant is advised that the Tollgate Road/Ringtail Road/ Link Road junction and the new site access points, will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Environment Directorate before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for "278 agreement".
2. 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.
3. This consent does not give approval to a connection being made to the County Council's highway drainage system.

Public Sewer Crossing the Site

4. A public sewer crosses this site and UU may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. On the basis of the layout submitted with the application, the proposed development may be in conflict with the location of the combined sewer and associated easement and therefore either a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. This is particularly with reference to Pond 2 which may be within the access strip for the public sewer. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable.
Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.
We also wish to highlight to the applicant that we have a record of an abandoned pipe which may still be present and live.
The applicant can discuss any of the above with Developer Engineer, Danny McDermott, by email at wastewaterdeveloperservices@uuplc.co.uk.
Please note, United Utilities are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

Water Comments

5. According to our records there is an easement affected by crossing the proposed development site which is in addition to our statutory rights for inspection, maintenance and repair. The easement dated 27/09/1963 UU Ref: W123 has restrictive covenants that must be adhered to. It is the responsibility of the developer to obtain a copy of the document, available from United Utilities Legal Services or Land Registry and to comply with the provisions stated within the document. Under no circumstances should anything

be stored, planted or erected on the easement width. Nor should anything occur that may affect the integrity of the pipe or United Utilities legal right to 24 hour access.

A water main crosses the site. As we need unrestricted access for operating and maintaining it, we will not permit development over or in close proximity to the main. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', a copy of which is enclosed.

The applicant must comply with our 'Standard Conditions' document. This should be taken into account in the final site layout, or a diversion may be necessary. Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion required as a result of any development will be at the applicant's expense. If considering a water mains diversion, the applicant should contact United Utilities at their earliest opportunity as they may find that the cost of a mains diversion is prohibitive in the context of their development scheme.

The Water Industry Act 1991 affords United Utilities specific rights in relation to the maintenance, repair, access and protection of our water infrastructure;

Sections 158 & 159, outlines the right to inspect, maintain, adjust, repair or alter our mains. This includes carrying out any works incidental to any of those purposes. Service pipes are not our property and we have no record of them.

Under Section 174 of the Act it is an offence to intentionally or negligently interfere with any resource main or water main that causes damage to or has an effect on its use or operation.

It is in accordance with this statutory provision that we provide standard conditions to assist developers when working in close proximity to our water mains.

Both during and post construction, there should be no additional load bearing capacity on the main without prior agreement from United Utilities. This would include earth movement and the transport and position of construction equipment and vehicles.

United Utilities can readily supply water for domestic purposes, but for larger quantities for example, commercial/industrial we will need further information.

The applicant should be instructed to lay their own private pipe, to United Utilities standards, back to the existing main. If this should involve passing through third party land United Utilities must receive a solicitor's letter confirming an easement, prior to connection.

Please note that United Utilities understands that this is part of a multi-phase development. As a consequence we are treating all individual water supply queries as part of the overall development, enabling us to predict the total overall demand and provide an accurate answer to all queries.

The applicant has not stated whether provision of a new water supply is required. Use of the existing metered supply may be considered if it meets United Utilities' standards. If not, a separate metered supply will be required at the applicant's expense. If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.

To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at DeveloperServicesWater@uuplc.co.uk.

Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

6. Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/>.

You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in Warrington please ring 0370 751 0101 to book an appointment.

Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and we do not always show private pipes on our plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

7. In addition to the usual foul water adoption, United Utilities has expressed a desire to adopt the sustainable drainage systems (SuDS) on this site. The proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption 8 and United Utilities' Asset Standards. With respect to finalising the surface water drainage design, it will be imperative that the applicant engages in early dialogue with United Utilities to ensure the submitted design is in accordance with the CIRIA C753 'The SuDS Manual' as noted above. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developer's own risk and could be subject to change.

Should this planning application be approved the applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on our website <http://www.unitedutilities.com/builders-developers.aspx>.

8. This response does not grant permission for culverting of an ordinary watercourse on site. For the avoidance of doubt, this response does not grant the applicant permission to culvert any ordinary watercourses, as indicated in the Drainage Strategy Drawing (reference 16079-D06 Revision A, dated May 2018)
9. Once planning permission has been obtained, it does not mean that land drainage consent will be given. The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here: [https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/Material Changes](https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/Material%20Changes) If there are any material changes to the submitted information which impact on surface water, the local planning authority is advised to consider re-consulting the LLFA. Please send a copy of the decision notice to: suds@lancashire.gov.uk

Ecology

10. The street lighting scheme should be designed so that it protects ecology and does not result in excessive light spill onto the habitats in line with NPPF (paragraph 125). It would be helpful for the applicant to refer to the document Bats and Lighting in the UK, Bats and the Built Environment Series, Bat Conservation Trust and Institute for Lighting Engineers.

No.5	APPLICATION NO.	2018/0729/FUL
	LOCATION	The Windmill 24 Wigan Road Ormskirk Lancashire L39 2AU
	PROPOSAL	Change of use, extension and refurbishment of the Windmill Inn into student accommodation. Erection of a new build two storey apartment block on part of the existing bowling green.
	APPLICANT	McComb Property Company
	WARD	Derby
	PARISH	Unparished - Ormskirk
	TARGET DATE	2nd October 2018

1.0 SUMMARY

- 1.1 This is an application for the conversion and extension of The Windmill Public House to a 14 bed House of Multiple Occupancy and the erection of a new build apartment block consisting of 7 apartments spread over three floors. The location of the site is predominately residential and both the relevant parts of Mill Street and Wigan Road exceed the limitations outlined in Policy RS3 of the Local Plan for HMO provision. The principle of the apartment block is acceptable under the provisions of Policy RS1 of the Local Plan. The principle of the conversion of the former public house to a HMO is considered to be contrary to Policy RS3 of the Local Plan as it involves the introduction of an HMO into an area which is already saturated with student accommodation and far exceeds the maximum level of HMO accommodation in the area as set by Policy RS3. Significant weight has been given to bringing this Grade II Listed Building back into use, however given the characteristics of the area it is considered that this does not amount to a compelling reason sufficient to outweigh the harm to the amenities of the neighbouring occupants. Furthermore, it is considered that the cumulative impact of the introduction of a HMO and another multi-occupational building would cause a loss of reasonable levels of amenity for the occupants of neighbouring properties contrary to Policy GN3 of the Local Plan. The design of the proposal, associated landscaping and parking provision are considered acceptable and compliant with Policy GN3, EN4 and IF2 of the Local Plan. However for the reasons outlined earlier, I consider the proposal is unacceptable.

2.0 RECOMMENDATION: That planning permission be REFUSED.

3.0 THE SITE

- 3.1 The site constitutes the Windmill Public House which is a Grade II listed building and is set along the frontage of Wigan Road and the bowling green to the rear of the pub.
- 3.2 The site is located within the settlement area of Ormskirk; it is located outside of the Town Centre and the Primary Shopping Area.

4.0 THE PROPOSAL

- 4.1 Planning permission is sought for the change of use of the Windmill Public House into student accommodation together with a single storey extension to the north side/rear of the existing building. The proposed development would see the introduction of 14 rooms spread over three floors together with shared amenity services. In addition, planning permission is sought for the erection of a two-storey apartment building located fronting and accessed from Mill Street. This building would contain 6 x 2 bed apartments and 1 x 1 bed apartment, spread over 3 floors including dormer accommodation in the roof space. Access throughout the building would be via a stairwell and lift shaft located on the north side of the building. It is proposed that this building would be open market housing.

- 4.2 Vehicular access serving the new building would be located adjacent to No. 2 Mill Street and would lead to a parking area to the rear (adjacent to Windmill Avenue). A total of 13 spaces would be provided, along with a bike store. Landscaping areas and a communal garden area would also be located to the rear. With respect to the proposed conversion, vehicular access would remain along Wigan Road, leading to 5 parking spaces for drop off/pick up purposes. The existing beer garden to the north of the building would become a private garden area for the student occupants. Landscaping areas are also proposed to the north and south of the building. An enclosed bin storage area would be located attached to the south of the building. With the exception of some new openings, little would be altered in respect of the fabric of the existing building, albeit a modest extension is proposed.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2015/0756/FUL – REFUSED (17.11.2015) Change of use and refurbishment of the Windmill Inn into student accommodation. Erection of a new build two storey student accommodation block on part of the existing bowling green.
- 5.2 2001/0430 – Listed Building Consent GRANTED (03.07.2001) Partial demolition of boundary wall

6.0 OBSERVATIONS OF CONSULTEES

- 6.1 LANCASHIRE COUNTY COUNCIL HIGHWAYS AUTHORITY (19.09.18 & 26.10.2018) – No objections subject to conditions: The applicant has submitted amended plans which indicate a new footway to link the existing footpaths on Wigan Road with a dropped kerb access to the parking area and the widening of the footpath on Mill Street. The construction of both footpaths would need to be carried out under an appropriate legal agreement under the Highways Act 1990. The number of car parking spaces serving the PH has increased to 5 and 13 spaces serving the apartments. Adequate parking has now been provided in respect of the proposed apartments, an under-provision remains for the PH; however the sustainability of the site is recognised. Nevertheless a 'car-free' condition should be imposed.
- 6.2 DIRECTOR OF LEISURE AND WELLBEING – ENVIRONMENTAL HEALTH (19/10/18) – No objections in principle but raises concern over the proposed student accommodation due to this being a residential area. If planning permission were granted noise control measures would be recommended. Some concerns are raised regarding the layout of the proposed conversion and it would be preferable to have non-opening windows to the communal lounge.

7.0 OTHER REPRESENTATIONS

- 7.1 West Lancashire Conservation Areas Advisory Panel (13.09.2018) –No objections to the conversion and re-use of the existing building as student accommodation but object to the design of the new build development block (in particular the northern gable) and consider that the new building would harm the historic setting to the listed building. The scheme should deliver better landscaping proposals than those offered.
- 7.2 New Ormskirk Residents Group (NORG) (11/09/18) Objects on the grounds that further off-campus accommodation is not required, there is no evidence that student accommodation is the only viable use of the building, the new apartment block could easily be used for student accommodation, the proposal fails to comply with Policy RS3 of the Local Plan and will have an adverse impact on the amenities of local residents,

parking provision is insufficient and highway safety issues may arise due to increased traffic on Mill Street.

7.3 A total of 27 representations have been received. A summary of the issues raised is as follows:

Lack of parking for new building and increased pressure for on-street parking on Mill Street

Poor design (new build), containing incongruous features such as stairwell and lift structures and 'bay windows'.

Contrary to NPPF design principles

The condition of the Windmill PH should not be given any weight

The operation of the PH did not significantly adversely affect the amenities of local residents

The cobbles at the front of the PH should not be replaced

Loss of bowling green

If planning permission is granted, the apartments should be conditioned to be used by professional people only

Increase in anti-social behavior to the detriment of local residents

Impact on amenities of local residents

Overflowing bins

Impact on sewerage system

A day nursery/retirement/care home or B&B should be considered as an alternative use for the PH

Student accommodation on Wigan Road should be reduced

Increase in traffic in Mill Street, impact on highway safety

Particularly harmful to nearby elderly residents in Millers Court

There is an existing surplus of student accommodation in Ormskirk

Contrary to Policies RS3 and GN3 of the Local Plan

Over-supply of HMOs in Ormskirk

Clustering of student accommodation to detriment of local residents

Further imbalance to the community mix in the area

External areas will become a gathering place

Apartment block could easily be used by students

Unsuitable for disabled occupants

No evidence that there are no other viable uses for the Windmill

Loss of privacy/overlooking of neighbouring properties

Impact on environment through noise pollution

Potential increase on crime in locality

The demand for private student rooms may not be as high as the applicant claims

Removal of bowling green affects Listed building

The Council are resisting the change of use of other dwellings to HMOs where the percentage exceeds the limitations as set in Policy RS3. Why would this be any different?

Increase in anti-social behavior

Increase in noise and disturbance during day and night

A tenancy agreement would not be able to discourage car-ownership

Insufficient drop off/pick up spaces

Professional people/families are unlikely to want to live so close to a large HMO

Loss of bowling green

Disagree this would address negative perceptions of the town

The flat roof of the proposed conversion could be used for further amenity space

New build is out of character with Mill Street

Previous reasons for refusal remain

No evidence this would release houses back into the local residential community

Conscientious students are in the minority

With no wardens on-site it is difficult to understand how the zero car policy will be enforced.

One letter of support has been received which says that the presence of student life enhances the economy of Ormskirk and also the site is an eyesore and a health hazard so the development would be an improvement.

8.0 SUPPORTING INFORMATION

- 8.1 Student behavioural policy
- Structural Report
- Bat Survey
- Design and Access Statement
- Planning Statement
- Heritage Statement
- Tree Survey

Emails from applicant responding to concerns raised by local residents regarding anti-social behavior from students, the benefits of providing 'purpose built' student accommodation as opposed to changing dwellings into HMOs and addressing the concerns raised by Environmental Health.

