



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

Wednesday, 2 January 2019

**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, 10 JANUARY 2019** at **7.30 PM** at which your attendance is requested.

Yours faithfully

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

Kim Webber
Chief Executive

AGENDA
(Open to the Public)

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

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

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

Note: No other business is permitted unless, by reason of special

circumstances, which shall be specified at the meeting, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

4. DECLARATIONS OF INTEREST 1165 -
1166

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 1167 -
1172

To receive as a correct record the minutes of the meeting held on the 29 November 2018.

7. PLANNING APPLICATIONS 1173 -
1190

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

7a 2018/1158/FUL - Beacon Park Golf Centre, Beacon Lane, Dalton, Wigan 1191 -
1196

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

7b 2018/1164/FUL - Beacon Park Golf Centre, Beacon Lane, Dalton, Wigan 1197 -
1204

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

7c 2018/0800/FUL - Site of Former Atkinson Kirkby, Atkinson Road, Ormskirk 1205 -
1226

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

7d 2018/0259/FUL - Land to the West of Oasis Close, Rufford 1227 -
1242

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

7e	2018/1006/FUL - Premises known as The Timber Yard, Moorgate, Ormskirk To consider the report of the Director of Development and Regeneration.	1243 - 1250
7f	2018/1017/FUL - Southview Lodge Care Home, 92 Station Road, Hesketh Bank, Preston To consider the report of the Director of Development and Regeneration.	1251 - 1256
7g	2018/0721/FUL - Gibbons Barn, Plex Lane, Halsall To consider the report of the Director of Development and Regeneration.	1257 - 1262
7h	2018/0837/FUL - Burscough AFC, Victoria Park, Mart Lane, Burscough To consider the report of the Director of Development and Regeneration.	1263 - 1278
7i	2018/1090/ARM - Land to the North of Cobbs Clough, Whalleys Road, Skelmersdale To consider the report of the Director of Development and Regeneration.	1279 - 1296
7j	2018/1126/OUT - 67 Gaw Hill Lane, Aughton To consider the report of the Director of Development and Regeneration.	1297 - 1310

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

FIRE EVACUATION PROCEDURE: Please see attached sheet.

MOBILE PHONES: These should be switched off or to 'silent' at all meetings.

For further information, please contact:-

Jill Ryan on 01695 585017

Or email jill.ryan@westlancs.gov.uk

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

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

IF YOU DISCOVER A FIRE

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

ON HEARING THE FIRE ALARM

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

NOTES:

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

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

CHECKLIST FOR PERSON IN CHARGE

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

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

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

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

NOTE:

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

CHECKLIST FOR ZONE WARDEN

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

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

INSTRUCTIONS FOR DOOR WARDENS

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

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

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

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

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

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

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

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

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

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

'a connected person' means

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

'body exercising functions of a public nature' means

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

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

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

Agenda Item 6

PLANNING COMMITTEE

HELD: Thursday, 29 November 2018

Start: 7.00 p.m.

Finish: 8.05 p.m.

PRESENT:

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

Councillors: I Ashcroft
Mrs P Baybutt
C Dereli
S Evans
G Hodson
J Hodson
D O'Toole
E Pope
A Pritchard
D Westley
A Yates

Officers: Director of Development and Regeneration – Mr J Harrison
Head of Development Manager – Mrs C Thomas
Assistant Borough Solicitor – Mr M Jones
Principal Planning Officer - Ms T Maguire
Assistant Solicitor – Mrs R Chadwick
Member Services/Civic Officer - Mrs J A Ryan

In attendance: Councillor J Mee (Tarleton Ward)

62 APOLOGIES

There were no apologies for absence received.

63 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillor G Owen, Mrs M Westley and T Devine and the appointments of Mrs S Evans, D Westley and C Dereli for this meeting only, thereby giving effect to the wishes of the Political Groups.

64 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no urgent items of business.

65 DECLARATIONS OF INTEREST

In line with the Officers Code of Conduct the Head of Development Management (Mrs C Thomas) declared an interest in planning applications 0729/FUL and 0730/LBC relating to The Windmill, 24 Wigan Road, Ormskirk as she had been advised that the assets of the Windmill Bowling Club had been transferred to Ormskirk Bowling Club. Her brother is Chairman of the Ormskirk Bowling Club, and accordingly she left the Chamber during consideration of this item.

66 **DECLARATIONS OF PARTY WHIP**

There were no Declarations of Party Whip.

67 **MINUTES**

RESOLVED: That the minutes of the meeting held on the 18 October 2018 be approved as a correct record and signed by the Chairman.

68 **PLANNING APPLICATIONS**

The Director of Development and Regeneration submitted a report on planning applications (all prefixed 2018 unless otherwise stated) as contained on pages 1037 to 1156 of the Book of Reports and on pages 1157 to 1159 of the Late Information Report.

(Note:

1. The Head of Development Management (Mrs C Thomas) had declared interests in respect of application nos.0729/FUL and 0730/LBC relating to The Windmill, 24 Wigan Road, Ormskirk and therefore left the Chamber during consideration of these items.
2. In accordance with the procedure for public speaking on planning applications on this Committee, an objector spoke in connection with application no. 0720/FUL relating to 200 Burscough Street, Ormskirk.
3. In accordance with Regulatory Procedure Rule 7(b) Councillor Mee spoke in connection with planning application 0864/FUL relating to Netholme Farm, Park Lane, Tarleton.
4. That the next Planning Committee on the 21 January 2019 would be commencing at 7.30pm to accommodate a presentation before the meeting by external developers.

69 **2018/0790/ARM - LAND TO THE NORTH OF WHALLEYS ROAD, SKELMERSDALE**

RESOLVED: That in respect of planning application 0790/ARM relating to Land to the North of Whalleys Road, Skelmersdale:-

1. 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:-

The terms and conditions of the affordable housing.

2. That any planning permission granted by the Director of

Development and Regeneration pursuant to recommendation 1 above be subject to the conditions as set out on pages 1048 to 1052 of the Report and with an additional condition as set out below:-

Condition 20

Prior to construction of any dwelling a scheme for the provision of electric vehicle charging points throughout the development and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details.

Reason

In the interests of sustainability in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

70 **2018/0796/FUL - LAND TO THE NORTH OF WHALLEYS ROAD, SKELMERSDALE**

RESOLVED: That in respect of planning application 0796/FUL relating to Land to the North of Whalleys Road, Skelmersdale:-

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

The terms and conditions of the affordable housing.

2. That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation 1 above be subject to the conditions as set out on pages 1064 to 1067 of the Report and with an additional condition as set out below:-

Condition 20

Prior to construction of any dwelling a scheme for the provision of electric vehicle charging points throughout the development and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details.

Reason

In the interests of sustainability in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

71 2018/0835/OUT - LAND TO THE SOUTH OF STOPGATE LANE, SIMONSWOOD

RESOLVED: That planning application 0835/OUT relating to Land to the South of Stopgate Lane, Simonswood be approved subject to the conditions as set out on pages 1075 to 1081 of the Report and with the adjustments to conditions as set out on pages 1157 to 1158 of the Late Information Report.

72 2018/0525/HYB - LAND TO THE EAST OF TOLLGATE ROAD, BURSCOUGH

RESOLVED: That planning application 0525/HYB relating to Land to the East of Tollgate Road, Burscough be approved subject to the conditions as set out on page 1091 to 1099 of the Report and with the amendment to conditions as set out on pages 1159 to 1161 of the Late Information Report.

73 2018/0729/FUL - THE WINDMILL, 24 WIGAN ROAD, ORMSKIRK

RESOLVED: That planning application 0729/FUL relating to The Windmill, 24 Wigan Road, Ormskirk be refused for the reasons as set out on pages 1112 of the Report.

74 2018/0730/LBC - THE WINDMILL, 24 WIGAN ROAD, ORMSKIRK

RESOLVED: That listed building consent 0730/LBC relating to The Windmill, 24 Wigan Road, Ormskirk be granted subject to the conditions as set out on pages 1117 to 1118 of the Report.

75 2017/1330/FUL - SCARISBRICK HALL SCHOOL, SOUTHPORT ROAD, SCARISBRICK

RESOLVED: That planning application 2017/1330/FUL relating to Scarisbrick Hall School, Southport Road, Scarisbrick be approved subject to the conditions as set out on pages 1129 to 1132 of the Report and with an additional condition as set out on page 1163 of the Late Information Report and with an additional condition as set out below:-

Condition 19

The Performing Arts Centre shall not be brought into use until works to the school entrance are completed and brought into use in accordance with the details approved under planning application 2017/1269/FUL.

Reason

To safeguard the amenity of adjacent properties and the area generally and in the interest of highway safety, in accordance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

76 2018/0581/FUL - 198 BURSCOUGH STREET, ORMSKIRK

RESOLVED: That Planning Committee noted the submission of a non-determination appeal but is of the opinion that the proposed development is unacceptable in principle, for the reasons identified under the reasons for refusal stated in the agenda report.

77 2018/0720/FUL - 200 BURSCOUGH STREET, ORMSKIRK

RESOLVED: That planning application 0720/FUL relating to 200 Burscough Street, Ormskirk be approved subject to the conditions as set out on pages 1148 to 1149 of the Report.

78 2018/0864/FUL - NETHOLME FARM, PARK LANE, TARLETON, PRESTON

RESOLVED: That planning application 0864/FUL relating to Netholme Farm, Park Lane, Tarleton be refused for the reason as set out on page 1156 of the Report.

.....
- CHAIRMAN -



PLANNING COMMITTEE
10 JANUARY 2019

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	Tanhouse	2018/1158/FUL	<p>Beacon Park Golf Centre Beacon Lane Dalton Wigan Lancashire WN8 7RU</p> <p>Variation of Condition No. 1 of planning permission 2016/0040/FUL to vary the location, site and cross section plans submitted with the original application to regularise the as built land levels, landscaping and development layout of the nine hole short course. Replacement of plan reference 1115.11 received by the Local Planning Authority on 13th July 2011 with plan references 1115.11 Rev B and 1115.21. Replacement of plan reference 1115.15 received by the Local Planning Authority on 13th July 2011 with plan reference 1115.X6 cross sections. Approval of new plan reference 1115.27 Par 3 Landscaping. All other plans to remain as per the decision notice.</p>	Planning permission be granted.
2	Tanhouse	2018/1164/FUL	<p>Beacon Park Golf Centre Beacon Lane Dalton Wigan Lancashire WN8 7RU</p> <p>Remodeling of driving range at Beacon Park Golf Centre to create a Foot Golf course, remodeling of 1st hole green, 2nd hole tees, creation of mounding and re-profiling of ground adjacent to 1st fairway, remodeling of ground between 1st and 18th holes and associated landscaping.</p>	Planning permission be granted.

3	Scott	2018/0800/FUL	<p>Site Of Former Atkinson Kirkby Atkinson Road Ormskirk Lancashire</p> <p>Phased mixed-use redevelopment comprising: (Phase I) a residential development comprising 51 affordable housing units with associated access, parking, landscaping and infrastructure; (Phase II) a Class A1 retail store with associated car parking and servicing areas, access and infrastructure; and (Phase III) a terrace of six commercial units suitable for occupation within Classes A1 (non-food retail), B1 and/or B8 with associated car parking, access and infrastructure.</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>
4	Rufford	2018/0259/FUL	<p>Land To The West Of Oasis Close Rufford Lancashire L40 1SA</p> <p>Erection of 29 dwellings (25 houses and 4 apartments), garages, estate road and related development</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>
5	Knowsley	2018/1006/FUL	<p>Premises Known As The Timber Yard Moorgate Ormskirk Lancashire L39 4RT</p> <p>Change of use to flexible use consisting of use classes A2, D1, D2 and A4 and alteration/extension of building to provide bar lounge and outdoor seating area.</p>	<p>Planning permission be granted.</p>

6	Hesketh-with-Becconsall	2018/1017/FUL	<p>Southview Lodge Care Home 92 Station Road Hesketh Bank Preston Lancashire PR4 6SQ</p> <p>Single storey extension to an existing category C2 care home.</p>	Planning permission be granted.
7	Halsall	2018/0721/FUL	<p>Gibbons Barn Plex Lane Halsall Ormskirk Lancashire L39 7JZ</p> <p>1.0 and 1.8 metre high timber fence to rear boundaries.</p>	Planning permission be refused.
8	Burscough West	2018/0837/FUL	<p>Burscough AFC Victoria Park Mart Lane Burscough Lancashire L40 0SD</p> <p>Demolition of existing football ground, social club and associated buildings. Erection of 52 new dwellings including; 11no. 2-bed houses for affordable rent, 4no. 2-bed houses for shared ownership, 21no. 3-bed houses for shared ownership, 6no 4-bedhouses for shared ownership and 10no. 2-bed apartments for affordable rent for those over 55 years old.</p>	Planning permission be granted.
9	Ashurst	2018/1090/ARM	<p>Land To The North Of Cobbs Clough Whalleys Road Skelmersdale Lancashire</p> <p>Approval of Reserved Matters - (access, appearance, landscaping, layout and scale) in respect of residential development of 120 dwellings, open space and associated infrastructure.</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.

10	Aughton Park	2018/1126/OUT	67 Gaw Hill Lane Aughton Ormskirk Lancashire L39 7HA Outline - Erection of up to seven residential units following the demolition of the existing buildings including details of access (all other matters reserved)	Outline Planning permission be granted.



PLANNING COMMITTEE

10th January 2019

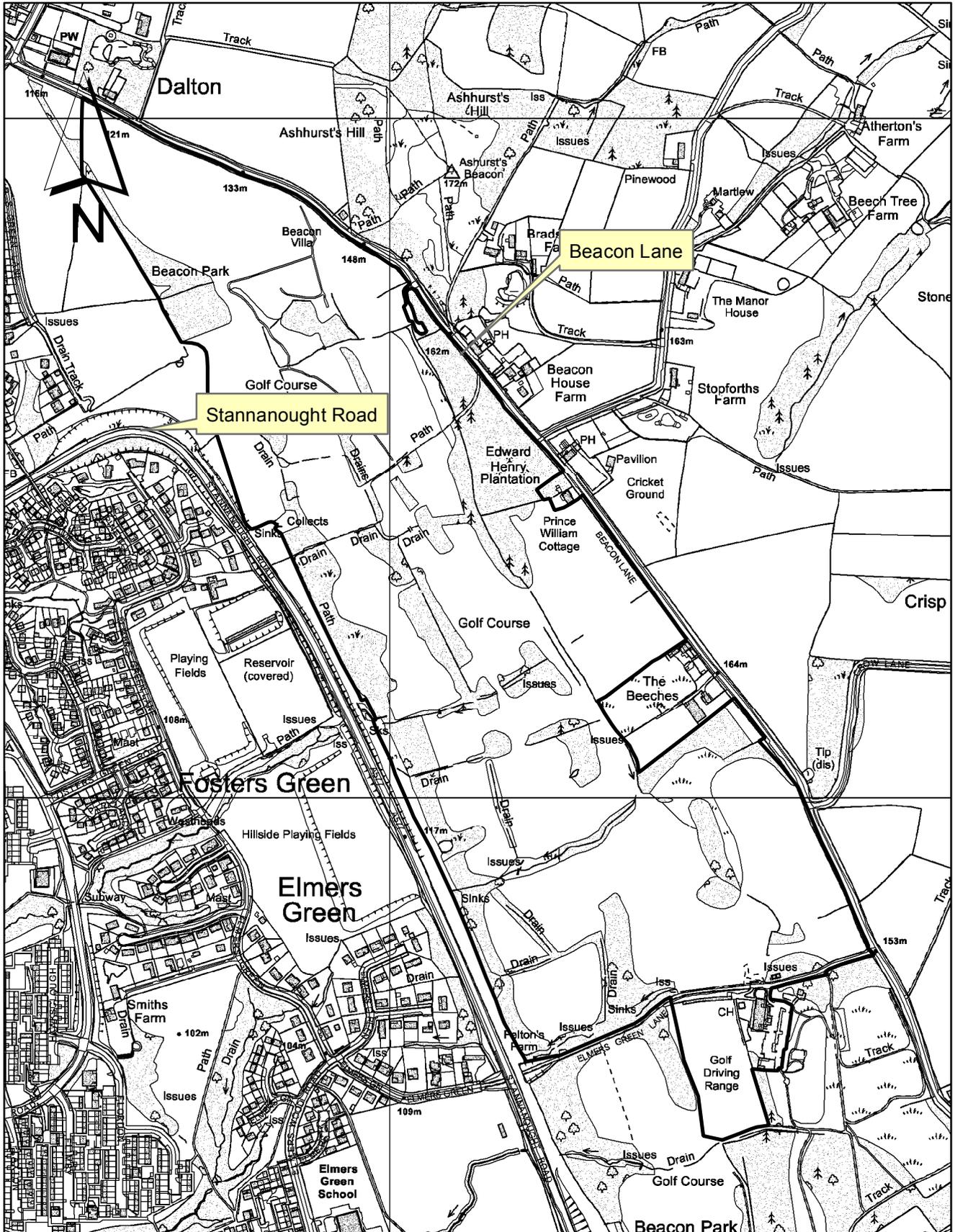
(Agenda Item 7)

