



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

Wednesday, 13 February 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, 21 FEBRUARY 2019** at **7.00 PM** at which your attendance is requested.

Yours faithfully

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

Kim Webber
Chief Executive

AGENDA
(Open to the Public)

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

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

3. URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

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

4. DECLARATIONS OF INTEREST

1323 -
1324

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

1325 -
1330

To receive as a correct record the minutes of the meeting held on the 10 January 2019.

7. PLANNING APPLICATIONS

1331 -
1344

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

7a 2018/0869/FUL - Land to the South of Black-A-Moor Lane, Downholland, Lancashire

1345 -
1352

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

7b 2018/0923/FUL - Douglas Dale, 23 Bradshaw Lane, Parbold, Wigan, Lancashire WN8 7NQ

1353 -
1362

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

7c 2018/0259/FUL - Land to the West of Oasis Close, Rufford, Lancashire L40 1SA

1363 -
1378

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

7d	2018/1261/OUT - Land adjoining Bescar Lane Station, Scarisbrick, Lancashire To consider the report of the Director of Development and Regeneration.	1379 - 1384
7e	2018/1062/FUL - 37 burscough Street, Ormskirk, Lancashire L39 2EG To consider the report of the Director of Development and Regeneration.	1385 - 1392
7f	2018/0686/FUL - Land to the Rear of 29 The Gravel, Mere Brow, Tarleton, Lancashire To consider the report of the Director of Development and Regeneration.	1393 - 1404
7g	2018/1063/FUL - Briar Dene Nursery School, 2 Fulwood Avenue, Tarleton, Preston, Lancashire PR4 6RP To consider the report of the Director of Development and Regeneration.	1405 - 1412
7h	2018/1148/FUL - 26 Miners View, Up Holland, Skelmersdale, Lancashire WN8 0AZ To consider the report of the Director of Development and Regeneration.	1413 - 1418
7i	2018/0628/COU - Car Park, Canal Bank, Appley Bridge, Lancashire To consider the report of the Director of Development and Regeneration.	1419 - 1424

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

FIRE EVACUATION PROCEDURE: Please see attached sheet.

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

For further information, please contact:-

Jill Ryan on 01695 585017

Or email jill.ryan@westlancs.gov.uk

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

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

IF YOU DISCOVER A FIRE

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

ON HEARING THE FIRE ALARM

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

NOTES:

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

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

CHECKLIST FOR PERSON IN CHARGE

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

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

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

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

NOTE:

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

CHECKLIST FOR ZONE WARDEN

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

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

INSTRUCTIONS FOR DOOR WARDENS

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

Agenda Item 4

MEMBERS INTERESTS 2012

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

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

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

Please tick relevant boxes

Notes

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

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

Interest

Employment, office, trade, profession or vocation

Sponsorship

Prescribed description

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

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

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

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

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

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

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

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

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

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

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

'a connected person' means

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

'body exercising functions of a public nature' means

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

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

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

Agenda Item 6

PLANNING COMMITTEE

HELD: Thursday, 10 January 2019

Start: 7.30 pm

Finish: 9.50 pm

PRESENT:

Councillors:

M Mills (Chairman)	
D Evans (Vice-Chairman)	I Ashcroft
S Currie	S Evans
G Hodson	J Hodson
G Owen	E Pope
A Pritchard	D Westley
Mrs M Westley	A Yates

Officers:

Ian Gill, Deputy Director of Development & Regeneration
Ann Veevers, Principal Planning Officer
Rob Hitchcock, Principal Planning Officer
Matthew Jones, Deputy Borough Solicitor
Rebecca Chadwick, Assistant Solicitor
Jacky Denning, Member Services Manager

79 APOLOGIES

There were no apologies for absence received.

79 APOLOGIES

There were no apologies for absence received.

80 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillors O'Toole, Devine and Mrs Baybutt and the appointments of Councillor D Westley, S Evans and Currie for this meeting only, thereby giving effect to the wishes of the Political Groups.

81 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

82 DECLARATIONS OF INTEREST

There were no declarations.

83 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

84 MINUTES

RESOLVED: That the minutes of the meeting held on the 29 November 2018 be approved as a correct record and signed by the Chairman.

85 PLANNING APPLICATIONS

The Director of Development and Regeneration submitted a report on planning applications (all prefixed 2018 unless otherwise stated) as contained on pages 1191 to 1310 of the Book of Reports and on pages 1311 to 1319 of the Late Information Report.

(Notes:

1. In accordance with Regulatory Procedure Rule 7(b):
 - Councillor Dereli spoke in connection with planning application 0837/FUL relating to Burscough AFC, Victoria Park, Mart Lane, Burscough, L40 0SD
 - Councillor Gordon spoke in connection with planning application 0259/FUL relating to Land to the West of Oasis Close, Rufford, L40 1SA
 - Councillor Dowling spoke in connection with planning application 1006/FUL relating to Premises known as The Timber Yard, Moorgate, Ormskirk, L39 4RT
2. In accordance with the procedure for public speaking on planning applications on this Committee
 - Parish Councillor Brian Bailey from Burscough Parish Council and the Applicant's Agent spoke in connection with planning application 0837/FUL relating to Burscough AFC, Victoria Park, Mart Lane, Burscough.
 - 3 objectors and the Applicant's Agent spoke in connection with application no. 0259/FUL relating to Land to the West of Oasis Close, Rufford.

86 2018/1158/FUL - BEACON PARK GOLF CENTRE, BEACON LANE, DALTON, WIGAN

RESOLVED: That planning application 1158/FUL relating to Beacon Park Golf Centre, Beacon Lane, Dalton, Wigan be approved, subject to the conditions as set out on pages 1195 to 1196 of the Report.

87 2018/1164/FUL - BEACON PARK GOLF CENTRE, BEACON LANE, DALTON, WIGAN

RESOLVED: That planning application 1164/FUL relating to Beacon Park, Golf Centre, Beacon Lane, Dalton, Wigan be approved subject to the conditions as set out on pages 1202 to 1203 of the Report and on page 1312 of the Late Information Report setting out details of additional conditions.

88 2018/0800/FUL - SITE OF FORMER ATKINSON KIRKBY, ATKINSON ROAD, ORMSKIRK

RESOLVED: That in respect of planning application 2018/0800/FUL relating to the site of former Atkinson Kirkby, Atkinson Road, Ormskirk:

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:-

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

- 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 1218 to 1224 of the Report and with the amendment of Conditions 2, 3, 4, 6, 8, 9,13,14,15, 27, 31 and 32, as set out on pages 1312 to 1315 of the Late Information Report.

89 2018/0259/FUL - LAND TO THE WEST OF OASIS CLOSE, RUFFORD

RESOLVED: That planning application 0259/FUL relating to Land to the West of Oasis Close, Rufford, be deferred to the next meeting, to allow further discussions with Lancashire County Council regarding the highway safety aspects of the proposed access.

90 2018/1006/FUL - PREMISES KNOWN AS THE TIMBER YARD, MOORGATE, ORMSKIRK

RESOLVED: That planning application 1006/FUL relating to the premises known as The Timber Yard, Moorgate, Ormskirk be refused for the reasons as set out below:

- 1. The proposed development would result in undue noise and disturbance to nearby residents contrary to Policy GN3 of the West Lancashire Replacement Local Plan (2012-2027) Development Plan Document.
- 2. The proposed development would lead to a loss in existing car parking thereby increasing demand for on-street parking to the detriment of highway safety contrary to policies GN3 and IF2 in the West Lancashire Replacement Local Plan (2012-2027) Development Plan Document.

91 2018/1017/FUL - SOUTHVIEW LODGE CARE HOME, 92 STATION ROAD, HESKETH BANK, PRESTON

RESOLVED: That it be noted that planning application 1017/FUL relating to Southview Lodge Care Home, 92 Station Road, Hesketh Bank had been withdrawn by Officers.