9.0 RELEVANT PLANNING POLICY

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan (2012-2027) DPD (WLLP) provide the policy framework against which the development will be assessed.
- 9.2 The site is located with the Key Service Centre of Ormskirk as designated in the WLLP. The Windmill Public House is a Grade II listed building. Therefore, the following policies are relevant: -

NPPF

Achieving sustainable development
Delivering a sufficient supply of homes
Promoting sustainable transport
Making effective use of land
Achieving well-designed places
Conserving and enhancing the natural environment
Conserving and enhancing the historic environment

West Lancashire Local Plan Policies

GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
RS1 – Residential Development
RS3 – Provision of Student Accommodation
IF2 – Enhancing Sustainable Transport Choices
IF4 – Developer Contributions
EN1 – Low Carbon Development and Energy Infrastructure
EN2 – Preserving and Enhancing West Lancashire's Natural Environment
EN3 – Provision of Green Infrastructure and Open Recreation Space
EN4 – Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Principle of Development – Student Accommodation

- 10.1 Policy RS3 (b) - Provision of Student Accommodation of the West Lancashire Local Plan (20122027) states that when assessing proposals for conversion of a dwelling house or other building to an HMO, the Council will have regard to the proportion of existing properties in use as, or with permission to become, an HMO either in the street as a whole or within the nearest 60 properties in the same street whichever is the smaller. The intention of the policy is, in part, to protect the character of existing residential areas, to avoid problems of parking and to limit anti-social behaviour and neighbour amenity impacts. It is identified that regard should be had to any clustering of student accommodation and the effects on nearby properties.
- 10.2 This policy goes on to say that where proposals for an HMO would result in the exceedance of the percentage limitations (Wigan Road is a category A street = 15% limit), these proposals will not be permitted unless there are compelling reasons specific to an individual application why it would be appropriate to allow the limit to be exceeded.
- 10.3 Along Wigan Road (onto which the proposed HMO would front), the percentage of HMO's within the nearest 60 properties to The Windmill is 60%. This far exceeds the 15% limit as set by Policy RS3 of the Local Plan which is largely due to the fact that the percentage was exceeded during the period prior to the introduction of the Article 4 Direction when it was not possible to control the change of use of dwelling houses to HMOs. Therefore, and in accordance with the requirements of Policy RS3, any further HMOs should not be permitted in this area unless there are compelling reasons to do so. Furthermore, it is important to note that a previous application for student accommodation on this site was refused due to the conflict with Policy RS3 and potential impacts on the amenities of local residents.
- 10.4 It must therefore be considered whether or not there are compelling reasons to support this element of the proposal; in this respect I am mindful of the heritage value of the building and its listed status and the importance of ensuring listed buildings are brought back to viable use.
- 10.5 The applicant has stated that the only viable use of the Listed Building is as a HMO and, within their planning statement, have discounted the continued use of the building as a PH for viability reasons. In addition it has been stated that the building could not be used a single family dwelling house or two apartments as the cost would be financially prohibitive and research has been undertaken which indicates that there is no demand in the area for a day nursery, dentist or doctors surgery or that the building would lend itself to office or retail use. I appreciate that the applicant is attempting to evidence that a HMO is the only viable option to safeguard this heritage asset. However the details of this research have not been provided or independently reviewed and therefore I am not convinced that the current proposal is the only option to bring this Listed Building back into viable use. Whilst I appreciate that the building is vacant and has the potential to decline the NPPF states that where there is evidence of deliberate neglect the deteriorated state of the heritage asset should not be taken into account in any decision. Furthermore the Council hold powers under the P(LBCA) Act to ensure that the building remains secure and wind/water tight and so further deterioration could be prevented. Therefore on balance I cannot consider the benefits of bringing the building back into use outweigh the harm that would be created by additional student accommodation in this location.

Principle of Development – Residential Development

- 10.6 Policy RS1 advises that, subject to all other relevant policies being satisfied, residential development will be permitted within the Borough's Key Service Centres (of which Ormskirk is one) on brownfield sites.
- 10.7 The proposed new build development would result in the creation of 7 apartments which are proposed for private, non-student use. The local Planning Authority has a duty to assess each application as it is presented to the Council and on this basis I am satisfied that the provision of C3 residential units on this site is acceptable in principle.

Principle of Development - Loss of bowling green

- 10.8 Paragraph 97 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.

- 10.9 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'.
- 10.10 The bowling green is no longer in use and has not, as far as I am aware, been used since the PH ceased trading. Under the previous application the LPA were made aware that the previous users of this facility were seeking more long term and improved playing facilities and these were being provided within Ormskirk Cricket Club at that time. Once again, under the previous scheme, the loss of the bowling green was accepted due to the provision of alternative and improved facilities being provided in a nearby location. The applicant previously offered a financial contribution towards mitigation for the loss of this facility as referred to in Policy EN3 of the Local Plan. Despite the alternative provision now being available, it remains my view that the applicant should be required to provide some financial assistance to contribute to the upkeep of these or other local bowling green facilities to compensate for the loss of the current green. Although the applicant has not specifically offered any mitigation under this proposal, I am satisfied that this matter could be addressed through a legal agreement and further negotiations.

Principle of Development - Loss of Community Facility

- 10.11 Policy IF3 in the WLLP advises the Council that the loss of any community facility such as (but not limited to) pubs, offices, community centres and open space will be resisted unless it can be demonstrated that the facility is no longer needed or can be relocated elsewhere that is equally accessible by the community.
- 10.12 The Windmill Public House ceased trading in approximately December 2014 and has remained closed since that time. The objective of Policy IF3 is to ensure the retention of accessible community facilities. Given the location of the site on the outskirts of the town centre, where there are numerous alternative public house options, I am satisfied that the

permanent loss of the Windmill would not be detrimental to the surrounding community and the proposal is compliant with Policy IF3 due to its location and proximity to town centre facilities.

Impact on Listed Building

- 10.13 The principal statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. Local Planning Authorities (LPA) should in coming to decisions refer to the principle act in its decisions and/or assessments, which requires for:
Listed Buildings – Section 66(1) – In considering whether to grant permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architecture or historic interest which it possesses.
- 10.14 National planning policy guidance about heritage protection is provided by Chapter 16 of the NPPF. This states that in determining planning applications LPA's 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 conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.
- 10.15 Local Plan Policy EN4 reiterates the presumption in favour of the conservation of designated heritage assets. It goes on to advise that development will not be permitted which will adversely affect a listed building and development affecting the historic environment should seek to preserve or enhance the heritage asset and any feature of special interest.
- 10.16 The applicant has submitted a Heritage Assessment in support of the proposed development and I agree with the assessment regarding the attributed significance of the building and the wider site. In my view the principle heritage value of the current building is embodied in the main front elevation. The building was designed to front onto Wigan Road with its principle elevation having a decorative fenestration. The appearance of the building is characterised by a number of retained tall chimneys. The rear two-storey service wing is rather plain architecturally and has altered windows and doors. Whilst the rear wing forms an integral part of the building, it is of lower significance; the modern alterations and additions to the western side are of no heritage value. The interior of the building has been massively altered through the history of the building and the use as Public House, it is largely modern and has very little value. Having said that the proposed internal works would interfere with some original characteristics such as the removal of the ground floor west wall and loss of chimney breasts in both the front building and rear wing. The submitted Structural Condition report advises that further investigations would be required as reconstruction/strengthening works may be necessary and these in turn may have some impact on the historic fabric of the building. Given the changes the building has experienced throughout the years, combined with its current condition, I am satisfied that the proposed works, internally, are acceptable although I would recommend that a condition be imposed requiring the results of the aforementioned investigations prior to any works taking place.
- 10.17 The proposed extension to the building largely replaces the existing modern toilets. The flat roofed addition fills in the gap behind the front-range and rear wing and would be largely screened from view. Given its limited scale and low-key design I do not feel the extension would harm the character of the existing building. With respect to the external

fabric of the building, further details regarding the window detailing and materials would be required and could be secured by way of a condition.

- 10.18 With respect to the proposed new build, Historic England's guidance on the setting of heritage assets is contained in their Historic Environment Good Practice Advice and this explains that the setting to an asset is the surroundings in which the asset is experienced. The Windmill PH was undoubtedly designed to front onto and be viewed along Wigan Road. Its principle elevations would have originally been on a north south axis. In this case the later additions to the building have affected how the building relates to the southern aspect, which became more latterly a Bowling Green. The bowling green is not an original part of the setting and whilst historic maps show it in place in the early 20th Century the sense of an open aspect to the rear is more important to the setting than the function of an operating bowling green.
- 10.19 The location of the proposed apartments preserves an area of open space behind the PH. When viewing the sites along Wigan Road, whilst the new block would be clearly seen in the street-scene, because the building sits behind and is off-set I am satisfied that the listed building would still be seen as being the predominant and principle building. Therefore, whilst there is a reduction in the open space afforded to the PH, I do not feel that this unduly harms the significance of the existing setting especially as the connection to an open southern aspect remains
- 10.20 The design of the new block references the terraced cottages on Mill Street. Whilst larger in floor plan and height to the existing terraces I do not feel that the design would intrude unduly on the immediate setting to the Windmill and would not dominate or overpower the historic building.
- 10.21 With regards to landscaping and boundary treatments, the continued use of the garden area to the western side of the listed building is acceptable and causes little change to the current arrangements. Boundary treatments would need careful consideration and it is noted that none are provided within the submission. This could however be addressed by condition.
- 10.22 In conclusion, the Council is required to give the duty imposed by P(LBCA) Act 1990 considerable weight in its planning judgement. Some slight harm to both the significance of the listed building and its setting has been identified. Paragraph 196 of the NPPF states that any harm to the heritage asset should be weighed against the public benefits in securing a new and viable use for the listed building and this needs to be given considerable weight in the planning judgement. In undertaking that balance, were the scheme to be otherwise acceptable, I feel that the benefits of the proposal would outweigh the likely harm to the significance of the building and on that basis the proposal meets the statutory duty and is compliant with the requirements of the NPPF and Policy EN4 of the Local Plan.

Design/Appearance

- 10.23 Policy GN3 in the Local Plan requires new development to add to the local distinctiveness of an area and should clearly show how the general design, scale, layout etc. fits in with the surrounding area.
- 10.24 Firstly, I am satisfied that the proposed alterations to the public house are acceptable and would not significantly alter its current appearance. In addition, the proposed extensions to the existing building are considered to be sympathetic and are appropriately sited to ensure that they do not impact upon the overall character and appearance of the existing building.

- 10.25 With respect to the proposed new build, the general scale and form of the proposal is commensurate with its neighbours along Mill Street. The proposed dormers are not typical of the immediate area but are modest in scale, well-spaced out and would not, in my view harm the character or appearance of the surrounding area. The vertical lift shaft, and partly glazed/partly rendered rear extension are elements of the proposed development which would struggle to find a linked characteristic within the Mill Street setting; however these are elements which would not collectively be seen when viewing the new build from Mill Street. Views from Wigan Road would be more open, however Wigan Road offers a different context to that of Mill Street in that there are a range of property types and styles and a mixture of residential and commercial units. For these reasons I am satisfied that the proposed new building would be acceptable within its context. Furthermore the glazing/render would offer a clear contrast between the proposal and its historic neighbour. The proposed building would be visible from Windmill Avenue and would be significant in scale from this aspect; however it would be set approximately 25m from properties along this road and so, from a visual perspective, I find this relationship acceptable.
- 10.25 The proposed layout utilises the existing formation of the site in that the existing beer garden would form a private amenity space for the proposed student occupants; the location of the associated bike store and bin store are acceptable. The remaining part of the existing bowling green would be utilised for associated parking and garden areas. As above, I am satisfied that the proposed bike and waste areas are acceptable (although I am not convinced that sufficient bin storage has been provided; further details could be requested by condition). I am satisfied that the general layout is acceptable in design terms.
- 10.27 On balance, the proposed development is considered to be compliant with Policy GN3 in the Local Plan in respect of its scale, design and appearance.

Impact on Neighbouring Land Uses

- 10.28 Policy GN3 requires proposals for new development to retain or create reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of proposed and neighbouring properties. Sufficient interface and privacy distances should also be incorporated to avoid a negative impact upon the surrounding properties.
- 10.29 The site is surrounded by neighbouring residential properties within Mill Street, Windmill Avenue and on the opposing side of Wigan Road.
- 10.30 Firstly I am satisfied that the relationship between the two elements of the proposed development is acceptable; I am satisfied that both could be provided without causing harm to the other in terms of loss of amenities etc.
- 10.31 I am satisfied that the physical conversion of the former Windmill PH would not have a significant impact on existing residential properties on Wigan Road. The proposed physical alterations to the existing beer garden are not considered to be such that they would further reduce the amenities of neighbouring properties. Furthermore, I find that the ground works to the front of the PH acceptable and a general improvement on the existing appearance.
- 10.32 The proposed new build would be located in close proximity to No. 2 Mill Street which has two windows facing the site. The proposed development would have a single storey element approximately 4.5m away from No. 2 Mill Street and this would not contain any side facing windows. The two storey part of the proposal would be located approximately

7m away and again no outlook is proposed within the side elevation and towards this neighbouring property. Due to the interface distance, positioning of the proposed development and location of the aforementioned windows, I am satisfied that the physical presence of the proposed new build would not cause significant harm to the amenities of No. 2 Mill Street in terms of loss of outlook, overbearingness or a loss of privacy/overlooking.

- 10.33 The proposed new build would be located directly opposite an existing sheltered housing scheme on the opposite side of Mill Street. The proposal would replicate the general relationship between properties along Mill Street and given the overall scale and design of the proposed building along this frontage, I am satisfied that its physical presence would allow for the retention of reasonable levels of amenity for the occupants of these neighbouring units.
- 10.34 There would remain a gap of approximately 25m from the proposed new build and neighbouring buildings in Windmill Avenue. Given this separation distance I am satisfied that the new build element of the proposal would not cause any loss of amenity for these neighbouring residents. Similarly, the proposed external changes to the Windmill are sufficiently removed from the site's boundary with Windmill Avenue to ensure no overall loss of amenity.
- 10.35 Notwithstanding the above, the proposal would result in the introduction of 14 students and a possible 14 other residents (perhaps more) onto this site. The associated comings and goings would be separated due to the proposed layout in that those associated with the converted PH would be restricted to Wigan Road and those associated with the new build would be concentrated on Mill Street. This separation goes some way to mitigating the cumulative harm of the proposal; however I am mindful of the existing characteristics of the surrounding area and the fact that single family dwelling houses are located both to the south and west of the site and sheltered accommodation to the east. Furthermore, it is acknowledged that there is a very high level of existing HMOs in the area which far exceeds the limitations outlined in Policy RS3 of the Local Plan. I am concerned that the cumulative associated comings and goings, including use of the proposed vehicular drive close to the boundary with No. 2 Mill Street, would result in harm to the amenities of nearby residents. In my view the introduction of a significant level of residents across both multi-occupancy buildings into this particular residential area would result in the loss of reasonable levels of amenity for the occupants of neighbouring properties contrary to Policy GN3 of the Local Plan.
- 10.36 Whilst it is accepted that the existing public house resulted in comings and goings at unsociable hours, the entrance to the premises was on Wigan Road and so the focus of activity was largely away from Mill Street. The bowling green, when operational, was unlikely to have resulted in significant noise and disturbance to nearby residents given the nature of the sport. Whilst the access to the proposed HMO would be restricted to Wigan Road only, the proposal does introduce a multi-occupancy building onto Mill Street, resulting in comings and goings of both occupants and visitors. This surpasses the potential impact of the authorised use of the site on residents of this street. Furthermore, the shared areas of amenity space may encourage outdoor gathering of groups of people which may further result in noise and disturbance to nearby residents.
- 10.37 I note the concern raised amongst local residents that the proposed apartments would or could be utilised for students. The proposed units would be classified as C3 units and would require further planning permission if each or any unit was to be used as a HMO and occupied by 3 or more individuals. A C3 use, which would be established here if planning permission were granted, would not expressly prevent the use of each unit by students so long as the occupation level of each unit did not exceed two. I am mindful of

the potential use of a restrictive condition in this respect to overcome the, quite valid, concern that the use of the site by students could spread into the proposed new build, intensifying the overall use of the site to a level which was found to be unacceptable under planning application 2015/0756/FUL. However such a condition, preventing the use of the apartments by students, would in my opinion, fail the tests of enforceability and precision as required by paragraph 55 of the NPPF. For example, such a condition could prevent a future professional occupant from undertaking part time studies or returning to full time study as a mature student; this would be difficult to monitor and enforce. Therefore I share the concerns raised by local residents in that the proposed apartments have the potential to further intensify the use of the site and contribute to the already high concentration of student occupation in this residential area.