PLANNING APPLICATION ITEMS

LOCATION PLANS

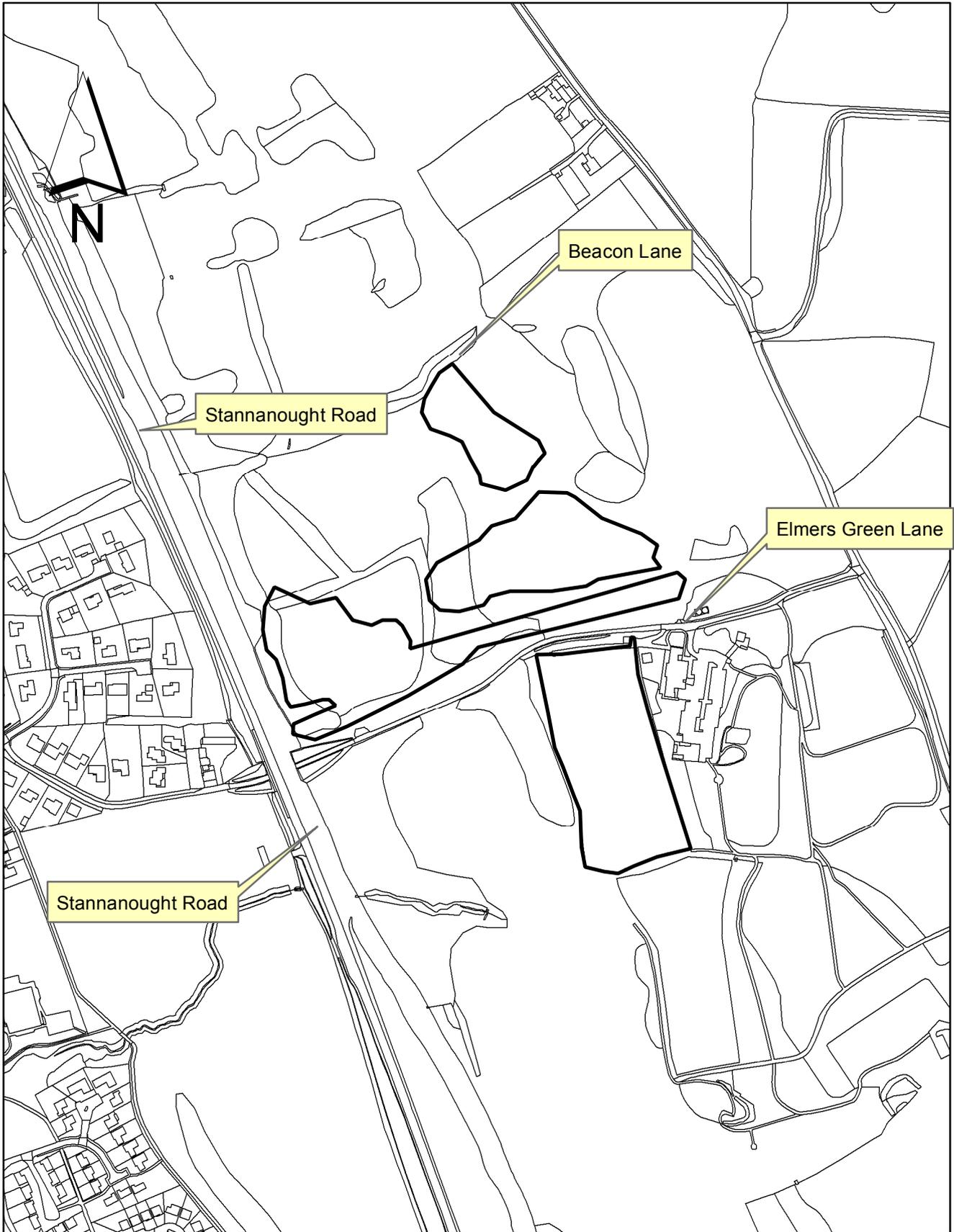


Beacon Park Golf Centre, Beacon Lane, Dalton, Wigan
WN8 7RU



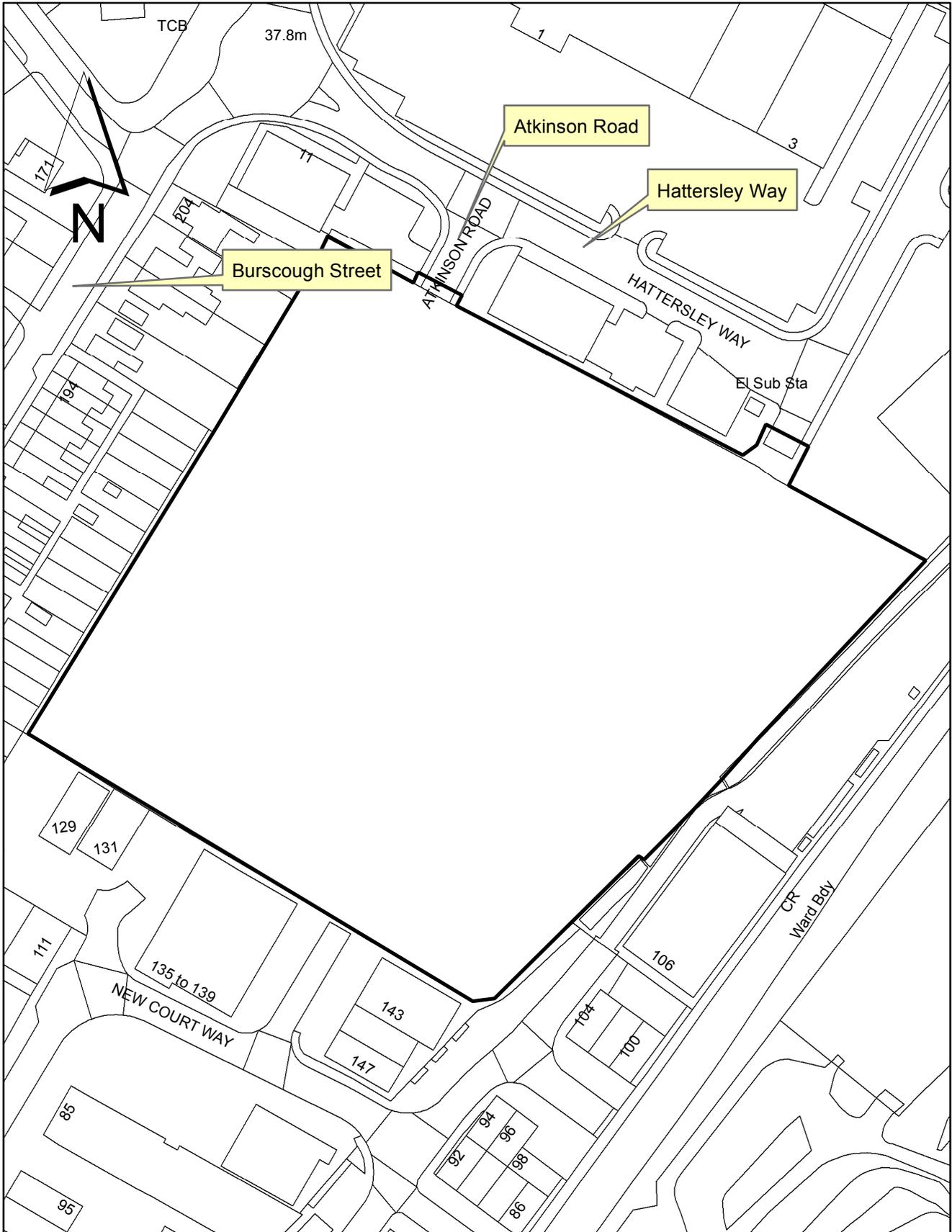


Beacon Park Golf Centre, Beacon Lane, Dalton, Wigan
WN8 7RU



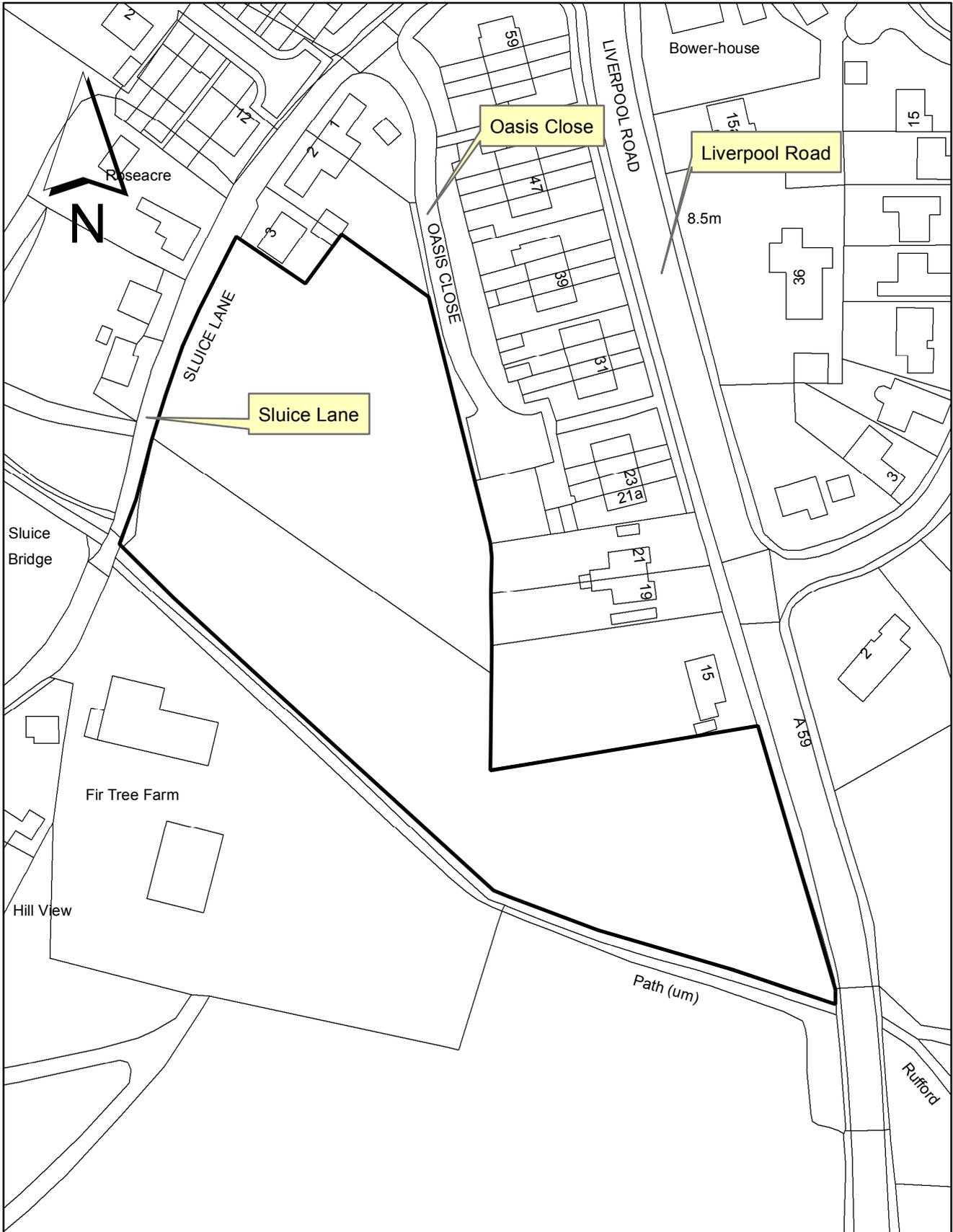


Site of former Atkinson Kirkby, Atkinson Road, Ormskirk L39 6SQ



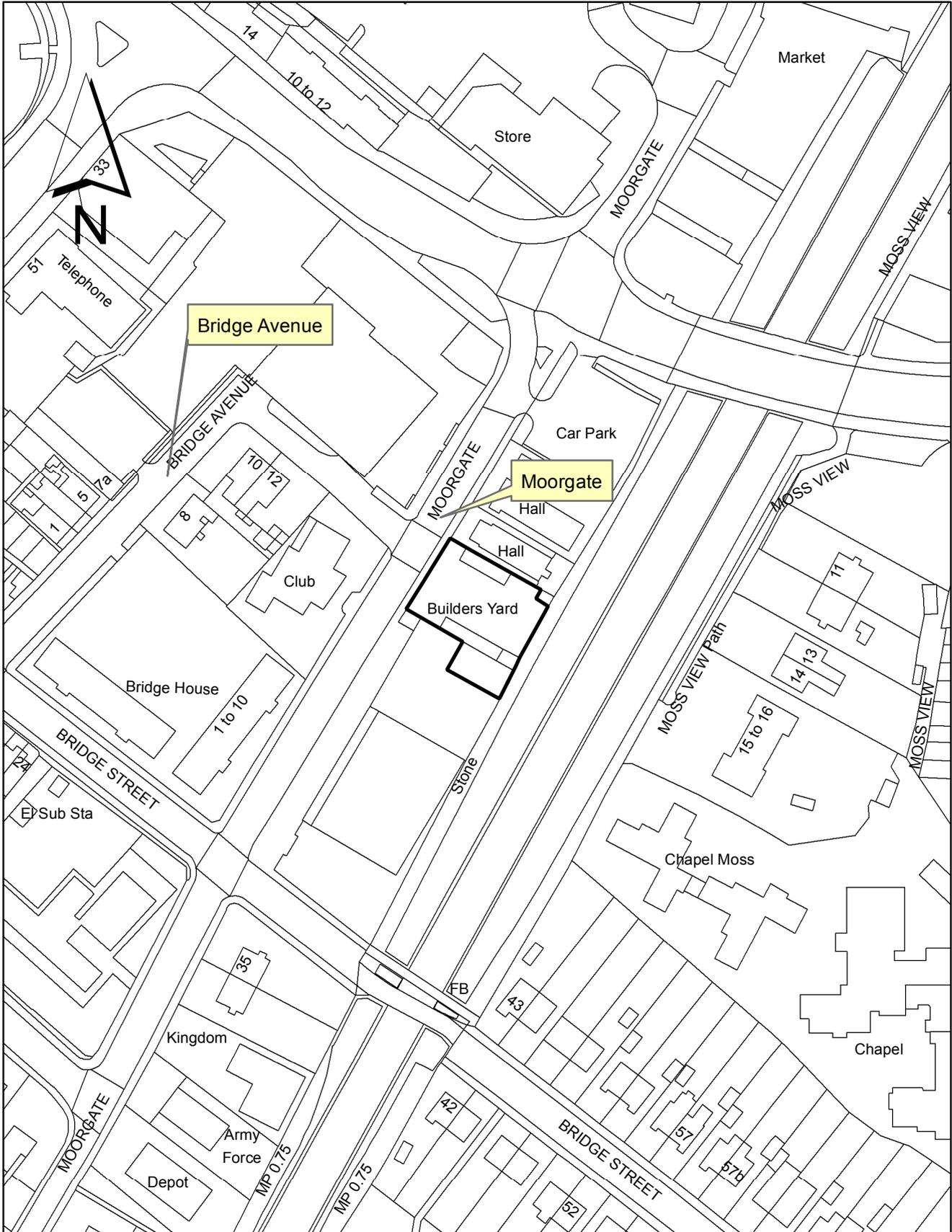


Land to the west of Oasis Close, Rufford L40 1SA



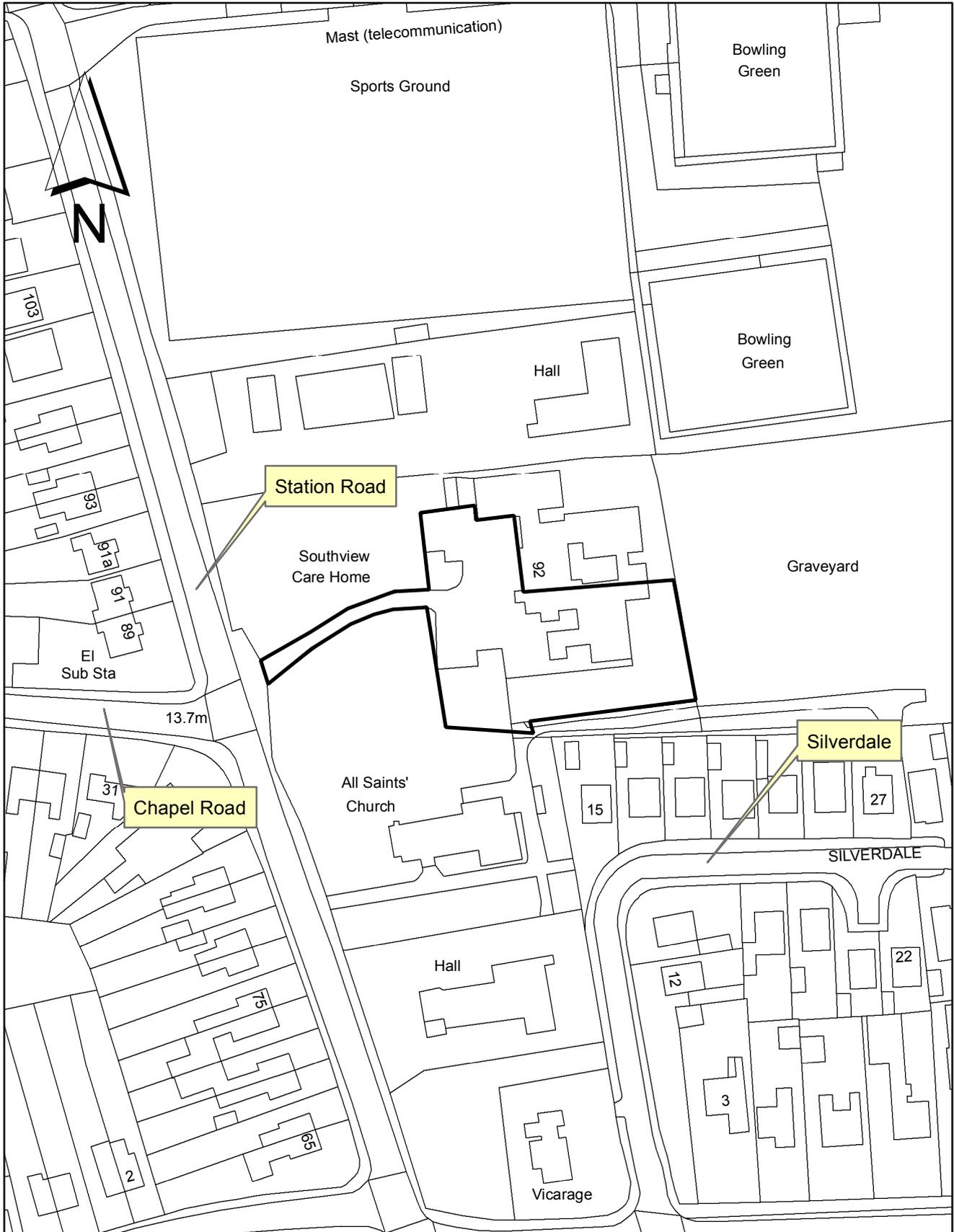


Premises known as The Timber Yard, Moorgate, Ormskirk
L39 4RT



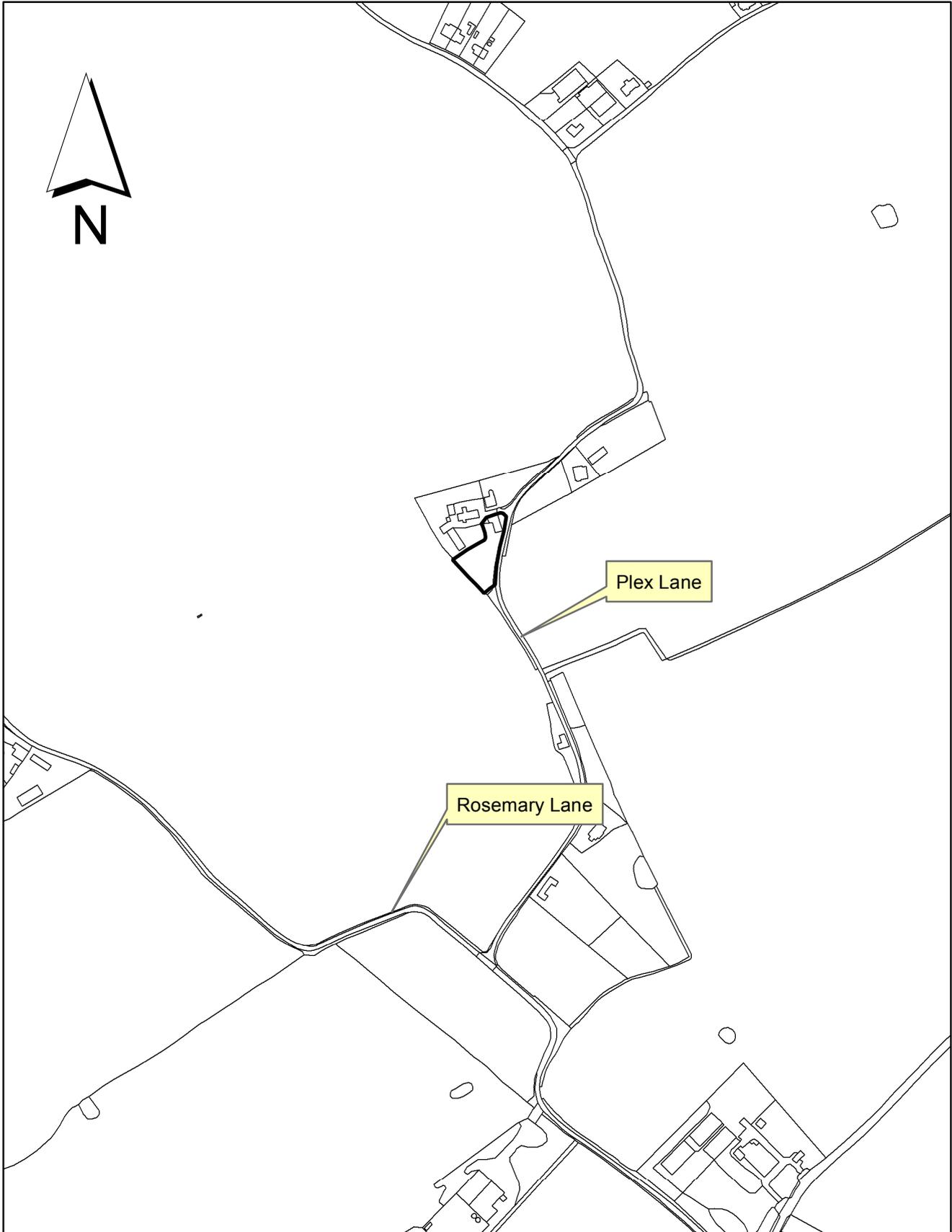


Southview Lodge Care Home, 92 Station Road, Hesketh Bank, Preston PR4 6SQ



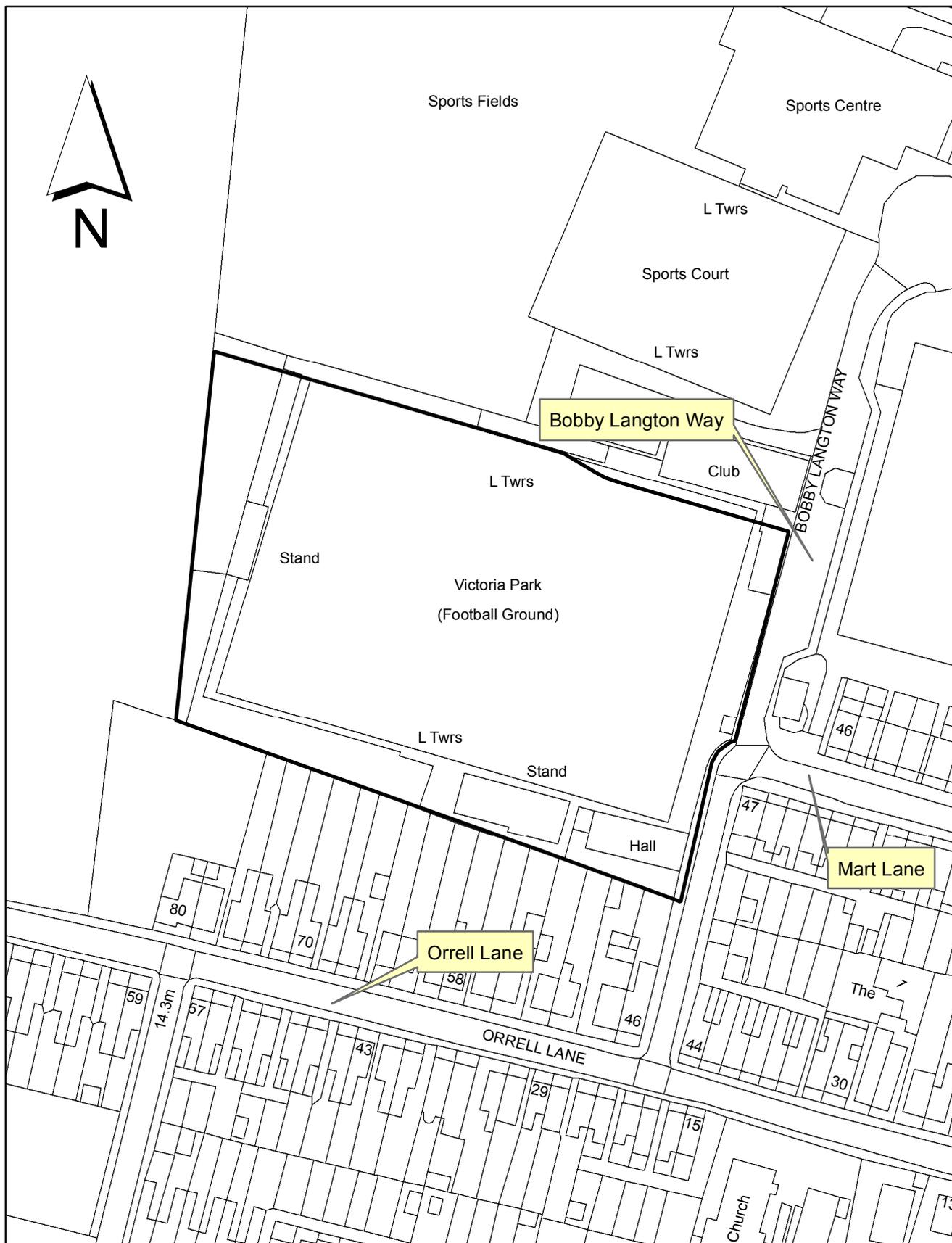


Gibbons Barn, Plex Lane, Halsall, Ormskirk L39 7JZ



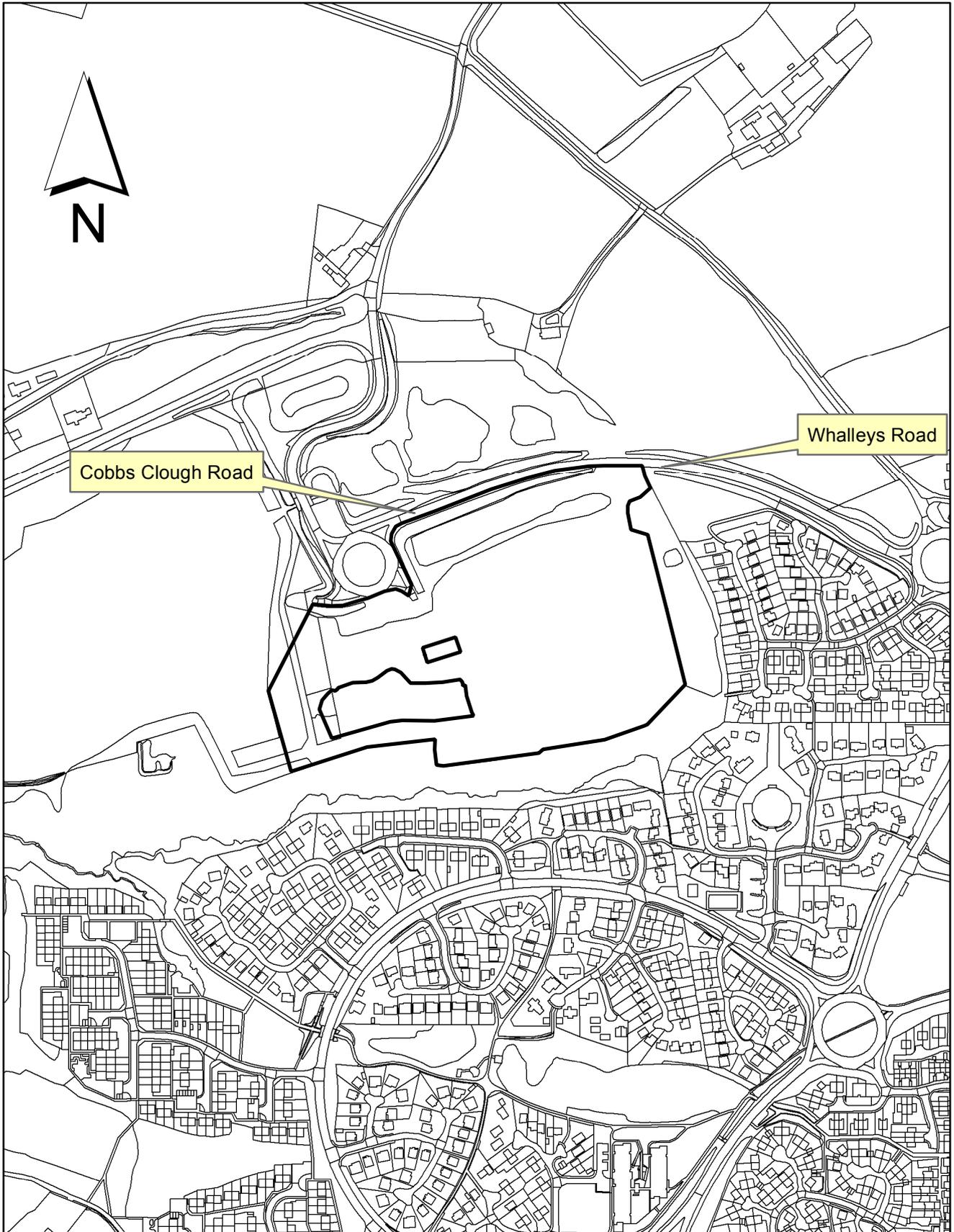


Burscough AFC, Victoria Park, Mart Lane, Burscough L40 0SD



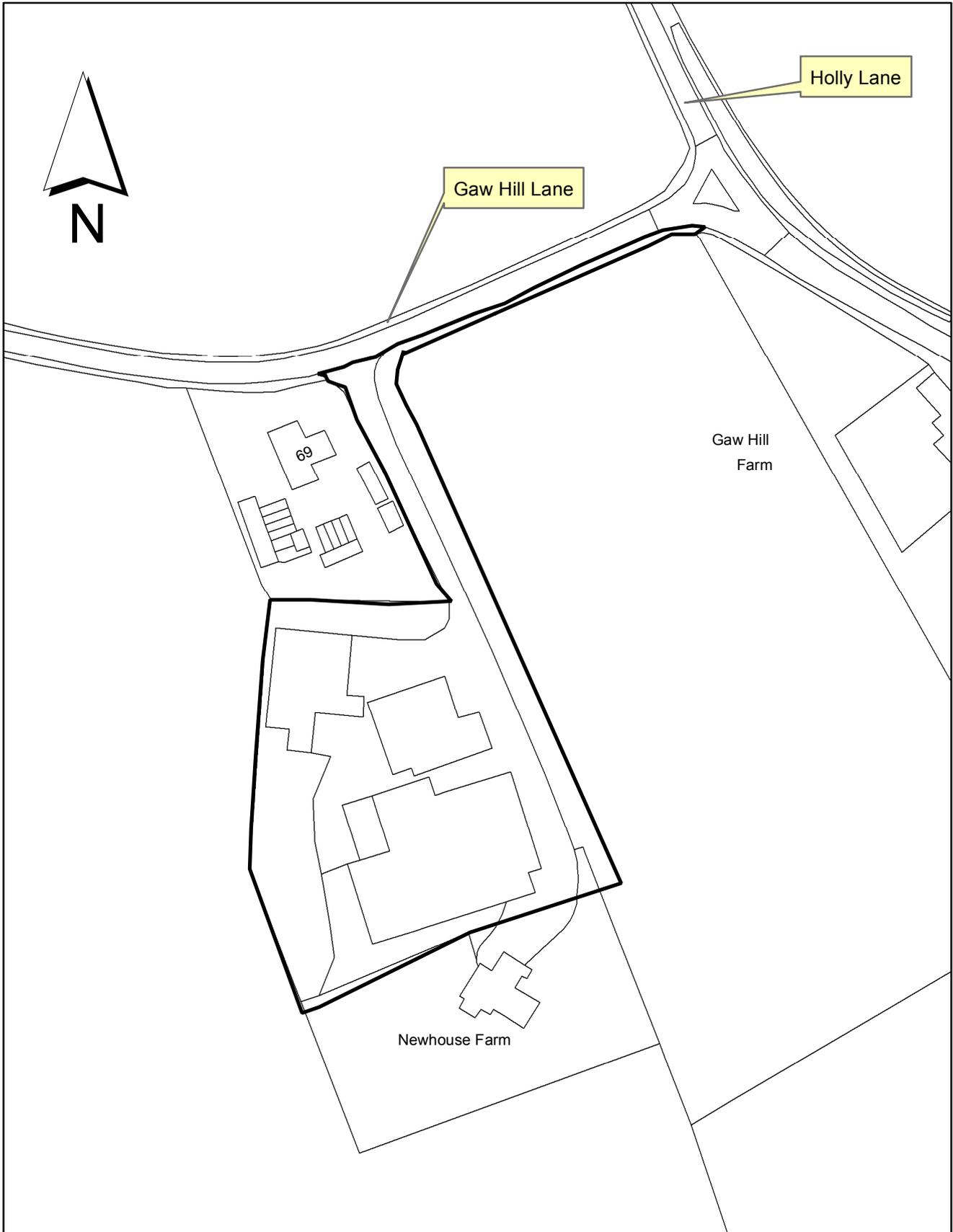


Land to the north of Cobbs Clough Whalleys Road,
Skelmersdale WN8 6SQ





67 Gaw Hill Lane, Aughton, Ormskirk L39 7HA



Agenda Item 7a

No.1	APPLICATION NO.	2018/1158/FUL
	LOCATION	Beacon Park Golf Centre Beacon Lane Dalton Wigan Lancashire WN8 7RU
	PROPOSAL	Variation of Condition No. 1 of planning permission 2016/0040/FUL to vary the location, site and cross section plans submitted with the original application to regularise the as built land levels, landscaping and development layout of the nine hole short course. Replacement of plan reference 1115.11 received by the Local Planning Authority on 13th July 2011 with plan references 1115.11 Rev B and 1115.21. Replacement of plan reference 1115.15 received by the Local Planning Authority on 13th July 2011 with plan reference 1115.X6 cross sections. Approval of new plan reference 1115.27 Par 3 Landscaping. All other plans to remain as per the decision notice.
	APPLICANT	SERCO Leisure Operating Limited
	WARD	Tanhouse
	PARISH	Unparished - Skelmersdale
	TARGET DATE	15th February 2019

1.0 SUMMARY

- 1.1 The application seeks to retrospectively regularise earthworks carried out to form a new short-course golf facility and proposes access and drainage improvements to a previously approved scheme. The existing and proposed works are considered acceptable in principle and detail in that they provide enhancements to the facilities to encourage outdoor sport and recreation whilst preserving the Green Belt and landscape qualities. No adverse impacts on nearby land uses or biodiversity interests in the locality are anticipated. The development is considered in accordance with the relevant parts of the National Planning Policy Framework and the West Lancashire Local Plan (2012-2027) Development Plan Document.

2.0 RECOMMENDATION

- 2.1 That conditional planning permission be **GRANTED**.

3.0 THE SITE

- 3.1 Beacon Park Golf Club is located between Beacon Lane to the east and Stannanought Road to the west. Immediately to the south of the golf course is Beacon Country Park. The site is located within the Green Belt and is also designated as a recreation facility and as a nature conservation site. Footpath 106 lies to the north of the works site.
- 3.2 The 9-hole course sits within the wider golf course context and is located west of Beacon Lane. The site is approx. 320 x 130 m with a general fall of land from north-east to south-west. The site has recently been subject to works under the terms of the 2011 and 2016 permissions and has been re-profiled to form the basis of the short-hole course but currently remains unused.

4.0 THE PROPOSAL

- 4.1 This application seeks amendments to planning permission 2016/0040/FUL for variations in levels and layout on the 9-hole short course, the inclusion of drainage management

measures in the form of herringbone channels and swales, the provision of an access path and variations to landscape proposals.

- 4.2 The application seeks retention of increased levels on the site. This amounts to an estimated 16,000 m³ over the site giving an additional average level in the order of 0.4 m across the site, but variations appear to be less than this on the majority of the site with the bulk of additional material graded on the south-western slope of the site. In addition, the installation of gravel pathways providing access to either side of the first hole from the first tee is proposed and two herringbone drainage fields to manage surface water run-off.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2018/1164/FUL - PENDING Remodelling of driving range at Beacon Park Golf Centre to create a Foot Golf course, remodelling of 1st hole green, 2nd hole tees, creation of mounding and re-profiling of ground adjacent to 1st fairway, remodelling of ground between 1st and 18th holes and associated landscaping.
- 5.2 2016/0040/FUL - GRANTED (22.02.2016) Variation of Condition No.7 imposed on planning permission 2011/0787/FUL to read: 'The development shall take place in accordance with the Coal Mining Risk Assessment Addendum Report produced by WSP dated November 2015'.
- 5.3 2013/1382/CON - REFUSED (27.02.2014) Approval of details reserved by condition no. 7 on planning permission 2011/0787/FUL relating to a coal mining risk assessment.
- 5.4 2011/0787/FUL - GRANTED (12.12.2011) Partial remodelling of existing golf course and driving range and creation of new nine hole short course.
Enforcement (former golf driving range)
- 5.5 E/2015/0223/BCN - Breach of planning condition no 1 imposed on planning permission 2016/0040/FUL (Depositing of waste material.)

6.0 OBSERVATIONS OF CONSULTEES

- 6.1 LCC (Highways) (29.11.18) - The Highway Development Support Section has no objection in principle to this application and is of the opinion that the proposed development should have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site.
- 6.2 Environment Agency (22.11.18) – No objections (outside remit); advisory requested.
- 6.3 The Coal Authority (07.12.18) – No objections subject to compliance or restatement of Condition 8 of the original permission.

7.0 OTHER REPRESENTATIONS

- 7.1 None received

8.0 SUPPORTING INFORMATION

- 8.1 The following information is submitted in support of the application:
Flood Risk Assessment
Arboricultural Survey
Biodiversity survey and report
Landscaping details

9.0 RELEVANT PLANNING POLICY

9.1 The National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG); the West Lancashire Local Plan 2012-2027 DPD (WLLP); and, the Lancashire Site Allocation and Development Management Policies Local Plan provide the policy framework against which the development proposals will be assessed. The site is allocated as within the Green Belt, is a Nature Conservation Site, area of Landscape History Importance of county significance, an established countryside recreation site and a Mineral Safeguarding Area in the WLLP. The following policies are relevant in the determination of this planning application:

9.2 National Planning Policy Framework

Achieving well-designed places
Protecting Green Belt land
Conserving and enhancing the natural environment

9.3 West Lancashire Local Plan 2012-2027 DPD

GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
EN2 – Preserving and Enhancing West Lancashire's Natural Environment
EN3 – Provision of Green Infrastructure and Open Recreation Spaces

9.4 Supplementary Planning Document – Design Guide (Jan 2008)
Supplementary Planning Guidance – Natural Areas and Areas of Landscape History Importance (updated Aug 2007)

9.5 **Lancashire Site Allocation and Development Management Policies Local Plan**
Policy M2 Minerals Safeguarding

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Background

10.1 Works commenced on the Beacon Park site following the initial grant of planning permission for large scale remodelling of the golf course and adjacent land, including the importation of significant amounts of inert material. In August 2015 a complaint was received by the Council that the works were not being completed in accordance with the approved plans. Investigations found that material for the works had been brought on to this and other parts of the site however the majority of the works to the 18-hole golf course remained incomplete and three main areas were left with additional stockpiled material – the 9-hole course, the former driving range area and a linear strip between the first fairway and Elmers Green Lane. In accordance with adopted enforcement protocols, efforts have been directed at seeking resolution with the site operator to attempt to resolve any planning harm arising. This application relates to the 9-hole course area only.

Principle of Development

10.2 As a s.73 application (amendment) the general principle of development has previously been accepted and it is only the matters of the variations to the 2016 permission that are subject to review under the terms of this application. In Green Belt terms the majority of the works constitute engineering operations that are acceptable in principle if they protect the openness of the Green Belt and avoid conflict with the purposes of including land

within it. As with the initial assessment, the retention of additional material on the site will not conflict with either test – ultimately appearing as part of a semi-natural element of its landscape setting and retaining a rural characteristic substantially free from development. The introduction of short path lengths (approx. 155 m total) will give rise to some loss of openness, as will drainage works to a lesser extent. Neither will conflict with the reasons for including land in the Green Belt. The limited harm to the openness must be considered in the context of the general support for improved access and encouragement for opportunities for outdoor sport and recreation (NPPF para 141) and Policy EN3 in the WLLP. Given the limited area of works and context of the site adjacent to the main golf course (which includes similar pathways) I consider the proposals are acceptable in principle in the Green Belt.

Design and Appearance

- 10.3 The proposed development lies within areas classified as a landscape of historic importance of county significance because of the characteristics of ancient countryside coupled with significant industrial heritage. Policy GN3 states that proposals for development should maintain or enhance the distinctive character and visual quality of any Landscape Character Areas in which they are located.
- 10.4 The proposed footways will have a width of approx. 1.5 m and be finished in gravel to appear consistent with other pathways on and about the 18-hole course and are therefore consistent with the locality and acceptable in their context.
- 10.5 The retention of the additional material on the site gives a marginally greater sense of land profiling than that of the approved scheme and the managed landscape that is the 18-hole course. The landscape and visual amenity assessment undertaken at the time of the original 2011 application anticipated that *'levels will typically rise by several meters where new greens, tees and fairways are being pushed out from the existing slope, but in small areas new mounds will result in elevation changes of up to 5.5m'*. This substantially remains the case, although the western fringe of the site is perhaps more prominent by virtue of its greater incline; however, this area benefits from established tree screening and therefore its impact on the wider landscape is very limited from outside the site. The minor realignment of some of the holes will not have a material impact. I would generally agree with the submitted assessment that concludes that no significant adverse impact on fixed views from outside the site will arise. On that basis I am satisfied the development accords with Policy GN3 in the WLLP.

Ecology and Trees

- 10.6 Due to the substantial retrospective nature of the works there is not considered to be any significant additional adverse impacts on protected species or their habitats as a consequence of the proposals. It is notable that a small number of tree losses have occurred within an area prone to waterlogging within the short course area. Compensatory tree planting and the formation of swales are anticipated to maintain or improve the biodiversity of the site and therefore the requirements of Policies EN2 and GN3 in this respect are expected to be met. These enhancements will be secured by planning condition/s.

Highways Implications

- 10.7 The proposed development substantially reflects the as built development with only minor additional works anticipated. It is not anticipated that the proposal would result in the generation of any significant or abnormal traffic conditions and no adverse impacts on

highway safety or capacity are anticipated. No implications are expected for the continued use of Footpath 106 to the north.

Flood Risk and Drainage

- 10.8 A Flood Risk Assessment accompanies the application and concludes that subject to suitable drainage measures to address any potential for higher surface water discharge from the site arising from the increased land levels, inclines and anticipated lower permeability of the imported material, the level of flood risk in the locality or elsewhere will not be elevated by the proposed development. As existing outlets for surface water are present on site final detail of holding swales and discharge flows will be reserved for planning conditions. Subject to no increases in surface water flow leaving the site the development will accord with the requirements of Policy GN3 in the WLLP.

11.0 **RECOMMEDATION**

- 11.1 Planning permission be **GRANTED** subject to the following conditions:

Conditions

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan references 1115.11 Rev. B; 1115.X6; 1115.21; and, 1115.27 received by the Local Planning Authority on 5 November 2018.
2. Prior to first use of the 9-hole course full details of the calculations demonstrating pre-development surface run-off rates, proposed swales and mechanisms to restrict surface water flow from the site (including their maintenance) to a level not exceeding the pre-development greenfield rate shall be submitted to and approved in writing with the Local Planning Authority; the approved surface water management drainage scheme shall be implemented in full in accordance with the approved details prior to first use of the course and be retained in working order for the duration of the development.
3. Within the first planting season following this decision the approved landscaping scheme shown on plan ref. 1115.27 shall be carried out. All trees and shrubs planted shall comply with BS. 3936 (Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.

Reasons

1. For the avoidance of doubt and to ensure compliance with the provisions of Policies GN3 and EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
2. 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.
3. To compensate for tree losses and 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.

Reason for Approval

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

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN3 - Provision of Green Infrastructure and Open Recreation Spaces

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

Agenda Item 7b

No.2	APPLICATION NO.	2018/1164/FUL
	LOCATION	Beacon Park Golf Centre Beacon Lane Dalton Wigan Lancashire WN8 7RU
	PROPOSAL	Remodeling of driving range at Beacon Park Golf Centre to create a Foot Golf course, remodeling of 1st hole green, 2nd hole tees, creation of mounding and re-profiling of ground adjacent to 1st fairway, remodeling of ground between 1st and 18th holes and associated landscaping.
	APPLICANT	SERCO Leisure Operating Limited
	WARD	Tanhouse
	PARISH	Unparished - Skelmersdale
	TARGET DATE	15th February 2019

1.0 SUMMARY

- 1.1 The application seeks approval of works to remove stockpiled fill from the former golf driving range at Beacon Park Golf Centre to form a 'foot-golf' course on the site; to retrospectively regularise earthworks carried out to form a linear series of landscape mounds on the southern fringe of the 18-hole course; and, seek minor amendments of previously approved enhancements to the southern part of the 18-hole course including land level increases. The existing and proposed works are considered acceptable in principle and detail in that they provide enhancements to the facilities to encourage outdoor sport and recreation whilst preserving the Green Belt and landscape qualities. No adverse impacts on nearby land uses or biodiversity interests in the locality are anticipated. The development is considered to be in accordance with the relevant parts of the National Planning Policy Framework and the West Lancashire Local Plan (2012-2027) Development Plan Document.

2.0 RECOMMENDATION

- 2.1 That conditional planning permission be **GRANTED**.

3.0 THE SITE

- 3.1 Beacon Park Golf Club is located between Beacon Lane to the east and Stannanought Road to the west. Immediately to the south of the golf course is Beacon Country Park. The site is located within the Green Belt and is also designated as a recreation facility and as a nature conservation site.
- 3.2 Although the application shows the full extent of the golf course and associated facilities the areas of proposed works are limited to the former driving range and land at the southern extent of the 18-hole course below the line of Footpath 106 – primarily to either side of Hole 1 fairway, the Hole 1 green area, Hole 2 tee area and landscaping between Holes 10 and 18.

4.0 THE PROPOSAL

- 4.1 This application effectively seeks amendments to planning permission 2016/0040/FUL for variations in levels on the former driving range area and its alternative use as a foot-golf course; revised proposals in the areas of previously consented works on the southern part of the 18-hole golf course in terms of mounding forms and heights; and, the formation of a linear mound to the southern boundary of the course.

- 4.2 The proposals insofar as they relate to the former driving range will reduce current levels between about – 1.0 m and + 4.2 m (the majority of the area will see an average removal of about 3 metres depth of material removed) to provide a relatively level playing area for foot-golf (aside from localised mound profiling for visual interest and course enhancement). The western side of the land will see a reduced incline from the current situation with a linear mound and low fencing to limit ball run-off. Gated access to the lower part of the western slope will be provided and facilitated by 4 runs of timber steps. The site will be laid out to provide a nine hole course with tees, greens and landscaping.
- 4.3 In terms of the (existing) new mounding element to the southern side of the first fairway, this presents as a profiled linear mound generally of about 15 metres base width with variations in height substantially between 1.0 to 1.5 metres with some larger elements. The mound has been grassed over.
- 4.4 The works to the first green will see a reduction in its final level of about 1 metre in comparison with the approved scheme, however the second-hole tees will be lifted about a metre above their approved level (the slope between the two will therefore be reduced). The green formation will include an improved standard of surface and drainage. The approach fairway will be regraded from about two-thirds along its length to the new green level. In addition, two further areas of consented mounding will see slight variations in their form, although the overall heights of the mounding are very similar.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2018/1158/FUL PENDING Variation of Condition No. 1 of planning permission 2016/0040/FUL to vary the location, site and cross section plans submitted with the original application to regularise the as built land levels, landscaping and development layout of the nine hole short course. Replacement of plan reference 1115.11 received by the Local Planning Authority on 13th July 2011 with plan references 1115.11 Rev B and 1115.21. Replacement of plan reference 1115.15 received by the Local Planning Authority on 13th July 2011 with plan reference 1115.X6 cross sections. Approval of new plan reference 1115.27 Par 3 Landscaping. All other plans to remain as per the decision notice.
- 5.2 2016/0040/FUL GRANTED (22.02.2016) Variation of Condition No.7 imposed on planning permission 2011/0787/FUL to read: 'The development shall take place in accordance with the Coal Mining Risk Assessment Addendum Report produced by WSP dated November 2015'.
- 5.3 2013/1382/CON REFUSED (27.02.2014) Approval of details reserved by condition no. 7 on planning permission 2011/0787/FUL relating to a coal mining risk assessment.
- 5.4 2011/0787/FUL GRANTED (12.12.2011) Partial remodelling of existing golf course and driving range and creation of new nine hole short course.