92 2018/0721/FUL - GIBBONS BARN, PLEX LANE, HALSALL

RESOLVED: That it be noted that planning application 0721/FUL relating to Gibbons Barn, Plex Lane, Halsall had been withdrawn by officers as the Applicant wishes to revise the scheme further.

93 2018/0837/FUL - BURSCOUGH AFC, VICTORIA PARK, MART LANE, BURSCOUGH

RESOLVED: 1. That in relation to planning application 0837/FUL relating to Burscough AFC, Victoria Park, Mart Lane, Burscough, that the application be referred to the Secretary of State.

2. Subject to the application not being 'called in' by the Secretary of State, that the decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman and Vice-Chairman of the Committee, subject to the applicant entering into a planning obligation under S106 of the Town and County 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

3. That any planning permission granted by the Director of Development and Regeneration pursuant to 1. above be subject to the conditions as set out on pages 1272 to 1277 of the Report, with the amendment of conditions 7,8,11 and 12 as set out on page 1318 of the Late Information Report.

94 2018/1090/ARM - LAND TO THE NORTH OF COBBS CLOUGH, WHALLEYS ROAD, SKELMERSDALE

RESOLVED: That in respect of planning application 1090/ARM relating to Land to the North of Cobbs Clough, Whalleys Road, Skelmersdale:

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 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 1289 to 1296 of the Report.

95 **2018/1126/OUT - 67 GAW HILL LANE, AUGHTON**

RESOLVED: That planning application 1126/OUT relating to 67 Gaw Hill Lane, Aughton be granted subject to the conditions as set out on pages 1306 to 1310 of the Report.

.....
Chairman



PLANNING COMMITTEE
21 FEBRUARY 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	Aughton And Downholland	2018/0869/FUL	<p>Land To The South Of Black-A-Moor Lane, Downholland, Lancashire</p> <p>Extension to existing glasshouse complex comprising plant growing areas; seeding/propagation, packaging and dispatch areas; ancillary storage, office and staff welfare facilities; and reconfigured service yard/parking areas.</p>	Planning permission be granted.
2	Parbold	2018/0923/FUL	<p>Douglas Dale, 23 Bradshaw Lane, Parbold, Wigan, Lancashire WN8 7NQ</p> <p>Demolition of an existing dwelling and adjacent coach house and construction of a single replacement dwelling.</p>	Planning permission be granted.
3	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>	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.
4	Scarisbrick	2018/1261/OUT	<p>Land Adjoining Bescar Lane Station, Bescar Lane, Scarisbrick, Lancashire</p> <p>Outline - Infill development for up to 4 dwellings. All matters reserved.</p>	Outline Planning permission be refused.

5	Scott	2018/1062/FUL	37 Burscough Street, Ormskirk, Lancashire L39 2EG Development including change of use and remodelling of existing space from vacant office/retail accommodation into 4 no. bed student HMO accommodation with micro pub/wine bar, and associated external alterations.	Planning permission be granted.
6	Tarleton	2018/0686/FUL	Land To The Rear Of 29 The Gravel, Mere Brow, Tarleton, Lancashire Erection of 5 No. New detached dwellings with associated soft landscaping. Proposed improvement highway works forming new site access following demolition of existing building. Diversion of public right of way.	Planning permission be granted.
7	Tarleton	2018/1063/FUL	Briar Dene Nursery School, 2 Fulwood Avenue, Tarleton, Preston, Lancashire PR4 6RP Provision of hardstanding to the front of 2 Fulwood Avenue.	Planning permission be refused.
8	Up Holland	2018/1148/FUL	26 Miners View, Up Holland, Skelmersdale, Lancashire WN8 0AZ Change of use of the rear of a residential garage to allow the running of a beauty salon business from home. (Retrospective)	Planning permission be granted.
9	Wrightington	2018/0628/COU	Car Park, Canal Bank, Appley Bridge, Lancashire Siting of metal container for storage of tools and equipment.	Planning permission be granted.



PLANNING COMMITTEE

21st February 2019

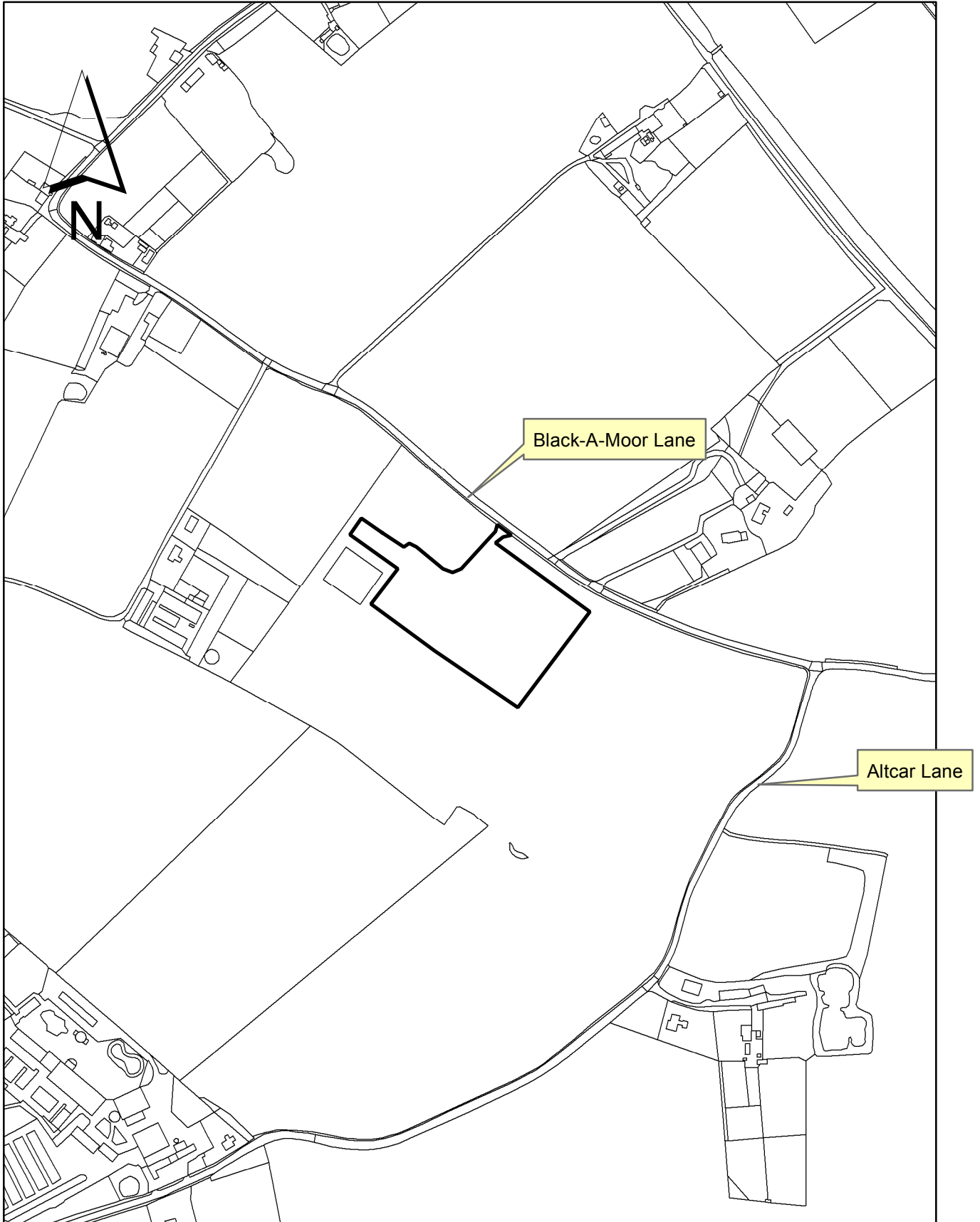
(Agenda Item 7)