- 10.38 On balance therefore, I find that the proposed development is contrary to Policy GN3 of the Local Plan due to the resulting negative impact on the amenity of residential uses in the surrounding area.

Highway Safety and Car Parking

- 10.39 The proposed development is considered to be located in a highly sustainable location, close to bus and rail links and within walking distance of both Ormskirk Town Centre and Edge Hill University.
- 10.40 A new vehicular access point is proposed off Mill Street whilst an existing one would be utilised to serve the proposed student accommodation. The Highway Authority has reviewed these works and confirmed that some additional safety measures would be required to ensure the safe use of both of these access points by both car users and passing pedestrians. These measures have been met and involve works to adjacent footpaths; LCC is satisfied that these points are acceptable and further details could be sought via a condition.
- 10.41 The proposed conversion of the PH would be served by a total of 5 parking spaces; these would consist of 2 disabled spaces and 3 drop off/pick up spaces. The Council would normally require student parking levels to be in the region of 1 spaces per 2 residents. However given the location of the site and close proximity to the town centre and bus and rail links, I am satisfied that the provision offered in this instance is acceptable.
- 10.42 The proposed new build would, in accordance with Policy IF2 of the Local Plan, require the provision of 13 parking spaces.

Impact on Trees/Biodiversity

- 10.43 There are a number of trees within the site boundaries. Of most significance in is an Ash tree along the Windmill Avenue boundary. This tree is covered by a Tree Protection Order and is shown for retention, although further details would be required as there is a notable change in levels in the vicinity of its base. In addition further details would be required with respect to construction methods and materials. These details could be secured by a planning condition.
- 10.44 In general terms, I am satisfied with the proposed landscaping details provided. It would remain appropriate to attach conditions in respect of full landscaping details and tree protection methods for the retained Ash tree.
- 10.45 In terms of biodiversity, the applicant has submitted a Bat Survey of the existing PH in accordance with Policy EN4 of the Local Plan. This survey concluded that the existing building presents no significant concerns or constraints in relation to bat roosting or

general use. A precautionary approach to construction or replacement of roof tiles etc. is recommended. Bird nesting on site has also been assessed and again no significant issues have been identified. I am satisfied that the proposal is compliant with Policy EN4 of the Local Plan.

Drainage

10.46 Limited details of how the site would drain following the proposed development have been provided with the exception of confirmation that a combination of the mains system (foul) and a soakaway (surface water) would be utilised. The site will of course benefit from an existing drainage system by virtue of the existing PH and it seems reasonable that the any future scheme will mirror this to some degree. The proposed use of the soakaways is welcomed in principle; however further details would be required to ensure that they are a viable option in practice. The connection of foul drainage to the mains sewer is acceptable in principle. I am satisfied that the outstanding information could be obtained by a condition.

11.0 CONCLUSION

11.1 That proposed development is considered to conflict with the requirements of Policy RS3 and GN3 of the Local Plan. This is due to the introduction of a HMO into this area of Wigan Road where the number of existing HMOs within the nearest 60 properties already exceeds the 15% limit set by Policy RS3. There is not considered to be any compelling reasons to allow this limit to be exceeded despite acknowledging that the proposal would safeguard this Grade II listed building. Furthermore, it is considered that the proposal would contribute to the clustering of HMOs in the area to the detriment of the amenities of residential properties in the surrounding area. In addition the proposal does not comply with Policy GN3 of the Local Plan due to the potential cumulative impact of the associated comings and goings and noise and disturbance which would result in the loss of reasonable levels of amenity for the occupants of existing residential properties in the local area.

11.2 For these reasons, it is recommended that planning permission be REFUSED on the grounds that:

Reason(s) for Refusal

1. The proposed development would conflict with Policy RS3 in the West Lancashire Local Plan 2012-2027 Development Plan Document in that it would result in a clustering of student accommodation within the vicinity of the site with consequent detriment to the character of the area and the amenities of nearby residents.
2. The proposed development would conflict with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document as the introduction of the proposed apartments and student accommodation would result in noise and disturbance to nearby residents to the detriment of their residential amenities.

No.6	APPLICATION NO.	2018/0730/LBC
	LOCATION	The Windmill 24 Wigan Road Ormskirk Lancashire L39 2AU
	PROPOSAL	Listed Building Consent - Change of use, extension and refurbishment of the Windmill Inn into student accommodation. Erection of a new build two storey apartment block on part of the existing bowling green.
	APPLICANT	McComb Property Company
	WARD	Derby
	PARISH	Unparished - Ormskirk
	TARGET DATE	2nd October 2018

1.0 **SUMMARY**

1.1 This is an application for Listed Building Consent for extension and refurbishment of the Windmill Inn and the erection of a new build, two-story apartment block on part of the existing bowling green. In determining this application the Council is required to give the duty imposed by the Planning (Listed Building and Conservation Areas) Act 1990 considerable weight in its planning judgement; in this regard it is considered that the proposed development is considered to cause some slight harm to both the significance of the listed building and its setting. Paragraph 196 of the National Planning Policy Framework states that any harm to a heritage asset should be weighed against the public benefits of the proposal. In this instance there is a considerable public benefit in securing a new use of the listed building. Therefore it is considered that the benefits of the proposal outweigh the likely harm to the significance of the building and on that basis the proposal meets the statutory duty and is compliant with the requirements of the NPPF and Policy EN4 of the West Lancashire Local Plan.

2.0 **RECOMMENDATION: That Listed Building Consent is GRANTED.**

3.0 **THE SITE**

- 3.1 The site constitutes the Windmill Public House which is a Grade II listed building and is set along the frontage of Wigan Road with a bowling green to the rear of the pub.
- 3.2 The site is located within the settlement area of Ormskirk; it is located outside of the Town Centre and the Primary Shopping Area.

4.0 **THE PROPOSAL**

4.1 Listed Building Consent (LBC) is sought for conversion works to the Windmill Public House to facilitate use for student accommodation together with a single storey extension to the north side/rear of the existing building. The proposed development would see the introduction of 14 rooms spread over three floors together with shared amenity services. In addition, Listed Building Consent is sought for the erection of a two-storey apartment building located fronting and accessed from Mill Street. This building would contain 6 x 2 bed apartments and 1 x 1 bed apartment, spread over 3 floors including dormer accommodation in the roof space. Access throughout the building would be via a stairwell and lift shaft located on the north side of the building.

4.2 Vehicular access serving the new building would be located adjacent to No. 2 Mill Street and would lead to a parking area to the rear (adjacent to Windmill Avenue). A total of 13 spaces would be provided, along with a bike store. Landscaping areas and a communal garden area would also be located to the rear. With respect to the proposed conversion,

vehicular access would remain along Wigan Road, leading to 5 parking spaces for drop off/pick up purposes. The existing beer garden to the north of the building would become a private garden area for the student occupants. Landscaping areas are also proposed to the north and south of the building. An enclosed bin storage area would be located attached to the south of the building. With the exception of some new openings, little would be altered in respect of the fabric of the existing building, albeit a modest extension is proposed.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2018/0729/FUL – PENDING Change of use, extension and refurbishment of the Windmill Inn into student accommodation. Erection of a new build two storey apartment block on part of the existing bowling green.
- 5.2 2015/0756/FUL – REFUSED (17.11.2015) Change of use and refurbishment of the Windmill Inn into student accommodation. Erection of a new build two storey student accommodation block on part of the existing bowling green.
- 5.3 2001/0430 – Listed Building Consent GRANTED (03.07.2001) Partial demolition of boundary wall.

6.0 OBSERVATIONS OF CONSULTEES

- 6.1 None.

7.0 OTHER REPRESENTATIONS

- 7.1 West Lancashire Conservation Areas Advisory Panel (13.09.2018) –No objections to the conversion and re-use of the existing building as student accommodation but object to the design of the new build development block (in particular the northern gable) and consider that the new building would harm the historic setting to the listed building. The scheme should deliver better landscaping proposals than those offered.
- 7.3 A total of 27 representations have been received in respect of both this and the full application for this site. The issues raised which are relevant to the LBC application are as follows:

Poor design (new build), containing incongruous features such as stairwell and lift structures and 'bay windows'.

Contrary to NPPF design principles

The condition of the Windmill PH should not be given any weight

The cobbles at the front of the PH should not be replaced

Loss of bowling green

Contrary to Policy GN3 of the Local Plan

Removal of bowling green affects Listed building

Disagree this would address negative perceptions of the town

New build is out of character with Mill Street

8.0 SUPPORTING INFORMATION

- 8.1 Structural Report
Bat Survey
Design and Access Statement
Planning Statement
Heritage Statement

9.0 RELEVANT PLANNING POLICY

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan (2012-2027) DPD (WLLP) provide the policy framework against which the development will be assessed.
- 9.2 The site is located with the Key Service Centre of Ormskirk as designated in the WLLP. The Windmill Public House is a Grade II listed building. Therefore, the following policies are relevant: -

NPPF

Achieving well-designed places
Conserving and enhancing the natural environment
Conserving and enhancing the historic environment

West Lancashire Local Plan Policies

GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
EN4 – Preserving and Enhancing West Lancashire’s Cultural and Heritage Assets

Supplementary Planning Document – Design Guide (January 2008)

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Impact on Listed Building

- 10.1 The principal statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. Local Planning Authorities (LPA) should in coming to decisions refer to the principle act in its decisions and/or assessments, which requires for:
Listed Buildings – Section 66(1) – In considering whether to grant permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architecture or historic interest which it possesses.
- 10.2 National planning policy guidance about heritage protection is provided by Chapter 16 of the NPPF. This states that in determining planning applications LPA’s 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 conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.
- 10.3 Local Plan Policy EN4 reiterates the presumption in favour of the conservation of designated heritage assets. It goes on to advise that development will not be permitted which will adversely affect a listed building and development affecting the historic environment should seek to preserve or enhance the heritage asset and any feature of special interest.

- 10.4 The applicant has submitted a Heritage Assessment in support of the proposed development and I agree with the assessment regarding the attributed significance of the building and the wider site. In my view the principle heritage value of the current building is embodied in the main front elevation. The building was designed to front onto Wigan Road with its principle elevation having a decorative fenestration. The appearance of the building is characterised by a number of retained tall chimneys. The rear two-storey service wing is rather plain architecturally and has altered windows and doors. Whilst the rear wing forms an integral part of the building, it is of lower significance; the modern alterations and additions to the western side are of no heritage value. The interior of the building has been massively altered through the history of the building and the use as Public House, it is largely modern and has very little value. Having said that the proposed internal works would interfere with some original characteristics such as the removal of the ground floor west wall and loss of chimney breasts in both the front building and rear wing. The submitted Structural Condition report advises that further investigations would be required as reconstruction/strengthening works may be necessary and these in turn may have some impact on the historic fabric of the building. Given the changes the building has experienced throughout the years, combined with its current condition, I am satisfied that the proposed works, internally, are acceptable although I would recommend that a condition be imposed requiring the results of the aforementioned investigations prior to any works taking place.
- 10.5 The proposed extension to the building largely replaces the existing modern toilets. The flat roofed addition fills in the gap behind the front-range and rear wing and would be largely screened from view. Given its limited scale and low-key design I do not feel the extension would harm the character of the existing building. With respect to the external fabric of the building, further details regarding the window detailing and materials would be required and could be secured by way of a condition.
- 10.6 With respect to the proposed new build, Historic England's guidance on the setting of heritage assets is contained in their Historic Environment Good Practice Advice and this explains that the setting to an asset is the surroundings in which the asset is experienced. The Windmill PH was undoubtedly designed to front onto and be viewed along Wigan Road. Its principle elevations would have originally been on a north south axis. In this case the later additions to the building have affected how the building relates to the southern aspect, which became more latterly a Bowling Green. The bowling green is not an original part of the setting and whilst historic maps show it in place in the early 20th Century the sense of an open aspect to the rear is more important to the setting than the function of an operating bowling green.
- 10.7 The location of the proposed apartments preserves an area of open space behind the PH. When viewing the sites along Wigan Road, whilst the new block would be clearly seen in the street-scene, because the building sits behind and is off-set I am satisfied that the listed building would still be seen as being the predominant and principle building. Therefore, whilst there is a reduction in the open space afforded to the PH, I do not feel that this unduly harms the significance of the existing setting especially as the connection to an open southern aspect remains
- 10.8 The design of the new block references the terraced cottages on Mill Street. Whilst larger in floor plan and height than the existing terraces I do not feel that the design would intrude unduly on the immediate setting to the Windmill and would not dominate or overpower the historic building.
- 10.9 With regards to landscaping and boundary treatments, the continued use of the garden area to the western side of the listed building is acceptable and causes little change to the current arrangements. Boundary treatments would need careful consideration and it is

noted that none are provided within the submission. This could however be addressed by condition.