Enforcement (former golf driving range)

- 5.5 E/2015/0223/BCN Breach of planning condition no 1 imposed on planning permission 2016/0040/FUL (Depositing of waste material.)

6.0 OBSERVATIONS OF CONSULTEES

- 6.1 Environment Agency (22.11.18) – no objections (outside remit); advisory requested.
- 6.2 Natural England (03.12.18) – no comments

6.3 The Coal Authority (10.12.18) – no objections subject to imposition of a planning condition to implement the proposed precautionary investigations and works to address any risk arising from the former Daltons Shaft.

7.0 OTHER REPRESENTATIONS

7.1 None received.

8.0 SUPPORTING INFORMATION

8.1 The following information is submitted in support of the application:

Flood Risk Assessment
Arboricultural Survey
Biodiversity survey and report
Landscaping details
Planning Statement
Design and Access Statement
Coal Mining Risk Assessment
Landscape and Visual Assessment
Letter of Support from Head Greenkeeper

9.0 RELEVANT PLANNING POLICY

9.1 The National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG); the West Lancashire Local Plan 2012-2027 DPD (WLLP); and, the Lancashire Site Allocation and Development Management Policies Local Plan provide the policy framework against which the development proposals will be assessed. The site is allocated as within the Green Belt, is a Nature Conservation Site, area of Landscape History Importance of county significance, an established countryside recreation site and a Mineral Safeguarding Area in the WLLP. The following policies are relevant in the determination of this planning application:

9.2 National Planning Policy Framework

Achieving well-designed places
Protecting Green Belt land
Conserving and enhancing the natural environment

9.3 West Lancashire Local Plan 2012-2027 DPD

GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
EN2 – Preserving and Enhancing West Lancashire's Natural Environment
EN3 – Provision of Green Infrastructure and Open Recreation Spaces

9.4 Supplementary Planning Document – Design Guide (Jan 2008)
Supplementary Planning Guidance – Natural Areas and Areas of Landscape History Importance (updated Aug 2007)

9.5 **Lancashire Site Allocation and Development Management Policies Local Plan**
Policy M2 Minerals Safeguarding

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Background

- 10.1 Works commenced on the Beacon Park site following the initial grant of planning permission for remodelling of parts of the golf course and adjacent land, including the importation of significant amounts of inert material. In addition to works to form a 9-hole short course (see previous agenda item), stockpiling took place on the former driving range site. Works subsequently ceased on site without the works to the 18-hole course being completed. Due to local landscape and visual amenity impacts the retained stockpiled area was subsequently made subject of a Breach of Condition Notice (BCN) requiring the land to be levelled in accordance with the terms of the 2016 permission. The proposals submitted here are revisions to the consented scheme to seek to address the identified planning harm arising from the stockpile subject of the BCN and amendment of the profiling levels on the southern part of the course to achieve the originally anticipated improvements to this part of the course in design and drainage management terms.

Principle of Development

- 10.2 The extant 2016 permission establishes the acceptability of the general principle of development on the site in terms of Green Belt and enhancement of the existing recreational facilities. In Green Belt terms the works constitute engineering operations that are acceptable in principle if they protect the openness of the Green Belt and avoid conflict with the purposes of including land within it. As with the initial assessment, the retention of additional material on the sub-sites and alternative mounding levels will not conflict with either test – ultimately appearing as part of the managed and landscaped facilities. The variations on the golf course will present as common golf course features and be finished with landscaping to assimilate it into its landscape setting.
- 10.3 The introduction of supporting infrastructure in terms of stepped access, short path lengths and new fencing will give rise to some loss of openness, as will drainage works to a lesser extent. In the setting of the recreational provision these will not conflict with the reasons for including land in the Green Belt. The limited harm to the openness must be considered in the context of the general support for improved access and encouragement for opportunities for outdoor sport and recreation (NPPF para 141) and Policy EN3 in the WLLP. Given the limited areas of hard landscaping elements and managed countryside park/golf course setting I consider the proposals are acceptable in principle in the Green Belt.

Design and Appearance

- 10.4 The proposed development lies within areas classified as a landscape of historic importance of county significance because of the characteristics of ancient countryside coupled with significant industrial heritage. Policy GN3 states that proposals for development should maintain or enhance the distinctive character and visual quality of any Landscape Character Areas in which they are located. The principle of mounding works in this locality is previously established and, as above, the revised works will assimilate into their context through landscaping. Views of the works areas are substantially limited to those from close quarters with the existing high level of tree screening ensuring that distant views will not be affected and therefore the general landscape character retained.
- 10.5 Although material is to be removed from the former driving range the levels on this area will be retained above that of the previous facility. However, the formation of tees and greens with intervening landscaping will add visual interest in comparison to the previous 'levelled field' appearance and therefore not appear out of context in this locality. The most artificial element of this area will be the western slope, however, views are substantially limited due to established tree screening on three sides and therefore only visible from on

the site itself. Given the above, I am satisfied the development accords with Policy GN3 in the WLLP.

Ecology and Trees

- 10.6 The ecology assessment concludes that the recently disrupted and managed areas of the driving range and golf course have little value in biodiversity terms. Some isolated individual trees and a stand of young elder to the north of the first green will be removed (as per the previous permission) but, due to their young age, exposure and isolation in a heavily-managed area of the golf course they are not considered suitable features for roosting bats or of significant amenity value from outside the site. Mature established trees are to be retained. Proposed landscaping to the foot-golf area will offset any tree removal losses and improve visual amenity. The presence of an invasive plant species in the south-western part of the site close to the proposed works may require management to avoid conflict with the Wildlife and Countryside Act 1981 (as amended); a condition requiring suitable management will be imposed to this end. In terms of ecology and trees the requirements of Policies EN2 and GN3 are considered to be met.

Highways Implications

- 10.7 The proposed re-working of the identified areas does not require the importation of further subsoil to form the basis of the works – in the main this will be achieved by removing fill from the stockpiled volume on the former driving range. Some importation of top soil will be required during the final stages of the works to support final dressing and establishment of vegetation on the new green and fairway, estimated at 400 large loads. Previous works were facilitated by the creation of a new temporary access from Stannanought Road to the west where up to some 23,400 estimated deliveries were anticipated. This route was agreed to avoid the sensitive locations and width restrictions at either end of Beacon Lane/Mill Lane. It is currently proposed to access the site from Beacon Lane. The views of the highway authority are awaited at the time of writing and therefore routing of vehicles will be reserved to planning condition. It is not anticipated that the proposals will adversely impact highway capacity in the locality and, given the limited number of anticipated loads, highway safety is unlikely to be prejudiced subject to avoidance of key times.

Flood Risk and Drainage

- 10.8 A Flood Risk Assessment accompanies the application and concludes that subject to suitable drainage measures to address any potential for higher surface water discharge from the site arising from the increased land levels, inclines and anticipated lower permeability of the imported material, the level of flood risk in the locality or elsewhere will not be elevated by the proposed development. As existing outlets for surface water are present on site final detail of holding swales and discharge flows will be reserved for planning conditions. Subject to no increases in surface water flow leaving the site the development will accord with the requirements of Policy GN3 in the WLLP.

Risk from Former Mine Workings

- 10.9 A former mine shaft known as Daltons Shaft is known to exist on the driving range site; a risk assessment has been carried out and subject to precautionary remedial works it is considered that any residual risk can be suitably managed through these measures. The Coal Authority has indicated that it considers the measures appropriate to deliver a safe form of development.

Other Matters

- 10.10 Notwithstanding that an extant permission is in place for significant works to the golf course, I am aware of concerns that the proposals may result in lengthy disruptions to course users with implications for competitive golf and handicaps. The proposed works will inevitably result in disruption during an interim halt to use of the first fairway, green and second tees to users as the works take place. The use of temporary tees and greens, and reconfiguration of some of the remaining holes will ensure that the Council of National Golf Unions standards will be met for course length and par thereby ensuring continuous eligibility to host competitions and maintain handicaps.

Summary

- 10.11 A significant proportion of the works are relatively small amendments to the previously approved schemes. The new linear string of mounds to the southern extent of the 18 hole course assimilate well and help define this limit of the course. The construction of the 9-hole foot golf course on the former driving range will provide a new facility aimed at introducing young and older users alike into a relatively new recreational activity whilst complimenting the existing facilities. The proposals are in general compliance with the WLLP and NPPF and therefore planning permission should be granted.

11.0 **RECOMMEDATION**

- 11.1 Planning permission be **GRANTED** subject to the following conditions:

Conditions

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan references 1115.16, 1115.X2, 1115.X3, 1115.X5, 1115.15B, 1115.17, 1115.20, 1115.22, 1115.23, 1115.24, 1115.25 and 1115.26 received by the Local Planning Authority on 5 November 2018.
2. Within one month of the date of this permission details of the date of commencement and schedule for completion of the works shall be submitted to the Local Planning Authority for approval. The works shall take place in accordance with the agreed schedule unless otherwise agreed in writing with the Local Planning Authority.
3. Prior to the deposit of subsoil on any part of the site the existing topsoil in those areas shown on the approved plans shall be stripped and stored on site for redressing of the same area on completion of subsoil works. Any work to strip and/or move the topsoil shall only be carried out in dry conditions. Topsoil and subsoil shall be stripped, moved and stored separately and shall not be mixed together at any time.
No topsoil shall be removed from the site during or after the carrying out of the proposed development.
Any additional imported top soil to achieve the minimum stated 175 mm depth shall meet BS3882:2015 standard.
4. No soils or aggregates shall be imported from outside the site until full details of the number and type of vehicle movements and proposed routing of those vehicles has been submitted to and approved in writing with the Local Planning Authority. Thereafter traffic delivering to the site shall only use the agreed route.
5. The hard and soft landscaping areas shall be provided as an integral part of the development and completed within the first planting season on completion of the groundworks. Unless otherwise specified all trees and shrubs planted shall comply with BS. 3936 (Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.

6. Prior to first use of the development hereby approved full details of the calculations demonstrating pre-development surface run-off rates, proposed swales and mechanisms to restrict surface water flow from the site (including their maintenance) to a level not exceeding the pre-development greenfield rate shall be submitted to and approved in writing with the Local Planning Authority; the approved surface water management drainage scheme shall be implemented in full in accordance with the approved details prior to first use of the first green and foot-golf course and be retained in working order for the duration of the development.
7. The recommendations of WSP Coal Mining Risk Review report, received by the Local Planning Authority on 16 November 2018, shall be implemented in full as an integral part of the development.

Reasons

1. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
2. To ensure the timely delivery of the works and address the planning harm arising from the retained stockpile on the former driving range.
3. In order to protect the soil asset of the site and comply with the requirements of Policies GN3 and EN2 in the West Lancashire Local Plan (2012-2027) Development Plan Document.
4. To safeguard the safety and interests of the users of the highway and local amenity and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To 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.
6. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. In order to comply with the requirements of Policy GN3 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:

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN3 - Provision of Green Infrastructure and Open Recreation Spaces

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 7c

No.3	APPLICATION NO.	2018/0800/FUL
	LOCATION	Site Of Former Atkinson Kirkby Atkinson Road Ormskirk Lancashire
	PROPOSAL	Phased mixed-use redevelopment comprising: (Phase I) a residential development comprising 51 affordable housing units with associated access, parking, landscaping and infrastructure; (Phase II) a Class A1 retail store with associated car parking and servicing areas, access and infrastructure; and (Phase III) a terrace of six commercial units suitable for occupation within Classes A1 (non-food retail), B1 and/or B8 with associated car parking, access and infrastructure.
	APPLICANT	Citypark Projects Ltd, Lidl UK GmbH And Chorley Community...
	WARD	Scott
	PARISH	Unparished - Ormskirk
	TARGET DATE	29th October 2018

1.0 SUMMARY

- 1.1 The proposed mixed use of the site for new housing, retail and commercial use would be contrary to policy EC1 for Strategic Employment Sites but the retail store would respect the sequential test and impact test for town centre uses. The retail store and the 6 small flexible commercial units totalling 660m² will generate significant levels of employment and the development will deliver 51 affordable new homes on a brownfield site in an accessible location contributing to housing delivery targets and local need. In respect of the principle of this mixed use development I therefore consider that the benefits of the scheme outweigh the harm to employment policy objectives of the Local Plan.
- 1.2 The site specific details of the scheme in relation to layout and design, impact on residential amenity, drainage, highways and contamination are considered to be acceptable 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 is located to the west of the Ormskirk/Preston railway line, and is to the north of New Court Way, south of Hattersley Way, and to the east of housing which fronts onto Burscough Road. The site is approximately 400m from Ormskirk town centre. The site was previously occupied by Atkinson and Kirby timber flooring suppliers, but has now been cleared with just hardstanding remaining on the site. The site is rectangular in shape and is relatively flat but there is a marked change in site levels between the site and land to the south and east.
- 3.2 Plumbase and Tile Giant are located either side of the site access to the north, with the Hattersley Centre located to the north on the opposite side of the main estate road Hattersley Way. The Hattersley Centre consists a mixture of A1 retail units ; Home Bargains, Iceland, Halfords, Poundworld, Costa Coffee and business/warehouse units; Jewsons, Howdens and Magnet
- 3.3 There are 2 vehicular access points into the site off Hattersley Way which is linked to Burscough Street by a mini roundabout.

4.0 THE PROPOSAL

4.1 The application comprises a mixed use scheme with 3 phased elements:

Phase 1 - 51 Affordable Houses

Phase 2 - A Class A1 Retail Store 1,726m² gross

Phase 3 - 6 Commercial units totalling 660m² gross

Affordable Housing

4.2 The proposed residential development will occupy land along the southern and western site boundary, accessed directly from Atkinson Road. A total of 51 dwellings are proposed, which will comprise the following:

Two terraces of 20 one bedroom apartments, 10 of which will be suitable for older persons;

10 semi-detached 3 bedroom houses; and

21 semi-detached and terraced 2 bedroom houses.

4.3 The proposed dwellings will be 2-storey in height and be served by designated off street parking facilities to include electric vehicle charging facilities. All of the houses will have private outdoor amenity space to the rear of each property, with the apartments having communal outdoor space to the rear.

4.4 All of the proposed dwellings will comprise affordable housing rented tenure and will be owned and managed by Chorley Community Housing.

Retail Store

4.5 The retail element of the proposal will comprise a Lidl foodstore of 1,726m² gross (1,100m²) net

4.6 An area of land to the north of the retail store will be left vacant for potential future expansion of the store

4.7 There are two vehicular and pedestrian access points into the foodstore site, it is anticipated that shoppers will primarily use the eastern-most access direct to the foodstore. This access on the western side of site/store will also be used only by Lidl delivery vehicles.

4.8 The retail store will be served by a total of 119 parking spaces, including 6 disabled, 8 parent and child spaces and 2 electric vehicle charging points together with cycling parking facilities. The car park will offer free parking for up to 90 minutes.

4.9 The Lidl store's opening hours will be 7am to 10pm Monday to Saturdays and for a six-hour period between 10am and 6pm on Sundays

Commercial Units

4.10 The proposal includes the erection of a 660m² gross building that will offer a terrace of six 110m² gross units that are suitable for occupation within Use Class A1 non-food retail, Class B1 offices and/or Class B8 trade counters

5.0 PREVIOUS RELEVANT DECISIONS

Application Site

- 5.1 2015/1298/PND - Application for determination as to whether prior approval is required for the method of demolition of the main former Hattersley warehouse and office block and proposed restoration of the site. PERMITTED DEVELOPMENT.

Adjoining Hattersley Centre

- 5.2 2016/0640/FUL – Erection of a new building measuring 186 sq. m for use within Classes A1 and A3 with associated external seating, landscaping and access works. (Costa Coffee) APPROVED.
- 5.3 2015/0736/FUL - Variation of condition no. 4 imposed on planning permission 2014/0348/FUL to widen the range of goods which can be sold from Unit 3 Hattersley Way, indicated as Unit 1F on Plan Ref: Proposed site plan 103/05 Rev A. APPROVED.
- 5.4 2014/0348/FUL – Variation of condition no.3 imposed on planning permission 2012/0887/FUL to allow the sale of food and other convenience goods from Unit 1A. Variation of Condition no.8 imposed on planning permission 2012/0887/FUL to amend opening hours of Unit 1A to 8am to 9pm Monday to Saturday and 9am to 6pm on Sundays and Public/Bank Holidays. APPROVED 29.08.14
- 5.5 2011/0274/FUL – Variation of Condition no.4 imposed on planning permission 2006/0075 to 'There shall be no internal alterations or sub-divisions of the non-food retail units either vertically or horizontally which would result in an increase in retail floorspace or sub-division to create a unit of less than 500sqm (gross) floorspace'. APPROVED 20.06.11.
- 5.6 2009/0475/FUL – Variation of condition 5 imposed on outline planning permission 2006/0075 to allow the sale of food and unrestricted non-food goods from 1867sqm of existing retail floorspace at the Hattersley Centre. REFUSED 11.03.10, DISMISSED ON APPEAL.
- 5.7 2007/0811/ARM – Reserved Matters – Scale and appearance for Phase 2. APPROVED 10.09.07.
- 5.8 2006/1131 – Reserved Matters – Scale, appearance and landscaping, details of fencing for Phase 1. APPROVED 09.03.07.
- 5.9 2006/0862 – Reserved Matters – Means of access to mixed use employment and non-food retail development approved in outline under application reference 2006/0075. APPROVED 20.10.06.
- 5.10 2006/0075 – Outline – Mixed use employment (B1 & B8) and non-food retail development including details of siting (all other matters reserved). APPROVED 17.07.06.

6.0 CONSULTEE RESPONSES

- 6.1 LCC HIGHWAYS (22/08/18) (12/10/18) (07/12/18) - the proposed development would not have a severe impact on highway safety/capacity within the immediate vicinity of the site. Detailed comments provided on site access, layout and parking for both residential and commercial developments.
- 6.2 LCC EDUCATION (10/09/18) - Lancashire County Council would seek to secure developer contributions towards additional school places .Do not seek a contribution from the developer in respect of primary places but seek a contribution of secondary provision

in respect of the full pupil increase of 2 places equalling £47,474.56. This is to be the subject of a legal agreement with the developer.

- 6.3 LEAD LOCAL FLOOD AUTHORITY (12/09/18) (24/10/18) (17/12/18) - No objection subject to conditions.
- 6.4 UNITED UTILITIES (05/10/18) - No objections subject to the imposition of recommended conditions in respect of groundwater protection and drainage.
- 6.5 DIRECTOR OF LEISURE AND WELLBEING (Environmental Health) – (19/12/18) objection in principle subject to safeguarding conditions in respect of noise
- 6.6 DIRECTOR OF LEISURE AND WELLBEING (Contaminated Land) (27/09/18) No objections subject to a condition requiring submission and approval of a Remediation Strategy and Validation Report
- 6.7 LANCASHIRE CONSTABULARY (26/07/18) No objection. Detailed security advice re residential and commercial developments. Request informatives.
- 6.8 CADENT GAS (17/08/18) No objection. Request note on Decision advising applicant that Cadent have identified operational gas apparatus within the application site boundary.

7.0 OTHER REPRESENTATIONS

- 7.1 I have received one letter of concern from a local resident who requests that servicing and waste are controlled
- 7.2 I have received two letters of support for affordable housing on brownfield land and in a location which will benefit from investment

8.0 SUPPORTING INFORMATION

- 8.1 The application is supported by the following information:
 - Planning and Retail Statement;
 - Crime Impact Statement;
 - Residential Design and Access Statement;
 - Lidl/Flexible Unit Design and Access Statement;
 - Flood Risk Assessment and Drainage Strategy;
 - Noise Assessment;
 - Phase II Site Investigation and Appendices;
 - Statement of Community Involvement;
 - Transport Assessment;
 - Travel Plan
 - Commercial Sales and Marketing Procedures
 - Arboricultural Impact Assessment
 - On Site Public Open Space Provision
 - Landscape Management Plan

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 Key Service Centre of Ormskirk in the West Lancashire Local Plan. It is part of the wider

Ormskirk Employment Area / Hattersley Court to the east of Burscough Road that is designated as a Strategic Employment Site on the Local Plan Proposals Map.

9.2 The following policies apply:

National Planning Policy Framework (NPPF)

Building a strong competitive economy
Ensuring the vitality of town centres
Promoting sustainable transport
Delivering a wide choice of high quality homes
Achieving well-designed places

West Lancashire Local Plan (2012-2027) DPD

SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
GN4 – Demonstrating Viability
GN5 – Sequential Tests
EC1 - The Economy and Employment Land
RS1 - Residential Development
RS2 - Affordable and Specialist Housing
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

9.3 Additionally the following supplementary planning documents are relevant:

SPD – Design Guide (Jan 2008)
SPD - Open Space/Recreational Provision in New Residential Developments (April 2009).
Updated 2014

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

10.1 The key issues for consideration of this application are whether the principle of this mixed housing, retail and commercial use of this vacant site is appropriate given the site's allocation as a Strategic Employment Site and whether specifically the food retail store is appropriate in relation to Retail and Town Centre policy. Site specific issues include:

Housing Delivery and Affordable Housing
Siting, layout, design and landscaping
Impact on residential amenity
Access, Traffic and Parking
Drainage/Flood risk
Contamination
Open Space provision
Developer Contributions- Education Provision

Principle of Development – Strategic Employment

- 10.2 The site is designated as a Strategic Employment Site where Policy EC1 requires a mix of industrial, business, storage and distribution uses (use classes B1, B2 and B8) and will allow retail warehouses on a like for like basis of existing A1 premises. The previous use of the site was as a timber yard (use class B8). The proposal would represent a loss for B class Industrial/Commercial uses of part of the Ormskirk Employment Area / Hattersley Court in Ormskirk which has only a limited number of existing employment areas. Paragraph 6.15 of the Local Plan indicates that the development of non-employment uses will be resisted on Strategic Employment Sites in order to maintain the Borough's employment land supply and maximise opportunities for new economic investment. The policy in relation to Strategic Employment Sites does not contain any exception/mitigating criteria.
- 10.3 The applicants consider that both the retail store and the 6 small flexible commercial units totalling 660m² will generate significant levels of employment. This includes 40 full and part time jobs for Lidl and an estimated 20-50 FTE jobs for the flexible commercial units. In response to officer concerns they have also produced a marketing report which sets out their view that there is no demand for the land for Industrial or Business Uses (use classes B1, B2 and B8). Notwithstanding this level of employment generation Ormskirk only has a limited number of existing employment areas which are suitable for these types of Industrial and Business Uses and the mixed use of the site clearly conflicts with Policy EC1 which seeks to resist the loss these preferred employment uses.
- 10.4 The applicants also consider that the proposal will deliver 51 affordable new homes on a brownfield site in an accessible location contributing to housing delivery targets and local affordable need. These issues are addressed more fully in the Housing section of report

Principle of Development – Retail and Town Centre policy

- 10.5 The proposal would entail a major development for town centre uses in an out of centre location and as such Local Plan Policies IF1 (Maintaining Vibrant Town and Local Centres) and GN5 (Sequential Tests) are relevant together with Section 7, of the NPPF "Ensuring the vitality of town centres", specifically paragraphs 86-90. National and Local policy require out of centre retail developments to satisfy the sequential test and the town centre impact test.

Sequential test

- 10.6 NPPF and Policy GN5 requires retail development proposals located outside town centres to be supported by a sequential test, whereby first preference should be to locate the development proposal on a town centre site, followed by edge-of-centre sites and then well connected out-of-centre sites where there are no suitable and available sites within more sequentially preferable locations.
- 10.7 The applicant has considered all potential options to deliver the proposed Lidl retail store development within or close to Ormskirk Town Centre evaluating vacant commercial units and 3 potential development sites within the Town Centre. The applicant has demonstrated that there are no sequentially preferable sites available in the Town Centre or on the edge of the Town Centre.
- 10.8 It is recognised that the local planning authority has supported both other food and non-food retail development adjacent to the application site within the Hattersley Centre. This has relevance for alternative out of centre opportunities elsewhere as it is accepted this location has some potential to provide connection to the Town Centre and that there are no more suitable out of centre locations located close to the town centre.

- 10.9 In relation to the 6 small 110m² flexible units totalling 660m² it has been recognised in consideration of the recently built Costa Coffee application 2016/0640/FUL that the Hattersley Centre is a destination in its own right, and that the operations of the smaller unit type proposed do not act as primary destinations, rather they support the existing primary function of the centre (albeit out of centre) by offering a complementary service for existing users. It is therefore concluded that the proposal satisfies the sequential test as there are no better located sites that will meet the same requirements that the proposal is intended to meet, and the requirement cannot be replicated elsewhere.
- 10.10 I am content that there is no basis to resist the current application in relation to the sequential test and conclude that the proposal would accord with paragraph 86 of the NPPF and the relevant provisions of Policy IF1 and GN5 of the Local Plan.

Town Centre Impact test

- 10.11 As the proposal is outside a town centre and is above the locally set floorspace threshold of 1,000 sq.m gross for supermarkets a Town Centre Impact assessment will be required. Paragraph 89 of the NPPF indicates that such assessments should include:

the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.

- 10.12 The Council commissioned Lichfields to undertake an independent review of the applicants Retail Impact Statement and both reports are based on the West Lancashire Retail and Leisure Study (2018). Lichfield's Retail Critique concludes that the applicant has prepared a proportionate retail impact assessment. The main issues raised by their analysis relate to the expected turnover of the proposed development and the pattern of convenience and comparison goods trade diversion. A reasonable level of impact falls on out of centre stores, specifically on Ringtail Retail Park, Burscough which is not a material impact. The key issue is the impact on Ormskirk Town Centre and Burscough Village Centre.
- 10.13 The applicant estimates the impact on Ormskirk Town Centre's retail facilities is -2.1%. Lichfields' sensitivity analysis suggests a slightly higher level of impact at -4.5%. Trade diversion and impact is expected to be partly offset by expenditure growth between 2017 and 2022 in the comparison goods sector. It is unlikely town centre food stores or comparison shops would be forced to close based on this reduction in turnover. Bearing in mind the strong health of the centre, the impact on Ormskirk Town Centre is not considered to be significant.
- 10.14 The applicant estimates the impact on Burscough Village Centre's retail facilities is -0.8% which is agreed by Lichfields' sensitivity analysis. This level of impact is particularly low; Burscough is performing well and the impact on Burscough Village Centre is not considered to be significant.
- 10.15 Lichfields conclude that there will be no impact on existing, committed and planned public and private investment in Ormskirk or Burscough. I consider that this part of the impact test is also passed.
- 10.16 The proposed development complies with Local Plan Policies IF1 (Maintaining Vibrant Town and Local Centres, GN5 (Sequential Tests) and NPPF para 86-90 in respect of sequential test and impact test.

Housing Delivery, Affordable and Specialist Housing for the Elderly

- 10.17 The proposed development includes the erection of 51 residential dwellings which will facilitate the delivery of housing in the Key Service Centre of Ormskirk. The site is previously developed, vacant and unsightly land, within a settlement boundary, in a sustainable location on the edge of the centre and with services and facilities within Ormskirk Town Centre readily accessible. This type of residential development on such a site which backs onto residential development in Burscough Street would normally be supported. The site is however within a Strategic Employment Site. Nevertheless it is recognised that this housing delivery is a material consideration to be weighed in the planning balance.
- 10.18 West Lancashire has an acute need for more affordable housing and Policy RS2 sets out the Council's affordable housing requirements with Policy R1 setting out the provision for the elderly. Within the West Lancashire Borough Council's Housing Need and Demand Study (2010), the Scott Ward profile identifies both the need for social rented households and for housing for the elderly.
- 10.19 The proposals are for 100% affordable rented housing exceeding the minimum requirement of 35% provision. The proposed development would deliver a range of sizes and types, with a mix of 1bed, 2bed and 3bed dwellings as well as a mix of apartments and semi-detached homes.
- 10.20 Policy RS1 encourages the provision of elderly accommodation within settlements. The proposed development complies with this policy as the scheme would provide ten 1bed dwellings specifically for older persons. This equates to the required 20% required and moreover the provision is in a sustainable location close to Ormskirk Town Centre. The units will also be constructed to meet internal space standards which ensure that the homes are, and remain, accessible and inclusive supporting the changing needs of individuals at different stages of life.
- 10.21 The proposed development provides a valuable contribution to the identified need for both affordable housing and elderly housing provision within Ormskirk which is a material consideration to be weighed in the planning balance.

Siting, Layout, Design and Landscaping

- 10.22 The site is rectangular in shape and the development of the site is to be carried out in 2 interlocking L shaped halves with the retail/commercial development largely located on the north and eastern boundaries and the residential on the south and western. The Lidl store and commercial development, which generate the highest levels of activity has been positioned so that they are furthest away from the existing residential neighbours whilst retaining commercial prominence to Hattersley Way and the retail park opposite. There are 2 vehicular and pedestrian accesses off Hattersley Way to the north but an internal estate road which continues Atkinson Road largely ensures that traffic from the two differing land uses are separated. Physically the uses are separated by 2.1m fencing or walling. There is a limited public frontage with Hattersley Way which is occupied by Plumbase, Tile Giant and the yard of Jewsons.

Retail store and Commercial Units

- 10.23 The proposed Lidl store has been positioned to the east of the site with the principle windowed elevations facing into the car park. The car park area has been laid out in central islands to allow easy manoeuvrability of vehicles and also safe and easy access to

and from the proposed store. The dedicated delivery area is to the rear of store alongside the boundary with commercial property. This largely allows separation of the bulk of the car park from the delivery area. The commercial units are more central to the site and are located close to the access road off Atkinson Road. The rear of these commercial buildings and the store car park adjoin the residential development. As stated above there is no necessity to ensure that these commercial developments have a public frontage but the layout allows the different uses to function in a complementary and satisfactory manner.

- 10.24 The proposed elevations of the Lidl store will be finished in a White render & Silver cladding panel system. The new shop front will have 3.9m glazing on the main car park elevation with glazed return to the side elevation to provide the customer entrance lobby. The commercial units are now to be designed in red brick with goosewing grey metal profiled roof cladding similar to other buildings on the Hattersley Centre. The layout of the design of the retail store and commercial units are acceptable and comply with requirements of Policy GN3 and the Design Guide SPD.

Housing development

- 10.25 The housing development design with an L shaped two sided estate road seeks to integrate the proposals within the surrounding area. The existing residential development within the site's wider surroundings is predominantly semidetached properties, with some blocks of terraced properties off Burscough Street backing on to the west. The proposed properties would comprise semi-detached dwellings, with 2no. blocks of 1 bed apartments to reflect the site's surroundings. The dwellings are to be built in red brick with grey concrete tiles with pitched roofs and contemporary window/door detailing. There are 2 house type designs creating different character areas with differing roof pitches but utilising common materials. In accordance with Policy GN3, and the Design Guide SPD the proposed development respects the character and identity of the surrounding area where the materials, house types, scale and form are similar to the residential dwellings in the vicinity, whilst achieving a contemporary design.

Landscaping

- 10.26 The submitted landscaping layout includes the POS in the north western portion of the site, which is now to be laid out as a small orchard with wildflower planting. Each house would have its own private garden, whilst the apartments would have shared amenity space. Further landscaping across the residential portion of the site includes small and large ornamental trees, ornamental planting, semi-native shrub mix and ornamental hedgerows. Further landscaped areas would be provided in and around the employment units and supermarket, with an area of wildflower planting to the south west of the supermarket.
- 10.27 Plots 28-31 are somewhat hemmed in by the boundary to Lidl and the boundary to the New Court Way industrial area. The applicants have provided an enhanced strip of landscaping alongside the boundary of these residential properties and the area to be safeguarded for expansion of the retail store
- 10.28 A comprehensive Landscape Management Plan has been developed to establish the long-term management objectives and practices for all 'public' external areas associated with the residential development, including the designated POS.
- 10.29 Overall the layout of the commercial and residential layout have been successfully integrated with appropriate design and landscaping. Subject to the imposition of

conditions for implementation I am satisfied that the proposed development complies with Policy GN3, ENV2 of the Local Plan and Design SPD.