PLANNING APPLICATION ITEMS

LOCATION PLANS

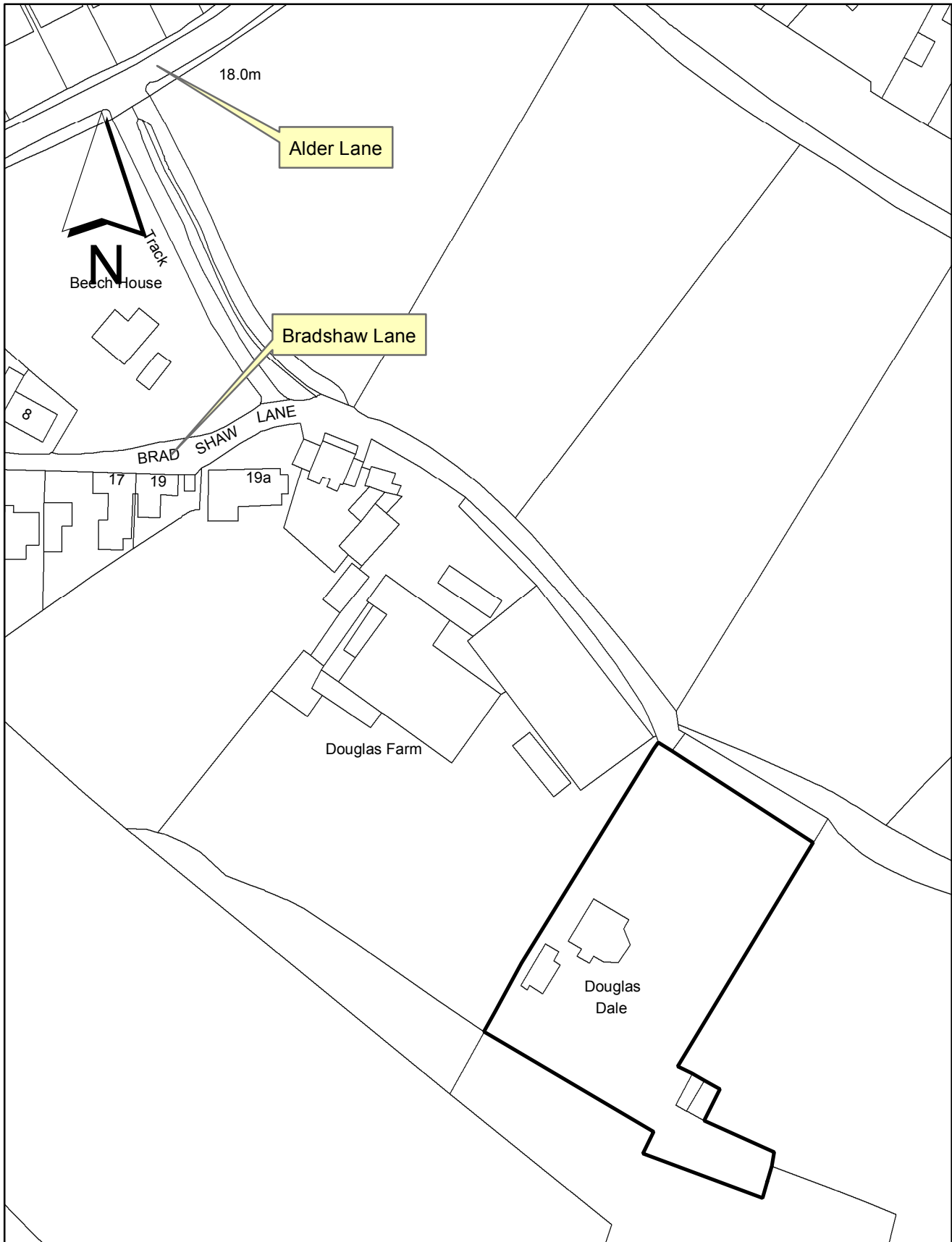


Land to the south of Black-A-Moor Lane, Downholland
L39 7HX



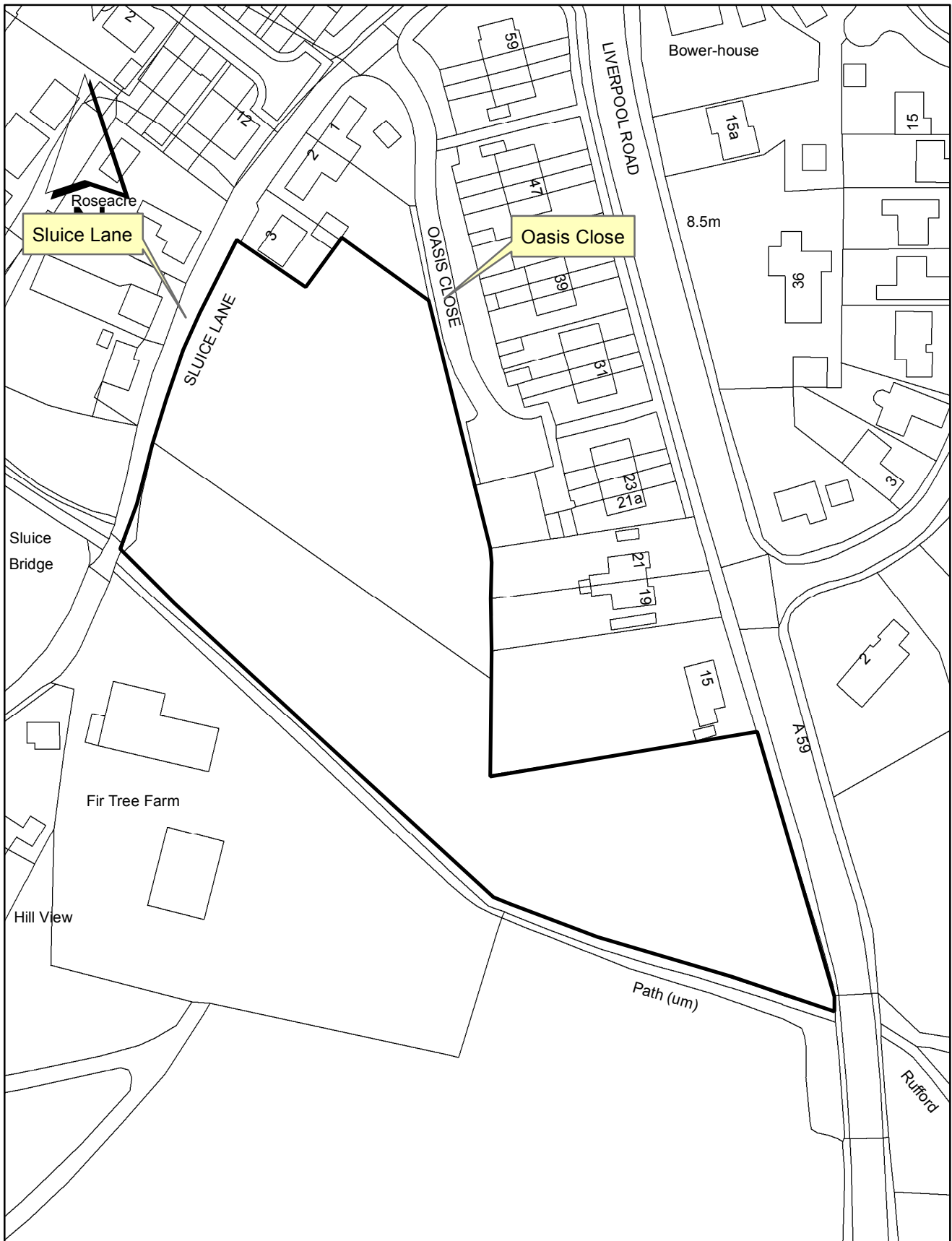


Douglas Dale, 23 Bradshaw Lane, Parbold WN8 7NQ



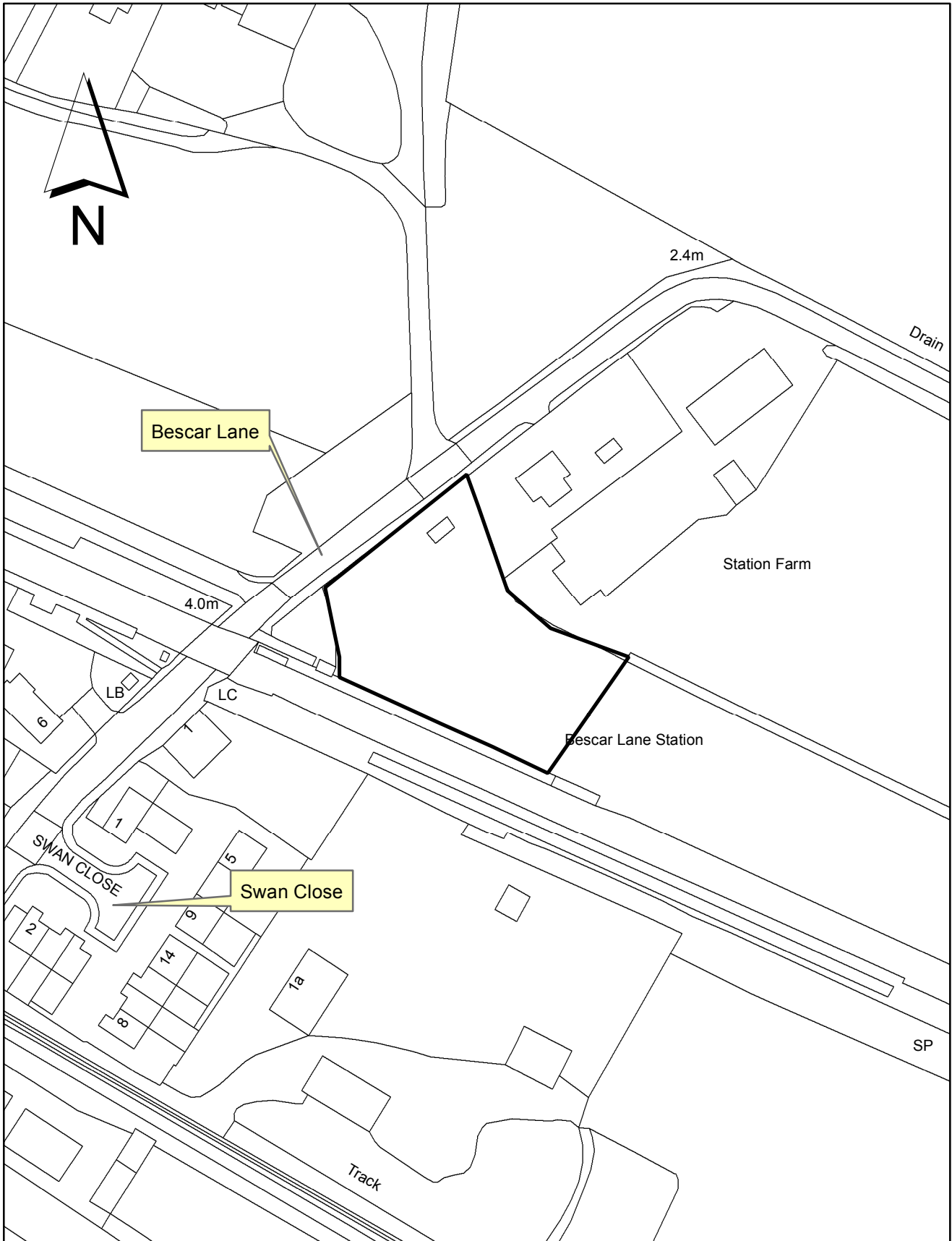


Land to the west of Oasis Close, Rufford L40 1SA