10.10 In conclusion, the Council is required to give the duty imposed by P(LBCA) Act 1990 considerable weight in its planning judgement. Some slight harm to both the significance of the listed building and its setting has been identified. Paragraph 196 of the NPPF states that any harm to the heritage asset should be weighed against the public benefits in securing a new and viable use for the listed building and this needs to be given considerable weight in the planning judgement. In undertaking that balance, were the scheme to be otherwise acceptable, I feel that the benefits of the proposal would outweigh the likely harm to the significance of the building and on that basis the proposal meets the statutory duty and is compliant with the requirements of the NPPF and Policy EN4 of the Local Plan.

11.0 CONCLUSION

11.1 The proposed development is considered to be compliant with the requirements of the NPPF and Policy EN4 of the Local Plan and it is therefore recommended that Listed Building Consent be GRANTED subject to the following conditions.

Condition(s)

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

Plan no. G404, Rev A, G05 Rev A, L03 Rev B, G06 Rev A received by the Local Planning Authority on 1st October 2018

Plan no. G03 Rev A and G09 received by the Local Planning Authority on 17th July 2018

Plan no. G01, G08, and L01 received by the Local Planning Authority on 10th July 2018

3. No development works to the building shall take place until full details of windows (including any treatment for existing windows to be retained), doors and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No development works to the building shall take place until the investigations into reconstruction/strengthening works (recommended in the submitted Structural Condition Report) have been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be adhered to in full.
5. No development shall take place until full details and samples of the external brickwork and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s)

1. Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings & Conservation Areas) Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

3. In order to preserve the special architectural or historic interest of the building and so comply with the provisions of Policy EN4 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. In order to preserve the special architectural or historic interest of the building and so comply with the provisions of Policy EN4 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. In order to preserve the special architectural or historic interest of the building and so comply with the provisions of Policy EN4 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 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

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 7g

No.7	APPLICATION NO.	2017/1330/FUL
	LOCATION	Scarisbrick Hall School Southport Road Scarisbrick Ormskirk Lancashire L40 9RQ
	PROPOSAL	Erection of performing arts centre (teaching block and auditorium) with associated landscaping, external works and substation, and refurbishment of the existing Gas Works Cottage including erection of a link to the performing arts centre.
	APPLICANT	Scarisbrick Hall Limited
	WARD	Scarisbrick
	PARISH	Scarisbrick
	TARGET DATE	3rd April 2018

1.0 REFERRAL

- 1.1 The application has been referred to Planning Committee by Councillor Charles Marshall to consider the timing of the development in connection with approved application 2017/1269/FUL, for a new access way into the school from Southport Road.

2.0 SUMMARY

- 2.1 The application is for the erection of a Performing Arts Centre and a teaching block. The application includes conversion of the existing Gas Works Cottage to a reception/hospitality area. The assessment has identified that the development would constitute inappropriate development in the Green Belt and would cause less than substantial harm to heritage assets, however, the very special circumstances and public benefits put forward by the applicant outweigh the harm identified. I am satisfied that the proposed development is acceptable and complies with relevant planning policy.

3.0 RECOMMENDATION: APPROVE subject to conditions.

4.0 THE SITE

- 4.1 Scarisbrick Hall is a Grade I listed building of international importance. The building is an important former Country House of the Scarisbrick family, built mainly by AWN Pugin for Thomas Scarisbrick in 1860-70. The building is currently used as a school and is identified as being 'at risk'. The buildings are set within the extensive historic Scarisbrick Park and are the focus of a conservation area and historic park and garden.
- 4.2 The site which is the subject of this planning application is located to the north east of the principal Grade I listed buildings and north of the Stable Court Grade II listed buildings. It is enclosed by the Multi Use Games Area to the west, Hall Road and woodland to the north, Eas Brook to the east and the former east entrance drive to the south. The site comprises areas of trees, undergrowth and former garden, hardstandings, paths/driveways and the former Gas Works Cottage. This is an un-used two storey brick, stone and pitched slate roof building, contemporary with the gothic design and age of the original part of Stable Court.

5.0 THE PROPOSAL

- 5.1 The application is for the erection of a Performing Arts Centre for the School, comprising a teaching and learning building which would provide classroom space, studios/workshops and rehearsal rooms, and a separate auditorium building with support space and a foyer.

The application has been amended since its original submission to include refurbishment of the Gas Works Cottage. The proposed buildings would be arranged in an 'L-shape' configuration, to the south and north-west of the retained Gas Works Cottage. As part of the works, the Gas Works Cottage would be restored and converted to provide a reception area/hospitality space and bar serving the auditorium which would be accessed via a link between the two.

- 5.2 The auditorium would be located on the northern part of the application site, and would comprise a single storey space, with a foyer, services, back of house and storage, arranged around a central, rectangular double-height 348no. seat auditorium. The north and west elevations will feature solid brick elevations to the single story part of the building, with the upper part of the recessed auditorium clad in slate hanging on all sides. The ground floor south elevation would feature full height glazing enclosing the foyer area.
- 5.3 The teaching building would be part single/ part two storey and have a flat roof. It would provide two dance/drama studios, individual practice rooms, a teaching classroom and recording studio at ground floor, and a music studio and two classrooms on the first floor. The spaces would be lit on the ground floor by windows to the east and west and on the first floor by windows in the northern and southern ends. The two storey part of the building would be constructed in brick and slate hanging, and the single storey would be in brick.
- 5.4 There would be a central courtyard area formed between the Stable Court buildings to the south and the Gas Works Cottage to the east. The Gas Works Cottage would be linked to the Auditorium by a glass link and converted to form an indoor hospitality/reception space. A separate application for listed building consent has been submitted for this element of the proposals.
- 5.5 It is envisaged that the auditorium could be used by the local (non-school) community for use during school hours, as well as hosting evening events and performances.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 None relevant.

7.0 CONSULTEE RESPONSES

- 7.1 Lancashire Constabulary (15.01.18) – No objection.
- 7.2 United Utilities (24.01.18) – No objection. Recommend conditions in respect of foul and surface water drainage.
- 7.3 Lancashire Gardens Trust (28.01.18 and 23.09.18) – Support the investment into the fabric of the buildings and enhancing facilities within the school. The current condition of the application site will be improved by the development. Concerns about access to the new facility and would object to any extension of car parking, service parking, parking for the disabled, or roadway widening or footway construction which would require further incursions into Old Wood.
- 7.4 Historic England (31.01.18) – No objection.
- 7.5 West Lancashire Conservation Areas Advisory Panel (25.01.18 and 13.09.18) – Recommend refusal on the grounds that the proposed new buildings and in particular the Performing Arts Centre would harm the setting to the Listed Building. Concerns over the flat roof design and the scale and mass of the proposed centre which does not fit in with

the historic context of the Pugin designed buildings. Loss of trees across the eastern part of the site which would harm the woodland edge and parkland setting, which would harm the setting to the listed buildings, conservation area and registered Park and Garden. The benefits of incorporating the Gas Works Cottage into the scheme do not out-weigh the harm caused by the development.

- 7.6 Electricity North West (21.03.18) – No objection.
- 7.7 The Victorian Society (28.03.18) – No objection to the principle of the Performing Arts Centre, and support the nature of the development as a means of securing the long-term future of the site as a whole. No objection regarding the location of the new buildings to the north-east side of the site as this is an area of lower sensitivity that would therefore be appropriate for an addition of this nature. Concern that the proposals do not appear to be of a high enough design standard for the setting of the Grade I listed building. The drawings do not demonstrate a strong design concept, and there is little information submitted within the application to show how the new ranges would relate to the existing buildings in terms of their scale, massing and hierarchy, or how they would appear in key views.
- 7.8 Environment Agency (22.08.18) – No objection.
- 7.9 County Surveyor (18.01.18) – No objection.
- 7.10 Environmental Protection (05.02.18) – Insufficient information within the application to be able to fully assess the noise impact on nearby residential properties. If planning permission is granted it should be subject to conditions in respect of control of hours and provisions to be made for the control of noise emanating from the development.
- 7.11 Lead Local Flood Authority (28.09.18) – No objection, recommend conditions in respect of surface water drainage
- 7.12 Merseyside and West Lancs Bat Group (24.08.18 and 29.10.18) – Object as there is insufficient information relative to the presence of a protected species to determine the application. There appears to be no change to the development that would not lead to or compensate for the loss of bat habitat particularly in close proximity to known roosts. There is not enough information provided for the LPA to implement its obligations under the Habitat and Species Regulations 2017 (as amended).
- 7.13 Natural England (26.09.18) – No objection.
- 7.14 Highways (13.08.18) – No objection.
- 7.15 Merseyside Environmental Advisory Service (06.09.18 and 05.11.18) – No objection. Recommend several conditions.

8.0 OTHER REPRESENTATIONS

- 8.1 Comments have been received from local residents, the comments can be summarised as:

There is damage to Hall Road (which is private) from excessive use by parents when dropping off and collecting children from school. The road surface has deteriorated which is leading to damage to residents and parents vehicles;

The Council should make the opening of the new access route (approved under application 2017/1269/FUL) a prior condition to the development of the Performing Arts Centre.

9.0 SUPPORTING INFORMATION

- 9.1 Heritage Statement
- Flood Risk Assessment
- Ecology Appraisal
- Design and Access Statement Rev A
- Arboricultural Impact Assessment
- Draft Noise Management Plan
- Planning Statement

10.0 RELEVANT PLANNING POLICIES

- 10.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 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 2012-2027 DPD. The application site is within the Scarisbrick Park Conservation Area and a Historic Park and Garden.

National Planning Policy Framework (NPPF)

Achieving well-designed places
Protecting Green Belt land
Conserving and enhancing the natural environment
Conserving and enhancing the historic environment
Meeting the challenge of climate change, flooding and coastal change
Building a strong, competitive economy

West Lancashire Local Plan 2012-2027 DPD (WLLP)

GN1 - Settlement Boundaries
GN3- Criteria for Sustainable Development
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets
IF2 - Enhancing Sustainable Transport Choice
SPD - Design Guide (Jan 2008)
SPD – Development in the Green Belt

11.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Principle of Development - Green Belt

- 11.1 Paragraph 133 of the NPPF retains the government's view that great importance is attached to Green Belts. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; essential characteristics of Green Belts are their openness and their permanence.
- 11.2 Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 goes on to say that when considering any planning

application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, and 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.

- 11.3 Paragraph 145 of the NPPF details those developments that would not be considered inappropriate; the proposed development does not fall into one of these categories, and as such the development of the site for a performing arts centre would be considered harmful to the Green Belt by reason of inappropriateness. Additional harm to the Green Belt would arise from the loss of openness of this part of the site in addition to conflicting with a purpose of the Green Belt, being protection from encroachment. It is acknowledged that the performing arts centre and substation would be adjacent to existing buildings on the site, but nevertheless there would be a loss of openness, and an element of encroachment in this location as built development would be spreading eastwards away from existing built development.
- 11.4 Inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. 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. Very special circumstances will be discussed further in the report.

Principle of development – heritage impacts

- 11.5 In coming to decisions 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.
- 11.6 The NPPF requires that the decision maker consider the significance of the building and that this should be given weight in any decision made. Significance can be harmed through alteration or destruction of the heritage asset or development within its setting. The more important the asset, the greater the weight should be provided to its significance. It goes on to say that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 196 requires that where a proposal leads to less than substantial harm to a designated heritage asset (including its setting), this harm should be weighed against the benefits of the proposal including securing its optimum viable use.
- 11.7 Policy EN4 of the Local Plan states that there is a presumption in favour of the conservation of designated heritage assets. Development will not be permitted that adversely affects listed buildings, a scheduled monument, a conservation area, historic park or garden or archaeological remains. Development affecting the historic environment should seek to preserve or enhance the heritage asset and any features of special interest.

- 11.8 The Design Guide SPD goes on to say that development which affects a listed building should always reflect their special architectural, archaeological and or historic interest including its setting. Proposals need to be sensitive to the character of the historic environment, be of high quality in terms of design and the materials used and aim to enhance the character and appearance of the wider area.
- 11.9 The Performing Arts Centre would be located outside the main core of Scarisbrick Hall, to the north east of the main ranges, and in my view would have an obvious impact on the immediate appearance of the site outside of the main complex, however, both of the new buildings would appear subservient in scale to the much larger buildings of Scarisbrick Hall. The auditorium would be seen more in isolation, north of the School complex, without the immediate context of other buildings; the building would have a backdrop of enclosed woodland to the north.
- 11.10 I consider that the building would be set far enough back not to play an active role in the setting to the Hall and the building has been positioned to respect the historic route into the northern courtyard entrance. I do however find the featureless nature of the building, in particular the west and north elevations, somewhat austere and functional. Visitors will approach the Performing Arts Centre from the western car park and walk alongside the MUGA and the blank brick wall of the new auditorium. However, in designing the building it is recognised that note has been taken of the historic boundary, which was the kitchen garden surrounded to the north by what appears to have been a substantial wall that protected the formality of the garden and the wilderness of the wood. The design of the building seeks to reinterpret the 'wall' whilst addressing the very specific functional requirements of a performing arts space.
- 11.11 The teaching block would be located closer to the courtyard, and as a result has a more intimate relationship with the courtyard buildings. Following concerns about the height of the teaching block and its impact on the courtyard buildings, in conjunction with Environment Agency concerns in respect of potential impact on Eas Brook, this element has been amended during the course of the application to pull the building further away from Eas Brook, reduce the height of the building by 350mm and have a consistent height across the building, rather than the southern end of the teaching block being higher. These alterations to the height help to maintain the linear and subservient form, and cannot be reduced further due to the functional requirements of a dance/drama teaching space.
- 11.12 The loss of the trees (and enclosure) to the eastern boundary will mean that the auditorium and teaching block will form a new 'harder' built outer edge when viewing the courtyard complex from the eastern approach. Historically the eastern elevation of the courtyard was never intended to be viewed in any wider sense, and whilst the design maintains the historic routes and sight lines to the courtyard entrances it would benefit from new compensatory tree and understorey planting on the land to the eastern side of Eas Brook. However, the Environment Agency will not allow for planting within the easement of Eas Brook, thereby limiting the extent of planting that can occur in this location.
- 11.13 Following submission of amended plans, Gas Works Cottage now forms part of the proposals. The Gas Works Cottage would be used as social/hospitality space in connection with the Performing Arts Centre. Plans have been submitted to show the proposed connection between the Gas Works; I consider that the connection will not harm the contribution of the Gas Works Cottage to the historic setting of the Hall. Detailed works of the join between the two buildings can be secured by planning condition.