Impact on amenity of existing and proposed residents

Residential relationships and impacts

- 10.30 The closest residential dwellings are the terraced and semi-detached properties which back onto the site and front Burscough Street. These existing two storey properties have long, averaging some 20m, rear gardens. The spatial separation distances between windows of the proposed two storey dwellings and these existing dwellings are all well in excess of the 21m minimum standard.
- 10.31 The spatial separation distances between windows of the proposed two storey dwellings are also above the 21m standard as are the relationships between windowed elevations and side/flank walls of proposed properties which all exceed 12m.
- 10.32 The garden areas of some of the dwellings are below the standard of 10m. In the majority of cases this shortfall occurs in semis with wider plots/gardens, in properties that back onto the long gardens of properties in Burscough Street or are part of communal gardens for the 2 apartment blocks. On balance I consider the level of private amenity space proposed to be commensurate with the size of the dwellings.
- 10.33 I am therefore satisfied that the proposed development would meet the requirements of Policy GN3 of the Local Plan and the Design Guide SPD in respect of neighbouring amenity.

Noise from retail and commercial operations and impact on existing and proposed residents

- 10.34 The retail and employment elements of the proposal have been positioned within the site away from the existing residential neighbours in order to minimise the potential for amenity impacts on existing residents.
- 10.35 It is proposed that the Lidl store be permitted to open between the hours of 07:00 to 22:00 Monday to Saturday and for a six hour period between 10:00 and 18:00 on Sundays. The store will, therefore, trade (and attract customers) during the day-time only and not overnight. These opening hours can be controlled by planning condition.
- 10.36 Whilst the occupiers of the flexible retail/employment terrace are not known at this stage, it is likely that they will not be open for trade/operate outside the hours of the Lidl store. Accordingly, the Applicant is content for a condition limiting the opening hours of the Lidl store to equally apply to the occupiers of the flexible retail/employment terrace.
- 10.37 The application is accompanied by a noise impact assessment, which seeks to quantify the noise that may be generated by different operational aspects of the proposal and assess the potential impact on sensitive receptors. The assessment concludes that the use of the customer car park, the operation of plant and equipment and daytime deliveries to the store, together with the 2.1m high acoustic fencing are all likely to have an acceptable impact on neighbouring residents. Whilst overnight deliveries to the store may have a perceptible impact in principle, given the context of overnight deliveries being undertaken to nearby units within the Hattersley Centre, noise generated by the proposal will have negligible impacts on nearby existing residents on Burscough Street.

- 10.38 The dwellings on the northern boundary of the site adjoin commercial properties in the New Court Way industrial area and plots 28-31 adjoin commercial properties including a Royal Mail depot, which is also at an elevated level so bedrooms will be more vulnerable to potential noise. These plots also adjoin the proposed Lidl and its plant room located 21m away. A 2.1m high acoustic fence is proposed along the boundary to reduce any impact from the retail/commercial site. The retail store has been designed so that any noise from the external manoeuvring of vehicles and crated deliveries of goods is masked by the building so reducing any impacts on any proposed dwellings.
- 10.39 The Environmental Health Officer has undertaken a detailed assessment of the noise reports submitted by the applicant and has no objection to the principle of development subject to safeguarding conditions to protect the future residents from noise from the retail store and flexible commercial units and from nearby commercial uses. These conditions include; hours of servicing, controls over plant/machinery (including a 3m acoustic barrier around the plant room for the retail store), implementation of the 2.1m acoustic fencing and lighting. In addition the habitable rooms to the residential units are to be fitted with acoustic glazing and venting.
- 10.40 I am therefore satisfied that the proposed development with these safeguarding conditions would meet the requirements of Policy GN3 of the Local Plan and the Design Guide SPD in respect of any impacts of noise and disturbance on residential amenity.

Access, Traffic and Parking

- 10.41 There are two vehicular access into the site off Hattersley Way which is linked to Burscough Street by a mini roundabout and onto the local highway network. There is good pedestrian access to Ormskirk Town Centre. Given the previous use of the site and the proximity to the existing retail area LCC Highways consider that the proposed development would not have a severe impact on highway safety/capacity within the immediate vicinity of the site.
- 10.42 As noted previously there are two vehicular and pedestrian accesses off Hattersley Way to the north but an internal estate road which continues Atkinson Road largely ensures that traffic from the two differing land uses are separated. Signage is to be provided at the entrance of Atkinson Road to restrict HGV vehicles from using the first part of the residential estate road. HGV and delivery vehicles are to use the second access point on Hattersley Way direct to the servicing yard to the rear of Lidl.

Retail store and Commercial Units

- 10.43 The Lidl store is to provide 119 car parking spaces, to include 6 disabled spaces, 8 parent and child spaces and 2 electric vehicle charging points. The flexible retail/employment terrace will be supported by a further 13 parking spaces. Cycle parking facilities for customers will be delivered in a visible, convenient location within the car park area with staff cycle provision in store. The site layout seeks to make provision for pedestrians along the key desire lines through the site, with internal footpaths leading directly towards the Lidl store entrance from Hattersley Way. The nearest bus stops to the site are located on Burscough Street adjacent to the Hattersley Centre retail park, thereby being within a short walking distance from the site.

Residential development

- 10.44 The site will be accessed off Atkinson Road with a new internal spine road to be constructed which will provide access to all of the dwellings. In terms of parking provision 2 spaces in curtilage are provided for 2/3 bedroom properties and 1 space for 1 bed flats

in a communal layout. Bin and cycle stores are to be provided for the apartments. Cycle storage and electric vehicle charging points details are to be conditioned.

10.45 The Highway Authority have had detailed discussions with the applicant's highway consultant in respect of site access, layout and parking for both residential and commercial developments. 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.

Public Open Space

10.46 The Provision of Open Space in New Residential Developments Supplementary Planning Document provides guidance on the required amount of POS to be incorporated in new residential developments. The SPD states that for developments between 40 – 289 dwellings, developers are expected to provide 13.5 sqm of POS per bedroom developed. The proposed development has a total of 92 bedrooms, meaning there is a requirement of 1,242 sqm to be provided. As part of the residential element of the scheme, a designated area of 320 sqm POS would be provided in the north western corner of the site off Atkinson Way as part of a comprehensive landscaping scheme for the site.

10.47 The applicant has provided some justification for this significant short-fall of POS. They state that the proposed development would deliver 100% affordable housing, with the majority of units being small (one and two-bed) dwellings. The site as a whole is subject to detailed landscaping proposals, with planting and management plans provided to ensure that the small POS that is provided on site is useable and would provide a valuable asset to future residents. The location of the site would allow residents to access a wide range of recreational and open space-based activities at the reasonably close by Coronation Park, an important community facility. It is acknowledged that significant CIL receipts from the development of around £330,000 could contribute to the upkeep of this park and others in the district.

10.48 In terms of open space provision the development does not comply with Policy IF4 and the SPD and any justification/mitigating factors are to be weighed in the planning balance later in the report.

Surface Water, Drainage and Flood Risk

10.49 It is a requirement of Policy GN3 that new development does not result in unacceptable flood risk or drainage problems. The information from the Environment Agency Maps has determined that the site is located within Flood Zone 1.

10.50 A Flood Risk Assessment and outline surface water drainage and foul water strategy has been submitted. The original drainage strategy for the site has been updated to satisfy the requirements of the Lead Local Flood Authority.

10.51 There is an existing 525mm diameter United Utilities combined water sewer adjacent to the site and a 1200mm diameter United Utilities surface water sewer in New Court Way.

10.52 Flood risk from the development site to the surrounding district is to be mitigated by the restriction of surface water runoff prior to discharge into the 1200mm diameter surface water sewer in New Court Way. Attenuation will be provided in the form of oversized pipes for the residential development and geocellular storage crates in the main car park for the

commercial uses in order to ensure that the development does not increase the risk of flooding to other adjacent neighbourhoods.

- 10.53 Foul water generated by the development will be discharged into the combined 525mm diameter sewer which runs along the southern and western boundaries of the site. It is proposed that the majority of this sewer is diverted.
- 10.54 Both United Utilities and the Lead Local Flood Authority are now satisfied that the proposed drainage strategy is acceptable and that the proposed development will not increase the risk of flooding either on or off the site. On this basis, I find the proposal acceptable and in accordance with the NPPF and Policy GN3 of the Local Plan.

Contamination

- 10.55 Due to the site's previous use as a former timber merchant and foundry, the applicants have undertaken a Phase 1 Desk Top Study and a Phase 2 Ground Investigation Report. This has identified some exceedances above acceptable levels of certain chemicals in the ground and also that gas protection measures are recommended. The Environmental Health officer is satisfied with these reports subject to a condition requiring the submission and approval of a remediation strategy.
- 10.56 The site is located within a groundwater source protection zone (SPZ) where the prevention of pollution to drinking water supplies is critical. United Utilities have therefore suggested a condition to investigate and manage the risk of pollution during site remediation

Planning Obligations

- 10.57 The redevelopment of this site will be subject to a S106 Agreement requiring the details of affordable housing provision. In addition, Policy IF4 requires new development to contribute to mitigating its impact on infrastructure. Lancashire County Council is responsible for the provision of school places across the Districts and requires, when the growth in pupil numbers is directly linked to housing development and existing school places are not sufficient to accommodate the potential additional pupils that the development may yield, a developer contribution towards additional school places.
- 10.58 In respect of secondary provision LCC are seeking a contribution from the developer in respect of 2 places. Calculated at the current rates, this equates to £47,474.56. This is to be the subject of a legal agreement with the developer.

Conclusion

- 10.59 The proposed mixed use of the site for new housing, retail and commercial use would be contrary to policy EC1 which resists the development of non-employment uses on Strategic Employment Sites in order to maintain the Borough's employment land supply and maximise opportunities for new economic investment. The proposed development complies with Local Plan Policies IF1 and GN5 and NPPF para 86-90 in respect of the sequential test and impact test for town centre uses. The application is also deficient in relation to the level of open space provision for the number of homes to be built.
- 10.60 However it is recognised that both the retail store and the 6 small flexible commercial units totalling 660m² will generate significant levels of employment. This includes 40 full and part time jobs for Lidl and an estimated 20-50 FTE jobs for the flexible commercial units. I consider that the applicants have demonstrated in their marketing report that there is little demand for the land for Industrial or Business Uses (use classes B1, B2 and B8).

10.61 The proposal will deliver 51 affordable new homes on a brownfield site in an accessible location contributing to housing delivery targets and local affordable need for social rented housing and for the elderly. In respect of the principle of this mixed use development I therefore consider that the benefits of the scheme outweigh the harm to employment policy objectives of the Local Plan. I also find the site layout to be acceptable and consider the reduced open space provision would not in this location be harmful to the amenities of future residents or be detrimental to the character of the area.

10.62 Overall the layout for the commercial and residential developments have been successfully integrated with appropriate design and landscaping. 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 contamination. The application is recommended for approval subject to a S106 planning obligation requiring a contribution to the provision of secondary education, the terms of the affordable housing tenure and maintenance of on-site open space.

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) Education Contribution for Secondary School provision
- (b) Terms of the affordable housing tenure
- (c) Maintenance of on-site open space

11.2 That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation 12.1 above be subject to the following conditions:

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with the details shown on the following plans:
 - Plan Ref: AD 105 E (Proposed site layout masterplan) received by the Local Planning Authority on 6th December 2018;
 - Plan Ref: AD 117 E (Proposed phasing plan) received by the Local Planning Authority on 6th December 2018;
 - Plan Ref: AD 110 B (Proposed site layout) Lidl and flexible unit received by the Local Planning Authority on 6th December 2018;
 - Plan Ref: AD 111 (Proposed Lidl building plan) received by the Local Planning Authority on 5th October 2018;
 - Plan Ref: AD 112 (Proposed Lidl roof plan) received by the Local Planning Authority on 20th December 2018;
 - Plan Ref: AD 113 A (Proposed Lidl elevations) received by the Local Planning Authority on 26th July 2018;
 - Plan Ref: AD 114 D (Proposed Lidl boundary treatments) received by the Local Planning Authority on 17th December 2018;
 - Plan Ref: AD 121 B (Proposed flexible retail/commercial building plan and elevations) received by the Local Planning Authority on 6th December 2018;
 - Plan Ref: AD 122 A (Proposed flexible retail/commercial roof plan) received by the Local Planning Authority on 20th December 2018;

Plan Ref: 17-337-PO2 V (Proposed residential site plan) received by the Local Planning Authority on 17th December 2018;

Plan Ref: 17-337-PO3 A (House type 1) received by the Local Planning Authority on 6th December 2018;

Plan Ref: 17-337-PO4 A (House type 2) received by the Local Planning Authority on 6th December 2018;

Plan Ref: 17-337-PO5 A (House type 3) received by the Local Planning Authority on 6th December 2018;

Plan Ref: 17-337-PO6 A (House type 4) received by the Local Planning Authority on 6th December 2018;

Plan Ref: 17-337-PO5 (Block A) received by the Local Planning Authority on 6th December 2018;

Plan Ref: 17-337-PO8 A (Block B) received by the Local Planning Authority on 6th December 2018;

Plan Ref: 17-337-PO9 C (residential boundary treatments) received by the Local Planning Authority on 17th December 2018;

3. The total gross internal floorspace of the development hereby permitted devoted to Class A1 uses shall not exceed 1726 sqm
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) and Sections 55 (2) and 55 (2A) of the Town and Country Planning Act 1990 (as amended) no part or parts of the A1 units may be subdivided, either horizontally or vertically. No mezzanine floorspace may be created.
5. The flexible use units shall be used for non-food Class A1 retail, Class B1 offices and/or Class B8 trade counters only.
6. No development shall take place until full details of the finished levels of all parts of the site, including the floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those details.
7. The materials to be used on the external surfaces of the development (brickwork, cladding and roofing materials along with materials used in any hard surface) shall be as outlined on the following plans and documents:

Commercial units:

Plan ref: AD 115 B received by the Local Planning Authority on 5th October 2018;

One design External Materials Schedule received by the Local Planning Authority on 6th December 2018;

Residential units:

Plan Ref: 17-337-PO3 A (House type 1) received by the Local Planning Authority on 6th December 2018;

Plan Ref: 17-337-PO4 A (House type 2) received by the Local Planning Authority on 6th December 2018;

Plan Ref: 17-337-PO5 A (House type 3) received by the Local Planning Authority on 6th December 2018;

Plan Ref: 17-337-PO6 A (House type 4) received by the Local Planning Authority on 6th December 2018;

Plan Ref: 17-337-PO5 (Block A) received by the Local Planning Authority on 6th December 2018;

Plan Ref: 17-337-PO8 A (Block B) received by the Local Planning Authority on 6th December 2018;

8. No part of the development hereby permitted, including any works of demolition, shall be commenced until a Construction Management Plan that details the means of mitigation of construction effects has been submitted and agreed in writing by the Local Planning Authority.

This shall include the following:

- The areas for the storage of plant and materials.

- A programme of works, including phasing
- Location of site compound, including any loading/unloading areas, turning areas for delivery vehicles and construction staff parking arrangements
- On site facilities 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

All site works shall then proceed only in accordance with the approved management plan.

9. Notwithstanding the submitted Phase 2 Ground Investigation Report, prior to the commencement of development (including any groundworks) a further study should be undertaken which clearly identify the types and levels of contaminants present on site and provides a clear Remediation Strategy to remove the risk to receptors whether human or otherwise and to make the site suitable for its intended use and surrounding environment including any groundwater and public water supply.

The details of the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority before development of the affected part of the site commences. Prior to the first occupation of the building on site and for each phase of development a Validation/Closure report shall be submitted to and approved in writing by the Local Planning Authority.

The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

10. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy (Scott Hughes, reference 3338-SHD-00-ZZ-RP-C-0001 rev. 5, dated 5th November 2018) and the mitigation measures detailed within the FRA.

11. 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'), 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 runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;
- 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;

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details. The remediation scheme approved shall be carried out as part of the development of the site, and shall be followed by a validation report sufficient to prove that the remediation has been effective. The validation report shall be submitted to be approved in writing by the local planning within three months of the remediation of that part of the site affected by contamination.

12. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:
 - a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
 - b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
 - c) Means of access for maintenance and easements where applicable.The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.
13. No part of the development hereby approved shall commence until a scheme for the construction of the site access and all off-site works of highway improvement including HGV signage on Hattersley Way has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority Act 1980 as part of a section 278 agreement, under the Highways. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme has been constructed and completed in accordance with the scheme details.
14. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established].
15. The new estate road/access between the site and Atkinson Road and Hattersley Way shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site. The new estate road/access between the site and Atkinson Road and Hattersley Way shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.
16. The food store shall only be open for customers between the hours of 0700 and 2200 on any day.
17. No loading/unloading of vehicles and no deliveries shall be taken at or dispatched from the food store (including waste collections) outside the following times 0700 to 2300 on any day
18. The plant area for the food store shall be bounded by a 3m high acoustic barrier in the location marked on Figure 5 of the noise report reference 12500.01.v2, submitted with the application on 26 July 2018, and to the standard described in paragraphs 4.8 and 4.9 of that report prior to the food store opening for business and shall be retained in situ thereafter.
19. The car park area for the food store shall be bounded by a 2.1m high acoustic barrier in the location marked on Figure 5 of the noise report reference 12500.01.v2, submitted with the application on 26 July 2018, and to the standard described in paragraph 4.40 of that report prior to the food store opening for business and shall be retained in situ thereafter.
20. The rating level of noise from fixed plant on the food store site shall not exceed 40dB(A) daytime and 24dB(A) night-time as measured or calculated at the façade of any nearby residential premises. All measurements and assessments shall be done in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound.

21. The non-food retail/business units shall only be open for customers between the hours of 0700 to 2200 on any day.
22. No plant or machinery shall be operated, and no process shall be carried out at the non-food retail/business units between 2200 and 0700 on any day.
23. No loading/unloading of vehicles and no deliveries shall be taken at or dispatched from the non-food retail/business units (including waste collections) between 2300 and 0700 on any day
24. No machinery or power tools shall be operated on the site other than inside the buildings
25. The rating level of noise from fixed plant and/or the operation of plant and machinery at the non-food retail/business units shall not exceed 40dB(A) daytime and 24dB(A) night-time as measured or calculated at the façade of any nearby residential premises. All measurements and assessments shall be done in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound.
26. All habitable rooms shall be fitted with glazing with a minimum acoustic performance of 31 dB Rw. All Bedrooms shall be fitted with specialist acoustic vents with a minimum performance of 40 dB Dn,ew when open. Living rooms may be fitted with standard window head trickle vents.
27. No building shall be open for business or any dwelling occupied until a scheme detailing the proposed lighting to be installed on the commercial part of the site 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.
28. Prior to first occupation of an individual house, a three pin 13 amp external electrical socket which is also suitable for outdoor use shall be installed at that individual house. The socket shall be located in a suitable position to enable the charging of an electric vehicle on the driveway of each property using a 3m length cable.
29. Prior to the occupation of the foodstore and/or flexible retail/employment units (whichever is occupied first) at least 10% of the approved car parking spaces shall be marked out for use by electric vehicles, together with an adequate charging infrastructure and cabling for each marked bay, the details of which shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented and thereafter retained in situ throughout the duration of the development.
30. No commercial building shall be occupied until a scheme detailing the method of storage and disposal of litter and waste materials, including recycling facilities, has been submitted to and approved in writing by the Local Planning Authority. The details shall include a description of the facilities to be provided including, where appropriate, containers and details for how the recyclable materials will be collected from the site with timescales for collection. The approved scheme shall be implemented before the commercial development hereby permitted is brought into use and no waste or litter shall be stored or disposed of other than in accordance with the approved scheme.
31. The landscaping and planting shall be implemented in accordance with the details provided in Landscape Layout 3111 101E and Planting Plans 3111 201D and 202D and Landscape Management Plan Ref 3011-501 received on 12th December 2018. Planting shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within ten years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation. The landscape maintenance shall be carried out in accordance with Landscape Management Plan.
32. Notwithstanding the approved plans, no commercial building shall be occupied until facilities for cycle and motorcycle parking have been provided in accordance with a plan and delivery schedule to be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle and motorcycle parking areas shall be provided in accordance with the approved details.

33. Prior to occupation of any apartment dwelling, at least 10% of apartment parking spaces shall be marked out for use by electric vehicles only, together with an adequate charging infrastructure and cabling for each marked bay, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of any apartment dwelling. The agreed scheme shall be implemented and thereafter the electric vehicle charging point shall be retained throughout the duration of the development.

Reasons

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. In order to protect the vitality and viability of Ormskirk and Burscough town centres in accordance with Policy IF1 of the West Lancashire Local Plan 2012-2027 Development Plan Document and the NPPF.
4. To prevent subdivision and mezzanine development from resulting in more net retail floorspace in order to protect the vitality and viability of Ormskirk and Burscough town centres in accordance with Policy IF1 of the West Lancashire Local Plan 2012-2027 Development Plan Document and the NPPF.
5. In order to protect the vitality and viability of Ormskirk and Burscough town centres in accordance with Policy IF1 of the West Lancashire Local Plan 2012-2027 Development Plan Document and the NPPF.
6. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To ensure that the 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.
8. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To enable any potential contamination to be identified and remediated in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document and to prevent pollution of the water environment in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document
10. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document
11. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document
12.
 - a. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development
 - b. To reduce the flood risk to the development as a result of inadequate maintenance.
 - c. To identify the responsible organisation/ body /company /undertaker for the sustainable drainage system and so to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
13. 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.
14. To allow for the effective use of the internal road network and to ensure that the development complies with the provisions of Policies GN3 & IF2 of the West Lancashire Local Plan 2012-2027 Development Plan Document

15. To allow for the effective use of the internal road network and to ensure that the development complies with the provisions of Policies GN3 & IF2 of the 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 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.
18. To safeguard the occupiers of the surrounding area from excessive noise intrusion and so ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
19. To safeguard the occupiers of the surrounding area from excessive noise intrusion and so ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
20. To safeguard the occupiers of the surrounding area from excessive noise intrusion and so ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
21. 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.
22. 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.
23. 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.
24. To prevent noise-generating activities taking place in the open with the consequent deterioration in the quality of the local environment, and to ensure compliance 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. 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.
27. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
28. In the interests of sustainability in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
29. In the interests of sustainability in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
30. To prevent unsightliness and visual intrusion and so ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
31. 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.
32. In the interests of sustainability in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
33. In the interests of sustainability in accordance with 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
 - GN4 - Demonstrating Viability
 - GN5 - Sequential Tests
 - EC1 - The Economy and Employment Land
 - RS1 - Residential Development
 - RS2 - Affordable and Specialist Housing
 - 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

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

No.4	APPLICATION NO.	2018/0259/FUL
	LOCATION	Land To The West Of Oasis Close Rufford Lancashire L40 1SA
	PROPOSAL	Erection of 29 dwellings (25 houses and 4 apartments), garages, estate road and related development
	APPLICANT	Jones Homes (Lancashire) Ltd
	WARD	Rufford
	PARISH	Rufford
	TARGET DATE	18th June 2018

1.0 SUMMARY

1.1 This application is for the erection of 29 dwellings. The proposed design, layout and appearance is considered to be acceptable. The development will not have a detrimental impact on highway safety and adequate parking has been provided. Satisfactory interface distances have been achieved in order to protect neighbouring residential amenity. I consider the proposal complies with the relevant policies of the Local Plan and is acceptable in principle.

2.0 RECOMMENDATION: Approve subject to S106 and conditions

3.0 THE SITE

3.1 The site is located at the southern end of Rufford to the west of Liverpool Road (A59), to the east of Sluice Lane and to the south of Oasis Close. The site is approx. 1.08ha and comprises of open fields. The site lies within the Rural Sustainable Village of Rufford and is bounded by the Green Belt to the south and Rufford Conservation Area to the east.

4.0 THE PROPOSAL

4.1 This application seeks planning permission for the erection of 29 dwellings comprising of 25 houses and 4 apartments. The units will comprise of a mix of 2, 3 and 4 bed, two storey properties. A new vehicular access is proposed to the east of the site off Liverpool Road (A59).

5.0 PREVIOUS RELEVANT DECISIONS

5.1 2006/0028 Withdrawn - Erection of 10 no. flats in two storeys, 6 houses and 5 bungalows. Construction of new access road and provision of car parking

5.2 1996/0914 Withdrawn Outline – Residential Development (social housing)

6.0 OBSERVATIONS OF CONSULTEES

6.1 LCC School Planning Team (04.04.18) - Contribution towards educational places required

6.2 Director of Leisure and Environment (Scientific Officer) (05.04.18) – Contaminated Land Investigation condition required

6.3 LCC Highways (06.04.18 & 13.12.18) – No Objections subject to conditions

6.4 Canal and River Trust (10.04.18) – Support further survey work for water voles and the production of an invasive species management plan. Want to ensure that the culvert has

capacity to accept any increased flows from surface water discharge.

- 6.5 Environment Agency (17.04.18, 16.05.18 & 31.10.18) - No Objections
- 6.6 United Utilities (25.04.18) – No objection subject to conditions
- 6.7 Natural England (14.05.18, 22.11.18 & 05.12.18) – No Objection subject to conditions
- 6.8 MEAS (09.11.18 & 30.11.18) - No Objection subject to conditions
- 6.9 Lead Local Flood Authority (06.07.18) No Objections subject to conditions
- 6.10 Environmental Health (14.12.18) – No Objections subject to conditions

7.0 OTHER REPRESENTATIONS

- 7.1 Rufford Parish Council (18.04.18 & 17.10.18) – Objects; Flooding/surface water issues, highways incorrect information, electricity supply, car parking, sewage, lack of infrastructure (school spaces) noise levels, ecology and bats present.
- 7.2 I have received 16 letters of objection from neighbouring residential properties and the CPRE in response to the proposal (original and amended plans). The main points of concern are summarised as follows:

Loss of open countryside

Loss of rural character of the area

The proposed development would look out of character with the area

Loss of privacy, overlooking

Loss of light

Development will have an overbearing impact upon the residents of Oasis Close.

What will the boundary treatment be to Oasis Close

Parking bays adjacent to my house and 4ft fence – creating visual, light, sound and environmental pollution, noise of engines, doors closing and voices from car park unacceptable

I fail to see how a landscaping buffer will help

Visitors to the estate may park on Oasis Close

Three storey dwellings are inappropriate

The positioning of the proposed access point on the A59 is dangerous as it is near a blind bend so visibility is poor

Vehicles drive in excess of the speed limit along the A59 and the bridge nearby and a bend in the road will obscure the view of the new junction - this lack of visibility causes grave danger to all motorists

Increased traffic on a very busy A59

Pedestrian access to Sluice Lane is unwise as there are no pavements along narrow Sluice Lane and there are large fast moving tractors

The southern visibility sight line falls short of the minimum safety requirement by 30%

The Traffic Analysis and Visibility Splays submitted show the proposed access to be unsafe

The scheme should improve pedestrian access along Sluice Lane as the development will bring more footfall

The proposed road junction is on a section of road which floods very badly during heavy rain. The current drainage cannot cope now, so adding a road junction will only add to the flooding

Loss of wildlife, foxes, rabbits, water vole and birds

Not enough facilities in Rufford to cope with more housing

Light pollution from the new development

- 7.3 West Lancashire Conservation Area Advisory Panel (26.04.18) Objects; the rural setting to Rufford CA will be harmed by the suburban nature of the new estate and the development would be unsympathetic to the character and appearance of the village.

8.0 SUPPORTING INFORMATION

- 8.1 Planning Statement
Design and Access Statement
Ecological Survey and Assessment
Flood Risk Assessment and Drainage Strategy
Mineral Resource Assessment
Tree Survey
Vehicular Access Statement
Traffic Study
Noise Survey

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 located within Rural Sustainable Village of Rufford as designated in the West Lancashire Local Plan 2012-2027 DPD.

West Lancashire Local Plan 2012-2027 DPD

Policy SP1 - Development in Rural Settlements
Policy GN1 – Settlement Boundaries
Policy GN3 – Criteria for Sustainable Development
Policy RS1 – Residential Development
Policy RS2 – Affordable and Specialist Housing
Policy EN2 – Preserving and Enhancing West Lancashire's Natural Environment

Supplementary Planning Advice

SPD – Design Guide (January 2008)

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Principle of Development

- 10.1 Policy SP1 of the Local Plan advocates all new built development in the Borough taking place within settlement boundaries. Policies GN1 and RS1 go on to say that within settlement boundaries, development on greenfield sites in Rural Sustainable Villages will be permitted subject to compliance with all relevant Local Plan policies applying to the site. The site is within the Rural Sustainable Village of Rufford and as such the principle of development in this location is acceptable subject to compliance with other Local Plan policies.

Affordable and Specialist Housing

- 10.2 Policy RS2 of the Local Plan requires 35% of the units within developments of 15 or more

dwelling to be affordable. The proposed development will provide 10 affordable units comprising a mix of mews, semi-detached houses and apartments. The specific tenure details will be secured by a S106 agreement. The scheme provides the required level of affordable housing and is therefore compliant with Policy RS1 in the Local Plan.

- 10.3 For developments of this size Policy RS2 requires 20% of the units to be designed as accommodation for the elderly. There is no specific definition of 'elderly accommodation' and each case is considered on its own merits. In this case, whilst the dwellings themselves will not be constructed for use by the elderly without adaptation, they will be constructed to meet current Building Regulations Part M4(2) with the structure designed to ensure minimal work is required in any future adaptation that may be necessary. The scheme also provides some smaller properties and apartments. Therefore, I am satisfied that the proposed development complies with Policies RS1 and RS2 in this respect.

Density

- 10.4 Policy RS1 of the Local Plan recommends that residential development should provide a minimum of 30 dwellings per hectare. The application site extends to just over 1ha. The application proposes 29 dwellings which would result in a density of approximately 27 dwellings per hectare. Policy RS1 states that densities of less than 30 dwellings per hectare will be permitted where special circumstances are demonstrated. Given the rural nature of the site and the need to retain adequate buffers from natural boundaries within the limits of the site for both drainage and ecological reasons, I am satisfied that the density as proposed is acceptable.

Siting, Layout and Design

- 10.5 The layout of the site allows for a main spine road to be taken directly off Liverpool Road. The majority of the dwellings front the spine road with one smaller cul-de-sac leading off it to the north to serve three dwellings. The layout of the development has been somewhat limited by the Environment Agency's requirement to have an 8m easement from the top of the bank of Boundary Sluice which runs along the south western boundary. All the trees on the southern boundary are to be kept in order to retain a natural buffer to the Green Belt.
- 10.6 The residential units would be two storey in height and there would be a mix of detached, semi-detached and mews properties and one apartment block, which is considered to be appropriate and in keeping with the surrounding area. In terms of the level of amenity afforded to residents of the development, I am satisfied that the private rear gardens accord with the standards advised in the Council's Design Guide SPD. A communal garden is proposed for the apartment block and the size of the space provided is considered to be acceptable. The proposed development would provide adequate interface distances between the dwellings.
- 10.7 The layout has been designed to ensure that there would be dwellings fronting onto Liverpool Road. This ensures an active frontage onto Liverpool Road whilst providing an attractive entrance feature. Similarly three dwellings would front onto Sluice Lane to ensure that the proposed development integrates with the existing environment in order to avoid a layout which is overtly inward looking and thereby meeting a key policy aim.
- 10.8 The proposed layout offers a legible scheme with clear routes for vehicle and pedestrian movement throughout, including pedestrian access onto Sluice Lane. Communal car parking is provided to the rear of the apartments with some landscaped areas.

Impact on Residential Amenity

- 10.9 In terms of the relationships between the proposed dwellings, I am satisfied that the proposed layout accommodates the required interface distances. With regards to amenity for existing residents, I note that concern has been expressed from neighbours about the loss of privacy.
- 10.10 I have considered the impact of the proposal on the amenities of existing neighbouring properties, particularly 3 Sluice Lane and I am mindful that the proposed dwellings closest to 3 Sluice Lane are offset and direct overlooking will be reduced by the oblique angle between windows. The submitted topographical survey and the drainage layout shows the finished floor levels of the dwellings will be no higher than the land levels at 3 Sluice Lane. Similarly I am satisfied with the interface distances between the proposed dwellings and other properties along Sluice Lane, Liverpool Road and Oasis Close meet the specified interface distances. In addition, the existing post and panel fencing along the boundary with Oasis Close will be retained, this will prohibit access to and from the site at this point.
- 10.11 A noise assessment has been submitted to assess the potential impact of existing noise sources such as road traffic on the proposed residential development. Environmental Health have assessed the noise survey and are satisfied with the proposed glazing and roof/ceiling and ventilation specifications for the properties within the noise report. With respect to the acoustic timber fences further information would be required on the specification, but this can be secured via planning condition. Potential noise impacts from the proposed small communal car park to the rear of 3 Sluice Lane are also considered in relation to the impact of noise from use of the car park on the amenity of existing residents. The impact of the use of the car park in terms of noise and disturbance is considered to be low and a small landscaped buffer is proposed between the parking area and rear garden of 3 Sluice Lane to soften any potential effect.
- 10.12 The noise survey also considers noise from the adjacent Fir Tree Farm which operates as a plant hire company. Plots 6 and 7 are closest to the area in which the crushing rig is used. Environmental Health raise no objections subject to a condition requesting details of mitigation to protect the dwellings from noise, such as suitable glazing, roof/ceiling ventilation and fence specification. Overall, the proposed development would satisfy the requirements of Policy GN3 in respect of residential amenity.