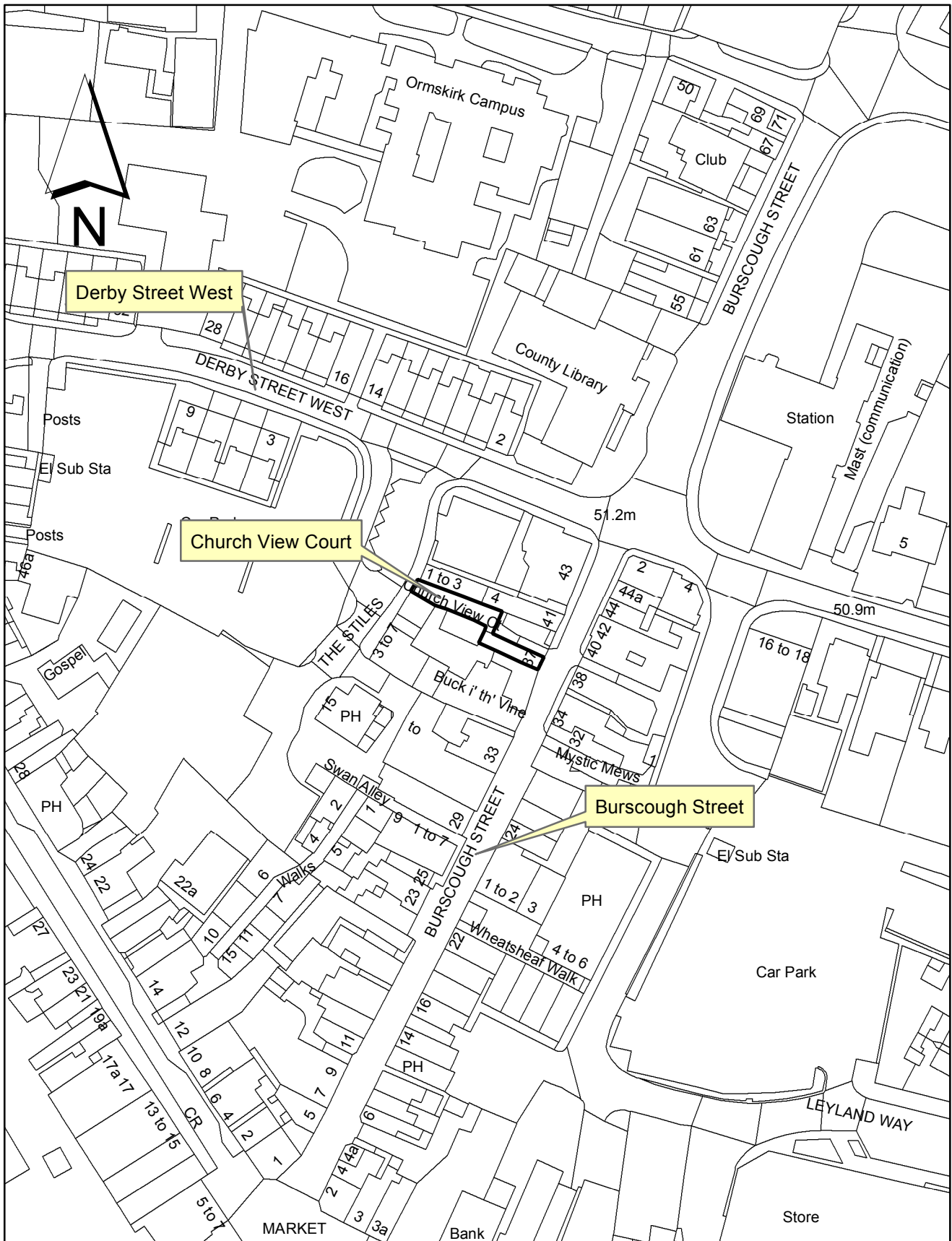


Land adjoining Bescar Lane Station, Bescar Lane, Scarisbrick L40 9QN



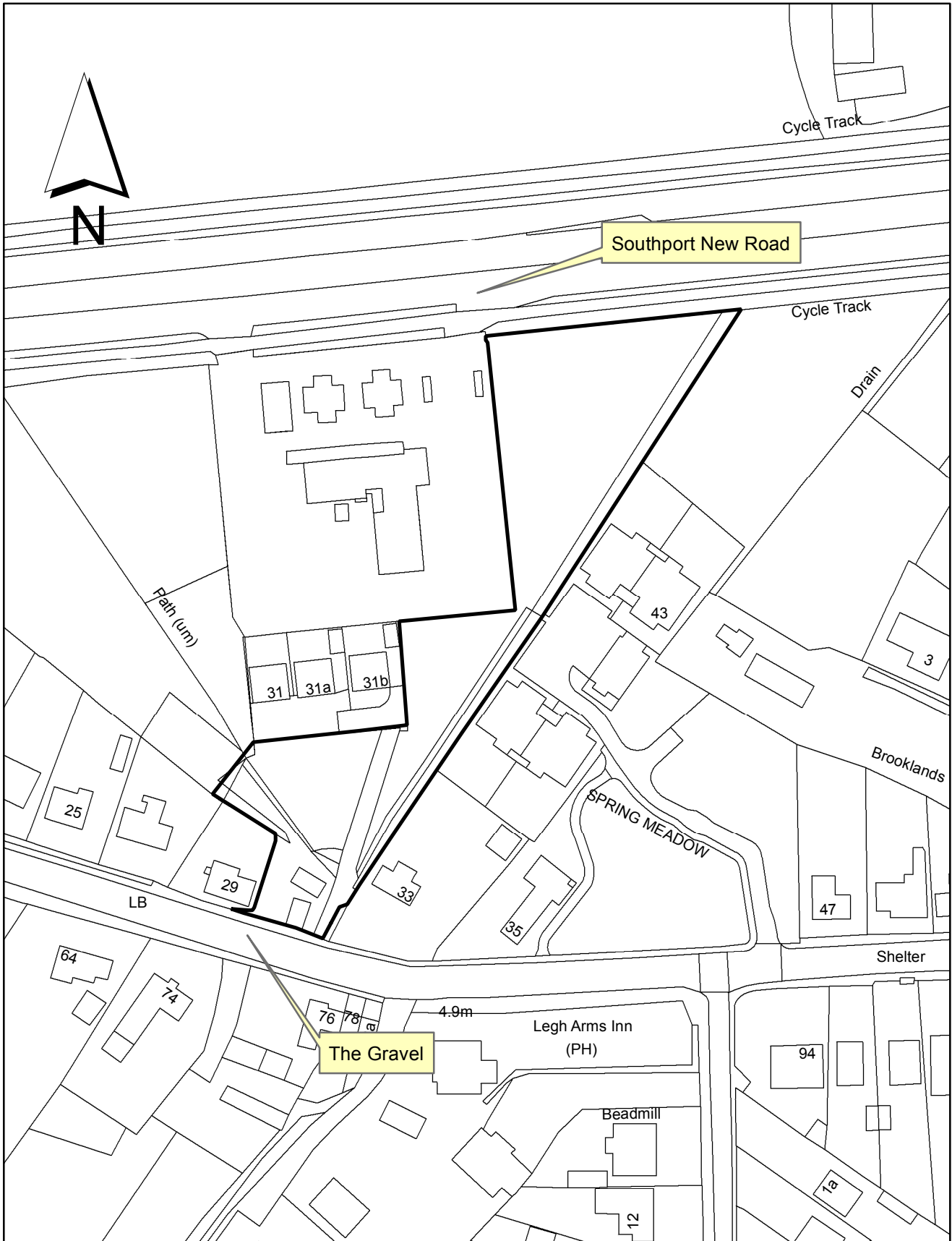


37 Burscough Street, Ormskirk L39 2EG



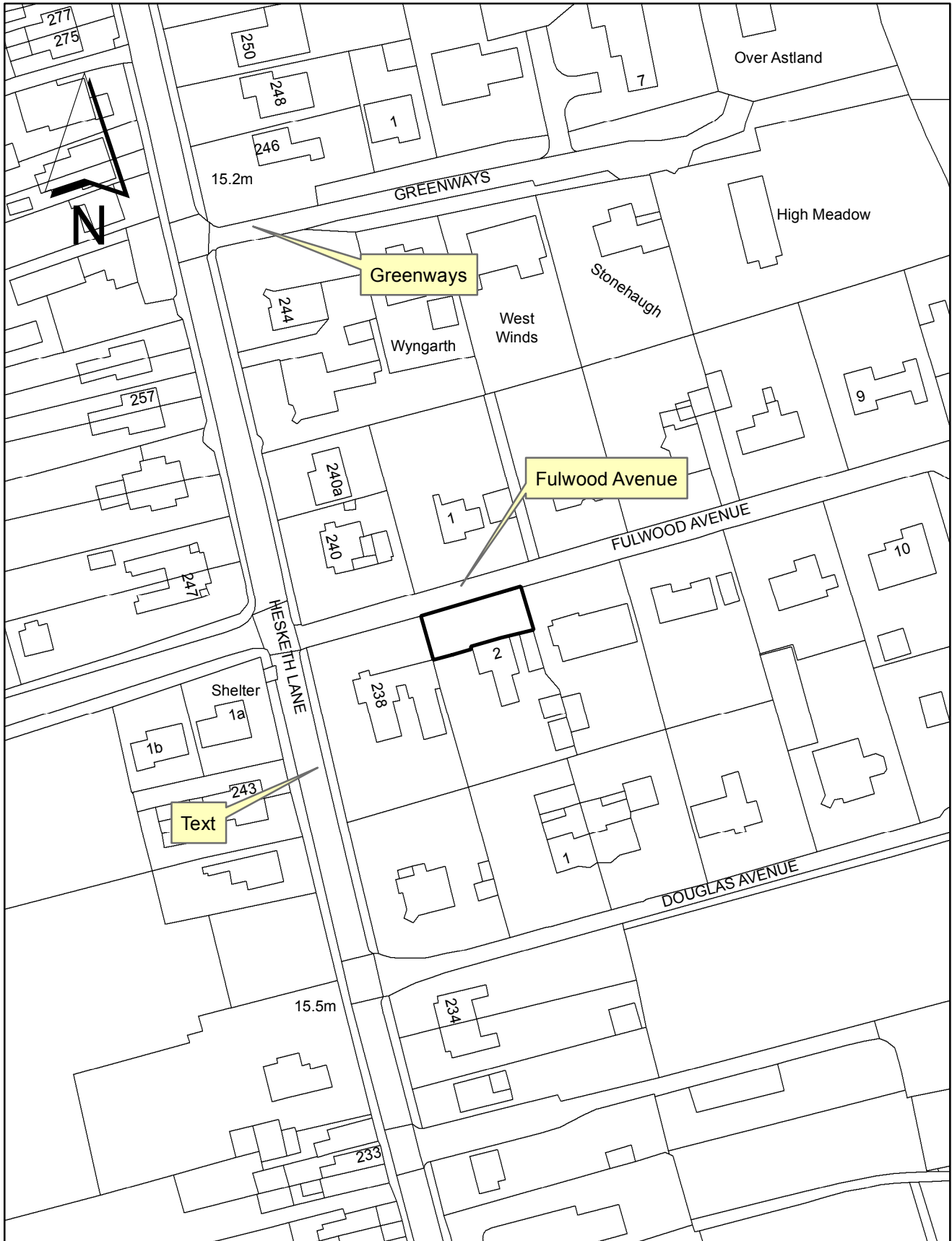


Land to the rear of 29 The Gravel, Mere Brow, Tarleton
PR4 6JX



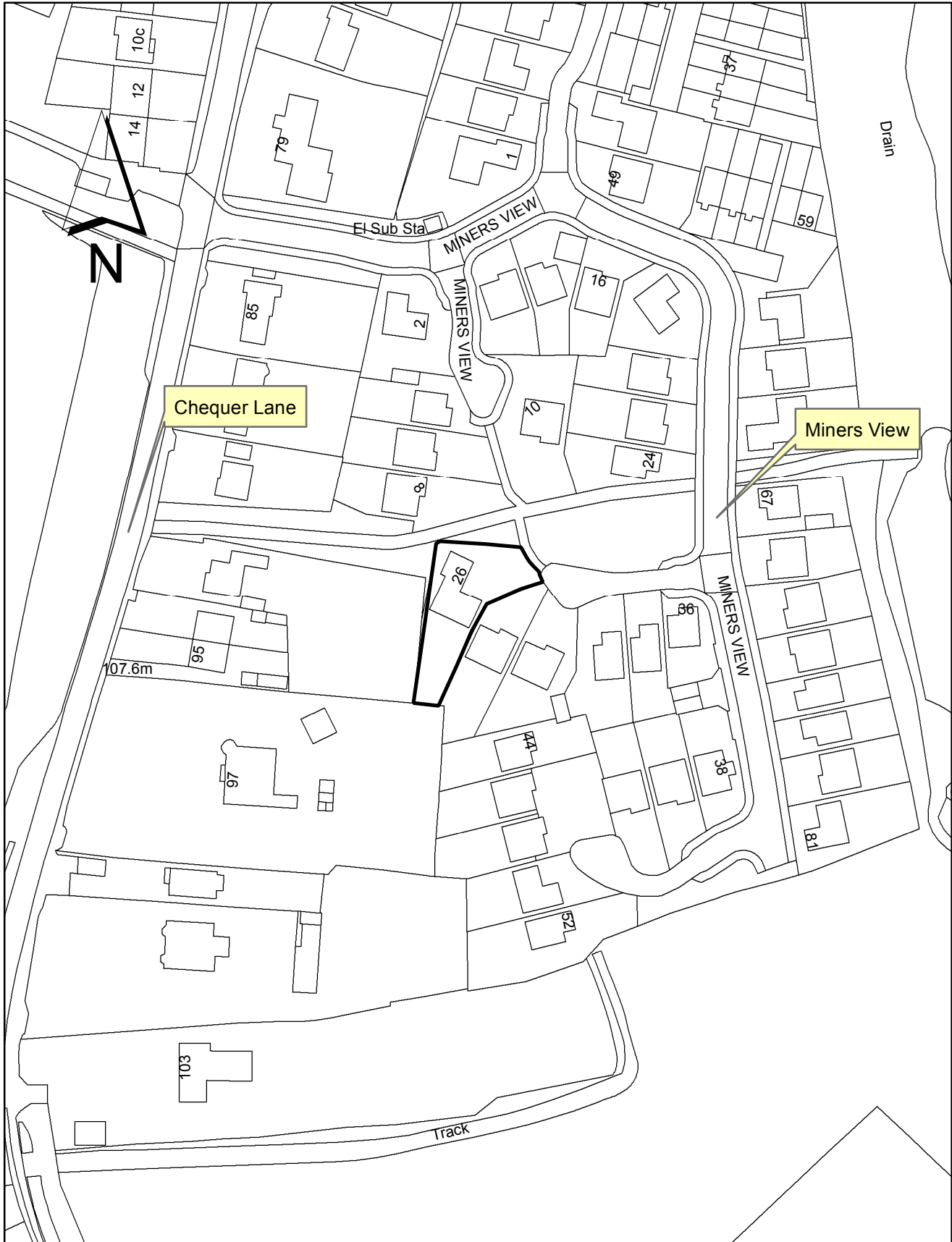