- 11.14 I consider that there would be some harm to the immediate setting to Scarisbrick Hall and the Stable Courtyard caused by the proposed development. The proposed buildings would lie immediately outside of the existing historic complex and will be seen within the context of the buildings as the site and buildings are experienced. I consider that the Stable complex is an ancillary building to the Hall and forms an integral part of the setting to the Hall. I do not think that the setting to these individual buildings can be disconnected; whilst setting is often expressed visually, it can extend beyond visual connections and relate to their historic relationship.
- 11.15 As the Hall buildings also play a key part in defining the character and appearance of Scarisbrick Park Conservation Area I consider that there would also be some limited harm caused to the wider value of the area.
- 11.16 From the above assessment I consider that the proposed development would cause some harm to the setting of the adjacent Listed Buildings and the character and appearance of the Conservation Area, however, I consider the harm identified to be less than substantial harm. The duty under the P(LBCA) Act 1990 and Paragraph 193 of the NPPF still applies and great weight needs to be given to the preservation of heritage assets. The proposed development fails to meet the test 'to preserve' as laid down in the P(LBCA) Act 1990.
- 11.17 Paragraph 196 of the NPPF identifies that where proposals lead to less than substantial harm this harm can be weighed against any public benefits put forward which would flow from the development. This is discussed in the section below.

Very Special Circumstances and the Planning Balance

- 11.18 In terms of Green Belt, the proposed development has been found to constitute inappropriate development in the Green Belt. In accordance with paragraph 143 of the NPPF inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 confirms that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 11.19 Through the above assessment, it has been identified that the proposed development is harmful to the Green Belt by loss of openness and encroachment into the countryside, and is therefore considered inappropriate development. In accordance with the NPPF, very special circumstances are required to outweigh the totality of the identified harm.
- 11.20 In addition to the harm to the Green Belt that has been identified, it has also been recognised that there would be less than substantial harm to the setting of the adjacent Listed Buildings and the character and appearance of the Conservation Area. Paragraph 196 of the NPPF identifies that where proposals lead to less than substantial harm this harm can be weighed against any public benefits put forward which would flow from the development.
- 11.21 The onus rests on the applicant to justify why permission should be granted for development that is considered inappropriate development in the Green Belt, and would cause less than substantial harm to designated heritage assets. The applicant has submitted a supporting case which largely centres on a heritage matters and educational need, it also touches on economic and social and community benefits of the development. The supporting case can be summarised as:

Safeguarding the future of a nationally significant heritage asset. The Heritage Strategy is based on sustaining the long-term commercial strength and robustness of the school business. In adopting this strategy the school business must be able to offer a sufficient return to investors in order to attract funding. The development strategy must therefore add commercial value to the school business to incentivise investors, and provide it with long term resilience against future economic conditions and increasing market competition within the independent school sector.

Since 2009 the School has made a significant investment of over £2,000,000 in the improvement of the Hall, carrying out various repairs and restoration, including repair of the Great Hall roof and parapet; repair of Stable Court gatehouse; restoration of the North Wing (science department) and the North Range, and the installation of a replacement heating system.

The Performing Arts Centre is the next key facility that will help to sustain the School business and finance continued restoration.

The school has achieved year on year growth since it was acquired by the applicant in 2009, and whilst it maintains performance and results, it does operate in an increasingly competitive market sector. The school competes with established larger and better resourced schools in South Lancashire and Merseyside and lacks performing arts facilities and facilities for both pupil and community use.

Competitor schools are not constrained by operating from a previously neglected Grade I and II listed building with an inherited conservation deficit and included on the Heritage Risk Register.

The school lacks a central hall / performance space, and currently has an improvised theatre in the pre-fabricated building erected in the Stable Court courtyard in the 1940s. This is unsuitable accommodation that is not fit for purpose and cannot meet the School requirements and parental and pupil expectations.

There is no viable alternative that is not within Green Belt.

The School directly supports over 130 no. on-site jobs, and supports wider local employment through payment and reinvestment of staff wages and salaries and procurement of goods and services. Any investment into the School helps to maintain these direct, indirect and induced jobs. It will also create a minimum of 8no. new jobs.

The development will widen involvement and participation between the School and local community, and enable the School to improve the provision of community events.

The development will enable the wider public to visit Scarisbrick Hall.

The development will create a high quality outdoor social space which will improve the setting of Stable Court and Gas Works Cottage.

Gas Works Cottage will be restored and returned to beneficial use.

- 11.22 I consider that very special circumstances do exist, and whilst the development does constitute inappropriate development in the Green Belt it is recognised that in order for the school to compete in the independent school market and withstand commercial competition, a certain level of facility must be on offer, and that if the new facility helps the school to secure a viable use for the buildings then this will facilitate the implementation of the Heritage Strategy for the site, and secure the long term future of the heritage assets, one being a Grade I listed building.
- 11.23 In relation to public benefits which may outweigh the less than substantial harm that would occur to heritage assets on the site, I consider that public benefits would flow from the development, and these public benefits would outweigh the identified harm. As mentioned above, the new facilities will go some way towards helping to secure a viable use for the buildings on the Scarisbrick Hall site and I consider this to be a 'public benefit' in its own right. In addition to this, the incorporation of the Gas Works Cottage into the scheme secures a new use for the building and ensures its preservation; I attach significant weight to this direct public benefit.

11.24 On balance I consider that the case put forward by the applicant amounts to very special circumstances which would outweigh the harm to the Green Belt, and that as a result of the development there would be public benefits which would outweigh the less than substantial harm to the heritage assets. Therefore, both tests are satisfied and the principle of the development is acceptable, subject to compliance with other relevant planning policy.

Impact on Residential Amenity

11.25 The nearest residential properties are on Hall Road and whilst they are some distance away from the site and would therefore not be adversely affected by the physical structure of the buildings themselves, there is the potential that they may be affected by increased noise and disturbance from comings and goings associated with the Performing Arts Centre, particularly outside of normal school hours.

11.26 The Planning Statement that has been submitted with the application clarifies that members of the public will only be able to access the Auditorium on foot from Hall Road and the car parks which are to the west of the School grounds. There is to be no car or taxi access and parking immediately adjacent to the Auditorium (with the exception of mobility impaired users) and Hall Road is proposed to be closed to traffic to the east of the site (in association with planning application 2017/1269/FUL). These measures should minimise disruption to residents of Hall Road as a result of increased activity.

11.27 The proposed layout includes a courtyard area which could be used for outdoor events. There are properties on Hall Road that may be within distance to hear noise generated from any outdoor events, however, I am satisfied that these events will not be of sufficient frequency to give rise to significant harm to amenities of residents on Hall Road. The outside events will be conditioned to finish at 2300 which allows the school sufficient flexibility to stage outdoor events but will ensure that the amenities of local residents will be protected. A Draft Noise Management Plan has been submitted with the application to set out parameters, including physical and administrative measures to minimise noise impact on local residents. A full Noise Management Plan will be secured by planning condition. I am satisfied that the proposed development would not give rise to significant impact on residential amenity in accordance with Policy GN3.

Drainage

11.28 The majority of the site is within Flood Zone 1 with a small area in Flood Zone 2 which is associated with Eas Brook. A Flood Risk Assessment (FRA) and Drainage Report has been submitted with the planning application, which confirms that with proposed mitigation measures, including raising the finished floor levels of the proposed buildings and ground works to raise external levels and the banks along the watercourse, together with forming low bunds to contain and direct overland flow, the risk of flooding from Eas Brook can be controlled and is considered to be low.

11.29 The Environment Agency initially objected to the proposed development because it would involve building within 8m of Sandy/Hurlston Brook watercourse and may restrict essential maintenance and emergency access to the watercourse, and could adversely affect the construction and stability of the existing retaining walls. They have however withdrawn their objection following submission of further information which included amended plans showing a greater distance between the proposed building and Eas Brook.

11.30 In terms of surface water drainage; geology and borehole records indicate that disposal of surface water by infiltration is unlikely to be feasible, and it is proposed to discharge to Eas Brook at a restricted greenfield rate via an attenuation tank located under the

proposed courtyard. The Lead Local Flood Authority has reviewed the FRA and Drainage Report and has confirmed that they have no objection, subject to submission of an appropriate surface water drainage scheme.

- 11.31 I am satisfied that an appropriate surface water drainage scheme can be achieved on the site. This can be secured by planning condition.

Highways

- 11.32 The application does not include a new or altered access to the highway, or any additional car parking. It is proposed that the existing on site car parks will be used for visitor parking in association with the performing arts centre, in these circumstances there are no highway objections to the application. As detailed earlier, the use of Hall Road for school traffic is restricted through a planning condition imposed on application 2017/1269/FUL for access improvements to the site. The Hall Road access is now closed off to school traffic.

Trees

- 11.33 The scheme requires the removal of several mature trees. The application is accompanied by Arboricultural Assessments, which confirm that all of the trees which are to be removed to make way for the buildings are of low quality and low value. The Assessments have been reviewed by the Council's Tree Officer who agrees with the findings of the assessments, and considers that appropriate mitigation can be provided by way of compensatory planting, as the majority of trees which require removal to make way for the development are lower quality Sycamores and their removal would not be detrimental to the setting of the site and the wider school environment.
- 11.34 There are two individual TPO trees that would require removal to facilitate the development, this could be compensated for by woodland management and planting to the east of Eas Brook. There is currently a small wooded area to the east side of Eas Brook which consists of mature deciduous trees, which are an important component to the setting of the proposed development. Management information and planting proposals for this area will provide enhancement and a suitable landscaping plan can be secured by planning condition in accordance with Policy EN2.

Ecology

- 11.35 Ecological Appraisals and information have been submitted with the application, including Bat Surveys following inclusion of the Gas Works Cottage into the proposals.
- 11.36 The Council's Ecological Advisors, Merseyside Environmental Advisory Service (MEAS) have assessed the ecological information that has been submitted and have confirmed that in relation to bats, in this instance a three-test assessment, as set out in the Habitat Regulations, is not required because Government guidance states that an assessment is not required for development of a type and scale such as the proposed development, and the indicative mitigation which is set out in the Ecological Assessment is proportionate and acceptable as evidence of meeting test 3 of the three-test assessment. Implementation of the proposed mitigation measures can be secured by planning condition.
- 11.37 The entire site except for a holly tree and Eas Brook corridor will be cleared of vegetation comprising sycamore dominated woodland and scattered trees to facilitate development. The woodland and trees are not Priority Habitat but are of value for foraging and commuting bats. The Activity Survey has established that several bat species use the site for foraging and commuting purposes and as part of the current proposals there are limited opportunities to compensate for habitat loss on site. For this reason a condition

will be imposed to require the submission and implementation of an agreed Habitat Management Plan which will include details of ecological enhancements.

11.38 In terms of water vole, a survey was undertaken in 2017 which has been found to be acceptable. Mitigation and pollution control measures are set out in the Ecological Assessment; these will be secured by planning condition.

11.39 Both MEAS and Natural England have advised that the development would not have a significant adverse impact on statutorily protected sites including the Special Protection Area, Ramsar site, and SSSI.

11.40 I am satisfied that the proposed development accords with the requirements of Policy EN2 of the Local Plan.

CONCLUSION

11.41 The proposed development would constitute inappropriate development in the Green Belt, and would cause less than substantial harm to heritage assets. However, I consider that there are very special circumstances and public benefits that outweigh this harm. The proposed development is acceptable and complies with relevant planning policy in terms of ecology, drainage and residential amenity.

12.0 RECOMMENDATION

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

Plan reference:

3826-300 Rev E

3826-301 Rev G

3826-302 Rev H

3826-303 Rev F

3826-304 Rev F

3826-305 Rev E

3826-312 Rev F

3826-313 Rev F

3826-314 Rev E

3826-315 Rev F

3826-318 Rev F

3826-319 Rev D

3826-321 Rev A

3826-322 Rev G

3826-323 Rev B

3826-328 Rev C

3826-331 Rev B

received by the Local Planning Authority on 06.08.18.

3826-300 Rev E

3826-326

received by the Local Planning Authority on 20.12.17.

3826-512

received by the Local Planning Authority on 18.09.18.

3. No construction shall take place until full details 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 shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.
Those details shall include, as a minimum:
 - a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
 - b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
 - c) Flood water exceedance routes, both on and off site;
The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved buildings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.
6. 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 buildings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.
7. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
 - i) Invasive species remediation scheme.
 - ii) Soft fell of tree T11 (beech) under supervision of an ecologist.
 - iii) Construction phase sensitive lighting scheme avoiding excessive light spill onto Eas Brook corridor, Gas Works Cottage, the north wing of the school, Hall Road Bridge and adjacent woodland habitat.
 - iv) Protection measures for retained bankside habitat including a 5m buffer zone
 - v) Measures to prevent pollution of Eas Brook
 - vi) Use of predetermined access routes to minimise damage or erosion during removal of the select self-sown trees and scrub and planting along Eas Brook.

- The construction shall be carried out in accordance with the approved CEMP.
8. Works will not commence on site unless the local planning authority has been provided with a copy of a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified development to go ahead.
 9. Prior to commencement of development the scope and area of coverage of a Habitat Management Plan shall be agreed in writing with the Local Planning Authority. Prior to the hereby approved buildings being brought into use a Habitat Management Plan shall be submitted to and approved in writing with the Local Planning Authority and shall include a timetable for implementation. Thereafter the agreed HMP shall be adhered to in full.
 10. The development shall be carried out in accordance with the mitigation measures as set out in Section 7 of the Ecological Assessment.
 11. Hedgerow, tree or shrub clearance shall be avoided between 1st March and 31st August inclusive. If it is necessary to undertake works during the bird breeding season then Gas Works Cottage, trees and scrub 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 are required to be submitted for approval.
 12. No development shall take place until a noise insulation scheme for the teaching block has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first use of the building.
 13. External performances or events shall only take place between the hours of 1000 and 2300 hours.
 14. Prior to the commencement of the use a scheme to control the transmission of noise from plant shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the equipment shall be properly maintained and operated in accordance with this scheme.
 15. Before the use hereby permitted commences a noise management plan shall be agreed with the Local Planning Authority which specifies the provisions to be made for the control of all noise sources emanating from the proposal. These provisions could include physical and / or administrative measures. The approved scheme shall be maintained whilst the permitted use continues.
 16. The use of the buildings hereby permitted shall only take place between the hours of 0800 and 2300 hours.
 17. No construction shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, including replacement tree planting, 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.