Heritage Impacts

- 10.13 The boundary to Rufford Park Conservation Area runs along the eastern and northern boundary of the site. As the eastern boundary is immediately adjacent to Liverpool Road, it is considered the site lies within the immediate setting of the Conservation Area. Visually, whilst the properties at the entrance to the site will be noticeable, because of the enclosure and screening provided by the existing trees it is not considered that the proposed development will have a significant impact on the wider views of the village or the streetscene. The two frontage properties onto Liverpool Road continue the linear form of development which extends into Rufford village and whilst the new development extends behind the frontage, its prominence when viewed from the Conservation Area is diminished. The existing low stone wall which run along Liverpool Road will be retained and repaired where required with new railings erected behind. The retention of the wall is welcomed as this is a prominent and key characteristic of the Conservation Area. The existing traditional Rufford sign is sited in the middle of the proposed access road but will be removed and relocated by the developer. Overall, it is considered that the proposed development will not harm the setting to the Rufford Park Conservation Area, which largely draws its significance from the historic parkland enclosures of the former Hesketh estates. Therefore the proposal meets the objectives contained in Chapter 12 of the NPPF

and conforms to Policy EN4 of the Local Plan.

Highways

- 10.14 Vehicular access to the site is provided via Liverpool Road (A59) and a principal spine road will run through the site with a 5.5m carriageway and 2m wide footways. I acknowledge the concerns raised by local residents in respect of whether a suitable and safe access can be provided to the site particularly as the site is located close to a bend and a change in speed limit when entering Rufford and vehicles travel in excess of the speed limit.
- 10.15 Liverpool Road is a strategic route which has a speed limit of 30mph fronting the site access. A Traffic Assessment has been submitted which indicates an 85th percentile speed of vehicles passing the site is 41mph. Based on the speed survey information of 42mph, the highway officer is of the view that the sight lines from the proposed access onto Liverpool Road should be 2.4 x 107m in both directions. Whilst adequate visibility can be achieved to the north, due to the bend in the road and the change in vertical alignment of Liverpool Road over the bridge, visibility to the south is not achievable over land fully within the applicants control and/or over the adopted highway. As a result the highway officer recommends that the scheme includes traffic management measures to moderate traffic speeds approaching the site. This will include a traffic island and a Speed Indicator Display sign (SPID) as shown on the 'Proposed Access Arrangement' drawing. The Highway Officer is of the view that these measures should reduce vehicle speeds on the approach to the junction and with this mitigation, the Highway Authority can accept the reduced visibility splay to the south and confirms that the scheme will not have a detrimental impact on highway safety.
- 10.16 The Local Plan sets out parking standards for residential developments. The layout meets the required standards and the garages meet the recommended dimensions of 6x3m. Provision for cycle storage has also been made throughout the site on plots without garages. Overall, I am satisfied that vehicles can manoeuvre safely within the site and that adequate parking provision has been made. On this basis the proposed development is considered to be compliant with Policies GN3 and IF2 in the Local Plan.

Trees

- 10.17 Tree Survey data and a tree constraints plan has been submitted with the application. The existing hedgerow and trees along the southern boundary are an important amenity feature that provide screening and a buffer to the adjacent open countryside. The Tree survey schedule confirms that the majority of these trees will be retained with some very limited low grade tree removal for management reasons. A small number of low value trees will be removed along the eastern boundary as part of the development. There is a Tree Preservation Order (TPO) on a tree within the neighbouring garden at number 15 Liverpool Road. The canopy and Root Protection Area of this tree will encroach onto the development site, and as a result plot 7 has been reoriented to avoid these areas. A Tree Protection plan and fencing details will be secured by planning condition to protect this TPO tree and other trees retained on the site. A landscaping scheme will also be secured by planning condition. I am satisfied that the proposal accords with Policy EN2 of the Local Plan in this regard.

Ecology

- 10.18 It has been identified that arable farmland near to the site may provide functionally linked land for the following European sites which are protected under the Habitats Regulations 2017 - Marin Mere SPA and Ramsar site, Ribble and Alt Estuaries SPA and Ramsar site.

The proposed development has the potential to result in potential impacts through increased disturbance to qualifying bird species such as pink-footed goose and whopper swan using adjacent arable farmland as a result of increased recreational pressure from new residents on footpaths and farm tracks through this area.

- 10.19 An ecological survey and assessment has been submitted with the application along with two wintering bird scoping surveys. The report concludes that the development site itself is unsuitable for use by qualifying bird species and Merseyside Environmental Advisory Service (MEAS) agree with this assessment.
- 10.20 However as the development has potential to impact on the above sites, a Habitats Regulations Assessment is required. MEAS have undertaken this assessment and conclude that without mitigation measures there will be likely significant effects on the above sites. As a result MEAS have undertaken an Appropriate Assessment and conclude that subject to appropriate mitigation such as implementation of a CEMP (Construction Environmental Management Plan) there will be no adverse effects on the integrity of the European Sites. Natural England have been consulted and they confirm that subject to the implementation of the proposed mitigation measures there will be no adverse effects on the integrity of the European Sites.
- 10.21 A water vole and otter survey has been undertaken in relation to the Rufford Boundary Sluice Brook which did not find evidence of either species. MEAS are satisfied the survey is acceptable. However, as the survey recommends a precautionary approach based on records on water vole within the area, an updated water vole and otter survey will be required to be undertaken prior to installation of the surface water outfall. The site layout has been updated to provide an 8m easement to the brook and MEAS have confirmed that this easement is sufficient to maintain a habitat corridor along the brook.
- 10.22 A bat survey of trees indicates that the trees within the site have negligible bat roost potential. The development retains a number of habitat features on site which include a habitat corridor along Rufford Boundary Sluice, two existing mature hedgerows and a number of trees. Further landscaping and ecological enhancement is proposed and this can be secured by the submission of a detailed landscaping scheme. In addition other precautionary measures have been recommended within the submitted survey reports which are considered appropriate and again, the implementation of these measures can be secured by way of a condition.

Drainage

- 10.23 The site is partially located in flood zone 2 (front of the site) with the remainder of the site in Flood Zone 1. A Flood Risk Assessment (FRA) and Drainage Strategy has been submitted as part of the application. The FRA concludes that there will be a requirement to ensure the proposed dwellings remain flood free by raising the finished floor levels. The Environment Agency require an 8m easement from the top of the bank of Rufford Boundary Sluice.
- 10.24 As the development will increase the amount of impermeable coverage of the land, appropriate measures will need to be taken in respect of surface water drainage. The foul water drainage system will connect to the existing foul water public sewer that crosses the site which is considered to be acceptable. In terms of surface water drainage, the applicant has indicated through the FRA that the private driveways will utilise infiltration as a means of managing surface water run-off. The remainder of the site will discharge into Rufford Boundary Sluice which runs parallel with the southern boundary of the site. The FRA states that the peak rate run-off from the site will be restricted to 5.8 l/s which is acceptable.

- 10.25 The Lead Local Flood Authority has assessed the surface water drainage proposals and confirmed that they are acceptable in principle subject to planning conditions requiring the submission of full details.

Mineral Safeguarding Area

- 10.26 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. Given the size of the site and the fact it is constrained by proximity to local residents, I am satisfied that future working of minerals would not be practical or viable and as such the development would be in accordance with Policy M2 of the Lancashire County Council Minerals and Waste Allocation and Development Management Policies DPD.

Planning Obligations

- 10.27 The redevelopment of this site will be subject to a S106 Agreement requiring the details of affordable housing provision. This agreement will also secure an education contribution. Lancashire County Council's Schools Planning team has been consulted with regard to this application and have indicated that a financial contribution of £71,211.84 for the provision of three secondary school places is required.

Conclusion

- 10.28 In summary, the proposal is in accordance with policies RS1, EN2, GN3 and IF3 of the West Lancashire Local Plan and the SPD Design Guide. I therefore recommend that planning permission be granted.

11.0 RECOMMENDATION

- 11.1 That the decision to grant planning permission be delegated to the Director of Development and Regeneration subject to the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 to secure:

The terms and conditions of the affordable housing units
An Education Contribution
Maintenance of on-site open space

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

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference Loc/01, SDL 2168/1, 4APART-P-01 & P-02, BIRCH-P-02, HAND-P-01, HOL ASP-P-02, HOL-P-01, BAY-P-02, HUXA-P-01, HUXA-ASP-P-02, BE-A-P-01, BE-A-S-P-01, SF10, SDL 1200PR and SDL 1000SF received by the Local Planning Authority on 5th March 2018.

Plan reference Street/01 Rev A, Mat/01 Rev A, 300 Rev P6 (FFL only not drainage), SURF/01, HOLL-P-02(2017/2013) REV A, DET-SG-PLNG04 and DET-DG-PLNG04 received by the Local Planning Authority on 27th September 2018.

Plan reference SK/01 Rev H and CYCLE-01 Rev B received by the Local Planning Authority on 16th November 2018.

Plan reference 1490-F02 Rev A and 1301-ENG 003 (1) received by the Local Planning Authority on 11th November 2018.

Plan reference ENG 003 (1) and 1490-F02 Rev A received by the Local Planning Authority on 11th December 2018.

3. No development shall take place until details of the design of the surface water drainage, based on sustainable drainage principles have been submitted to and approved in writing by the local planning authority.

Those details should 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), 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 5.8 l/sec. The scheme shall subsequently be implemented in accordance with the approved details before the development completed.

c) Flood water exceedance routes, both on and off site

d) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates

e) Plot 23, 24 and 25 are not included in the submitted drainage strategy and must be included as part of the drainage strategy and discharge through the flow control chamber and not discharge directly into the watercourse

f) Evidence is required to show there is no flood risk from the soffit level of the cellular tank which is approximately 150mm above the cover level of manholes S9, S10 and S11 and may cause a flood risk to the east of the site and potentially make the system less effective in a storm event.

g) Details of the foul drainage scheme. Foul and surface water shall be drained on separate systems

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

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

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

5. If drainage proposals require any works to the banks of Rufford Boundary Sluice Brook i.e. creation of a headwall or installation of a surface water outfall pipe then an updated water vole and otter survey shall be carried out and the results submitted to and approved in writing by the Local Planning Authority. Any agreed recommendations of the survey shall be implemented in full during the construction phase of the development.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no garages, extensions, alterations, porches, out buildings, swimming pools, or means of enclosure shall be erected or undertaken on plots 20-22 without the express written permission of the Local Planning Authority.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no window shall be added to the property until details of the positioning, size and design have been submitted to and approved in writing by the Local Planning Authority.
8. Notwithstanding the provisions of Article 3, Schedule 2, Part 14 Class A; Part 15 Class A; Part 16 Class A; Part 17 Class G to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) no substations or other buildings shall be provided within the site without the prior approval in writing of the LPA of the detailed siting and external appearance of the substations.
9. All external elevations and roofing materials shall be as detailed on plan reference MAT/01 Rev A received 27th September 2018. If the applicant or developer has any doubts as to whether the proposed materials are acceptable they should check with the Local Planning Authority before commencement of the building works.
10. No development other than that shown on plan number SK01 Rev H received on 16th November 2018 shall be carried out within 8m of the top of Rufford Boundary Sluice.
11. A contaminated land investigation shall be carried out in respect of the proposed development site in order to identify whether there are substances in, on or under the land with potential to cause harm to human, ecological, environmental, structural or controlled water receptors, and to assess the degree of risk posed by those substances to each receptor.

The investigation should be carried out by appropriately qualified and experienced consultants.

The investigation shall begin with a desk study that adequately characterises the site, including its geography, geology, hydrology and historical use. From this a conceptual site model shall be produced, based on the past and intended use of the site and identifying all potential pollutant linkages.

If the desk study and conceptual site model identify potential pollutant linkages, an intrusive site investigation shall be carried out in accordance with BS10175:2001 'Investigation of Potential Contaminated Sites - Code of Practice' and any other relevant Government guidance current at the time.

The investigation shall take the form of a sufficient number of sampling points arranged spatially so as to ensure adequate cover of the site, especially those areas intended for use as gardens and landscaped areas, or where concentrations of contaminants are anticipated.

Sufficient samples must be obtained to characterise the soils, and in addition to soil samples, shall include ground and surface water samples where the conceptual model demands. Additionally, monitoring for landfill gas shall be carried out where appropriate and the results assessed against the latest version of the CIRIA report. The samples shall be analysed for a full suite of organic and inorganic contaminants. The analysis must be carried out at a laboratory that is UKAS accredited, and which complies with the Environment Agency's MCERTS standard in respect of each contaminant.

Sample results shall be screened against Government Soil Guideline Values (SGV) where these are available. Where these are not available, the results must be screened using clearance values that have been derived using best available toxicological data using a statistical model acceptable to the Local Planning Authority (LPA). In those cases where values are exceeded, more detailed site-specific risk assessments must be carried out to decide whether remediation is required. These assessments must be carried out using best toxicological data for the contaminant concerned, and by means of a statistical model acceptable to the LPA.

Where the investigation confirms the presence of contamination likely to cause harm to receptors, whether human or otherwise, a remediation scheme shall be devised that will result in the contamination being dealt with so as to remove the risk to receptors and make the site suitable for its intended use.

The results of the desk study and site investigation, together with details of any proposed remediation, shall be approved by the LPA before development of the site commences. Any remediation scheme approved shall be carried out as part of the development of the site, and shall be followed by a validation report sufficient to prove that the remediation has been effective. This report must also be approved by the LPA.

Where it is evident that a risk to controlled waters may exist, the Environment Agency must be consulted and any requirements made by them must be carried out.

12. No development shall take place until a tree protection fencing plan 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 plan shall be fully implemented during construction.
13. No development above slab level shall be carried out until a landscaping and ecological enhancement scheme has been submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, shrubs and hedges; the location of all existing and proposed grassed and hard surfaced areas, tree and hedgerow planting schedules, details of habitat enhancement proposed including to the brook corridor, location and type of bat boxes, and location and type of bird boxes. 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.
14. No development shall commence until an Environmental Management Plan (EMP) with measures to prevent or limit disturbance to any qualifying bird species using the adjacent farmland from both visual and noise sources during construction has been submitted to and approved in writing by the Local Planning Authority. The EMP should include measures such as details of ecological mitigation, avoidance or appropriate timing of piling operations and screening of works behind hoarding or earth bunds. The measures contained in the approved EMP shall be fully implemented during construction.
15. The mitigation proposals set out in section 2.5.4 and 4.4 of the Addendum Ecological Report by ERAP dated September 2018 shall be implemented in full throughout the duration of the development.
16. 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.
17. Before the access is used for vehicular purposes the visibility splays measuring 2.4 metres by 59 metres in both directions shall be provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Liverpool Road, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as

walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway

18. No dwelling shall be occupied until the associated parking spaces have been laid out, surfaced and drained in accordance with the approved plans. For the avoidance of doubt, parking areas shall be of a porous construction or drain directly to a soakaway area provided within the plot.
19. Prior to construction of any dwelling a scheme for the provision of electric vehicle charging points throughout the development and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details.
20. Notwithstanding the provisions of the Town and Country Planning (Development Management Procedure) Order 2015 and the Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority in consultation with the Highway Authority.
21. No development above slab level shall be carried out until a detailed scheme for protecting the dwellings from noise is submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before the dwellings are occupied and retained thereafter.
22. The new estate road/access between the site and Liverpool Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development above slab level takes place on site.
23. No development above slab level shall take place until full details of the works to retain and rebuild the removed sections of the wall along Liverpool Road have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
24. No part of the development shall be first occupied until all the highway works within the adopted highway (namely the provision of a Speed Indicator Display Sign and Traffic Island) on Liverpool Road, A59, have been constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.

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 site is properly drained and to ensure that there is no flood risk on or off the site resulting from the proposed development, in the interest of local amenity and that the development, and complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Reason for pre-commencement conditions

Drainage is not only a material consideration but an early and fundamental activity in the ground construction phase of any development and it is likely to be physically inaccessible at a later stage by being buried or built over. It is of concern to all flood risk management authorities that an agreed approach is approved before development commences to avoid putting existing and new communities at risk.

The revised NPPF considers sustainable drainage systems to be important and states that they should be incorporated unless there is clear evidence that this would be inappropriate and, as such the LLFA needs to be confident that flood risk is being adequately

considered, designed for and that any residual risk is being safely managed. To be able to do this the LLFA requires an amount of certainty either by upfront detail or secured by way of appropriate planning condition.

4. To ensure that the site is properly drained and to ensure that there is no flood risk on or off the site resulting from the proposed development, in the interest of local amenity and that the development, and complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

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5. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. To enable the Local Planning Authority to consider the appearance of substations or other such buildings given the high standard of public realm considerations for the overall layout of the site whereby non-sensitive infrastructure would undermine the achievement of quality public spaces and wider public realm and therefore to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
9. 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.
10. 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.
11. To safeguard the health of the trees and so ensure that the proposed development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. 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.
13. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
14. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
15. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users and to ensure that the

- development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
16. To ensure adequate visibility for the drivers of vehicles entering and leaving the site and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 17. To allow for the effective use of parking areas 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.
 18. In the interests of sustainability in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 19. To ensure sufficient off-street parking remains in the area in the interests of highway safety and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 20. To safeguard the amenity of the occupiers of the proposed dwellings and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
 21. 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.
 22. To ensure that the 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.
 23. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

1. The applicant is advised that the new site access, will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Environment Directorate before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for "278 agreement".
2. The applicant is advised that the proposed arrangements for future management and maintenance of the proposed street within the development will need to be agreed with the Highway Authority. The street shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established. The applicant is advised to contact the Environment Directorate before works begin on site.
3. This permission is subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

Reason for Approval

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

Policy SP1 - Development in Rural Settlements
Policy GN1 - Settlement Boundaries
Policy GN3 - Criteria for Sustainable Development
Policy RS1 - Residential Development
Policy RS2 - Affordable and Specialist Housing

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

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

Agenda Item 7e

No.5	APPLICATION NO.	2018/1006/FUL
	LOCATION	Premises Known As The Timber Yard Moorgate Ormskirk Lancashire L39 4RT
	PROPOSAL	Change of use to flexible use consisting of use classes A2, D1, D2 and A4 and alteration/extension of building to provide bar lounge and outdoor seating area.
	APPLICANT	Unite Developments
	WARD	Knowsley
	PARISH	Unparished - Ormskirk
	TARGET DATE	19th November 2018

1.0 **SUMMARY**

- 1.1 The application seeks planning permission for flexible uses in an accessible edge of centre location. The applicant has demonstrated suitability of the location by way of a sequential test and whilst concerns over the potential impacts on local amenity exist it is considered that, subject to suitable conditional controls, the development can be made acceptable in planning terms. Operational development to facilitate the uses has taken place and is considered policy compliant.

2.0 **RECOMMENDATION**

- 2.1 That **temporary** planning permission be **GRANTED** subject to conditions.

3.0 **REFERRAL**

- 3.1 The application was to be determined under delegated powers, however, Cllr Dowling has requested it be considered at planning committee to assess the impact of the proposed development on neighbouring amenity.

4.0 **THE SITE**

- 4.1 This matter relates to a former builders yard and part of a single storey commercial building attached to a flexible use A2/D1/D2 unit incorporating a gym, exercise rooms and beauty salon to the eastern side of Moorgate within the Key Service Centre settlement area of Ormskirk. The site lies approximately 40 metres to the south of Ormskirk Town Centre. To the north of the site is a village hall/guide hut, to the east is a railway line, to the west is West Lancs Wellbeing Centre (Age UK) and residential units on Bridge Avenue, and, to the south are residential properties and Moorgate Nursery School and Early Years Centre. Moorgate is a one-way street here.

- 4.2 The unit and extension is about 10 x 13 m accommodating a toilet, store, kitchen and bar facilities. Access is via two openings in the frontage wall secured by high steel rail gates. The wooden-clad single storey extension measures approx. 3.2 x 9.3 metres with a mono pitched tin roof sited substantially below a pre-existing canopy – presumably serving to shelter a former loading bay. A low platform has been built in front (west) of the extension accommodating a temporary/lightweight gazebo shelter. The concrete yard area is approx. 19 x 24 m with high walls to the road frontage, eastern and northern boundaries; stacks of timber palettes and picnic benches provide seating and table facilities in this area.

5.0 **THE PROPOSAL**

- 5.1 The application seeks the retention of the lean-to extension, the raised deck platform and the change of use of the site for flexible uses including A2 (financial and professional services), A4 (drinking establishments), D1 (non-residential institutions), and D2 (assembly and leisure). The current use is a licensed A4 use.
- 5.2 The proposed hours of use of the site for A4 purposes are: 11.00-22.30 hours Monday to Friday; 11.00-00.00 hours Saturdays; and, 12.30-22.30 hours Sundays and Bank Holidays.
- 5.3 The permission also seeks regularisation of the extensions described at 4.2 above.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2015/0810/COU - GRANTED (14.12.2015) Change of use from child's soft play centre to gym with beauty salon and separate building with flexible mixed usage of A2 / D1 & D2 (part retrospective).
- 6.2 E/2017/0210/UAU – Enforcement Authorised (8 October 2018) Without planning permission the change of use of land and building to a drinking establishment (A4 Use) and the erection of a building extension.

7.0 OBSERVATIONS OF CONSULTEES

- 7.1 LCC (Highways) (26.10.18) - no objection - the proposed development should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.
- 7.2 Environmental Health (16.11.18) – Concerns raised with respect to potential for noise impacts arising from music and patrons activities on nearby land uses; recommends temporary permission with planning conditions to address concerns that cannot be covered under the terms of a premises licence.

8.0 OTHER REPRESENTATIONS

- 8.1 2 letters from nearby residents objecting on the following bases:

Contrary to policies GN5 and IF1 as sequentially preferential sites available within the allocated town centre.

Contrary to Policy GN3 in that the development displaces 18 parking spaces approved for use in conjunction with the adjacent site (gym).

The loss of parking facilities increases on-street parking competition which causes congestion and highway safety concerns – particularly at drop-off/collection times for activities on the adjacent site and has resulted in a rise of traffic using Moorgate in the wrong direction when there is a queue to exit via Park Rd.

The adjacent site is used for children's sleepovers and will cause potentially frightening and disruptive noise.

Area to the rear of the Guide HQ has been littered and used as a toilet.

Increased noise in the locality.

Increase in risk of crime and vandalism.

- 8.2 New Ormskirk Residents Group (26.10.18) – objects on the grounds that the proposed uses are not compatible with the site; are contrary to policy GN3 due to the proximity with residential properties and evening activities at the Age UK Centre; and, there is no specific parking attached to the establishment.

- 8.3 Ormskirk Girl Guide HQ (05.11.18) – Adjacent building used for meetings with 3-15 year olds including twice yearly sleepovers. The Guide HQ site has experienced people urinating to the rear of the hall.
Concerns over vehicles travelling wrong way on Moorgate since gym and bar opened potentially due to displacement of parking.
Prevention measures (gates to Guide Hall) would assist in preventing anti-social activities to the rear of the hall.

9.0 SUPPORTING INFORMATION

- 9.1 The application is accompanied by a sequential assessment of alternative locations and part detail of the licence conditions applied to the site.

10.0 RELEVANT PLANNING POLICY

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

The site is located within a Key Service Centre (Settlement area) as designated in the West Lancashire Local Plan.

National Planning Policy Framework policies:

Building a strong, competitive economy
Ensuring the vitality of town centres

West Lancashire Local Plan (2012-2027) policies:

SP1 – A Sustainable Development framework for West Lancashire
GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
GN5 – Sequential Test
EC1 – The Economy and Employment Land
IF1 – Maintaining Vibrant Town and Local Centres
IF2 – Enhancing Sustainable Transport Choice

11.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Principle of Development – Town Centre Use on Edge of Centre site

- 11.1 Policy IF1 states that *appropriate town centre development will be encouraged within town and local centres, followed by edge of centre locations, in line with national policy. Retail and other main town centre uses will only be considered in out-of-centre locations if a specific local need is proven for the proposed development and there is no suitable site available within a town, village or local centre. When considering edge of centre and out of centre sites, a preference will be given to accessible sites that are well connected to the town centre.* It is therefore incumbent on the applicant to demonstrate that the site is sequentially the most suitable for the proposed use. The expected methodology for this test is set out in Policy GN5 of the WLLP. For clarity, the 'need' assessment is not considered applicable to an edge of centre site.
- 11.2 The site was previously considered for a combination of uses including A2, D1 & D2; this was found acceptable in principle as those uses are considered appropriate as town centre uses and offered a flexibility in the use of the wider site to align with the NPPF and Policy EC1's promotion of economic growth. It was recognised that the 2015 permission

would bring alternative viable uses to a formerly vacated site. The proposed A4 Use is also considered an appropriate town centre use. The submitted sequential assessment identifies numerous sites including development opportunity sites and existing vacant units; these are discounted on the basis of availability, viability and suitability for the nature of the proposal. Of the identified sites the majority appear legitimately discounted; the most likely alternative being that of the former Aurora Bar on Moorgate, approx. 100m to the north-east. However, the accommodation that that building provides is considered to be at significant odds to the niche style of bar created on the application site which is of an informal nature and seeks greater interaction with the outside space than could be safely and suitably accommodated on Moorgate. Having reviewed the limited vacant units within the town centre I would agree with the findings of the assessment and given the accessibility of the site consider the siting of the establishment to be justified in principle subject to assessment of other relevant WLLP policies.

Building Extension - Design and Appearance

- 11.3 The site is fairly well self-contained due to high boundary walls on three sides and the building on the other. Previously only glimpses through the two access gates provided any substantial view of the yard and building element, however, these have recently been screened by timber boards. The former use of the site was a builders' yard and therefore had little in the way of high visual quality. The approved use of the site for parking (see below) would not have improved this significantly. The presence of benches/tables and informal seating through use of wooden pallets and occasional planter, if anything, improves the yard which is otherwise devoid of positive character.
- 11.4 The design and appearance of the extension does not appear out of place in the context of a former builder's supplies yard – appearing as a simple timber store against the similarly utilitarian appearance of the adjacent part of the main building. The more recent decking area also has little material impact in the locality and therefore does not result in any significant planning harm in itself. A temporary canvas shelter sited on the decking is not visible from outside the site.
- 11.5 Some graphics with the words 'The Timber Yard' are spray stencilled on the internal faces of the boundary walls, the upright element of the original canopy (above the recent extension) and the external face of the boundary wall on to Moorgate. With the exception of the latter these are barely visible from outside the site. The graphics on the Moorgate frontage are relatively benign due to their narrow line-width design, scale and limited colouration. No significant impact arises from this aspect of the development. I therefore conclude that the development accords with Policy GN3 of the WLLP with respect to design and appearance.

Impact on Adjacent Land Uses

- 11.6 Policy GN3 seeks to protect levels of local amenity. The site sits alongside community halls (a Girl Guide hall immediately adjacent) and opposite a Wellbeing Centre which are likely to see daytime and/or early to mid-evening use that could be impacted by virtue of noise, disturbance and unsociable activity that sometimes associates with drinking establishments. Furthermore, residential properties lie within about 30 metres on Moorgate, 40 metres on Bridge Ave to the northwest (opposite), and about 52 metres to those on Moss View on the eastern side of the railway line. Authority to proceed to enforcement action was obtained primarily due to the likely impact of uncontrolled hours of opening to the public and noise outbreak. It is therefore appropriate to consider whether such impacts can be made acceptable through use of planning condition/s to provide suitable protection of amenity for the surrounding land uses.

- 11.7 The matter of amenity was recently considered in detail at WLBCs Licensing Committee that resulted in a heavily conditioned licence for operation during the following hours: Monday – Thursday: 11.00 – 23.00 hrs; Friday & Saturday: 11.00 – 00.00 hrs; and, Sunday 12.00 – 23.00 hrs. Further consultation with WLBC Environmental Protection Services identifies that, whilst no noise complaints have been received by them since the current operator took over the site there are concerns in respect of potential noise impacts, not least because the nature and terms of any site licence can be changeable and cannot prevent certain activities – particularly the playing of live and recorded music under the terms of the Live Music Act. It is also notable that the premises consist of a small bar area and large outdoor yard. The building is poorly sound insulated, with one wall made of timber (although some effort to improve its insulation properties have taken place) and a corrugated sheet roof with numerous gaps around the structure. (The conditions of a licence cannot require the upgrade of the building envelope). Additionally, the bar was only operating on an intermittent basis through the summer period. The licence controls therefore offer little reassurance over the longer term if the use is to be retained.
- 11.8 In general, licensed premises invariably bring noise from patrons. Noise is particularly an issue from outside areas and from patrons arriving at and leaving the premises. Late at night this becomes more of a problem as this type of noise can cause sleep disturbance. In this location patrons in the yard area and also people leaving the premises late at night could cause noise disturbance to nearby residents. Whilst residential occupiers can generally reasonably expect undisturbed sleep from 23.00 hours some provision must be given due to the close proximity of the town centre and the mixed use nature of the area - including nearby facilities such as The Cricketers and 22 Club.
- 11.9 Furthermore, in terms of recorded playback or live music events, despite the level of enclosure, playing of anything other than background music (incidental to the enjoyment of the premises) in the yard area will have significant potential to cause disturbance especially during later hours. Limited volume recorded music and acoustic live music is considered likely to be acceptable inside the building providing windows and doors are closed.
- 11.10 As reflected in the licence application it is considered that with conditional controls in terms of hours of use and sound levels from music, it is possible that the impact on nearby residents and land uses could potentially be suitably managed to acceptable levels. Consistent with the findings of the Licensing Committee I consider that similar restrictions under the planning regime in terms of opening hours and restrictions on the playing of live or recorded music are likely to provide sufficient comfort and control to achieve a policy compliant form of development. However, unlike the licencing regime, there is little flexibility to review or amend any controls should the proposed restrictions prove insufficient. Under the circumstances it is important to strike a reasonable balance between protection of local amenity and avoidance of overly burdensome restrictions on a business.
- 11.11 Given that the operational development has already been carried out and is found to be acceptable, I consider that there is justification to contemplate the issue of a temporary permission to enable review of this matter after consistent operation of the A4 or other flexible uses within this site. In my view this will provide a suitable mechanism to review any adverse impacts of the development in terms of local amenity should they take place.

Highways/parking

- 11.12 The wider site comprises of two large buildings that are adjoined and have a combined floor area of 1486sqm. There is a car parking area to the south of the buildings which is

marked out for 14 spaces and 21 spaces available on the site forecourt – although access to the majority of the frontage can be impeded by on-street parking. The yard area of the application site is marked out for 12 spaces but was shown to accommodate up to 18 on the 2015 planning permission. Parking in the vicinity is otherwise limited to on-street parking restricted to one-hour only during the hours of 8am to 6pm Monday to Friday; the Lunesdale pay and display car park on the junction of Park Road and Moorgate, about 40 metres away; or, other centre car parks. The surrounding roads are restricted to resident permit holders or limited hours parking.

- 11.13 The Director's report to the Planning Committee for the 2015 application highlighted that the site was in a very sustainable location and that the proposals under that application were unlikely to result in any significant adverse impact on highway safety or capacity. The level of parking to be provided was considered sufficient given the accessibility of the site by means other than private motorised vehicle. However, by utilising the yard area, the proposal effectively reduces this provision by 18 spaces. Due to the flexible use permission on the site it is difficult to prescribe a minimum limit for parking provision. I do have some concern over the displacement of this provision, however, visits to the locality during the daytime have shown good use of the southerly parking area, whilst limited parking has taken place on the frontage (now restricted for use by staff). It is not clear if this is because of restricted access or low demand. Complaints suggest that the development has led to limited parking and has resulted in drivers hunting for spaces who will often travel the wrong way down this one-way street. This issue seems to have been a concern that was raised by the District Guide Association at the time of the 2015 application, suggesting it was a pre-existing concern more likely to be associated with specific peak periods or shopper parking. However, if the proposals exacerbate this issue then additional highway safety concerns might arise. Consultation with the highway authority concludes that the sustainability of the site and accessibility by forms of transport other than private vehicles and the proximity of parking provision in and about the centre mean the development is unlikely to materially impact on highway safety or capacity in the locality. The accessibility and availability of other parking facilities also justifies the absence of parking provision. This is considered equally applicable to the approved uses as the current bar use. Given the above I consider the absence/reduction of parking provision would not give rise to sufficient planning harm to warrant refusal of permission on that basis and the proposal is therefore acceptable under the terms of Policies GN3 and IF2 in respect of highway safety and parking.