Briar Dene Nursery School, 2 Fulwood Avenue, Tarleton, Preston
PR4 6RP



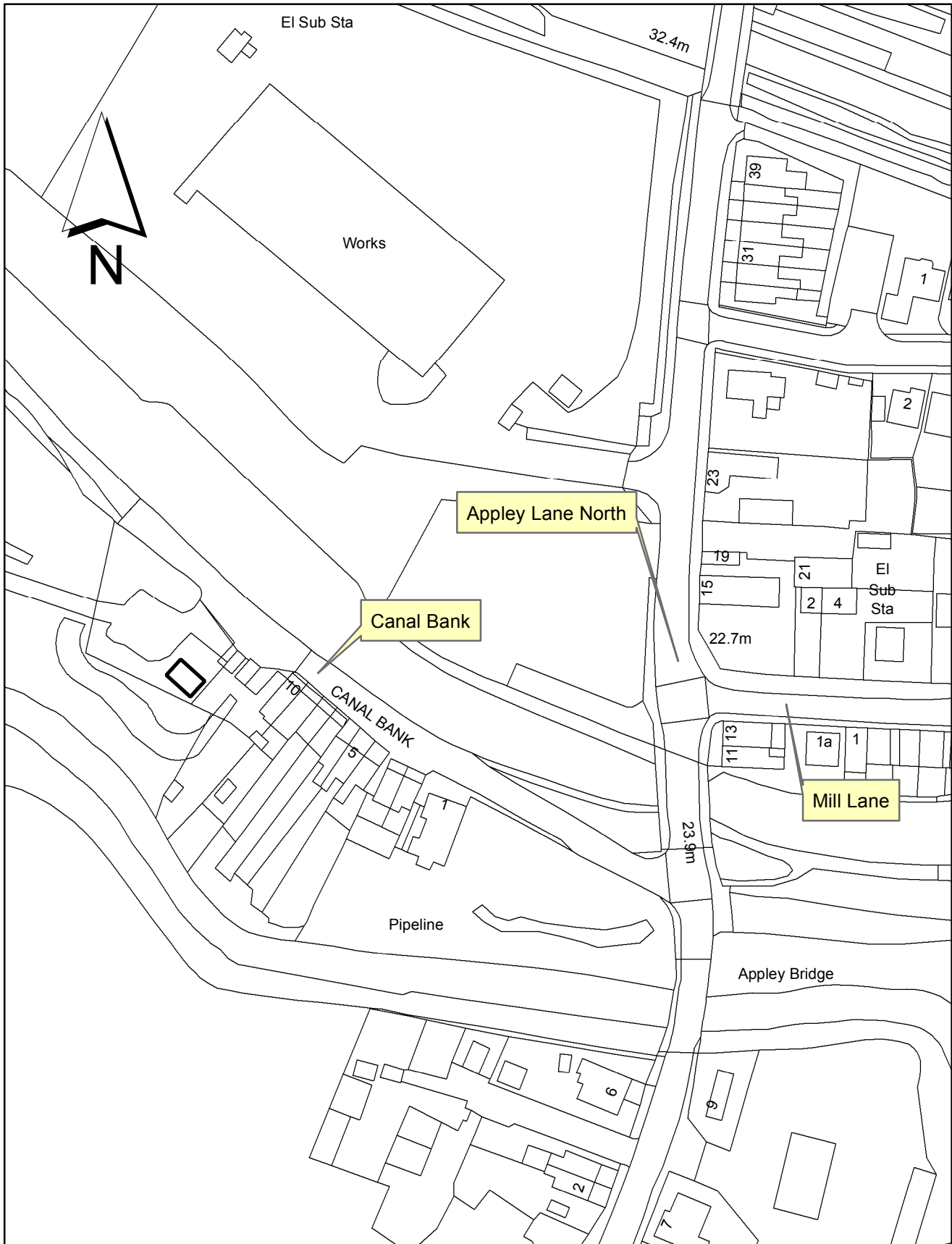


26 Miners View, Up Holland, Skelmersdale WN8 0AZ





Car Park, Canal Bank, Appley Bridge Wigan WN6 9AW



No.1	APPLICATION NO.	2018/0869/FUL
	LOCATION	Land To The South Of Black-A-Moor Lane, Downholland, Lancashire
	PROPOSAL	Extension to existing glasshouse complex comprising plant growing areas; seeding/propagation, packaging and dispatch areas; ancillary storage, office and staff welfare facilities; and reconfigured service yard/parking areas.
	APPLICANT	Ivan Ambrose Ltd
	WARD	Aughton And Downholland
	PARISH	Downholland
	TARGET DATE	27th November 2018