Reasons

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To secure proper drainage and to manage the risk of flooding and pollution.

5. To ensure that the proposed development can be adequately drained and ensure that there is no flood risk on or off the site resulting from the proposed development.
6. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development and to reduce the flood risk to the development as a result of inadequate maintenance. To identify the responsible organisation/body/company/undertaker for the sustainable drainage system.
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 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.
13. 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.
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 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.
16. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
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.

Notes

1. Environment Agency
The developer will require a permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency for any proposed works or structures, in, under, over or within 8 metres of the bank of Sandy / Hurlston Brook, which is designated a Main River. In particular, no trees or shrubs may be planted, nor fences, buildings, pipelines (including outfalls) or any other structure erected within 8 metres of the top of the bank of the Main River, or landward toe of any flood defence, without an environmental permit. Some activities are also now excluded or exempt. For further information, the developer should refer to the GOV.UK website:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.
The Environment Agency has a right of entry to Sandy / Hurlston Brook by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act.

2. Electricity North West

The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Estates and Wayleaves, Frederick Road, Salford, Manchester M6 6QH.

There is Electricity North West high voltage and low voltage underground cables running through the site. Also a low voltage cable runs around the border of the site. Safe digging practices must be followed in the vicinity of this. If necessary, the developer can apply to have this diverted before works take place.

The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night. Our Electricity Services Desk (Tel No. 0800 195 4141) will advise on any issues regarding diversions or modifications.

3. Future repairs to the stone wall bank within Eas Brook channel adjacent Hall Road Bridge are likely to cause disturbance and it is therefore likely that water vole emergence and re-entry survey would be required.
4. If any red squirrel, hedgehog, or water vole are found during the course of the development, as a legal requirement, work must cease and advice sought from an ecologist.

Reason for Approval

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

GN1 - Settlement Boundaries

GN3- Criteria for Sustainable Development

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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

IF2 - Enhancing Sustainable Transport Choice

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

No.8	APPLICATION NO.	2018/0581/FUL
	LOCATION	198 Burscough Street Ormskirk Lancashire L39 2EY
	PROPOSAL	Erection of a block of 9 apartments, comprising 6 x 2 beds and 3 x 1 beds with associated parking.
	APPLICANT	Ms Lesley McFarlane
	WARD	Scott
	PARISH	Unparished - Ormskirk
	TARGET DATE	24th August 2018

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme; however, Councillor Westley has requested it be referred to Planning Committee to consider the possible over-development of the site and the loss of residential amenity for the neighbouring properties.

2.0 SUMMARY

- 2.1 This is an application for the demolition of the existing dwelling and the erection of one detached building which would contain 9 apartments. The apartments (6x2 beds and 3 x 1 beds) would be spread over three stories. A large car park would be provided to the rear. The proposal is found to be contrary to Policy GN3.1 (iv) of the Local Plan due the scale and bulk of the building which would be out of keeping with the established grain of development in the area. Furthermore the proposal is found to be contrary to Policy GN3.1 (iii) as it would result in the loss of reasonable levels of amenity for the occupants of neighbouring properties and future occupants of the proposed building. For these reasons, the proposal is considered to be unacceptable.

3.0 RECOMMENDATION: That planning permission be REFUSED.

4.0 THE SITE

- 4.1 The site is located to the east of Burscough Street and is currently occupied by a detached two-storey house (previously existing detached garages have been demolished).
- 4.2 The existing dwelling sits between a pair of semi-detached properties to the north (No's. 200 and 202 Burscough Street) and a row of traditional terraced dwellings to the south. Additional residential properties are located to the west of the site and commercial premises are sited further north (Hattersley's) and east, to the rear of the site. The site lies just outside Ormskirk Town Centre, within the main settlement area of Ormskirk.

5.0 THE PROPOSAL

- 5.1 Planning permission is sought for the demolition of the existing dwelling and the erection of a 2 ½ -storey building which would comprise 9 apartments (6x2 bed and 3x1 bed); the living accommodation would be spread over 3 floors and some ancillary living accommodation would also be provided at basement level (storage, cycle stores etc.) The proposed building would measure approximately 16m x 14m x 10.5m in height.
- 5.2 The 'red edge' of the application site has been amended since first submission to create a 'dog-leg' at the rear and show a separation between the parking for the application site and the parking for the neighbouring existing HMO, 200 Burscough Street. Within the

application site, a total of 14 parking spaces are shown. An 'in' and an 'out' access would be provided to either side of the proposed building.

6.0. PREVIOUS RELEVANT DECISIONS

- 6.1. 2012/0461/FUL - REFUSED (27.07.2012) Demolition of existing dwelling and erection of two storey apartment block, with provision of a third floor in the roof space and a basement level, comprising 6 apartments for student accommodation and associated car parking.
- 6.2 2010/0107/FUL - REFUSED & APPEAL DISMISSED (30.07.2010) Demolition of existing dwelling and erection of a three storey apartment block comprising 6 apartments for student accommodation and associated car parking.
- 6.3 2008/1246/FUL – REFUSED & APPEAL DISMISSED (11.05.2009) Demolition of existing dwelling and erection of four storey apartment block comprising 8 apartments. New vehicular/pedestrian access.

7.0 OBSERVATIONS OF CONSULTEES

- 7.1 DIRECTOR OF LEISURE AND WELLBEING (ENVIRONMENTAL HEALTH) (06.09.18 & 08.10.2018) – No objections in principle subject to conditions.
- 7.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS AUTHORITY) (16.08.2018) – No objection in principle subject to conditions - Adequate parking has been provided for this application, however parking for neighbouring properties must also be considered. The total number of spaces required for the proposals at Nos. 198 and 200 Burscough Street are 20; the submitted plans indicate 19 however this does not take into account the existing HMO at No. 196 Burscough Street. It is acknowledged though that the site is located in a highly accessible location, however parking is at a premium on the adjacent highway and any possible overspill onto the highway should be avoided.

8.0 OTHER REPRESENTATIONS

- 8.1 I have received 12 letters of objection from 9 individuals who raise the following concerns:

Overdevelopment of site

Out of keeping with street scene

Impact of noise/nuisance from car park

Possible future residential development of site to rear so impact of car park on those future residents

Impact on health of local residents from use of car park

Impact on amenities of local residents from associated comings and goings

Loss of privacy

Heightened risk to the security of local residents

Light pollution from car park

The exit would impede the safe movement of pedestrians from 190-196 Burscough Street which currently use this access from their back gardens (it's a right of way). A path is needed

Over-bearing impact on local residents

This development will attract students

Concern over location of bin-stores

A like for like replacement dwelling should be considered

When considered along with 200 Burscough Street and other neighbouring HMOs, this proposal would lead to a cluster of multi-occupational buildings in this area

If approved without restricting student occupation, the LPA would be complicit in the proliferation of student accommodation in Burscough Street

Failure to balance community mix

Potential on-street parking for visitors, already desperate shortage in Burscough Street, Yew Tree Road and other surrounding roads

Increase in anti-social behavior

Impact on localised drainage infrastructure

No disabled access of fire escape

Loss of amenity to residents of No. 196 Burscough Street as the proposal utilizes their rear amenity space for parking

The access and egress are not wide enough to cater for associated vehicular movements, fire engines and pedestrians. This is a Right of Way and the proposal will prove dangerous for pedestrian users

8.2 New Ormskirk Resident's Group (26.07.2018 & 02.08.2018) – Objects to the proposal on the grounds that it represents over-development of the site, out of character with neighbouring properties, parking issues, conflict between proposed entrance and use of this access by local residents, safety of future occupants, highway safety, impact of car park on local residents and the amenity of future residents of site to rear, building could be occupied by students, parking spaces should not be 'borrowed' from next door.

8.3 New Way Tenants and Residents Association (15.07.2018) – Objects on the grounds of over-development, car park will have harmful impact on local residents, impact on future properties to be built on Atkinson/Kirby site, highway safety/additional parking on Burscough Street, general impact on amenities of local residents and lack of amenity space for future occupants of building.

9.0 SUPPORTING INFORMATION

9.1 Design and Access Statement
Preliminary Ecological Appraisal Report
Drainage Statement

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.

10.2 The site is located within the main settlement area of Ormskirk. The following policies are therefore relevant:

National Planning Policy Framework (NPPF)

Delivering a sufficient supply of homes
Achieving well-designed places

West Lancashire Local Plan 2012-2027 DPD

Policy GN1 Settlement Boundaries
Policy GN3 Criteria for Sustainable Development
Policy RS1 Residential Development
Policy IF2 Enhancing Sustainable Transport Choice

SPD – Design Guide

11.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Principle of Development

11.1 The principle of development, is in accordance with Policy RS1 of the Local Plan.

Design, Siting and Layout

- 11.2 Policy GN3 of the Local Plan requires new development to have regard to visual amenity and complement or enhance any attractive attributes and/or local distinctiveness within its surroundings through sensitive design, including appropriate siting, orientation, scale, materials, landscaping and boundary treatments.
- 11.3 The proposed development would involve the demolition of the existing modest detached two storey dwelling and its replacement with a building which has the appearance of a 2 ½ storey building along the street frontage and a full 3-storey building to the rear. Small dormers are proposed within the front roof slope. The proposed building would be sited approximately 2.8-2.9m from each side boundary.
- 11.4 In line with previous decisions (including those made by the Planning Inspectorate), I am concerned over the general scale and layout of the proposed development. This area of Burscough Street is characterised by modest terraced and semi-detached properties of a domestic scale; the proposed building would be significantly wider than the existing property and those surrounding it. It is however noted that the proposal would maintain a separation between each neighbouring property which is reflective of the general pattern of development in the area.
- 11.5 Whilst the height of the building to the front elevation would be comparable to neighbouring properties, the height of the building is effectively 3 stories throughout whereas the rear sections of the neighbouring properties are part single storey/part two storey only. Therefore I find that the general bulk of the proposed building would be out of the character in the local area. The proposed dormers to the front, whilst small, contribute to the general bulk of the building due to the number of them and their positioning close to the ridge.
- 11.6 The proposed layout would result in the entire rear part of the site given over to parking, including the land to the rear of No.196 Burscough Street. There are no areas of useable amenity space, or paths to assist in the movement of occupants from the building to the parking area. It is my view that these are issues which stem from the general overdevelopment of the site.
- 11.7 For the reasons outlined above, the proposed development is considered to be contrary to Policy GN3 of the Local Plan due the scale and bulk of the proposed building and the failure of the scheme to have to regard to the established pattern of development in the immediate area.

Impact on Neighbouring Amenity/Future Occupants

- 11.8 Policy GN3 of the Local Plan requires new development to retain or create reasonable levels of privacy, for occupiers of the proposed and neighbouring properties.
- 11.9 It is noted that both neighbouring properties (196 & 200 Burscough Street) are in use as HMOs and both have habitable room windows which face towards the application site. Although some separation is maintained on both sides of the application site, I am

concerned that the increase in scale of the proposed building, over and above the existing dwelling, would result in an adverse impact on the amenities of the residents of both neighbouring properties.

- 11.10 In particular, and with respect to No. 200 Burscough Street which has several bedroom windows facing towards the application site, the proposed building would be located closer to the boundary and extend further back into the site at a height of 3 storeys. This is a significant change to the current relationship between these two properties, as the outlook from No. 200 Burscough Street benefits from the lack of any built development close to the common boundary and some visual outlook over and towards the rear of the application site. Whilst I accept that the ground floor windows would be affected by boundary fencing, they would benefit from some light/outlook over such treatments. This would be lost as a result of the proposal and the impact on the occupants of these neighbouring bedrooms, which do not benefit from any other windows, would be an oppressive one, resulting in a loss of amenity contrary to Policy GN3 of the Local Plan.
- 11.11 Similarly, I am concerned that a loss of amenity would be experienced in respect of the occupants of No.196 Burscough Street. Although this would not be so severe given the current relationship between this property and the application site, the increase in scale and, in particular, height of the proposed building would result in some loss of amenity to the rear most bedroom window of this neighbouring property.
- 11.12 The impact of the car parking areas on the amenity of the adjoining residents must also be considered. The Planning Inspector in her decision for the appeal 2010/0107/FUL stated that *"I considered that the noise generated by the scale of the parking proposed within the site would not be so significant that it would cause a level of disturbance which would be detrimental to the living conditions of the occupiers of neighbouring properties. However, I am concerned that any increase in scale of the parking combined with the possible siting of the replacement parking for No. 200 to the rear of the property would have to be carefully controlled to ensure the balance was not altered"*. There were 6 car parking spaces proposed under that particular application.
- 11.13 Under this proposal a total of 14 spaces would be provided adjacent to the 6 spaces which are proposed for No. 200 Burscough Street. There would no delineation between these parking areas as this would render some of the spaces unusable. It is my view that the scale of the parking area, certainly when combined with next door's, tips the balance that the Planning Inspector previously referred to and would result in harm to the amenities of the residents of Nos, 194, 196 and 202 Burscough Street. In particular, the amenities of the residents of No. 196 would be significantly reduced as they would directly look out on the proposed parking area and be affected by its close proximity and the associated comings and goings. Whilst I note the comments of the Council's Environmental Health Officer in that acoustic fencing could help to mitigate the impact of this area on the amenities of local residents, I am not satisfied that this would be sufficient in these circumstances due to the scale of the parking area.
- 11.14 With respect to the level of amenity provided for future occupants, I am concerned that the proximity of the car park to the bedroom windows to the rear of the proposed building would lead to noise and disturbance to the occupants of these particular units. There is a small landscaped area between the proposed building and the car park but I do not consider this is sufficient to overcome the concerns raised in this respect. I also consider that the amenities of future occupants would be compromised by the lack of any on site amenity space and the lack of a clear pedestrian route through to the parking area.
- 11.15 It is noted the some local residents have raised concerns over the impact on an existing right of way along the 'out' access. Whilst I appreciate that users of this right of way would

be affected by the proposal, I do not consider this to be a planning consideration. Furthermore, I am aware that concerns have been raised regarding the potential impact on the future amenities of residents of the Atkinson/Kirby site to the rear of the application. However there is no current planning permission for this site and therefore the potential impact on future occupants carries very little weight in the overall planning balance.