Other Matters

- 11.14 Although the site forms part of a wider ownership of land the unit subject of this application can be described as distinct and separately occupied and therefore a separate planning unit. The proposed permission allows flexibility in its use some of which trigger Permitted Development Rights under the Town and Country (General Permitted Development) (England) Order 2015 that might introduce additional undesirable impacts on the locality. In the interests of planning control and general amenity I consider it appropriate to remove those rights to ensure the impacts of any changes of use can be appropriately controlled by the Local Planning Authority.

Planning Balance

- 11.15 In this instance, given that there is some residual concern in terms of local amenity impacts and alleged concerns in terms of antisocial behaviour, however, that there is no objection to the operational development elements, I consider it appropriate to recommend a temporary permission for a 12 month period with conditions reflecting those of the current licence but with additional restriction in relation to the outside playing of live and/or recorded music.

12.0 RECOMMENDATION

12.1 That **TEMPORARY** planning permission be **GRANTED** subject to the following conditions:

Conditions

1. This permission is valid for a limited period only expiring on 10 January 2020 by which date the use hereby authorised shall be discontinued unless a further permission for this use has been granted by the Local Planning Authority.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan references 0868-02-01-001 and 0868-02-02-002 received by the Local Planning Authority on 24 September 2018 and 0868-02-05-001 and 0868-02-03-002 Rev. A received 18 October 2018.
3. The use hereby permitted shall only take place between the hours of 11.00 - 23.00 hrs. Monday to Thursday; 11.00 - 00.00 hrs. Friday and Saturday; and, 12.00 - 23.00 hrs. Sundays and Bank Holidays.
4. Noise from music and associated sources (including DJs and amplified voices) shall not be audible at the boundary of any neighbouring residential premises.
5. No live or recorded music other than background music shall take place in the outside seating area of the premises at any time.
6. All doors and windows shall be kept closed, other than for access and egress, at all times the premises is used for live or recorded music other than background music.
7. Patrons shall not be permitted to eat or drink products served at the premises in the yard area after 22.00 on any day.
8. Deliveries of goods/services and collections of waste from the premises shall only take place between the hours of 0800 and 2000 Monday to Saturday and at no time on Sundays and Bank Holidays.
9. Prior to the installation of any mechanical ventilation and odour filtration systems within the premises, full details of the systems to be installed shall be submitted to and approved in writing by the Local Planning Authority. Once approved the system shall be installed and maintained in situ thereafter and no other such system shall be installed without the written approval of the Local Planning Authority.
10. Notwithstanding the Provisions of Part 3 of Schedule 2 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 that Order, the use of the land and building shall be limited to A2, A4, D1 or D2 Uses as defined by the Town and Country Planning (Use Class) Order 1987 only and for no other purposes.

Reasons

1. To assess the effect of the development upon the amenities of the neighbouring area and to enable any future applications to be decided on this assessment, thereby ensuring compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
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6. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To safeguard the amenity of nearby land users from excessive noise intrusion and so ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

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

GN5 - Sequential Test

EC1 - The Economy and Employment Land

IF1 - Maintaining Vibrant Town and Local Centres

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.6	APPLICATION NO.	2018/1017/FUL
	LOCATION	Southview Lodge Care Home 92 Station Road Hesketh Bank Preston Lancashire PR4 6SQ
	PROPOSAL	Single storey extension to an existing category C2 care home.
	APPLICANT	Mr Blane
	WARD	Hesketh-with-Becconsall
	PARISH	Hesketh-with-Becconsall
	TARGET DATE	11th December 2018

1.0 SUMMARY

- 1.1 This is an application for a single storey extension to an existing care home. The proposed design, layout and appearance is considered to be acceptable. The development will not have a detrimental impact on protected trees and adequate parking has been provided. I consider the proposal complies with the relevant policies of the Local Plan and is acceptable in principle.

2.0 RECOMMENDATION: Approval with Conditions

3.0 THE SITE

- 3.1 This is a large detached care home located within the settlement of Hesketh Bank. The property sits towards the rear of the site with extensive gardens, driveway with parking to the front. The site is bounded by a graveyard to the east, bowling club to the north and All Saints Church and residential development along Silverdale to the south. The green belt bounds the site to the north and east.

4.0 THE PROPOSAL

- 4.1 Planning permission is sought for a single storey extension to an existing care home. The extension will measure approximately 13m by 45m and will adjoin an existing single storey extension and result in the demolition of a conservatory. The extension will provide 19 en-suite bedrooms, lounge and extended dining room. The total number of bedrooms in the care home will rise from 30 to 42.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2003/0221 REFUSED Outline - Erection of six detached dwellings (including details of siting and means of access).
- 5.2 1991/0533 GRANTED Outline - Three detached houses and garages incl. new vehicular/pedestrian access.
- 5.3 1991/0319 WITHDRAWN Outline - Three detached houses and garages including new vehicular/pedestrian access.

6.0 OBSERVATIONS OF CONSULTEES

- 6.1 LCC Highways (27.11.18) – No Objections

7.0 OTHER REPRESENTATIONS

7.1 None received

8.0 SUPPORTING INFORMATION

8.1 Arboricultural Implications Assessment
Ecology Report
Planning Statement
Design and Access Statement

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 located within a Key Sustainable Village as designated in the West Lancashire Local Plan 2012-2027 DPD

West Lancashire Local Plan 2012-2027 DPD

GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
IF2 – Enhancing Sustainable Transport Choice
EN2 – Preserving and Enhancing West Lancashire's Natural Environment

Supplementary Planning Advice

SPD – Design Guide (January 2008)

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Principle of Development

10.1 The site is located within the settlement of Hesketh Bank therefore the principle of extending the care home is acceptable subject to compliance with other policies in the Local Plan.

Design and Appearance

10.2 The existing care home has been extended several times throughout the years which has led to a variance in style. The proposed extension has been designed to complement the existing care home by replicating the more successful elements with a contemporary feel. I consider that the single storey nature of the proposed extension would appear as a subordinate annex to the main building. The proposed extension would also help unify the appearance of the front of the building. In summary I am satisfied that the design, scale and layout of the proposed development is compliant with policy GN3 in the Local Plan.

Impact on Trees

10.3 There are a number of trees covered by Tree Preservation Orders (TPO's) on site. Along the northern and southern boundaries and also within the centre of the site. The proposed extension will be sited alongside trees covered by a TPO on the southern boundary. The Council's Arboricultural Officer has inspected the site and considered the proposals with

regard to the submitted Arboricultural Implications Assessment (AIA), Method Statement and Tree Protection Plan.

- 10.4 The position of the proposed building would require the removal of several lower grade trees as referred to in the AIA, which the Arboricultural Officer would not object to. The layout has also been considered in relation to possible shading and daylight issues for the proposed bedrooms. I do not consider that shading would be excessive and rooms on the south side would not be unduly affected therefore there should not be further pressure to prune the retained trees. A condition will be attached to ensure tree protection be implemented during construction. A landscaping scheme will also be required by condition to ensure replacement tree planting.

Impact upon neighbouring properties

- 10.5 The nearest residential properties are numbers 15 to 19 Silverdale situated to the south of the site. Given the single storey nature of the proposed extension and distance to residential properties on Silverdale, which is separated by a pathway leading from the church to a graveyard, I consider that the proposal will not have a detrimental effect on the amenity of surrounding residential properties and complies with Policy GN3 of the Local Plan. In respect of the impact upon future residents, I consider the proposed layout will offer acceptable levels of amenity for future residents. I consider the proposed layout will offer acceptable levels of amenity for future residents.

Highways

- 10.6 The proposed development has no impact on the existing access/exit arrangements. The Local Plan sets out parking standards for residential institutions which requires 1 parking space per 5 beds. A car parking layout has been provided which shows 10 car parking spaces plus 3 disabled spaces. Provision for motorcycle parking has also been made. Therefore, the proposed development is supported by adequate parking provision. The Highway Authority have no objection to the application and is of the opinion that the proposal would have a negligible impact on highway safety within the vicinity of the site.

Ecology

- 10.7 An ecological survey and assessment with bat survey has been submitted with the application. The survey concludes that the site has a negligible to low suitability for use by foraging and commuting bats. No signs of bats were detected at the building's external elevations and the presence of roosting bats can be discounted at the sections of the building affected by the development. In addition none of the trees within the site support any features suitable for use by roosting bats. Therefore I am satisfied that the scheme will not have a detrimental impact on ecology.

Drainage

- 10.8 The site is located in flood zone 1, an area considered to have the lowest probability of fluvial and tidal flooding. No drainage information has been received at this stage. Due to the scale of the proposed extension it is considered appropriate to attach a condition to secure details of the foul and surface water drainage

Summary

- 10.9 In summary, the proposal is in accordance with policies GN3 and EN2 of the West Lancashire Local Plan and the SPD Design Guide. I therefore recommend that planning permission be granted.

11.0 RECOMMENDATION

11.1 That planning permission be GRANTED subject to the following conditions

Conditions

1. The development 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 Drawing Numbers 101, 103 and 104 received by the Local Planning Authority on 27th September 2018.
Plan reference Drawing Number SK01 received by the Local Planning Authority on 4th October 2018.
Plan reference Drawing Number 102 Rev 1 received by the Local Planning Authority on 8th October 2018.
3. No development above slab level shall take place until full details and samples of the external brickwork and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. The Tree Protection measures shown on the Tree Protection Plan and email received by the Local Planning Authority on 18th December 2018 shall be fully implemented during construction.
5. Prior to completion of development a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas. Trees and shrubs planted shall comply with BS. 3936(Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). Within a period of 9 months from the date when any part of the development is brought into use the approved landscaping scheme shall be carried out. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.
6. No development shall take place until a strategy for the separate foul and surface water drainage of the development, including any necessary attenuation measures and phasing of delivery, has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage strategy must take account of the relevant provisions of this councils Planning Applications - Drainage, Flood Risk and Sustainability guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement standards. The drainage scheme shall be completed in accordance with the approved details and in accordance with the approved phasing of the scheme.

Reasons

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To protect the trees and shrubs and thereby retain the character of the site and the area and to ensure that the development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

5. To 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.
6. To ensure that the site is properly drained and to ensure that there is no flood risk on or off the site resulting from the proposed development, in the interest of local amenity and that the development, and complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Reason for pre-commencement conditions

Drainage is not only a material consideration but an early and fundamental activity in the ground construction phase of any development and it is likely to be physically inaccessible at a later stage by being buried or built over. It is of concern to all flood risk management authorities that an agreed approach is approved before development commences to avoid putting existing and new communities at risk.

The revised NPPF considers sustainable drainage systems to be important and states that they should be incorporated unless there is clear evidence that this would be inappropriate and, as such the Local Authority need to be confident that flood risk is being adequately considered, designed for and that any residual risk is being safely managed. To be able to do this the Local Authority requires an amount of certainty either by upfront detail or secured by way of appropriate planning condition.

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

IF2 - Enhancing Sustainable Transport Choice

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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

No.7	APPLICATION NO.	2018/0721/FUL
	LOCATION	Gibbons Barn Plex Lane Halsall Ormskirk Lancashire L39 7JZ
	PROPOSAL	1.0 and 1.8 metre high timber fence to rear boundaries.
	APPLICANT	Kirsty Breakell
	WARD	Halsall
	PARISH	Halsall
	TARGET DATE	17th September 2018

1.0 DEFERRAL

1.1 The application was initially considered at Planning Committee on 18 October 2018 but deferred to consider amendments to the scheme.

2.0 SUMMARY

2.1 The applicant has decided to reduce the height of the fence on that part of the boundary lying beyond the limit of the lawful residential curtilage on the north-western boundary of the orchard area to a height of 1.0 m, however, in planning terms the development is still considered to result in harm to the Green Belt and be inappropriate in its setting and therefore conflicts with Policies GN1, GN3 and EN4 in the West Lancashire Local Plan, the NPPF and Design Guide Supplementary Planning Document.

3.0 RECOMMENDATION: REFUSE

4.0 THE SITE

4.1 The site consists of a traditional brick and slate former agricultural barn converted to residential accommodation. Vehicular access is provided to the immediate south of the barn with associated residential garden area to the west. A former orchard area exists to the south. The building forms part of a cluster of former farm buildings to the western side of Plex Lane.

5.0 THE PROPOSAL

5.1 The application seeks the retention of approx. 21 metres of 1.8 metre high horizontally-slatted fence located to the rear (west) of the barn continuing to a proposed reduced height fence of 1.0 m high on the north-western boundary of the adjacent orchard area (approx. 24 metres in length) on or near the common boundary with Gibbon's Farm (the former farmhouse).

6.0 PREVIOUS RELEVANT DECISIONS

6.1 1995/0011 – GRANTED (16.03.1995) Change of use of office to dwelling including elevational changes.

6.2 1991/0624 – GRANTED (31.10.1991) Conversion of Barn into offices; associated car parking and alterations to access.

Adjacent property at Gibbon's Cottage

- 6.3 1995/0250 – GRANTED (12.05.95) Erection of conservatory at rear and new boundary wall/post and panelled fence, installation of septic tank, including biodisc effluent treatment system and soakaway. Siting of propane tank.

Adjacent property at Gibbon's Farm

- 6.4 2013/0842/LDP – REFUSED (15.10.2013) Certificate of Lawfulness - Proposed new security wall to abut existing boundary wall. Allowed on appeal.

7.0 **CONSULTEE RESPONSES**

- 7.1 None applicable

8.0 **OTHER REPRESENTATIONS**

- 8.1 One letter has been received from an immediate neighbour objecting on the following grounds:

Scale disproportionate to surrounding development
Prominent feature
Inappropriate to rural setting
Fire risk
Bad neighbour development
Not in accordance with the Local Plan
In conflict with planning conditions attached to the property
Other works have taken place on the site
Development will exacerbate local surface water flooding issues
No consultation before works took place

- 8.2 A rebuttal to the objection of the neighbouring residents has been received from the applicant highlighting the following:

The fence would not impede fire escape given the nature of other boundaries to the neighbour's property.
Excavations in the orchard area are to complete remedial drainage works.
No trees have been removed from the site.
Statement supports 'privacy' argument.
Impact of recent development at the Barn no more likely to adversely impact flood risk in the locality than the developments at the Gibbons Farm site.
Gibbons Barn has never flooded
No objection to a physical boundary has been included - objection appears to be concern over retrospective nature.
Objection with respect to the materials used is inconsistent with objectors own actions
Hedging was suggested by the objector however, he confirms the area was cobbled and as such no hedging could be planted/grown as the ground is solid.
Points of objection not considered valid or consistent with development at Gibbon's Farm.

9.0 **SUPPORTING INFORMATION**

- 9.1 The applicant has provided a statement in support of the retention of the fence raising the following issues/benefits:

Provides security and prevents unauthorised access
Is similar to other means of enclosure in the immediate vicinity and beyond; consistency of decision making should be reviewed.

Views of the fence are limited or obscured
Provides mutual privacy benefit between neighbouring residents
An identical means of enclosure could be erected without planning permission by the neighbouring occupiers
Preventing retention of the fence would contravene Article 8 of the Human Rights Act
The fence is not a building and should not be assessed as such.
The barn is not a non-designated heritage asset and Policy EN4 is not relevant.
No reference is given to safety as a material consideration.
A hedge could not be planted in the existing ground as it is solid and in any case would take between 5 and 10 years to grow, however, some softening landscaping has been carried out and the fence will weather down to a similar appearance as the nearby stable.
Concerns are expressed in respect to the disparity arising from adjacent properties having permitted development rights removed or retained.

10.0 RELEVANT PLANNING POLICIES

- 10.1 The National Planning Policy Framework (NPPF) 2018 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 Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD (WLLP) and a Mineral Safeguarding Area as defined in the Lancashire Site Allocation and Development Management Policies Local Plan.
- 10.3 Relevant 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 Historical Assets

Supplementary Planning Document, Design Guide (Jan 2008)

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

11.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Background

- 11.1 The development that has taken place would generally be permitted to a height of 2.0 metres under the provisions of the (now) Town and Country Planning (General Permitted Development) (England) Order 2015; however, as a converted rural building, these rights were removed from the property to protect the Green Belt locality and the heritage value of the former traditional agricultural barn. This approach is generally driven by planning policy requirements at the time of conversion and, indeed, is not an uncommon approach when considering equivalent proposals under current national and local planning policy requirements.
- 11.2 Of the group of three residential properties here the application site and Gibbon's Cottage (also a conversion) have the majority of their permitted development rights removed. The original farmhouse retains its rights under the Order.
- 11.3 Notwithstanding that part of the proposed fence lies outside the residential curtilage of the barn and therefore outside the area of restricted permitted development rights, the entire fence is considered unauthorised in planning terms as it forms a single entity. This is consistent with the established principle in *Garland v Minister of Housing and Local Government* [1968].

Assessment

- 11.4 Planning condition 4 on the approval to convert the building to a residential unit removed some permitted development rights including the erection of means of enclosure at the site. The reason for that restriction is stated as: *The character and location of the property are such that the Local Planning Authority wish to exercise maximum control over future development.* For the reasons set out below I am satisfied that that restriction meets the current tests for planning conditions set out at para 55 of the NPPF and therefore its effect remains valid.

Principle of Development – Green Belt

- 11.5 For the purposes of the Green Belt assessment the NPPF does not define “building”, but section 336 of the 1990 Act defines the term as including “any structure or erection”. Therefore, consistent with the approach of the Planning Inspectorate in a recent appeal case, the Council has assessed the fence as a building. Policy GN1 in the WLLP states that proposals in the Green Belt will be assessed against national policy and any relevant Local Plan policies. The NPPF sets out the types of appropriate development in the Green Belt at paras. 145 and 146. The erection of new buildings in the Green Belt is considered inappropriate except for specified exemptions. The proposal would not fall within any of these categories and therefore is considered inappropriate development in the Green Belt.
- 11.6 The applicant suggests that under the terms of Para. 145 the development could consequently be construed as an extension to the existing building and therefore the relevant test would be whether it is disproportionate to the original dwelling. As a distinct structure that does not serve the function of the existing barn (to provide habitable accommodation) I consider this interpretation as an 'extension' less credible in planning terms, however, were it to be assessed as such then I consider by virtue of its linear length and extension beyond the original residential curtilage of the barn, the structure appears disproportionate and conflicts with one of the purposes of including land in the Green Belt through encroachment and would therefore constitute inappropriate development for those reasons.
- 11.7 Inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances. The NPPF defines that *very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by any other considerations.* It also advises that any harm to the Green Belt should be afforded *substantial* weight.
- 11.8 In addition to the harm arising from inappropriateness, the presence of the fence will result in a loss of openness (generally defined as the absence of built form and development as opposed to any visual matter). In terms of the visual impact, para. 141 requires, inter alia, that local planning authorities plan positively to retain and enhance landscapes and visual amenity of the Green Belt. This is assessed in the following paragraphs.

Design and Appearance

- 11.9 Policy GN3 of the West Lancashire Local Plan DPD 2012-2027 states that proposals for development should be of high quality design and have regard to visual amenity and complement or enhance any attractive attributes and/or local distinctiveness within its surroundings through sensitive design, including appropriate boundary treatment. The Design Guide SPD provides specific guidance in relation to boundary treatment. This states that: *Where new boundary walls are required, their design should match those used*

elsewhere locally and in particular comprise materials and detailing which relate to the context of the site.

11.10 The principal views of the fence are obtainable from Plex Lane, though these are to some extent obscured by intervening hedging and the barn itself. The dark-coloured timber of the fencing is not particularly intrusive and will be less so if partly reduced in height, however, the lighter treatment on the outer side (to Gibbons Farm) is more conspicuous. This could be conditioned for similar treatment to better assimilate the structure to reduce this impact. The fencing is viewed against the backdrop of the cluster of buildings. Whilst there are examples of panel fences erected under permitted development rights in the vicinity, the fencing is not of a type characteristic of a rural area generally or of this locality. The boundary treatment in the local area is characterised by soft landscaping such as hedgerow interspersed with trees. Fencing, where it occurs, is predominantly post and rail/wire style. The fence provides a degree of enclosure not generally found, for example, at a farmstead, and would be more in keeping with an urban or suburban location. On that basis the fencing causes some limited harm to the character and appearance of the Green Belt and locality generally and therefore conflicts with Policies GN1 and GN3 in the WLLP.

Very Special Circumstances

11.11 The applicant has outlined the benefits of the fence in terms of privacy, security, limited visual impact, the disparity due to the fact the neighbour could erect such a fence on the boundary without planning permission and other planning decisions made by the Council. In terms of the disparity arising from the removal of permitted development rights, this is a consequence of previous (and current) policy in relation to permitting the change of use of traditional rural buildings in a Green Belt location and where the building in question is a character building of some historic interest (i.e. having heritage value as a non-designated heritage asset). Current Green Belt policies and Policy EN4, which maintains a presumption in favour of the protection and enhancement of existing non-designated heritage assets, still require the protection to the Green Belt and the aesthetic of the building and its setting that justifies the removal of the permitted development rights. In terms of security concerns I can only attribute limited weight as the fence does not entirely enclose the site or provide a level of protection that could be achieved by an indigenous mixed thorny hedge as alluded to in the terms of the original permission to convert the building to a residential property. With respect to other cases referenced, there no clear comparable circumstances and it is incumbent on the Council to consider each case on its merits. These and the remaining circumstances taken individually or cumulatively are not considered to constitute very special circumstances – whilst some of the benefits stated might accrue, these could be equally achievable by other, more appropriate, means of boundary enclosure such as hedging.

11.12 In summary, I consider the circumstances submitted would not constitute 'very special circumstances' and therefore the harm to the Green Belt by way of inappropriateness, loss of openness and impact on its visual amenity are not outweighed. The fence therefore fails to meet the requirements of Policies GN1 and GN3 of the WLLP

Impact on adjacent land uses

11.13 Whilst the development is not typical of the locality and therefore may visually impose to a greater degree than, say, an established hedge; given its height (including reduced height element), position and distance from the neighbouring properties, I do not consider it results in any significant detrimental impact to residential occupiers of those properties. Concern has been expressed by the occupier of Gibbons Farmhouse in respect of fire risk and additional flood risk caused by the fence, however, I consider this of very limited weight in the planning consideration. The fence, in itself, will not cause flooding or

displace flood storage capacity of any significance. The fence is as likely to catch fire as any vegetation in the locality. Other matters raised by the objector that have not been addressed above are not considered material to the consideration of the planning application.

Other Matters

- 11.14 Concern is stated that any requirement to remove the fence would breach the applicant's human rights to privacy under Section Article 8 of the Human Rights Act. In this particular case the applicant's right to privacy must be balanced against the Council's duty to protect the Green Belt and visual amenity of this rural area – protection of the environment for the protection of 'the rights and freedoms of others'. In this instance I consider the individual interests do not outweigh the strategic importance and public benefit of the integrity and amenity of the rural landscape and Green Belt.

Summary

- 11.15 The proposed development is considered inappropriate development in the Green Belt that results in harm by virtue of its inappropriateness, loss of openness and impact on its visual amenity. The development therefore conflicts with Policies GN1 and GN3 in the WLLP, the NPPF and the West Lancashire Design Guide SPD.

12.0 RECOMMENDATION

- 12.1 That planning permission be **REFUSED** for the following reasons:

Reasons for Refusal

1. The development conflicts with the NPPF and Policies GN1 and GN3 in the West Lancashire Local (2012-2027) Development Plan Document in that it constitutes inappropriate form of development in the Green Belt and results in harm to the openness and visual amenity of the Green Belt. No very special circumstances have been demonstrated to outweigh the identified harm.
2. The fence conflicts with policy GN3 and EN4 of the West Lancashire Local Plan (2012-2017) Development Plan Document and Supplementary Planning Document - Design Guide in that it is an incongruous feature in the context of the setting of the traditional rural building and wider group of former farmstead buildings which results in a detrimental impact to the visual amenity and rural character of the area and the setting of a non-designated heritage asset.

No.8	APPLICATION NO.	2018/0837/FUL
	LOCATION	Burscough AFC Victoria Park Mart Lane Burscough Lancashire L40 0SD
	PROPOSAL	Demolition of existing football ground, social club and associated buildings. Erection of 52 new dwellings including; 11no. 2-bed houses for affordable rent, 4no. 2-bed houses for shared ownership, 21no. 3-bed houses for shared ownership, 6no 4-bedhouses for shared ownership and 10no. 2-bed apartments for affordable rent for those over 55 years old.
	APPLICANT	Torus Housing & Chequer Properties
	WARD	Burscough West
	PARISH	Burscough
	TARGET DATE	12th November 2018

1.0 SUMMARY

- 1.1 This is a full application for a 100% affordable housing development on the site of the Burscough Football Club. A suitable replacement football ground would be provided in advance of development commencing on site. The proposed layout and design is considered to be acceptable. The development will not have a detrimental impact on highway safety, and adequate parking has been provided in this sustainable location. A satisfactory drainage solution has been included within the application. Satisfactory interface distances have been achieved in order to protect neighbouring residential amenity. In my view the proposal complies with the relevant policies of the Local Plan.

2.0 RECOMMENDATION: Approve subject to a planning obligation and conditions.

3.0 THE SITE

- 3.1 The application site comprises Burscough FC Football Ground. The site extends to 1.1 ha and is flat and rectangular in shape. The football ground comprises stands to the southern and western boundaries, changing rooms and a pitch.
- 3.2 To the east is Tesco supermarket and to the south east and south are a mix of terraced and semi-detached houses. To the north there are sports pitches/courts and Burscough Fitness and Racquets Leisure Centre. To the west is open countryside on the edge of the settlement.

4.0 THE PROPOSAL

- 4.1 The application is for a residential development on the site, following demolition of the Football Ground and associated facilities. The development would provide 100% affordable dwellings, consisting of:

- 11 no. 2 bed houses (affordable rent)
- 4 no. 2 bed houses (shared ownership)
- 21 no. 3 bed houses (shared ownership)
- 6 no. 4 bed houses (shared ownership)
- 10no. 2 bed apartments (affordable rent for over 55 years old)

- 4.2 Access to the site would be taken directly from Bobby Langton Way. The 10 unit apartment block would face Bobby Langton Way, with the remaining dwellings being

arranged around a series of cul-de-sacs. All of the properties would be two storey in height, including the apartment block. Proposed materials are red brick and light coloured render, grey uPVC windows and grey concrete roof tiles. There would be a mix of parking courtyards, frontage parking and parking to the side of dwellings.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2015/0904/FUL – Works to create a replacement football ground including a two storey main stand and club house, a single storey secondary stand, flood lighting, hardstandings and car park, with access from Bobby Langton Way. Approved 11.08.17.
- 5.2 2007/0789/FUL - Demolition of existing football club, buildings and Barons Social Club and the erection of 76 residential units and community sports complex comprising 500 seat stadium; club house incorporating changing facilities, classroom, first aid, laundry, club shop, offices, stores, bar facility, hall; full size adult floodlit artificial sports pitch; two senior grass pitches, six junior grass pitches; all weather netball court; car and coach parking, associated access road, landscaping and boundary fencing. Withdrawn.

6.0 CONSULTEE RESPONSES

- 6.1 Lancashire County Council Education Department (29.08.18) – Require a contribution for 3no. secondary school places, calculated at £71,211.84.
- 6.2 Lancashire County Council Highways Department (12.09.18) – No objection. Request conditions in respect of traffic management during the course of the development, site access and car parking.
- 6.3 Canal and River Trust (06.09.18) – No comment.
- 6.4 Lead Local Flood Authority (25.09.18) – No objection. Request conditions in respect of surface water drainage.
- 6.5 Sport England (10.09.18) – No objection subject to the Council's Environmental Health Service being satisfied that the introduction of housing will not prejudice the use of pitches by giving rise to complaints that may constrain their use, and, a condition being imposed to ensure that the replacement football ground will be implemented and fit for purpose prior to works commencing.
- 6.6 Cadent (10.09.18) – If buildings or structures are proposed directly above gas apparatus then development should only take place following diversion of the apparatus.
- 6.7 United Utilities (18.09.18) – No objection. Request conditions in respect of foul and surface water.
- 6.8 Environmental Protection (28.11.18) – Recommend conditions in respect of noise survey and electric vehicle charging points.
- 6.9 Natural England (07.12.18) – The application could have potential significant effects on land functionally linked to Martin Mere Special Protection Area (SPA) and Ramsar site. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.
- 6.10 MEAS (10.12.18) – No objection subject to conditions. An Appropriate Assessment under the Habitats regulations has been carried out.

7.0 OTHER REPRESENTATIONS

- 7.1 Representations have been received which object to the proposed development. The main grounds of objection can be summarised as:

There will be damage to Bobby Langton Way which is currently un-adopted and does not receive maintenance.

Increased traffic.

The access should be via the Tesco site rather than Orrell Lane as the road and drainage system at Orrell Lane are not fit for more traffic.

Inadequate parking.

Increase air pollution from car emissions.

This development has the potential to stop any future development that is needed in the area, such as development at the sports centre because of lack of space available and noise and traffic congestion.

There are too many rented, shared ownership homes and two bedroom properties

Burscough is already subject to major developments and does not need anymore.

If the Local Plan is delivering enough houses on other sites there is no need to develop this site.

There is not the infrastructure to support new housing developments.

Construction will cause noise pollution.

The houses shouldn't be built until the new ground is constructed.

Skelmersdale lost their football ground in similar circumstances.

The football ground was gifted to the people of Burscough and should not be demolished.

The drainage proposals do not address any local flooding issues, and will add to them.

The development will affect wildlife.

The proposals are not for the benefit of the local community.

The ground has a covenant on it.

The development may impact on the function of Barons Social Club.

Further noise survey work is needed.

Loss of visual amenity.

- 7.2 Representations in support of the application have been received, the main grounds for support can be summarised as:

Support the funding for Burscough FC to relocate and the building of a new stadium and sporting complex in the community.

Support the building of affordable housing.

- 7.3 Burscough Flooding Group (05.09.18) – Object because the development will increase the offsite flooding risks from Burscough's watercourse and foul sewage network due to insufficient capacity within both systems. The surface water outflow from the site will be through a new connection to existing watercourses which flow through the Crabtree Lane railway crossing area; this watercourse caused a total of at least 43 internal and external floods to homes on Crabtree Lane from 2012 to 2016. Neither Lancashire County Council nor United Utilities have undertaken any significant works to resolve these flooding problems since they began. The foul outflow from the development will be connected to United Utilities foul sewer network which flows to the New Lane Waste Treatment Works. This network has caused widespread significant flooding problems in Burscough. Any additional connection to the foul system will increase the downstream flow to New Lane and simultaneously slow the upstream flow through Burscough.

- 7.4 Burscough Independent Supporters Association (15.10.18) – No development should take place on Victoria Park until after a functioning stadium is built and ready for use. The present football ground is fit for football.

8.0 SUPPORTING INFORMATION

- 8.1 Design and Access Statement
- Planning Statement
- Ecology Survey
- Flood Risk Assessment
- Noise Impact Assessment
- Crime Impact Statement
- Contaminated Land Report
- Transport Assessment

9.0 RELEVANT PLANNING POLICIES

- 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 proposals will be assessed. The following policies are relevant:

NPPF

Delivering a sufficient supply of homes
Promoting healthy and safe communities
Promoting sustainable transport
Making effective use of land
Achieving well-designed places
Meeting the challenge of climate change, flooding and coastal change
Conserving and enhancing the natural environment

West Lancashire Local Plan 2012-2027 DPD (WLLP)

SP1 – A Sustainable Development Framework for West Lancashire
GN1 – Settlement Boundaries
GN3 - Criteria for Sustainable Development
RS1 – Residential Development
RS2 – Affordable and Specialist Housing
IF2 – Enhancing sustainable Transport Choice
IF3 – Service Accessibility and Infrastructure for Growth
IF4 – Developer Contributions
EN1 – Low Carbon Development and Energy Infrastructure
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
EN3 – Provision of Green Infrastructure and Open Recreation Space
EN4 – Preserving and Enhancing West Lancashire’s Cultural and Heritage Assets

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

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Background

- 10.1 Planning permission was granted in August 2017 (2015/0904/FUL) for a modern replacement football ground for Burscough FC to the north west of the application site. The new football ground would comprise; a grass pitch; changing facilities/WC; function

room, and stands. It is envisaged that the development of the former site for housing will help fund the development of the new football ground.

Principle of Development/Loss of Sports Pitches

10.2 The application site is located within the settlement limits of Burscough, a Key Service Centre, and as such the general principle of development on the site is considered acceptable, in accordance with Policy SP1 of the Local Plan.