1.0 PREVIOUS RELEVANT DECISIONS

- 1.1 2011/1208/FUL WITHDRAWN - Erection of glasshouses together with associated yard area and workshop building. Alterations to existing vehicular accesses. Provision of car parking and one lorry park. Creation of pond and landscaping.
- 1.2 2012/1216/FUL GRANTED Erection of glasshouses for horticultural use.
- 1.3 2014/0859/CON APPROVE/REFUSE Approval of Details Reserved by Condition Nos. 3, 7, 10, 12 and 14 of planning permission 2012/1216/FUL relating to a scheme to demonstrate the noise level rating; a scheme detailing proposed lighting; details of boundary treatment; colours of the vertical wall cladding and a surface water drainage scheme.
- 1.4 2015/0275/FUL GRANTED Removal of Condition No. 4 and variation of Condition No. 3 of planning permission 2012/1216/FUL to read 'The rating level of noise from fixed plant shall not exceed 35dB(A) at 3 metres from the facade of the nearest residential building. All measurements and assessments shall be done in accordance with the methodology within BS4142.2014 Method for Rating and Assessing Industrial and Commercial Sound.' This noise level shall not be exceeded at any time.

2.0 CONSULTEE RESPONSES

- 2.1 MEAS (06.11.18) No Objections subject to conditions
- 2.2 Lead Local Flood Authority (24.09.18 & 11/02/19) No Objection subject to condition
- 2.3 LCC Highways (18.09.18) – No Objections
- 2.4 Environment Agency (21.09.18) - No Objections
- 2.5 Environmental Health (22.11.18) – No Objections subject to planning conditions

3.0 OTHER REPRESENTATIONS

- 3.1 I have received 3 letters of objection from neighbouring properties. Their concerns are summarised as follows:

Impact on the visual open aspects of Downholland planes as defined by LCC in their landscape assessment of the area;

Impact the openness of the green belt;
This commercial development is uncharacteristic in this predominately rural area;
Previous planning conditions relating to light and noise pollution have not been adhered to – creating a visible glow that can be seen for miles, also affecting wildlife;
Is the applicant proposing 20m high boundary hedges? This will change the character of the area and have a major impact upon the highway;
Further loss of grade 1 best and most versatile agricultural land;
Elevations of the proposed buildings materially affect the open aspects of Downholland;
Flooding in Altcar Lane has become a regular occurrence since the greenhouses were constructed;
Increased commercialised traffic using the roads impacting on children walking to school.

3.2 Parish Council (12.09.18) - Objects

Two storey office building in centre of site is not in keeping with the surrounding areas within the Green Belt;
Whilst we support the use of the land for agriculture an office building with a roof of this size should not be located on site;
Change from open texture stone to concrete surfacing is inappropriate;
The photographs contained in the impact assessment are selective and the site is visible to a much greater extent than is represented;
The existing site impact is mitigated by the 120m plus distance from the boundary, the proposal would remove this;
Artificial light emitted from the greenhouse in the evening throughout winter would create an artificially coloured halo which is widely visible;
Proximity to school and increased traffic is a concern.

4.0 **LOCAL PLAN ALLOCATION**

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

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

West Lancashire Local Plan 2012-2027 DPD

Policy GN1 – Settlement Boundaries
Policy GN3 – Criteria for Sustainable Development
Policy EC2 – The Rural Economy

Supplementary Planning Document 'Design Guide' (Jan.2008).
Supplementary Planning Document - Development in the Green Belt (October 2015)

5.0 **SUMMARY OF ISSUES**

The Site

- 5.1 The application site comprises of existing glasshouses which form part of a large agricultural business Ivan Ambrose Ltd. The applicants are a well-established specialist company (which also operate from other sites) producing bedding plants for major retailers and local garden centres and market traders. The application site consists of an area of land extending to 4.74 hectares, located on rural land off Altcar Lane close to its junction with Black-a-Moor Lane. Access to the site is off Black-a-Moor Lane. The area is

designated as Green Belt.

The Proposal

- 5.2 This application seeks planning permission to extend the existing glasshouse complex. The development comprises of the following:

'L' shape extension to glasshouse measuring 137m by 110m which will be used for plant growing, seeding / propagation, packing and dispatch;

Two storey office / storage and staff building measuring 56m by 14.4m with a ridge height of 7.8m;

Concrete surfaced loading bay;

Textured surfaced car park.

- 5.3 The proposed buildings will be sited partially over an existing hard surfaced yard/car park area, and access to the site will remain as existing.

Background

- 5.4 The existing glasshouses on site are used for the growing of bedding plants for major national retailers, local garden centres and market traders. The business currently operates from two sites, the application site for plant growing and Pygons Hill in Lydiate which has growing glasshouse areas and also initial propagation areas (seeding/potting) and the main office/staff facilities.

- 5.5 The applicant states that the Pygons Hill site is limited in operational terms and the applicant wishes to consolidate much of its growing, propagation and ancillary packing and dispatch and administrative functions on to the application site to rationalise and modernise operations.

- 5.6 The applicant advises that the application site glasshouse growing areas incorporate the most up to date technology and operational practices for horticultural enterprise. In contrast Pygons Hill facilities are outdated and limited. Furthermore, the operation of a split site is inefficient and unsustainable as it generates traffic movements between the sites during the different stages of the growing process. Currently seeding and propagation takes places at Pygons Hill where seeds are grown to small plants (plugs). Those plugs are then re-potted for growing on and are transferred by road to the main glasshouse complex at Black-a-Moor Lane (application site). It is proposed to use the Pygons Hill site for the seeding and propagation process and then move the young plants (plugs) to the application site before they are re-potted into their final containers. The applicant states that the whole operation becomes more efficient and sustainable in the long term because it will reduce the number of vehicle movements between sites because plug plants can be transported in a higher density than when transported in final containers.

- 5.7 The proposed buildings would be used for a range of activities in connection with the planting and growing of seeds and flowers. They will include a production area where seeds are sown in growing trays and small plug/plants are re-sown for growing on and for the storage and distribution of produce. It will also allow for staff facilities and the operational running of the horticultural business from ancillary offices. I am aware from the previous planning application that the applicant is a significant producer of bedding plants and supplies large retail outlets and DIY stores from its base in Pygons Hill in Lydiate. The company has grown considerably over recent years due to the increase in popularity of home and garden DIY and the applicant has been unable to expand the Lydiate site due the size of the landholding. The supporting statement confirms that staffing levels fluctuate

seasonally and there will be 15 core staff which increase to 40 at peak times.