Highway Safety and Car Parking

- 11.16 The application has been assessed by the Highway Authority and they have advised that the proposed access arrangements are acceptable. In addition the proposed parking levels are considered to be acceptable given the sustainability of this location and its proximity to bus and rail links.
- 11.17 There is some concern over the inclusion of the rear area of No. 196 Burscough Street in this proposal. Having checked the history records the 'red edge' for this site has always been shown to extend back to the very rear of the site, in line with neighbouring properties. However previous permissions for this site did not dictate that this area should be used for parking for the occupants of No. 196 Burscough Street. Therefore whilst I have some concern over the loss of this area, it could not be argued that the proposal results in the displacement of parking for No. 196 Burscough Street.
- 11.18 I am satisfied that the proposed development would not result in an over-spill of development onto the adjacent highway as a sufficient number of spaces has been provided to accommodate the proposed development. No highway safety issues have been identified in respect of the proposed access/egress. Therefore I am satisfied that the proposal is compliant with Policy GN3 and IF2 in the Local Plan in respect of highways/parking.

Drainage

- 11.19 The applicant has stated that foul drainage from the site would connect to the existing foul sewer while surface water would be connected to soakaways located within the rear of the site.
- 11.20 The principle of the drainage proposals are acceptable in that the proposed surface water disposal respects the hierarchy as outlined in the National Planning Policy Guidance. However the applicant would have to evidence that the use of soakaways are a viable option in practice. I am satisfied that, had the application otherwise been acceptable, this information could be obtained by a condition.

Ecology & Protected Species

- 11.21 A Preliminary Ecological Appraisal (June 2018) has been submitted which advises that the existing building has no ecological value. However a precautionary approach should be applied to demolition work. No trees would be affected as a result of the proposal. I am satisfied that the proposal complies with Policy EN2 of the Local Plan.

Conclusion

- 11.22 The scale and bulk of the proposed development is considered to be out of keeping with the general grain of development in the local area. The size of the proposed building and the potential level of occupancy has necessitated the need to provide a large car park at the rear of the site at the expense of any useable amenity space, landscaping screening or paths to/from the building; these are signs that the site would be over-development to the detriment of the character of the area. Furthermore, the proposal has been found to

result in the loss of reasonable levels of amenity for the occupants of neighbouring properties and future occupants of the building. These issues are contrary to Policy GN3 of the Local Plan.

12.0 RECOMMENDATION

12.1 That planning permission be refused on the grounds that:

Reasons for Refusal

1. The proposed development would conflict with Policy GN3.1 (iv) of the West Lancashire Local Plan 2012-2027 Development Plan Document as the size and bulk of the building fails to have regard to its surroundings and the scheme represents overdevelopment of the site to the detriment of the character and appearance of the local area.
2. The proposed development would conflict with Policy GN3.1 (iii) of the West Lancashire Local Plan 2012-2017 Development Plan Document in that it would result in the loss of reasonable levels of amenity for the occupiers of neighbouring properties due to the size of the building and resulting overbearing impact and loss of light/outlook for neighbouring occupants at Nos. 196 and 200 Burscough Street. Further harm would be caused to the amenities of local residents and future occupants by virtue of location and size of the associated car park.

No.9	APPLICATION NO.	2018/0720/FUL
	LOCATION	200 Burscough Street Ormskirk Lancashire L39 2EY
	PROPOSAL	Change of use from 5 bed student HMO with 1 no. 1 bedroom flat and 1 no. 2 bedroom flat to 5 bed student HMO plus 1 no. 2 bedroom flat and 2 no. studio bedrooms.
	APPLICANT	Ormskirk Lettings
	WARD	Scott
	PARISH	Unparished - Ormskirk
	TARGET DATE	31st August 2018

1.0 **REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme however Councillor Delaney has requested it be referred to Committee to consider the clustering effect of the development and the overdevelopment of the area as well as highways issues.

2.0 **SUMMARY**

- 2.1 The principle of an additional studio bedroom within this property is considered acceptable and in accordance with Policy RS1 of the Local Plan. The increase in occupancy at the site by one resident would not result in a significant increase in noise and disturbance to neighbouring properties, or harm the character of the area sufficient to warrant a refusal of planning permission. The scheme would provide acceptable levels of car parking and would not have a detrimental impact on highway safety in the vicinity of the site. Therefore the proposed development accords with Policy RS1, RS3, GN3 and IF2 of the Local Plan.

3.0 **RECOMMENDATION – APPROVE WITH CONDITIONS**

4.0 **SITE DESCRIPTION**

- 4.1 The site relates to a semi-detached property located to the eastern side of Burscough Street. The property is two storey with rooms within the roof slope and dormer to rear. The site operated as a 6 bedroom HMO and was a HMO prior to the Article 4 Direction taking effect. However planning permission has been recently obtained for the change of use of the 6 bed student HMO to 5 bed student HMO, 2 bed self-contained flat and 1 bed self-contained flat (2017/1340/COU). This application has been implemented and the permission restricts the number of occupants to 8.
- 4.2 Parking for the site exists to the rear. The site benefits from a right of way over the land to the south (side) of the dwelling enabling vehicles to gain access to the rear of the site.

5.0 **PROPOSAL**

- 5.1 Planning permission is sought for the change of use of the recently approved 5 bed student HMO; 1 bedroom flat / studio apartment and 1 no. 2 bedroom flat to a 5 bed student HMO, 2 bedroom flat and 2 no, 1 bedroom studio apartments and effectively splits the one bed ground floor flat into 2 studio bedrooms. The property as a whole would accommodate up to 9 occupants.
- 5.2 The flat and studio bedrooms would be on the ground floor with the HMO being laid out over the first and second floors as existing. Access for the HMO and studio apartments is to the front and the 2 bedroom flat is to the rear. Parking is proposed within the rear

garden and to the south of the site at the end of the shared right of way with number 198 Burscough Street. The parking area would accommodate 5 vehicles.

6.0 PREVIOUS RELEVANT DECISIONS

6.1 2017/1340/COU - Change of use of 6 bed student HMO to 5 bed student HMO, 2 bed self-contained flat and 1 bed self-contained flat.
GRANTED

6.2 The property was converted to a HMO prior to the Article 4 direction being implemented.

ENFORCEMENT:

6.3 E/2017/0182/UBW - Extension without planning permission. (permitted development)

ADJACENT SITE:

6.4 2018/0581/FUL - Erection of a block of 9 apartments, comprising 6 x 2 beds and 3 x 1 beds with associated parking.
PENDING DECISION

7.0 OBSERVATIONS OF CONSULTEES

7.1 **Lancashire County Council Highways** – 22.08.2018
No objection in principle.
Conditions suggested

8.0 OTHER REPRESENTATIONS

8.1 9 neighbouring letters of objection have been received and can be summarised as follows:

Impact to the site:

Overdevelopment of the site;

Over intensification of the use at the site;

Proposal will have a detrimental effect on the character and appearance of the street scene and surrounding area;

The proposal is running alongside the application at the adjacent site of 198 Burscough Street (2018/0581/FUL). This would mean a total of 24 occupiers across the two sites.

Policy requirements:

There is a clustering of student properties in the area of the site. Nos 196, 194 and 167 opposite being in HMO use. If the proposal is approved clustering will be exacerbated;

Policy RS3 - The limits for HMO's on Burscough Street have already been exceeded by over 10%. This application if granted further increases this;

The proposal is not in keeping with the NPPF which relates to creating sustainable, mixed and balanced communities.

Amenity of neighbours:

The area is already known for anti-social behaviour particularly in the early hours of the morning. The proposal will add to the same;

The proposal would result in further loss to the amenities of local residents;

Increased noise;

Comings and goings from the property will be increased.

Parking / highways:

Parking is already at a premium and the students at the neighbouring properties already use the land at the side of the empty house;
The proposal would result in the lack of parking provision on site;
More residents will exacerbate the existing parking problems;
Cars often park on the pavement causing a hazard to members of the public. An increase in students will intensify this issue;
More visitors will increase the risk of accidents in the area.

Drainage / localised flooding:

Flooding has been experienced at the bottom of Burscough Street, around the mini roundabout and along Hattersley Way after heavy rainfall. This flooding also resulted in foul sewerage being present. UU have previously identified that there is a lack of capacity in the area.

General:

The Council has already found the increase to 9 residents within the property unacceptable during the previous application submission ref 2017/1340/FUL and requested that the applicant reduce numbers to a maximum of 8 residents;
The site is used for the storage of builder's materials and waste for off-site projects despite it being reported to the Council;
The burning of builders waste has taken place on numerous occasions;
No bin storage provided;
There is an oversupply of HMO accommodation in the town and with increased building of campus accommodation and applications for student accommodation above town centre retail and service properties, additions to existing HMOs are not required.

Amenity of occupants:

There is no outdoor private amenity space provided for residents which is contrary to Policy GN3 of the Local Plan;
It is ridiculous to suggest that the future occupiers and neighbours can walk half way across Ormskirk to a local park to access amenities.

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.
- 9.3 **National Planning Policy Framework (NPPF)**
Para 2 – Achieving sustainable development
Para 8 – Promoting healthy and safe communities
Para 12 – Achieving well designed places
- 9.4 **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

9.5 **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;
Character of the area;
Noise and Disturbance / Impact upon residential amenity;
Design/Layout;
Highways / parking;
Drainage.

Principle of Development

- 10.2 Policy RS3 - Provision of Student Accommodation of the West Lancashire Local Plan (2012-2027) states that when assessing proposals for conversion of a dwelling house or other building to a HMO, the Council will have regard to the proportion of existing properties in use as, or with permission to become, an HMO either in the street as a whole or within the nearest 60 properties in the same street whichever is the smaller.
- 10.3 In this case the application does not relate to an increase in the number of HMOs in the locality. The proposal would add an additional studio apartment to the property resulting in an increase of 1 resident within the building as a whole, bringing the total number of residents to up to 9.
- 10.4 In a recent appeal decision (APP/P2365/C/18/3198365 – 91 Wigan Road) where the applicant sought to increase the number of residents in an existing HMO, the inspector found that Policy RS3 of the Local Plan was not of direct relevance to the proposal. Under this appeal the Inspector noted that Policy RS3 seeks to control the number / percentage of HMOs in identified areas, but such restrictions are not relevant to the consideration of the number of residents in each HMO. Consequently as the HMO is already in existence the proposal would not conflict with Policy RS3 of the Local Plan.
- 10.5 Policy RS1 of the Local Plan states that within Key Service Centres (which this site is) residential development will be permitted on brownfield sites, and on greenfield sites not protected by other policies, subject to the proposal conforming with all other planning policy. Consequently the proposal to add an additional studio bedroom to the premises is acceptable in principle.

Impact upon neighbouring properties and character of area

- 10.6 The increase in the number of residents residing in the property must be assessed in terms of Policy GN3 of the Local Plan which seeks to ensure developments retain/create reasonable levels of privacy and amenity for occupants of proposed and existing properties.
- 10.7 The proposal would result in the increase of 1 resident at the property. I acknowledge the comments received from local residents who have raised concerns regarding the number of students in the area generally and that outside noise can be heard in the street late at night. However no evidence has been submitted to attribute this noise to the application property. In any event I do not consider that increasing the number of residents within the property from 8 to 9 would materially change existing levels of noise and disturbance in the area to an extent that the development would harm the amenities of nearby residents or the character of the area. In reaching this decision it is noted that the property is located

on a relatively busy road which is a main arterial route into the town centre where noise and activity levels associated with vehicular and pedestrian movements is already quite high and is therefore very much part of the existing environmental conditions. It is also noted that 200 Burscough Street is located in an area of the Street where the character changes from terraced properties to larger semi-detached properties with commercial buildings also present in the locality.

- 10.8 It is recognised that the attached property of 202 Burscough Street is a residential property as is 204 further north and 169 and 171 directly over the road. In regards to the attached neighbour at 202 the applicant has advised that measures have been taken to protect the amenity of adjoining residents by the fitting of sound insulation on the party wall to reduce noise and disturbance.
- 10.9 It has been identified in a recent appeal decisions (91 Wigan Road) that the use of rear garden areas by residents where a clustering of HMOs exists could result in the concentration of noise and disturbance that would detrimentally impact upon the amenity of neighbouring residential properties. Whilst I accept this stance I do not consider that it is directly applicable to this site. Firstly the rear garden area of the site has historically been used for parking and this is to continue with a small area for amenity space to the east. There is a greater spacing between the application property and adjacent HMOs than seen at 91 Wigan Road and as such the potential concentration of noise due to residents congregating outdoors would not be as great. Lastly the increase in residents at the property by 1 is considered unlikely to result in a material impact to the level of noise omitted.
- 10.10 Therefore on balance I do not consider that the proposal to increase the number of residents by 1 would result in a significant increase in noise and disturbance to neighbouring properties or cause harm to the character of the area. For this reason I am satisfied that the proposal would accord with Policy GN3 of the Local Plan.

Design and Layout and amenities for future occupants

- 10.11 The NPPF requires that planning should always seek to ensure a good standard of amenity for all existing and future residents. No physical alterations are proposed to the property itself except the internal sub division of a one bedroom flat into 2 studio bedrooms. I consider the layout of the property to be acceptable. Alterations to the rear yard are proposed to provide off street car parking and a small area of amenity space.
- 10.12 Parking provision is provided to the rear of the property. A hardstanding area has been established to the rear of the property for a number of years and this area has historically been used for the parking of vehicles for the property. An extension to the parking area is proposed to the south of the site, to the end of the right of way. This parking area would be linked into the larger parking area for 198 Burscough Street (pending application ref 2018/0581/FUL). The amendment to the parking scheme represents an improvement to the site as it would formalise off street parking provision.
- 10.13 The parking provision takes up the majority of the rear yard however an area measuring 6m x 6m remains for the provision of a limited amount of amenity area. Noting the location of the property on the edge of the town centre in close proximity to local parks and open spaces I am satisfied that the level of on-site amenity area would not be detrimental to the amenity of future occupants of the property.
- 10.14 Bin storage is proposed to the rear of the site in an enclosed area. I am satisfied that this provision is acceptable and that the siting would not impact upon amenity provision for the site or obstruct the shared access driveway.