10.3 The principle of the Football Club relocating to another site has been accepted in the granting of planning permission 2015/0904/FUL. However, the redevelopment of the existing Burscough FC site could in effect lead to the loss of playing pitches, depending on the phasing of both developments. Sport England have been consulted on the application and have considered the proposals in light of the NPPF (in particular para. 97) and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

*All or any part of a playing fields, or
Land which has been used as a playing field and remains undeveloped, or
Land allocated for use as a playing field.*

Unless, in the judgement of Sport England, the development as a whole meets with one or more of the five specific exceptions'.

10.4 Exception 4 of the Policy allows for loss of a playing field provided the area of playing field to be lost is replaced prior to commencement of development by a new area of playing field. The replacement should be of;

equivalent or better quality, and
of equivalent or greater quantity, and
in a suitable location, and
subject to equivalent or better accessibility and management arrangements.

10.5 Sport England is satisfied that the replacement football stadium site, as permitted under 2015/0904/FUL is adequate in terms of quality, quantity and location, and as such it meets the first three tests above. In order for the proposal to fully meet the terms of the exception there needs to be an enforceable requirement for the replacement football ground to have been constructed, and be fit for and ready for use prior to any works being undertaken on the existing ground (to ensure that the existing site can continue to be used until the replacement site is ready). The key requirement is that the football club have a seamless transition from using the old site to the new without any interruption in the continuity of use for training and match play. Sport England have advised that in order for the proposal to meet exception 4 of the Policy, a condition should be attached to any approval given to ensure that the development is not commenced until the replacement football ground approved under 2015/0904/FUL has been implemented, and is fit for purpose and made available for use.

10.6 Discussion has taken place between the Developer and Sport England to devise a suitably worded condition which meets the needs of Sport England and also the needs of the Football Foundation. The agreed condition requires the new football stadium granted under application 2015/0904/FUL to be laid out to provide a replacement football ground which meets the specifications and requirements set out in the Football Association 'National Ground Grading Document – Category F'. All of the elements needed for a FA

Category F ground are contained within the planning permission 2015/0904/FUL for the approved stadium and the architects involved in the design of the stadium have confirmed that all elements can be constructed independently of the whole, to allow for continuity of use between the old ground and the new ground.

- 10.7 I am satisfied that by imposing the condition it will ensure that suitable facilities will be available to allow for continuity of training and match play, in accordance with the requirements of Sport England and Policy EN3 of the Local Plan.

Affordable Housing

- 10.8 The application is for 100% affordable housing scheme, which includes a mix of shared ownership and affordable rent. The Council's Affordable and Specialist Housing Needs Survey identifies an annual shortfall of affordable housing in the Borough, which means that there is a need for additional affordable housing to be provided across West Lancashire, including in Burscough.
- 10.9 In terms of property types, family housing in the form of 2, 3 and 4 bedroom properties are welcome and will assist in meeting affordable housing need as will the provision of apartments suitable for households aged 55 and over. I consider that the proposed development will assist in meeting affordable housing need in the Borough, in accordance with Policy RS2 of the Local Plan. The specific terms of the affordable housing will be secured via a Section 106 agreement.

Provision of Public Open Space

- 10.10 In terms of open space, Policy EN3.2(d) of the Local Plan requires that where deficiencies in existing open recreation space provision exist, new residential development will be expected to provide public open space. The details of these open space requirements are set out in the Council's Open Space SPD policy OS1, and on sites of this scale, 13.5m² of open space is to be provided per bedroom.
- 10.11 Limited on-site open space is proposed as part of the development (approximately 200sqm). The applicant has provided some justification for this. The site is to be developed for 100% affordable housing, and in their justification the applicant refers to the West Lancashire Affordable and Specialist Housing Needs Study (February 2018), which demonstrates that over the period 2017 to 2037 there will be a net deficit of 120 affordable homes per annum. Given that the proposal will make a significant contribution towards the Council's affordable housing objectives I consider that significant weight should be attributed to this. The applicant also refers to the Open Space Assessment Report (2018) which concludes that there is over provision in most types of public open space in the Burscough and Central Parishes; in particular the quality rated 2.5ha Richmond Park in the locality of the application site. There is also greater level of provision of natural and semi natural open space in the study area, and above average provision for the Borough of children's play space (0.09ha compared to 0.07ha across the Borough).
- 10.12 Whilst Policy EN3 of the Local Plan advises that new residential development will be expected to provide public open space on site (where appropriate) or a financial contribution towards the provision of off-site public open space to meet the demand created by the new development, in this case, on balance I consider that the provision of a fully affordable residential development outweighs the need to provide the full requirement of open space on site. Furthermore, the location of the site allows residents reasonable access to a wide range of recreational and open-space based activities.

Design/Layout/Scale/Impact on residential amenity

- 10.13 The access to the site would be taken from Bobby Langton Way and there would be one spine road leading through the estate, with all properties being accessed off this spine road. The residential units would be two storey in height and a mix of semi-detached and short terraces, which would be appropriate and in keeping with the surrounding area. The layout has been designed to ensure that the two-storey apartments would front onto Bobby Langton Way, which ensures an active frontage onto Bobby Langton Way.
- 10.14 The dwellings benefit from front gardens, with a large proportion of the houses having off road parking to the side of the houses, ensuring that there would not be an over-dominance of hardstanding to the frontage of houses. All of the dwellings would benefit from having a rear garden; some of the garden depths fall short of the 10m garden depth advocated in the Design SPD; however, I am satisfied that the private amenity space is generally proportionate to the size of the dwellings and would offer a reasonable standard of amenity.
- 10.15 The dwellings themselves would be constructed from brick and tile, reflective of other properties in the area. The apartments are of a differing design and would be sited fronting onto Bobby Langton Way, but as they would not be directly adjacent to existing dwellings, they would be seen largely in isolation and as such I consider that their appearance would be acceptable. In terms of views of within the estate itself, this would not be viewed within the context of existing dwellings, and as there are a variety of house types in this part of Burscough I am satisfied that the design of the dwellings is appropriate.
- 10.16 In terms of potential impact from the development on existing residents, interface distances meet Council guidance in the Design SPD, at 21m and would maintain the amenities of nearby residents.
- 10.17 I am satisfied that the resulting layout is acceptable and would not appear incongruous within its surroundings or detrimentally affect the street scene. I am also satisfied that the proposed layout allows both new and existing properties to benefit from adequate levels of privacy and private amenity space in accordance with Policy GN3 of the Local Plan.
- 10.18 A Noise Assessment has been submitted with the application; this survey is of limited duration consisting of attended measurements (taken for ten minute periods in three consecutive hours at four locations) and an unattended survey taken overnight on a Tuesday night. The assessment concludes the main source of noise affecting the site is road traffic noise with other minor sources including supermarket plant noise and noise from the nearby sports facility. Environmental Protection have advised that they consider that the assessment carried out is not comprehensive enough to support the noise mitigation measures proposed in the report. Environmental Protection have requested the imposition of a planning condition which requires a noise assessment to be carried out prior to commencement of development, this assessment would be need to take account of noise from the nearby industrial, commercial and leisure uses, and from the highway and railway line, it would also need to assess the likely noise impact of the new football stadium. The results would be used to agree a suitable scheme for protecting the dwellings from noise, for example acoustic glazing and/or acoustic trickle vents. I am satisfied that subject to the implementation of an agreed scheme of acoustic mitigation the development is acceptable and in accordance with Policy GN3 in terms of noise and disturbance to new residents.
- 10.19 Concern has been raised in respect of construction noise/disturbance during the course of the development. This can be controlled by other environmental legislation and is

generally short-lived. Neighbours have also expressed concern about noise from vehicular movements from occupants of the new estate; I am satisfied that any increase in car traffic from the proposed estate would not result in an unacceptable level of traffic noise at the existing houses on Mart Lane and Orrell Lane.

Highways

- 10.20 Access to the site will be taken from a new priority junction on Mart Lane/Bobby Langton Way. Mart Lane is an unclassified road with a speed limit of 20mph; Bobby Langton Way is a privately maintained, unadopted highway with a speed limit of 20mph in force. From the information submitted, the sight lines required for the proposed junction are fully achievable over land owned by the applicant and/or the existing adopted highway. A review of the Lancashire County Council five year data base for Personal Injury Accident (PIA) has been made, which indicates that there has been one recorded incident within the vicinity of the proposed access. On investigation of all the details recorded, the incident appears to be of a nature that would not be worsened by the proposals.
- 10.21 The application has been accompanied by a Transport Statement which concludes that the traffic generated by residential development of the site can be accommodated on the existing highway network. LCC Highways have reviewed the Transport Statement and concluded that the level of traffic generated by the development would have a negligible impact on safety and capacity in the immediate vicinity of the site.
- 10.22 In terms of off-street parking, the development proposes a parking level of 150% per dwelling. When taking into account that the development is for 100% affordable housing, in a sustainable location close to amenities and rail and bus routes, I am satisfied that the proposed level of parking would not have a negative impact on highway safety or capacity in the immediate vicinity of the site. The site is a sustainable site for residential development, well located in relation to public transport and community facilities.
- 10.23 I am satisfied that the proposed development would not result in an unacceptable impact on highway safety or the local highway network in accordance with Policy GN3 of the Local Plan.

Drainage

- 10.24 A Flood Risk Assessment (FRA) has been submitted with the application. An intrusive site investigation is yet to be completed, however, the nearby historic borehole log information obtained from the British Geographical Survey website indicates that the site is likely to consist of made ground underlain by glacial sill deposits of stiff clays. Therefore, as a result of the likely impermeable underlying strata, infiltration drainage is unlikely to be viable option for the discharge of surface water.
- 10.25 The possibility of discharge to the nearest watercourse, Eller Brook, is unviable as it is approximately 1.3km from the application site. The alternative suggested in the FRA is to discharge surface water to the private watercourse/surface water culvert which runs through the site of the proposed new ground for Burscough FC, to the north-west of the proposed development.
- 10.26 The Flood Risk Assessment (FRA) has been assessed by the Lead Local Flood Authority (LLFA) who have not raised any objection. The LLFA are aware of the existing flooding issues along Crabtree Lane downstream from the site and have advised that these issues originate from the historic set up of the drainage system. Following review of the FRA the LLFA consider that the applicant has demonstrated that the site can be adequately drained and that surface water discharged from the development will be limited to the pre-

development greenfield run-off rates and is therefore not adding any additional flows to the system. However, they have requested that prior to designing a final surface water drainage scheme, a full ground investigation is undertaken to fully explore the option of ground infiltration to manage the surface water in preference to discharging to a surface water body or sewer system. This will be secured by planning condition. A condition will also be imposed to ensure that there is appropriate storage provision so that surface water run-off will not exceed the run-off from the undeveloped site and will not increase the risk of flooding off-site. Occupation of the dwellings will be prevented until the sustainable drainage scheme for the site has been completed in accordance with the agreed details.

- 10.27 The LLFA are satisfied that subject to the conditions that they have requested, no flows beyond what is currently received by the watercourse will enter the system. In addition, United Utilities have raised no objection to the disposal of foal sewage to the public sewer. On that basis, I am satisfied that the development will not result in unacceptable flood risk or drainage problems in accordance with Policy GN3 of the Local Plan.

Ecology

- 10.28 An ecology assessment has been submitted with the application which meets the required standards. The site is adjacent to functionally linked land which provides foraging for significant numbers of Pink footed goose, a qualifying feature of the Ribble and Estuaries SPA and Ramsar site and Martin Mere SPA and Ramsar site. The Council's ecology advisors have determined that without mitigation/preventative measures, there will be likely significant effects on the above European sites. As such, MEAS have completed an Appropriate Assessment (under the Habitats Regulations) which concludes that, with mitigation/preventative measures secured through planning conditions, there would be no adverse effect upon the integrity of European sites.
- 10.29 The Ecology Assessment also recommends appropriate mitigation and biodiversity enhancement measures, including installation of House sparrow terraces and a bat sensitive light scheme; these measures can be secured by planning condition.

Education Contribution

- 10.30 In accordance with Lancashire County Council's Strategy for the Provision of School Places and School's Capital Investment where the growth in pupil numbers is directly linked to housing development and existing school places are not sufficient to accommodate the potential additional pupils that the development may yield, LCC seek to secure developer contributions towards additional school places. Based upon the 2017 School Census and resulting projections, LCC will be seeking a contribution for 3 secondary school places, which equates to £71,211.84. The terms of which will be secured by legal agreement.

Conclusion

- 10.31 The proposal will deliver 52 affordable new homes on a brownfield site in an accessible location in the Borough, which would contribute to housing delivery targets and also provide accommodation suitable for the elderly. The redevelopment of this site will contribute financially to the development of a new football ground for Burscough FC, although adequate play and training facilities would be provided prior to commencement of development on the site to ensure continuity of play.
- 10.32 I find the proposed site layout to be acceptable and consider the lack of requisite on-site public open space in this location would not be harmful to the amenities of future residents

or be detrimental to the character of the area, and the benefits of the scheme outweigh the need for this provision.

10.33 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 policies 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 planning obligation under S106 of the Town and Country Planning Act 1990 to secure:

A financial contribution towards secondary school places within Lancashire.
Terms and conditions of the affordable and specialist elderly housing units.
Management and maintenance of on-site open space.

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 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:

3841-399

3841-400

3841-401

3841-310 A

3841-314

3841-313

3841-311

3841-312

3841-315

BFC-AJP-XX-00-DR-C-3010 P01

BFC-AJP-XX-00-DR-C-3010 P02

received by the Local Planning Authority on 03.08.18.

Plan reference 3841-301B received by the Local Planning Authority on 19.12.18.

3. The area edged red on Plan 3765-304 Rev C shall be cleared and laid out to provide a replacement football ground that meets the specifications and requirements set out in the Football Association 'National Ground Grading Document - Category F' (amended July 2018) in accordance with the relevant approved details set out in planning permission 2015/0904/FUL dated 11 August 2017. The replacement football ground shall be provided in a fit for purpose condition and made available for use before the development hereby permitted is commenced.
4. No construction shall take place until full details and samples of the external brickwork and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

5. Notwithstanding the submitted noise assessment, prior to the commencement of the development (including any groundworks), a further noise assessment shall be carried out of noise from the current nearby industrial, commercial and leisure uses and from the highway and railway line. The assessment shall also assess the likely noise impact of the new football stadium granted permission under 2015/0904/FUL. The scope of the assessment shall be agreed with the Local Planning Authority before commencement. The results of the noise assessments shall be used to define a scheme for protecting the dwellings from noise which shall be submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before the dwellings are occupied and retained thereafter.
6. Prior to the occupation of an individual house, a three pin 13 amp external electrical socket which is also suitable for outdoor use shall be installed at that individual house. The socket shall be located in a suitable position to enable the charging of an electric vehicle on the driveway of each property using a 3m length cable
7. Prior to the occupation of any apartment at least 10% of the approved car parking spaces for the apartments, shall be marked out for use by electric vehicles, together with an adequate charging infrastructure and cabling for each marked bay, the details of which shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented and thereafter and retained in situ throughout the duration of the development.
8. The development shall incorporate the ecological recommendations which are included in Section 5 of the Ecological Survey and Assessment, July 2018, Report Ref 2018-212.
9. Prior to any works commencing on site, a construction environmental management plan (CEMP) shall be submitted to the local planning authority and approved in writing. The CEMP shall detail dust abatement measures and how best practice shall be used to minimise pollution risks (emissions, runoff). The development shall be carried out in accordance with the approved CEMP.
10. No development shall take place until details of all boundary treatments, including phasing, have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, a native hedgerow should be incorporated into the western boundary, unless the results of the updated noise assessments recommend otherwise. The boundary treatment shall be implemented in accordance with the agreed details.
11. No construction work shall take place between 1st March and 31 August, outside of the non-breeding bird season.
12. 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.
13. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) ref. BFC-AJP-ZZ-XX-C-3010 ver: P02 dated 01.08.18 and the following measures detailed within the FRA:
 - a) As per section 5.3.1 and prior to designing final surface water drainage scheme, a full ground investigation carried out under Building Research Establishment (BRE) Digest 365 revised 2016 should be undertaken to fully explore the option of ground infiltration to manage the surface water in preference to discharging to a surface water body, sewer system or other means.
 - b) In reference to Appendix H, Preliminary Storage Assessment, providing an appropriate storage provision and limiting the surface water run-off generated by the 1 in 100 critical storm (+30% climate change allowance) to 7.0 l/s so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
14. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

- a) 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 rate and volume must not exceed the pre-development greenfield runoff (which has been calculated at 6.1 l/s litres per second for 1 in 1 year rainfall event);
- 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.

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

- 15. No part of the development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details.
- 16. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system, based on principles discussed in FRA ref. BFC-AJP-ZZ-XX-C-3010 ver: P02 dated 01.08.18 Section 6, 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.
 - 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 dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.
- 17. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented thereafter.
- 18. Foul and surface water shall be drained on separate systems.
- 19. Prior to the commencement of development a Traffic Management Plan (TMA) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The TMA shall include and specify the provisions to be made for the following:-
 - The parking of vehicles of site operatives and visitors;
 - Loading and unloading of plant and materials used in the demolition / construction of the development;
 - Storage of such plant and materials;

Wheel washing facilities;

Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)

Routes to be used by vehicles carrying plant and materials to and from the site;

20. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement (including, 2m footway provision on the site's full frontage, relocation of street lighting and highway signs) has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.
21. No part of the development hereby approved shall be occupied until the approved scheme referred to in Condition 20 has been constructed and completed in accordance with the approved scheme details, without prior agreement from the Local Planning Authority.
22. The car parking and manoeuvring areas for each dwelling shall be marked out in accordance with the approved plan, before the occupation of that dwelling and permanently maintained thereafter.
23. 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, 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 the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Development Plan Policy EN3.
4. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. In the interests of sustainability in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. In the interests of sustainability in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. In the interests of ecological stability and in accordance with Policy EN2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

11. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
13. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided 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.
14. To ensure that the proposed development can be adequately drained and that there is no flood risk on or off the site resulting from the proposed development. To ensure that water quality is not detrimentally impacted by the development proposal 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.
15. 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.
16. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development. To reduce the flood risk to the development as a result of inadequate maintenance. To identify the responsible organisation/body/company/undertaker for the sustainable drainage system and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
17. To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere. To ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
18. To secure proper drainage and to manage the risk of flooding and pollution 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.
19. To protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network 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.
20. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
21. In order that the traffic generated by the new development does not exacerbate unsatisfactory highway conditions in advance of the first occupancy or trading 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.
22. To allow for the effective use of the parking areas 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.
23. 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. For the avoidance of doubt, this response does not grant the applicant permission to divert the ordinary watercourse as indicated in the Preliminary Drainage Strategy Drawing (BFC-ASP-XX-00-DR-C-3010) for the site. 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/>
2. The applicant is advised that the new site access, will need to be constructed under an appropriate legal 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 Lancashire Highways by e-mailing highways@lancashire.gov.uk.

Reason for Approval

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

SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
RS1 - Residential Development
RS2 - Affordable and Specialist Housing
IF2 - Enhancing sustainable Transport Choice
IF3 - Service Accessibility and Infrastructure for Growth
IF4 - Developer Contributions
EN1 - Low Carbon Development and Energy Infrastructure
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN3 - Provision of Green Infrastructure and Open Recreation Space
EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

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

Agenda Item 7i

No.9	APPLICATION NO.	2018/1090/ARM
	LOCATION	Land To The North Of Cobbs Clough Whalleys Road Skelmersdale Lancashire
	PROPOSAL	Approval of Reserved Matters - (access, appearance, landscaping, layout and scale) in respect of residential development of 120 dwellings, open space and associated infrastructure.
	APPLICANT	Trafford Housing Trust & L & Q Developments LLP
	WARD	Ashurst
	PARISH	Unparished - Skelmersdale
	TARGET DATE	29th January 2019

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 Site 2). The site lies to the south of Whalleys Road on a roughly rectangular parcel of land between Whalleys Road, Cobbs Cough and Newton Drive, Dalton Park. The site is approximately 4.89 hectares and is currently grassed with trees and hedges to the boundaries and within the site.
- 3.2 The topography of the site is very varied. The central part of the site is fairly flat with a slope from east to west. Site levels rise from north to south (from the cough to Whalleys Road) with a level difference of approximately 15m between the east and west of the site. There are a number of residential properties to the east on Dalton Park (Newton Drive and Newby Drive) as well as a small play area, separated by dense trees and shrubbery. To the south is Cobbs Clough woodland with residential properties beyond (Rowan Lane, Briars Green and Middlewood). To the west is an undeveloped grassed area that forms the remaining parcel of undeveloped land at Whalleys, known as Cobbs Clough). Whalleys Road runs along the northern border of the site with Whalleys North (Site 5) on the opposite side of Whalleys Road.
- 3.3 Trees along the northern, western and southern boundaries are subject to Tree Preservation Orders and the Tawd Valley Park Biological Heritage Park is located immediately to the south and east. The site falls within Flood Zone 1.
- 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 120 dwellings. The application includes details of access, site layout, scale, appearance and landscaping. Access into the site is proposed directly off an existing roundabout at the junction of Cobbs Brow Lane and Whalleys Road, the principle of which has previously been approved under the outline permission for the site. A second temporary construction access is also proposed at the eastern edge of the site onto Whalleys Road, which is also intended to be used for emergency access only once the development becomes occupied.
- 4.2 The layout provides an active frontage along Whalleys Road and also to Cobbs Clough to the east and south along with a mix of single and two-storey housing types. A generous buffer area of greenspace is provided between the dwellings and Cobbs Clough so that the dense woodland does not impact on amenities of future occupants and a corridor of ecological transition is retained between the built development and the woodland edge.
- 4.3 There are 16 detached and semi-detached bungalows within the development and a mix of 2, 3 and 4 bedroom properties. Of the 120 dwellings, 36 (6 x 2-bed bungalows, 12 x 2-bed semi-detached houses and 18 x 3-bed houses) will be provided as affordable homes. This equates to 30% of the total number of dwellings proposed. 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. All the dwellings have private gardens and private driveways or garages.
- 4.4 A pedestrian/cycle path is proposed around the southern and eastern periphery of the site fronting dwellings and three spurs are proposed off this path to link into Cobbs Clough and the future Tawd Valley pedestrian improvements. A sum of £15,000 is required as part of the outline planning permission for this site, to be used for the provision of the connecting link from the end of these three spurs into Cobbs Clough, Newby Drive and the play area at the end of Newton Drive.
- 4.5 Trees and hedgerows are maintained around the boundaries of the site, although these will be trimmed back in places. There is a group of existing trees along the western edge of the site, between this site (Site 2) and the adjoining undeveloped site (Cobbs Clough). The southern half of this group will be removed to accommodate a large attenuation pond as this is the natural low point on the site and will ensure surface water is held and attenuated prior to restricted discharge to the Cobbs Clough watercourse.

5.0 RELEVANT APPLICATIONS

- 5.1 2018/0790/FUL – Approval of Reserved Matters - Residential development of 129 dwellings including affordable housing. Details of access, appearance, landscaping, layout and scale. RESOLVED TO BE APPROVED, AWAITING LEGAL AGREEMENT (Whalleys North – Kier Living)
- 5.2 2018/0796/FUL - Residential development of 35 dwellings including affordable housing, access, appearance, landscaping, layout and scale. RESOLVED TO BE APPROVED, AWAITING LEGAL AGREEMENT (Whalleys North – Kier Living)
- 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 2013/1030/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 LANCASHIRE CONSTABULARY (05/11/18) – Recommend secured by design measures.
- 6.2 THE COAL AUTHORITY (16/11/18) – No objection.
- 6.3 NATURAL ENGLAND (28/11/18) – No comment to make.
- 6.4 DIRECTOR OF LEISURE AND WELLBEING (29/11/18) – No objection subject to condition requiring provision of electric vehicle charging points.
- 6.5 MERSYESIDE ENVIRONMENTAL ADVISORY SERVICE (03/12/18) – No objection. As no evidence of bat roosts or Great Crested Newts was found, the Council do not need to consider the proposals against the three tests in the Habitat Regulations. Recommend conditions.
- 6.6 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.
- 6.7 UNITED UTILITIES (19/12/18) – No objection subject to conditions.

6.8 LEAD LOCAL FLOOD AUTHORITY (20/12/18) – No objection subject to conditions.

7.0 OTHER REPRESENTATIONS

7.1 None

8.0 SUPPORTING INFORMATION

8.1 The application is supported by the following information:

Planning Statement
Design and Access Statement
Statement of Community Engagement
Residential Travel Plan
Highways Technical Note
Landscape and Visual impact Assessment
Tree Survey Report
Landscape Management Plan
Arboricultural Impact Assessment
Various Ecology Surveys
Flood Risk Assessment and Drainage Strategy
Borehole Investigation
Archaeological Evaluation
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 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 Site 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. Further applications for reserved matters approval and full planning permission were resolved to be approved (subject to a Deed of Variation) for the second parcel of land known as "Whalleys Site 5 or Whalleys North" by Planning Committee on 29th November 2018. The current application for Reserved Matters Approval subject of this report is the third parcel of land to come forward for development and was indicated in the outline permission as "Whalleys Site 2".
- 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).

Principle of Development

- 10.4 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

- 10.5 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 36 out of the 120 dwellings are affordable. Of these, there are 4 x 2-bed semi-detached affordable rented bungalows, 2 x 2-bed detached shared ownership bungalows, 12 x 2-bed semi-detached shared ownership houses and 18 x 3-bed semi-detached shared ownership houses. 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 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, 27 of the dwellings (mix of bungalows and houses), meet the Lifetime Homes standard (22.5%) and of these 27, 8 are also affordable units. 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

- 10.7 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 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 4 bedroom two-storey houses. The layout includes a generous "green" buffer area between the built development and the woodland edge, varying from 10m to 30m. Within this buffer a pedestrian/cycle path is proposed to link the site to the wider network of footpaths around the Whalleys area. Furthermore, a wide buffer of existing vegetation is retained between the site and existing dwellings on Newton Drive, Newby Drive, Rowan Lane, Briars Green and Middlewood along with a 20m landscaped buffer to Whalleys Road. Due to the topography of the site, a large area of landscaped open space will be provided at the entrance to the site alongside the existing roundabout. A mix of existing tree cover and wildflower mix is provided along the western boundary of the site, along with a large attenuation pond. The provision of these areas of open space and tree cover break up the built development and provide 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 outside the site.

- 10.9 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.
- 10.10 The mix of sizes and design of dwellings provides a range of house-types to complement those on the other Whalleys sites and which meet local needs. I am satisfied that the proposed dwellings relate well to one another and are outward facing. In my view, an interesting and varied streetscene will be prevalent.
- 10.11 Each dwelling benefits from a private amenity area. These 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. Where there are areas of frontage parking, this is on the "inner" areas of the site and occurs infrequently across the site.
- 10.12 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

- 10.13 In terms of the relationships between the proposed dwellings, I am satisfied that the proposed layout accommodates the required interface distances and garden length.
- 10.14 The closest existing residential properties to the site lie to the east and south on Newton Drive, Newby Drive, Rowan Lane, Briars Green and Middlewood. A dense area of trees and vegetation lies between the site and these residential areas, leading to separation distances of over 60m. I am therefore satisfied that no significant loss of residential amenity will occur to occupiers of existing surrounding properties.
- 10.15 Other residential properties surround the site at Lucas Cottage, Ashtons Farm, Prescott's Farm, Whalleys Farm, 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.
- 10.16 The layout includes provision for pedestrian linkage to Cobbs Clough and to the Dalton Park estate which will encourage walking and cycling rather than reliance on the car to access local amenities and schools on the area. 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

- 10.17 Access to the site is to be taken from the existing roundabout at the junction of Whalleys Road and Cobbs Brow Lane, which is considered acceptable. The Highway Authority 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.
- 10.18 A secondary emergency access is proposed onto Whalleys Road at the site's most north-easterly point. This is initially to provide a separate "entry-only" construction access to that being used for show homes and residents purchasing the first phase of dwellings. It is proposed to use this as a construction access for a period of 3 years, by which time, the development will be almost complete and then it can be closed off by bollards and used only in emergencies should the sole estate access road be blocked. Subject to the construction access being used for a temporary period and only as entrance (with construction vehicles exiting via the existing roundabout), I am satisfied that a temporary secondary access is acceptable.
- 10.19 As part of the application, a 3m wide footpath is to be provided to the southern edge of Whalleys Road along with a toucan crossing over Whalleys Road between Site 5 and Site 2. Additional 3m wide footpath/cyclepaths are proposed along all boundaries within the site which will ensure there is improved safe pedestrian/cycle links for children and others accessing the local school, the proposed future play area on Cobbs Clough and other local amenities and bus stops.
- 10.20 In terms of parking provision, a mixture of frontage and side parking is proposed along with some detached garages. I am satisfied that each dwelling has been afforded appropriate parking provision in accordance with the Local Plan requirements. All garages have internal dimensions of 6m x 3m and 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 around the periphery of the site will be retained as they form part of the Cobbs Clough BHS. However, a large number of trees will be removed on the western side of the site to facilitate a SUDs basin. This area consists of predominantly early mature trees of Birch and Alder. The proposed landscaping on the site would offer an opportunity to provide a mix of new native trees spread across the site to enhance the overall quality of tree cover on the site. I am therefore 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.
- 10.23 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.

- 10.24 The ecological impact of the proposed development has been informed by a range of ecological surveys and assessments, namely, invertebrate, amphibian, bat and great crested newt surveys as well as a construction environmental management plan that aims to protect any known habitats during the construction phase. This identifies that there are no known bat roosts or great crested newts on the site, nor any invasive species. The Council's ecology advisor considers that, subject to conditions covering lighting and Reasonable Avoidance Measures, the erection of bird nesting boxes and the implementation of the submitted landscaping scheme, the proposals are considered to be acceptable.
- 10.25 In my view, through the implementation of the landscaping scheme 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, and provision of alternative bird nesting opportunities no overall net loss of biodiversity will occur. Subject to the imposition of conditions for the implementation of the mitigation strategies submitted and landscaping of the site, 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

- 10.26 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 Cobbs Clough, to the west of the site (which remains undeveloped at present). As such, no separate equipped area of public open space is required on this site. A pedestrian/cycle link has been provided to link with any future area of open space on the western edge of the site. An additional pedestrian path is also indicated on the submitted plans to link with an existing small play area on Newton Drive, the "gap" to be constructed by the Council using part of the £15,000 commuted sum required on this site.
- 10.27 Notwithstanding this area of equipped open space, in my view, the site also 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 play equipment for the open space to be provided on Cobbs Clough 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 £103,590.

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 applicant has confirmed that foul water from the development will discharge to the public sewer system in Whalleys Road.
- 10.29 In terms of surface water, a Flood Risk Assessment and detailed surface water drainage scheme has been submitted. The drainage proposal for the site satisfies 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 site to capture and store water prior to discharging via a tiered hydrobrake system into the large basin in the south-west corner of the site and then to the Cobbs Clough watercourse.
- 10.31 Both United Utilities and 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. 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. 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. The Coal Authority are satisfied that the submitted Borehole Investigation Report suitably demonstrates that the site is safe and stable from coal mining legacy, although advise that gas protection measures should be incorporated as part of the foundation design for some of the dwellings. This would be dealt with through the Building Regulations.
- 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 sets out how the archaeological investigation will progress on the site (surveying, evaluation, recording, post development assessment, reporting and archiving). A condition can be imposed to ensure the development is implemented in accordance with the WSI in accordance with Policy EN4 of the Local Plan.

Planning Obligation

- 10.34 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% and is 11% affordable rent and 89% shared ownership tenure managed by Trafford Housing Trust (the joint applicant).

Summary

10.35 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:-
 - Plan reference S/S/CLWS/01 Rev O (proposed CAD site layout) received by the Local Planning Authority on 21st December 2018;
 - Plan reference ES352 A2 006/02L (substation) received by the Local Planning Authority on 6th November 2018;
 - Plan reference SG-100 (single garage) received by the Local Planning Authority on 17th October 2018;
 - Plan reference 2H703-100 (2 bed bungalow) received by the Local Planning Authority on 17th October 2018;
 - Plan reference 2H703-101 (2 bed bungalow) received by the Local Planning Authority on 17th October 2018;
 - Plan reference 2H811-100 (2 bed bungalow) received by the Local Planning Authority on 17th October 2018;
 - Plan reference 2H811-101 (2 bed bungalow) received by the Local Planning Authority on 17th October 2018;
 - Plan reference 2HLTH-100 (2 bed house) received by the Local Planning Authority on 17th October 2018;
 - Plan reference 3HLTH-100 (3 bed house) received by the Local Planning Authority on 17th October 2018;
 - Plan reference 2H770-100 (2 bed house) received by the Local Planning Authority on 17th October 2018;
 - Plan reference 2H770-101 (2 bed house) received by the Local Planning Authority on 17th October 2018;
 - Plan reference 3H942-100 (3 bed house) received by the Local Planning Authority on 17th October 2018;
 - Plan reference 3H942-101 (3 bed house) received by the Local Planning Authority on 17th October 2018;

3. The development hereby approved shall be constructed from the materials indicated on drawing ref: S/S/MP/01 Rev E (Materials Plan) received by the Local Planning Authority on 17th October 2018.
4. 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.
5. Boundary treatment shall be implemented in accordance with Plan Ref: S/S/BTD/01 and Plan ref: S/S/BTP/01 Rev D received by the Local Planning Authority on 17th October 2018.
6. No dwellings shall be occupied on the site until the highway works indicated on plan reference: 2276-F01 Rev C (including a toucan crossing on Whalleys Road and a 3m wide footway across the site frontage to Whalleys Road) received by the Local Planning Authority on 21st December 2018 have been implemented.
7. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref: Scott Hughes Flood Risk Assessment 3351-SHD-00-ZZ-RP-C-0001 received by the Local Planning Authority on 17th October 2018. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.
8. 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 must not exceed the pre-development greenfield runoff rate (which has been calculated at 47 litres per second). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 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 scheme shall be implemented in accordance with the phasing agreed in (d) above and all other details as agreed. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

9. No dwelling shall be occupied until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted to and agreed in writing with the Local Planning Authority and 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.

Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

10. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.
11. The recommendations contained within Section 7.2 of the Amenity Tree Care GCN/Amphibian Appraisal and Mitigation & Habitat Enhancement Measures Strategy (July 2018) and received by the Local Planning Authority on 17th October 2018 shall be adhered to during construction of the development hereby approved.
12. The recommendations contained within Section 5.3 of the Richard Castell Breeding Bird Habitat Appraisal received by the Local Planning Authority on 17th October 2018 shall be adhered to and details of bird nesting boxes (e.g. number, type, location and phasing) shall be submitted to and agreed in writing by the Local Planning Authority prior to occupation of any dwelling on the site. The provision of nest boxes shall thereafter be implemented in accordance with the agreed details.
13. Prior to construction of any dwelling a lighting scheme and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details.
14. The development shall be implemented and maintained in accordance with the details shown on plans ref:
 - TBA Sheet 1 of 7 5741.01
 - TBA Sheet 2 of 7 5741.02
 - TBA Sheet 3 of 7 5741.03
 - TBA Sheet 4 of 7 5741.04
 - TBA Sheet 5 of 7 5741.05 Rev A
 - TBA Sheet 6 of 7 5741.06 Rev A
 - TBA Sheet 7 Of 7 5741.07 Rev AWithin 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. The landscaping shall be maintained in accordance with the details indicated on the above plans in perpetuity.
15. The development shall be carried out in accordance with the Arboricultural Impact Assessment Version 2 and Tree Survey and Constraints Report received by the Local Planning Authority on 17th October 2018.
16. The development shall be carried out in accordance with the TBA Landscape Management Plan received by the Local Planning Authority on 17th October 2018.
17. The Written Scheme of Archaeological Investigation shall be carried out in accordance with the details provided in the L-P: Archaeology "Written Scheme of Investigation" received by the Local Planning Authority on 17th October 2018 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. Prior to construction of any dwelling a scheme for the provision of electric vehicle charging points throughout the development and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details.
19. The development shall be carried out in accordance with sections 3, 5 and 6 of the Croft Residential Travel Plan received by the Local Planning Authority on 17th October 2018.
20. The development shall be carried out in accordance with the Construction Environmental Management Plan dated September 2018 and received by the Local Planning Authority

on 17th October 2018 and also the Logistics Layout Version 2 received by the Local Planning Authority on 3rd December 2018.

21. The temporary construction access onto Whalleys Road shall only be used for such purposes for 3 years from commencement of development, after which time the access shall be closed for vehicular access other than for emergency vehicles. Details of the bollards/barriers to be erected at this access shall be submitted to and approved in writing by the Local Planning Authority and the agreed details shall be implemented thereafter and retained as such in perpetuity.

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. To ensure adequate drainage for the proposed development and to ensure that there is no flood risk on- or off-the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. To 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 and to ensure that water quality is not detrimentally impacted by the development proposal in accordance with the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9.
 1. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development
 2. To reduce the flood risk to the development as a result of inadequate maintenance.
 3. To identify the responsible organisation/ body /company /undertaker for the sustainable drainage system and so to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10.
 1. To ensure that the construction of development does not pose an undue flood risk on site or elsewhere;
 2. To ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies and so to comply with provisions of Policy in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. In order to provide mitigation for the loss of bird breeding habitat in the interests of biodiversity and to accord with the provisions of Policy EN2 of the West Lancashire Local Plan 2012-2027 DPD.

13. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
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 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.
16. 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.
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. In the interests of sustainability in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
19. In the interests of sustainability in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
20. 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, to avoid conflict between HGV's and residential occupiers, to safeguard the general amenity of the area to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
21. A permanent access at this location would not be acceptable for two-way traffic in the interests of highway safety and as such, the temporary construction access should be closed following completion of development in order to comply with Policy GN3 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

1. The development approved by this permission may be liable to a Community Infrastructure Levy, which is payable after development begins. If your scheme is liable, and you have not already done so, you must submit an Assumption of Liability Notice to the Council before development commences. If your scheme is issued with a CIL charge, it is essential you submit a Commencement Notice to the Council before the development commences. Any application for relief or exemption should also be submitted before commencement.
The Council will impose penalties where the correct forms are not submitted, or are late, or where the information provided is inaccurate.
All forms are available at <http://www.westlancs.gov.uk/planning/planning-policy/community-infrastructure-levy/the-cil-process.aspx> and once completed, should be emailed to CIL@westlancs.gov.uk.
Further information on CIL can be found at www.westlancs.gov.uk/CIL or by contacting the Council's CIL and S106 Officer on CIL@westlancs.gov.uk or tel: 01695 585171.
2. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.
It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at www.gov.uk/government/organisations/the-coal-authority

3. Your attention is drawn to the fact that the Conditions that were imposed on the Outline planning permission for this development still apply and must be complied with in the implementation of this approval.
4. This permission is subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
5. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980, Section 184, Lancashire County Council must specify the works to be carried out. Only Lancashire County Council or a contractor approved by the County Council can carry out these works. Therefore, before any access works can start you must contact the Environment Directorate for further information by telephoning the Area Surveyor South 01772 658560 or writing to the Area Surveyor South, Lancashire county Council, Cuerden Way, Bamber Bridge, Preston, PR5 6BS quoting the planning application number.
6. Applicants and developers are advised to promote good neighbourliness by reference to the Considerate Constructors Scheme (CCS). This is an independent organisation set up by the construction industry, which promotes a voluntary code, to promote good neighbourliness when large housing sites are under construction. If a developer has signed up to the code, they are required to display this on the site and members of the public can report any alleged breaches of the code to the CCS. Details of the scheme can be found on the following website www.ccscheme.org.uk.

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.

Agenda Item 7j

No.10 APPLICATION NO.	2018/1126/OUT
LOCATION	67 Gaw Hill Lane Aughton Ormskirk Lancashire L39 7HA
PROPOSAL	Outline - Erection of up to seven residential units following the demolition of the existing buildings including details of access (all other matters reserved)
APPLICANT	Boundary Group Ltd
WARD	Aughton Park
PARISH	Aughton
TARGET DATE	28th December 2018

1.0 SUMMARY

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

2.0 RECOMMENDATION:

2.1 That Outline planning permission be GRANTED subject to conditions.

3.0 THE SITE

3.1 The site is currently occupied by various agricultural type buildings situated to the south of Gaw Hill Lane in Aughton. The site is situated on lower land to Gaw Hill Lane and is in the Green Belt. Whilst the land surrounding the site remains free and open from development the site is immediately bounded to the north and the south by residential dwellings. The site has established vegetation screening to its boundaries.

3.2 The site currently operates as a Feed and Agricultural Merchants. Grain is stored and dried in the buildings and sold to customers primarily for horse feed.

4.0 THE PROPOSAL

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

4.2 No details, indicative or otherwise, of the proposed layout of the scheme or appearance/scale of the dwellings have been provided. These details have been reserved for consideration at a later date.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2018/0401/OUT – REFUSED (APPEAL LODGED) (11.09.2018) Outline - Erection of up to seven residential units following the demolition of the existing buildings including details of access (all other matters reserved). This application was refused by Members for the single following reason:

The proposed development would conflict with Policies EC1, EC2 and GN4 of the West Lancashire Local Plan (2012 - 2027) DPD and National Planning Policy Framework in that it has not been robustly demonstrated that the site is unsuitable for an on-going viable employment use.

- 5.2 2017/1065/OUT – REFUSED (01.12.2017) Outline - Seven detached dwelling houses, associated landscaping and access road following the demolition of the existing buildings including details of access, layout and scale. This application was refused for the following three reasons:

The proposed development would conflict with Policies EC1, EC2 and GN4 of the West Lancashire Local Plan (2012-2027) DPD and National Planning Policy Framework in that it has not been robustly demonstrated that the site is unsuitable for an on-going viable employment use.

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

The proposed development would conflict with Policy GN3 of the West Lancashire Local Plan in that the proposed dwellings have a standard suburban appearance which does not reflect the rural environment in which it would be situated and introduces an uncharacteristic form of development into the locality. The scale and design of the dwellings do not relate to the character of the area and would appear incongruous in this setting.

6.0 OBSERVATIONS OF CONSULTEES

- 6.1 LANCASHIRE COUNTY COUNCIL (HIGHWAY AUTHORITY) (23.11.2018) – No objection in principle to the proposed development and is of the opinion that the level of traffic generated by this proposal would not have any material impact on highway capacity. A condition regarding the construction of the site access and off-site works has been recommended.
- 6.2 DIRECTOR OF LEISURE AND ENVIRONMENT (12.12.18) – Objects due to the potential impact on future residents of the scheme from the neighbouring commercial use (dog breeding).
- 6.3 UNITED UTILITIES (03.012.2018) – No objections in principle. Conditions recommended.
- 6.4 MERSERYSIDE ENVIRONMENTAL ADVISORY SERVICE (28.11.2018) – The ecological reports submitted by the applicant are acceptable. Whilst there are some designated sites in the surrounding area (Gorse Hill Local Nature Reserve (LNR), Graw Hill/Gorse Hill LNR and Biological Heritage Sites Moss Delph, Prescott Road Quarry, St Michael's Churchyard), the development is unlikely to harm the features for which the sites have

been designated due to barriers (roads, significant arable land) between these areas and the application site and the fact that a significant distance between the site and these sensitive areas would remain. The site provides extensive foraging and commuting habitat for bats; mitigation in the form of integral bat boxes should be agreed at the detailed stage. A lighting scheme should also be agreed to ensure that it is designed so that it does not spill into sensitive habitats. Mitigation for bird breeding habitat should also be provided in the form of bird nesting boxes and clearance works should be avoided between March and August (inclusive). The proposed demolition works may impact upon small mammal species and common amphibians; Reasonable Avoidance Measures (RAMs) should be put in place to avoid this and such measures can be agreed through a suitably worded condition. A landscape plan should also be secured to ensure adequate mitigation for any tree/hedge loss.

7.0 OTHER REPRESENTATIONS

- 7.1 Merseyside and West Lancashire Bat Group (6.12.2018) – The applicant, through the submitted surveys, has not considered the use of the buildings by singular or small number of bats; some of the other conclusions are based on conjecture and not "scientific information". MEAS' comments dating from June 2018 are contradictory on the subject to the validity of the submitted surveys.
- 7.2 Aughton Parish Council (13.12.2018) – Objects to the proposal as it would be harmful to the Green Belt. There are no very special circumstances so the proposal would be inappropriate. This is an isolated site and the dwellings would be prominent in this location. Lastly the viability of the existing business does not justify a change of the land use to residential.
- 7.3 I have received 14 letters of objection from neighbouring properties. The main points of concern are summarised as follows:

This is the third time local residents have had to object to this scheme.

No new information submitted with this application, therefore no reason for committee to rescind their last refusal.

Impact on nature reserve and ecology of site and surrounding area

Impact on highway safety

There is no need for this development, there are many houses for sale in the Aughton area

Houses would be prominent; loss of rural area

Loss of employment

Isolated dwellings

Non-compliance with Local Plan

Non-compliance with Government guidance

Loss of privacy and overlooking of neighbouring properties

Loss of views across countryside

If planning permission is granted restrictions should be attached regarding construction works to minimise impact on local neighbours

Site drainage has not been finalised

Inappropriate development in the Green Belt/harm to openness

The development would not fall within the definition of affordable housing

Dwellings would incorporate balconies which is out of keeping

Removal of trees will increase flooding in local area

Loss of quiet enjoyment of garden amenities

Breach of Human Rights – right to peaceful enjoyment of all their possessions and right to respect for their private and family life

Change of use from commercial to residential is unnecessary

The Council has already reached their quota for housing

8.0 SUPPORTING INFORMATION

8.1 The application is supported by the following information:

Bat Survey – Preliminary Roost Assessment (June 2018)
Bat Survey – Emergence and Activity Surveys (October 2017)
Preliminary Ecological Appraisal Survey (August 2017)
Bat Survey – Preliminary Roost Assessment (August 2017)
Information on distance to local amenities
Planning and Green Belt Statement
Addendum to Planning Statement
Drainage Statement
Tree Survey
Independent Accountant's Report
Economic Statement
Correspondence from local valuer
Counsel Advice (Kings Chamber)

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

National Planning Policy Framework

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

West Lancashire Local Plan 2012-2027 DPD

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

Supplementary Planning Advice

SPD – Design Guide (January 2008)

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Background

10.1 The site has an extensive planning history dating back to the 1960's. In 1987 permission

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

- 10.2 Members will be aware that this proposal was the subject of an application that was considered and determined by Members at the planning committee in September of this year. At that time Members resolved to overturn officer recommendation and refuse the proposed development for one reason relating to the employment status of the site. Given that the proposal is the same and there have been no local or national policy changes in the intervening months, I would advise Members that it would be inappropriate to introduce any concerns over and above the single issue that was raised as a concern during the last discussion.

Principle of Development - Green Belt

- 10.3 Paragraph 145, Section 13 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. One of these exceptions allows for "Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 10.4 Annex 2 of the Framework defines 'previously developed land' (PDL) as being land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole curtilage should be developed) and any associated fixed surface infrastructure.
- 10.5 This site is currently developed with an employment use and is therefore a brownfield site (within Green Belt). Therefore, the main issue is whether the proposed development would have a greater impact on the openness of the Green Belt than the existing development.
- 10.6 As the proposal is in outline form only with no precise details on the number of dwellings/scale of development it is not possible to assess the precise impact on the Green Belt as required by the NPPF. However, the proposal is for a maximum of seven dwellings and it has been previously determined that seven detached dwellings could be provided on site and the overall built volume would be reduced by approximately 50%. Furthermore, the average height of the dwellings would not exceed that of the existing buildings. The spread of development and the resulting impact would need to be considered further at the reserved matters stage. Therefore, I consider that a residential scheme on this site consisting of no more than seven dwellings would not in principle have a greater impact on the openness of the Green Belt or the purpose of including land within it than the existing development.

Principle of Development - Loss of an existing employment site

- 10.7 Policy EC1 'The Economy and Employment Land' of the Local Plan states that the re-development of existing individual employment sites for other uses will be considered where a viability case can be put forward (in line with Policy GN4) and where the provisions of Policy EC2 and EC3 are met, where relevant.
- 10.8 Policy EC2, 'The Rural Economy', states that the Council will protect the continued

employment use of existing employment sites in rural areas. This could include any type of employment use, including agriculture and farming, and not merely be restricted to B1, B2 and B8 land uses. Where it can be robustly demonstrated that the site is unsuitable for an ongoing viable employment use (in accordance with the requirements of Policy GN4), the Council will consider alternative uses where this is in accordance with other policies in the Local Plan. Policy GN4 'Demonstrating Viability' seeks to retain existing commercial / industrial (B1, B2 or B8) and retail (A1). Policy GN4 sets three tests and any proposal involving the loss of these uses must meet only one of the three tests.

- 10.9 As stated earlier, the most recent application for the redevelopment of this site was refused due to Member's views that the proposal failed to comply with the above policies as it had not been robustly demonstrated that the site was unsuitable for an on-going viable employment use.
- 10.10 The applicant has submitted additional supporting information to address this concern; an additional report from Fritton Estates (local property consultants) and a more detailed report by the operator's accountant have been provided in addition to the supporting information provided as part of the previous submission.
- 10.11 To summarise, the supporting information provided outlines the current financial position of the business and its owner; it advises that the business has not operated at a viable level for a number of years and has been supported by the personal finances of the owner. Financial details dating back to 2014 have been provided. The lack of viability has been linked to the loss of large customers, one of whom has stated in writing that the access to the site was prohibitive to their continued business. It is understood that the existing buildings are in need of investment in order to try and improve business potential/attract alternative commercial occupiers and the projected costs of the necessary refurbishment have been provided. Given the stated site constraints (access, rural location, proximity to neighbouring dwelling) and the current financial position of the site owner, the necessary investment is not considered to be a realistic option. Lastly and as with the previous submission, the applicant has submitted evidence of a possible future venture with a similar business in the West Lancashire area which operates from a site with less identifiable constraints.
- 10.12 The applicant has sought to comply with Policies EC1 and EC2 of the Local Plan by outlining a supporting case in accordance with the requirements of Policy GN4 of the Local Plan. Policy GN4 of the Local Plan outlines three tests which applicants can use to demonstrate the unavoidable loss of an existing commercial site. Only one of these tests must be met. Nevertheless in this case, it is my view that the applicant has demonstrated compliance with two of stated tests;

The continued use of the site/premises for its existing use is no longer viable in terms of its operation of the existing use, building age and format and that it is not commercially viable to redevelop the land or refurbish the premises for its existing use. In these circumstances, and where appropriate, it will also need to be demonstrated that there is no realistic prospect of a mixed-use scheme for the existing use and a compatible use; and

The land/premises is no longer suitable for the existing use when taking into account access/highways issues (including public transport), site location and infrastructure , physical constraints, environmental considerations and amenity issues. The compatibility of the existing use with adjacent uses may also be a consideration.

- 10.13 The information provided has identified the struggles that the existing business is likely to face in the future. These, together with the site constraints identified, appear to me to

evidence that the continued use of the site for its existing use is not viable in the long term. Whilst the possibility of a joint venture with a related company in the future is something that I note the applicant aspires to, it would not be prudent/appropriate for the Local Planning Authority to have any control over this; the above assessment is based on the information provided in respect the condition of the site/building, comments from a previous user and the financial overview provided.

- 10.14 On the basis of the above, I am satisfied that the applicant has submitted sufficient justification to evidence compliance with Policy GN4.1 (a) and (b) (although only one of these tests have to be met) and in turn compliance with Policy EC1 and EC2 of the Local Plan.

Principle of Development - Sustainability of Location

- 10.15 Paragraph 79 of the NPPF advises that in order to promote sustainable development, rural housing should be located where it would enhance or maintain the vitality of rural communities. There have been a number of appeal decisions on this particular topic and as the NPPF does not offer any definition of the term 'isolated', the outcome of relevant appeal decisions are a material consideration in determining planning applications. In addition to appeal decisions, there has been a High Court Judgement on consideration of the meaning of 'isolation' and a subsequent case in the Court of Appeal. *Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited [2017]* confirmed that 'isolation' should be given its ordinary meaning of "far away from other places, buildings or people" (re-assessed and upheld at Court of Appeal in March 2018).
- 10.16 Given the proximity of the application site to two existing residential dwellings, with further residential dwellings located close to the east, the proposed dwellings could not be considered as being far from other buildings or people.
- 10.17 In accordance with the aforementioned High Court decision and subsequent appeal decisions (such as APP/P2365/W/17/3182494 – Plumtree Barn) it is also necessary to consider whether the proposed development would be far away from other places. This includes consideration of whether the site is a suitable location for housing having regard to its location and accessibility. In this respect the application is located approximately 0.6m away from a range of day to day services located in Aughton (Key Service Centre) such as shops, a post office, school and public house. North and south bus stops are also located along the main A59 approximately 0.5m away from the site. In terms of accessibility to these services, it has been confirmed that a previously overgrown footpath linking the application site to an existing footpath at the junction of Holly Lane/Gaw Hill Lane, which in turn links to the A59, would be uncovered and reinstated. The Highway Authority has confirmed the acceptability of this footpath in usability terms. This provides a definitive link to the aforementioned services, one which could reasonably be expected to provide future occupants of the development a sustainable link to a variety of every day facilities and to public transport links to services further afield.
- 10.18 For these reasons, the site is not considered to be 'isolated' in terms of the requirements of paragraph 79 of the NPPF and the proposal would provide sustainable development which would enhance or maintain the vitality of the surrounding rural community.

Siting/Design

- 10.19 As this is an outline application, the planning application has effectively been submitted to test the principle of the development for up to 7 dwellings having an access off Gaw Hill Lane. Whilst the layout of the scheme was originally submitted, this has subsequently

been withdrawn and the matters of layout and scale have now been reserved for consideration at a later date (reserved matters). As it now stands, there is no layout, indicative or otherwise, to consider.

10.20 Notwithstanding the above, I am satisfied that a residential scheme can be provided on this site which would not cause significant harm to the character or appearance of the local area. I am of the opinion that such a development would need to be 'bespoke' in nature and sympathetic of its rural surroundings. In achieving this, I am not convinced that the site can accommodate seven detached dwellings. However the proposal is for up to seven dwellings and the detailing of layout, scale and appearance have been reserved for consideration at a later date.

Impact on Residential Amenity

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

10.22 Notwithstanding the above however, given the location of the site and the achievable separation distances from both neighbouring properties (Nos. 67 and 69 Gaw Hill Lane), I am satisfied that the residential scheme could be provided which would be compliant with Policy GN3 of the Local Plan.

10.23 As documented during the previous submission, the interface distances between the site and properties along Liverpool Road and the top of Gaw Hill Lane (who have raised concerns over loss of privacy and overlooking) are in excess of the guidelines provided in the Council's Design and Access Statement. For this reason, I am satisfied that a residential development could be provided which would not cause harm to residents in these areas.

10.24 It is noted that the Council's Environmental Health team have raised concerns over the potential future impact of the neighbouring dog breeding business on the amenities of future occupants of the proposed development. However as documented under the previous submission, the Council has previously determined applications for this site and not raised this matter as a reason for refusal. Furthermore whilst the barking of dogs may be audible on parts of the site there is already a residential dwelling at 67 Gaw Hill Lane and no complaints to the Council regarding noise have been made by existing residents in close proximity to the site. Whilst it may not be possible to site new residential dwellings in close proximity to the kennels, I am minded to take the view that residential development, offering a reasonable standard of amenity would be possible on some parts of the site. As the application is for up to 7 dwellings, there is scope for a lower number of units to be accommodated under the description of development, should a subsequent noise survey and other planning considerations show this to be appropriate. For these reasons, and subject to conditions, I am satisfied that reasonable levels of amenity for the future occupants of the proposed development could be provided in compliance with Policy GN3 of the Local Plan.

Highways

10.25 The dwellings will be served by the existing shared access off Gaw Hill Lane. The Highway Authority has assessed the proposals and is satisfied visibility from this access is acceptable for the proposed development.

10.26 As this application does not provide any details in relation to layout, it is not possible to

comment on parking or manoeuvrability. However any future proposals for the redevelopment of this site would be expected to meet the minimum parking standards as outlined in Policy IF2 of the Local Plan and provide sufficient space for vehicles to enter and leave the site in a safe manner in accordance with Policy GN3 of the Local Plan.

Impact on Trees

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

Ecology

- 10.32 The proposed development would result in the demolition of the existing buildings. Ecological surveys, including an updated bat report, have been submitted in accordance with Policy EN2 of the Local Plan.
- 10.33 These reports have highlighted that the site provides extensive bat foraging and commuting habitat and roosts are in close vicinity to the site however the bat report received in June 2018 found no evidence of bat use or presence within the buildings or trees. Due to the internal conditions of the buildings (loud industrial noises and thick dust on all internal services), the bat roost potential is categorised as negligible, meaning that emergence surveys are not required. Given the proximity of bat activity to the site it would be expected that any redevelopment of the site addressed this matter by incorporating integrated bat boxes and controlled lighting and these matters could be dealt by condition.
- 10.34 The June 2018 survey found buildings and trees on site to offer negligible habitat for barn owl. The Council's Ecologist finds this conclusion to be acceptable and therefore barn owl requires no further consideration in relation to this proposal.
- 10.35 The proposed redevelopment of the site would result in the loss of bird breeding habitat. Mitigation would be required in the form of bird nesting boxes; the necessary mitigation can be secured via a planning condition.

- 10.36 Further precautionary conditions are required in relation to common amphibians, reptile and small mammal species during both the demolition and construction phase.
- 10.37 It is noted that the Preliminary Ecological Appraisal states that any proposals which affect trees may result in changes to the recommendations as the condition of the trees may change in the interim. It is noted that the assessment provided does not discuss the loss of trees within the site. However, as the proposal is in outline form only the extent of the impact on trees remains unknown at this time. Therefore I am satisfied with the level of information provided and conclude that further ecological information would be required at the later stage when details of layout and landscaping are required.
- 10.38 From the information provided and subject to conditions, I am satisfied that the proposals accord with Policy EN2 of the Local Plan in respect of the impact of the proposed redevelopment of the site on protected species or their habitat.

Drainage

- 10.39 In terms of flood risk the site is located in Flood Zone 1 and also outside of areas susceptible to surface water flooding so the risk of flooding is considered to be low. However, it is a requirement of Policy GN3 that new development does not result in unacceptable flood risk or drainage problems. The submitted information advises that the site would be drained on a separate system. It is stated that foul water from the development would connect to the mains drainage system; however a check of the United Utilities map indicates that there are no nearby public sewers, therefore further investigations would be required in this respect and I am satisfied that this could be undertaken under a suitably worded condition.
- 10.40 With regards to the disposal of surface water, the information provided is again restricted in that it has only been confirmed that surface water will discharge in accordance with the Building Regulations hierarchal approach for the disposal of surface water. Given the Outline nature of this application I am satisfied that a condition can be imposed which requires full and definitive details of a drainage scheme to be submitted and agreed by the Council before any construction works take place.

11.0 CONCLUSION

- 11.1 The proposed Outline development would be appropriate development in the Green Belt. A scheme of up to 7 dwelling could be provided which protected the amenity of neighbouring residents and had no significant impact on highway safety or ecology. The site is in a sustainable location for future residential development. It is therefore recommended that Outline planning permission be granted subject to the following conditions:

Conditions

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Before any part of the development is commenced, approval shall be obtained from the Local Planning Authority for the Reserved Matters, namely the siting, design, layout, scale and appearance and landscaping (including details of landscape management and maintenance).

3. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Drawing no. A102 Rev 1 and A103 Rev 2 received by the Local Planning Authority 24th October 2018
4. No development on the construction phase shall take place until full details of the finished levels of all parts of the site, including the floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those details.
5. No development on the construction phase shall commence until details of the design of the surface water drainage system, based on sustainable drainage principles, have been submitted to and approved in writing by the Local Planning Authority. Those details should include:
 - a) A drainage strategy confirming the proposed means of surface water disposal together with a SuDS management and maintenance plan, if applicable;
 - b) Evidence of the existing site topography to include any existing surface water flow routes, drains, sewers and watercourses in a readable 3D Autocad .drawing format;
 - c) Evidence of site investigation, test results to confirm soil infiltrations rates and calculations to indicate existing SW runoff rates and volumes;
 - d) Demonstration that SW run-off will not exceed pre-development run-off rates and volumes and, for formerly developed land, that the requisite reduction in runoff will be achieved;
 - e) Demonstration that existing natural land drainage water (e.g. spring water, ground water or surface runoff) from surrounding areas that enters the site is managed in such a way to have no material impact by leaving the site in terms of nuisance (e.g. exacerbation of existing flooding) or damage;
 - f) Design calculations using relevant storm periods and intensities (e.g. 1 in 30 and 1 in 100 year + agreed allowance for climate change), runoff discharge rates and volumes (both pre and post development), facilities for temporary storage, the methods employed to delay and control SW discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in metres AOD;
 - g) Evidence that flood flows will be effectively managed within the site during the lifetime of the development including the construction period, will have no material impact by leaving the site in terms of nuisance or damage, or increase watercourse flows during periods of river flooding;
 - h) In addition to the normal printed input/output files supporting calculations for existing discharge rates (if applicable) and drainage proposals are to be submitted in an electronic format suitable for use in MicroDrainage software (e.g. mdx file format). Any flow control details should be modelled using the Depth/ Flow Relationship for the Control Type for MicroDrainage version 2015 or earlier;
 - i) Existing and proposed 3D level data submitted in a suitable format i.e. CSV or Autocad .drawing; and
 - j) Existing and proposed catchment areas in a suitable format i.e. Autocad .drawing.The scheme shall be implemented in full in accordance with the approved details prior to first occupation of the first new dwelling, or completion of the development, whichever is the sooner. The approved drainage system shall be retained, managed and maintained in accordance with the approved details at all times for the duration of the development.
6. No development on the construction phase shall commence until details of the design and implementation of an appropriate foul drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the first new dwelling and retained, managed and maintained as such at all times for the duration of the development. To assist with approval a copy of the completion certificate issued by the Building Control body should be submitted.

7. The mitigation and enhancement measures set out in section 4.2 Table 8 of the Bat Survey - Preliminary Roost Assessment (ARBTECH, June 2018) received by the Local Planning Authority on 6th July 2018 and section 4.2 Table 7 of the Preliminary Ecology Appraisal Survey (ARBTECH, August, 2017) received by the Local Planning Authority on 16th April 2018 shall be implemented in full during and following the development hereby approved.
8. No temporary or external lighting shall be present on the site until a lighting scheme has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved detail and in a timetable to be agreed in writing with the Local Planning Authority.
9. No development, including demolition, shall take place until a scheme outlining Reasonable Avoidance Measures (RAMs) for the protection of common amphibian, reptile and small mammal species has been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be adhered to at all times.
10. As part of any reserved matters application details of bird boxes and the timing for their installation shall be submitted. The agreed measures shall be provided prior to the occupation of any dwelling.
11. The proposed access from the site to Gaw Hill Lane, shall be constructed to a (minimum) width of 5.5m and this width shall be maintained for a minimum distance of 10m measured back from the nearside edge of the carriageway prior to the first occupation of any of the approved dwellings.
12. The pedestrian footpath, as shown on plan reference A103 Rev 2 received by the Local Planning Authority on 24th October 2018, shall be provided prior to the first occupation of any of the approved dwellings and shall be maintained thereafter, clear of any obstructions.
13. As part of any reserved matters application, a background noise survey shall be submitted which will establish the noise generated by the dog breeding premises that adjoins the application site. The survey shall be accompanied by an acoustic report which shall be agreed in writing with the Local Planning Authority and shall identify mitigation measures required to ensure that occupants of the proposed dwellings would not be detrimentally impacted by noise from the adjoining land use. The agreed mitigation measures shall be provided prior to occupation of any dwelling.
14. Prior to the first occupation of any dwelling, it shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.

Reasons

1. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline and the matters referred to in the condition are reserved for subsequent approval by the Local Planning Authority.
3. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To ensure the site is adequately drained in the interest of local amenity, there is no increase in flood risk on or off the site resulting from the proposed development or resulting from inadequate maintenance of the proposed surface water drainage system including the SuDS, appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development for the ongoing maintenance of the proposed surface water drainage system including the SuDS, to identify the responsible organisation/body/company/undertaker for the proposed SuDS and the water quality is not detrimentally impacted by the proposed development, so the development complies with the provisions of Policies GN3 and IF3 in the West Lancashire Local Plan 2012-2027 Development Plan

6. To ensure the site is adequately drained in the interest of local amenity, there is no flood risk on or off the site resulting from the proposed development, that appropriate and sufficient maintenance mechanisms are put in place for the lifetime of the development to reduce the flood risk to the development as a result of inadequate maintenance and the water quality is not detrimentally impacted by the proposed development, so the development complies with the provisions of Policies GN3 and IF3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users.
12. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
13. In the interests of residential amenity and to accord with Policy GN3 of the adopted West Lancashire Local Plan Development Plan Document 2012-27
14. In the interests of sustainability in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

1. The applicant is advised that the new site access and proposed footpath will require the applicant to enter into an appropriate legal agreement with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes the design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the County Council's Highway Development Control Section on lhscustomerservice@lancashire.gov.uk or by writing to the Highway Development Control Manager, Cuerden Mill Depot, Cuerden Way, Bamber Bridge, Preston PR5 6BJ quoting the planning application number in either case.
2. Tree felling, scrub clearance, vegetation management and/or ground clearance shall be avoided during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub and vegetation shall be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected must be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved details.

Reason for Approval

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

GN1 - Settlement Boundaries
GN3 Criteria for Sustainable Development
GN4 - Demonstrating Viability
RS1 - Residential Development

EC1 - The Economy and Employment Land
EN2 - The Rural Economy
EN4 - Preserving and Enhancing West Lancashire's Natural Environment

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