10.15 On balance I am satisfied that the proposal provides an acceptable standard of accommodation for future occupants and as such is compliant with Policy GN3 of the Local Plan in this regard.

Highways / parking

10.16 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 and requires that development proposals incorporate suitable development and safe access.

10.17 Lancashire County Council as Highway Authority has been consulted in respect of this application and raise no objections in principle. The Highway Authority are satisfied that the property is located in an area with good accessibility to local amenities, public transport and the town centre where a shuttle bus runs between the town centre and Edge Hill University for students.

10.18 The Highway Authority notes that the proposal (in conjunction with the proposed development at 198 Burscough Street) will increase the demand for parking. Under provision of parking could cause overspill parking and lead to amenity issues on the existing highway where parking spaces are at a premium or cause obstruction of the vehicle manoeuvring areas within the site.

10.19 Generally the Council requires HMO's to provide 50% parking therefore the 5 bed HMO would have an on-site parking requirement of 2.5 spaces; the 2 bedroom flat would require 2 spaces and the 2 x, 1 bedroom studio flats would require 1 space each bringing the total number of spaces required on site to 6.5. The submitted plans show 5 onsite parking spaces to the rear. This does represent a slight under provision of parking for the site. However a 9 bed HMO would require 5 spaces and on balance I consider the provision of 5 spaces to be reasonable for the number of occupants.

10.20 Owing to the location of the site adjacent to the town centre, along a major bus route and in proximity to the train and bus stations, I am satisfied that the proposal provides sufficient parking levels and the scheme would not result in significant harm to the free flow of traffic or highway safety in the area. The Highway Authority have recommended the imposition of conditions to require the car park to be laid out in accordance with the approved plans and the provision of cycling facilities.

Conclusion

10.21 The increased occupancy at the site by 1 resident is acceptable in principle and would not be significantly harmful to the amenities of nearby residents or the character of the area. Adequate onsite parking would be provided. Therefore the proposed development 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 2017/COU/1d received by the Local Planning Authority on 13.08.2018 and Plan reference 2017/COU/BS received by the Local Planning Authority on 08.11.2018.
3. Prior to the occupation of the additional studio bedroom, the approved car parking and manoeuvring scheme shall be marked out and provided in accordance with the approved plan (2017/COU/1d) and shall be permanently maintained thereafter.
4. The proposed hardstanding shall be of permeable construction or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
5. The property shall be occupied by no more than 9 residents at any one time.

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. 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.
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.

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

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 7j

No.10 APPLICATION NO.	2018/0864/FUL
LOCATION	Netholme Farm Park Lane Tarleton Preston Lancashire PR4 6JN
PROPOSAL	Demolition of existing dwellinghouse and erection of replacement dwellinghouse.
APPLICANT	Mr Stephen Mayor
WARD	Tarleton
PARISH	Tarleton
TARGET DATE	24th October 2018

1.0 REFERRAL

- 1.1 This application was to be determined under the Councils delegation scheme, however, Councillor Mee has requested it be referred to Planning Committee to consider the impact on the openness of Green Belt.

2.0 SUMMARY

- 2.1 The proposed development conflicts with the NPPF and Policy GN1 in the West Lancashire Local Plan 2012-2027 DPD in that the proposal constitutes inappropriate development resulting in harm to the openness and visual amenity of the Green Belt. The application fails to demonstrate any special circumstances which would outweigh the resultant harm.

3.0 RECOMMENDATION: That planning permission is REFUSED.

4.0 THE SITE

- 4.1 The application site is located to the west of Netholme Farmhouse, Park Lane, Tarleton. It is flanked by an agricultural building to the north and trees/shrubbery to the southern and western boundaries, and forms part of the domestic garden area for the farmhouse.

5.0 PROPOSED DEVELOPMENT

- 5.1 Planning permission is sought for the demolition of the existing dwelling house and erection of a replacement dwelling house further into the site.

6.0 RELEVANT HISTORY

- 6.1 2017/1194/LDC - Certificate of Lawfulness - Use of land as domestic garden area. Granted 22.02.2018
- 6.2 2017/0366/FUL - Demolition of existing dwelling and erection of replacement dwelling/house. Withdrawn.
- 6.3 2013/1065/FUL - Proposed livestock building. Granted 15.01.2014
- 6.4 2013/0269/COU - Change of use from agricultural storage building to light industrial use (Class B1). Granted 30.04.2013
- 6.5 2007/1091/FUL - Siting of log cabin for occupation by seasonal agricultural workers. Granted 13.06.2008
- 6.6 2006/0789 - Erection of log cabin style accommodation and mobile home for use by seasonal agricultural workers. Refused 20.11.2006

- 6.7 2002/0254 - Application for determination as to Whether Prior Approval is Required for Details - Extension to existing agricultural building for use as store. Permitted Development
- 6.8 2000/0663 - Consideration of Details for Prior Approval - Excavation of land to form pond area. Details approved.

7.0 CONSULTEE RESPONSES

7.1 Environment Agency (12/11/18)

No objection in principle to the proposed development.

7.2 Highway Authority (13/09/18)

The proposal is for a 3 bedroom replacement dwelling with vehicular access via the existing farmyard access from Park Lane.

No details have been submitted regarding parking provision. Provided adequate parking based on the West Lancashire Local Plan recommendation can be provided, the Highway Development Support has no objection to this application.

7.3 Principle Engineer (Drainage) (01/10/18)

No objection subject to conditions.

7.4 United Utilities (01/10/18)

Conditions recommended.

8.0 OTHER REPRESENTATIONS

8.1 None

9.0 SUPPORTING INFORMATION

9.1 Ecology Appraisal – Simply Ecology (October 2018);
Design and access statement;
Landscape and visual impact assessment;
Planning Statement;
Flood Risk Assessment.

10.0 RELEVANT PLANNING POLICIES

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

10.2 The site is located within the green belt as designated within the West Lancashire Local Plan.

West Lancashire Local Plan (2012-2027) DPD

Policy SP1- A sustainable development framework for West Lancashire

Policy RS1 – Residential development

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

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

Policy IF2 – Enhancing Sustainable Transport Choice

All the above Policy references can be viewed on the Council's website at:
<http://www.westlancs.gov.uk/planning>.

11.0 **ASSESSMENT**

11.1 The main areas of consideration for determining this application:

Principle of Development and impact on Green Belt;
Design and appearance of the development;
Highways;
Impact upon neighbouring properties;
Impact upon existing trees / landscaping;
Ecology;
Flood Risk;
Drainage.

Principle of Development

- 11.2 Policy GN1 of the West Lancashire Local Plan (WLLP) states that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies.
- 11.3 National guidance contained in the NPPF was published in July 2018. Paragraph 145 states 'a local planning authority should regard the construction of new buildings as inappropriate in Green Belt'. It provides a list of exceptions including: "the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces."
- 11.4 The Councils SPD for development in the Green Belt is relevant to this proposed development and offers further guidance. The SPG allows for the replacement of a dwelling in the Green Belt subject to the following criteria:

The existing dwelling is lawful and permanent in nature;

The total volume of the replacement dwelling should not be more than 20% greater than the dwelling that it replaces;

The replacement dwelling should not materially harm the openness of the Green Belt through excessive scale or bulk. It should also be in keeping with the character of the area and appropriate in terms of design and materials;

The curtilage of the replacement dwelling should be no larger than that established for the dwelling it replaces;

The replacement dwelling should be on or close to the footprint of the one it replaces, unless it can be satisfactorily demonstrated that an alternative location within the same curtilage will have no adverse impact on openness or achieve significant environmental improvements or road safety benefits.

- 11.5 The existing dwelling house is currently in residential occupation and substantial in construction. The applicant has provided volume calculations that state the proposed dwelling house would be 35% greater in volume than the dwelling it replaces. This significantly exceeds the Council's SPD guidance figure of 20%. Therefore the proposal would be materially larger than the dwelling it is to replace and in direct conflict with para 145 of the NPPF.
- 11.6 The ridge and eaves height of the proposed dwelling house has been kept low but the width would increase by approximately 2.4m. At two storeys, I consider the additional width would result in significant bulky addition when compared to the existing property, to the detriment of the openness and visual amenity of the Green Belt.
- 11.7 The curtilage of the replacement dwelling is not larger than that established for the dwelling it replaces. This was established under a certificated of lawfulness application 2017/1194/LDC.
- 11.8 The replacement dwelling would be re-sited further west into the site but remain within the established curtilage. I do not consider that the new position of the replacement dwelling would detract from the visual amenity of the green belt.
- 11.9 For the reasons outlined above the development would constitute a materially larger building than the one it replaces. As such it would have a significant adverse impact on the openness of the Green Belt and be considered inappropriate development. Paragraph 143 of the NPPF states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*.
- 11.10 The applicant has put forward the following special circumstances:

The existing dwelling is very small by modern standards and the proposed dwelling is not considered particularly large;

The replacement dwelling would be set further back from the road and sit against a back drop of existing agricultural buildings. The development is screened by trees and hedgerows;

The replacement dwelling will have less impact upon the openness of the Green Belt than the existing dwelling as a result of its proposed siting and design;

At Ashcroft Farm, Park Lane, planning permission has been granted for a replacement two storey dwelling house and use of part of a barn as a garage and garden store (ref 2009/0589/FUL). The original dwelling was 590 cubic metres and the replacement dwelling was 1240 cubic metres.

- 11.11 Whilst the above circumstances are acknowledged, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. In my opinion the very special circumstances do not outweigh the resultant harm to the Green Belt by reason of inappropriateness and loss of openness. Whilst the applicant draws attention to a decision at Ashcroft Farm, this application predated the current Local Plan, Green Belt SPD and NPPF and therefore there has been a material change in circumstances since determination of the application.

Design and appearance of the development

- 11.12 In terms of design and the external appearance of the development, Policy GN3 of the WLLP together with the Council's SPD Design Guide states that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale or roofline

- 11.13 The replacement dwelling (notwithstanding the greenbelt advice above) is generally acceptable in terms of its design and appearance. Satisfactory amenity space will surround the property.
- 11.14 The proposed dwelling would be set further back into the site than the existing property, however given the rural surroundings of the site and scattered pattern of development within the local area, I do not consider this would upset the grain of the development or impact detrimentally upon the street scene.

Highways

- 11.15 The applicant has provided two off road car parking spaces in compliance with Policy IF2. I am satisfied the proposed development would have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

Impact upon neighbouring properties

- 11.16 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.

Given the distance of the development from other neighbouring properties, I do not foresee a detrimental impact upon the residents of nearby properties.

Impact upon existing trees / landscaping

- 11.17 The Council's Arboricultural Officer has considered the proposal with regard to a group of trees to the west of the site and considers it possible to construct the proposed dwelling house without any impact on significant trees. The trees would cause some shading but this would not be excessive.
- 11.18 The Council's Arboricultural Officer has recommended a condition for full landscape details with any approval and a condition for tree protection to provide protective fencing to ensure that development activities do not threaten the health of trees.

Ecology

- 11.19 Policy EN2 of the WLLP states that where there is reason to suspect that there may be a priority species, or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, making provision for their needs. This allows the Local Planning Authority to screen the project against the Habitats Regulations and relevant national and local policy.
- 11.20 The applicant has submitted an Ecological Appraisal. This appraisal carried out a survey of trees and buildings on the site to ascertain the likelihood of bats roosting, and to locate any possible evidence that could confirm bat presence. No signs of bat activity were located within or around the trees or the building.
- 11.21 The presence of woodland, grassland and shrubbery, (as well as the surrounding landscape including nearby waterbodies and pastureland), all contribute to potentially suitable (GNC) Great Crested Newt habitat. A field scoping survey was therefore carried out to establish the suitability of the nearby ponds for GCNs. However, the three ponds identified within 250m of site were found to be well stocked with fish, had perimeters

relatively well shaded and with limited macrophyte vegetation. These factors resulted in all three ponds being attributed poor suitability scores for Great Crested Newts

11.22 Given the results of the appraisal, I am satisfied there would be no significant impact on ecology as a result of the development in accordance with Policy EN2 of the Local Plan.

Flood Risk / Drainage

Flood Risk

11.23 The application site is located primarily within Flood Zone 2 on the Environment Agency Flood Map, although part of the application boundary to the north is within Flood Zone 3. In the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF), Flood Zone 3 is defined as having high probability of flooding and Flood Zone 2 as having a medium probability of flooding, and the proposal is for a replacement dwelling which is 'more vulnerable' development.

11.24 Development proposed in Flood Zone 3 or 2 should be accompanied by a Flood Risk Assessment (FRA) appropriate to the nature and scale of the proposed development. The submitted FRA demonstrates the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. The Environment Agency have confirmed that they have no objection to the application.

Foul/surface water drainage

11.25 The supporting information confirms the existing dwelling discharges surface water directly to a water course. The applicant advises that surface water from the proposed dwelling would be likely to be dealt with in the same manner. I am satisfied that an appropriate surface water drainage scheme could be secured by the imposition of a suitably worded planning condition.

11.26 The application form advises foul sewage will be disposed of to the main sewer.

12.0 CONCLUSION

12.1 The proposed development conflicts with the NPPF and Policy GN1 in the West Lancashire Local Plan 2012-2027 DPD in that the proposal by virtue of its size constitutes inappropriate development resulting in harm to the openness of the Green Belt. The application fails to demonstrate any special circumstances which would outweigh the resultant harm.

Reasons for Refusal

1. The proposed replacement dwelling would be materially larger than the existing dwelling and represents inappropriate development which would harm the openness of the green belt, contrary to the NPPF, Policy GN1 of the West Lancashire Local Plan 2012-27 Development Plan Document and the Council's SPD on Development in the Green Belt. The application fails to demonstrate very special circumstances to outweigh this harm.