Assessment

Principle of Development - Green Belt

- 5.8 Within the NPPF Local Planning Authorities are encouraged to support economic growth in rural areas by taking a positive approach to new development. In order to maintain prosperous rural economies the sustainable growth of rural businesses should be supported and the development of agricultural businesses should be promoted. Therefore, the principle of this development is supported as advocated within the NPPF, subject to compliance with other policies.
- 5.9 The proposed glasshouse area would be used for horticultural purposes. The site has an existing commercial glasshouse which is used for plant growing. It is considered that the glasshouse is reasonably necessary for the purposes of agriculture and therefore does not represent inappropriate development in this location.
- 5.10 A two storey office and storage building is also proposed which would sit alongside the glasshouses. The floor plans for the office and storage building have been amended so that the overall office/administration and staff welfare facilities are reduced and consolidated over two floors to the front of the building with the rear portion of the building being left to full height to allow for racking systems to be introduced for storage of pots, trays, boxes and packaging. It is considered that ancillary offices and storage areas are also reasonably necessary for the purposes of horticulture and the development is therefore appropriate in the Green Belt.
- 5.11 The development also consists of engineering operations in respect of the car park and loading areas. The loading area with 3 parking bays will measure 40m by 35m and will be surfaced with concrete and the car park will create 28 parking spaces and will be surfaced with open texture grasscrete. These will both impact on the openness of the Green Belt because engineering operations are by definition development and openness relates to the absolute test of the presence or absence of the development. However, in assessing the harm the loading area would be sited close to the proposed development and would be screened on two sides by the glasshouses and by the existing screen planting which surrounds the site, therefore preserving the perception of openness of the site. A grasscrete car park is proposed adjacent to the reservoir and has been kept close to the buildings as possible in order to minimise its impact on the openness of the Green Belt. Due to its limited size and siting I am of the view that the car park will result in limited harm to the openness of the Green Belt.
- 5.12 For the reasons set out above, the glasshouses and office storage building are acceptable in principle and the development would have limited impact upon the openness of the Green Belt and would therefore comply with Policy GN1.

Design / Visual Amenity and Landscape Impact

- 5.13 Whilst there would be a slight increase in height to a small section of the glasshouse, the vast majority of the glasshouse would mirror the height of the existing glasshouses. Whilst taller than the glasshouses, the proposed office and storage building has been designed to reflect a typical agricultural building and will be constructed from heritage green steel sheeting with goosewing grey steel sheet roof. The design of the buildings is typical of agricultural buildings of this nature and is considered acceptable in principle.
- 5.14 The proposal involves the development of a substantial area of agricultural land and will

be visible in the immediate landscape from Black-a-Moor Lane and Altcar Lane and across the wider landscape from the A5147 which is the main road between Lydiate and Scarisbrick due to the nature of the open, flat, low lying, and arable landscape. The site is within the West Lancashire Borough Council's Landscape Character Area 2A. To assess the overall impact of the development, the applicant has carried out a Landscape and Visual Impact Assessment (LVIA) which includes photographs from 7 locations with short to medium range views. The selected viewpoints are intended to provide an assessment of visual impact across a range of receptors.

- 5.15 The applicant is of the opinion that views from the proposed development from the surrounding area will be limited and that the proposed development will be rarely seen from the road. However, I do not necessarily concur with this view as the existing development is visible from Black-a-Moor Lane when travelling towards the site from the east so the proposed development will be visible from certain vantage points.
- 5.16 The landscaping scheme planted as part of the previous application reference 2011/1208/FUL is establishing itself well. The native hedgerow is now fully grown and now screens the inner site when viewed from Black-a-Moor Lane and immediately around the boundary of the site from Altcar Lane. When viewed from further afield the existing glasshouses become more apparent, especially when viewed from the higher part of Altcar Lane where it meets Delph Lane. Also, the site is visible from various locations along Delph Lane, although it does blend in with the wider landscape. It is expected that as and when this tree planting becomes more established it will aid the screening and limit the impact of the glasshouses on the wider landscape, especially from a wider distance. It is considered that the landscaping scheme will help to mitigate the impacts of the development.
- 5.17 Therefore, taking the above into consideration, the development would have limited impact upon the landscape and visual amenity of the Green Belt and would therefore comply with Policy GN3 in the Local Plan.

Impact on Highways

- 5.18 There is an existing established access on to Black-A-Moor Lane which will remain. The applicant anticipates that there will be between 4-8 goods vehicle movements per day and 10-18 staff vehicle movements per day. The Highway Authority has been consulted and have raised no objection as they are of the opinion that the proposed development would have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

Impact upon Residential Amenity

- 5.19 This is an established site and the proposed development will be sited adjacent to existing glasshouses. There are residential properties to the north east and west of the application site, the closest being 115 metres away from the site. A number of objections to the development have been raised by the surrounding neighbours mainly concentrating on the impact on the Green Belt/character of area, highway safety, increase in noise/impact on residential amenity and loss of agricultural land.
- 5.20 There is an existing fixed plant area within the existing glasshouse building which incorporates all of the heating and climate control plant and equipment for the growing operations. This plant will also serve the glasshouse extensions/growing areas. Internally heating, lighting and irrigation equipment will reflect that currently found within the existing glasshouses. Previous planning permissions on the site have had a condition imposed to restrict the level of noise from fixed plant. Other issues relating to lights and hours of

operation can also be controlled by planning conditions. There are facilities for vehicles to be loaded directly from the glasshouse to the goods vehicle at a loading bay avoiding noise from movements of fork lift trucks. Environmental Health have been consulted and are of the view that noise from daytime activity within the glasshouses is unlikely to be noticeable above background noise at the nearest residential properties and the new arrangement forms a barrier between the new loading area and the nearest houses which is beneficial. Overall, Environmental Health have raised no objections. Therefore, I consider that the proposed development, subject to the conditions would not result in a detrimental loss of residential amenity to any neighbouring properties.

Impact on Ecology

- 5.21 The application site is located in an area (known as an Impact Risk Zone) which could have the potential to support qualifying features within or in close proximity to the designated sites of the Ribble and Alt Estuaries, Mersey Estuary and Martin Mere SPA, Ramsar and SSSI site.
- 5.22 An Ecological Survey and Assessment (including Wintering Birds) has been submitted as part of the application. MEAS have been consulted and advise that construction and operation of the site will have no likely significant effect on the European protected sites as habitats on site are sub optimal or non-breeding birds and there was no survey evidence to indicate that the site and wider study zone are being used as a high tide roost by qualifying features of the European sites.
- 5.23 MEAS also conclude that the Council does not need to consider the proposals against the three tests in the Habitat Regulations with regards bats and great crested newts as no evidence of bats or great crested newts use or presence was found on site and that the habitats on site are unsuitable for use by either species.

Flood Risk Issues

- 5.24 A Flood Risk and Drainage Strategy has been submitted to accompany the application due to the size of the site exceeding 1 hectare. The document acknowledges that the proposed development will increase impermeable areas at the site and that all surface water from the roofs of the proposed buildings will be harvested/collected for storage within an existing reservoir on site. Water from this reservoir will be utilised to provide internal irrigation within the growing areas in the glasshouses. Surface water will penetrate through the open ground beneath the growing areas. Information has been submitted to confirm that the existing site drainage reservoir has sufficient capacity to take the additional surface water. The Lead Local Flood Authority has been consulted and has raised no objection to the proposal. Therefore, I am satisfied that the development will not increase flood risk in the vicinity of the site.

Conclusion

- 5.25 The proposal satisfactorily meets the requirements of the NPPF and Policies GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD and is recommended for approval.

6.0 RECOMMENDATION

- 6.1 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 Site Location Plan, 728/01A and 728/02A, received by the Local Planning Authority on 10th August 2018.
Plan reference 728/08C, 728/05C, 728/06C and 728/07C received by the Local Planning Authority on 26th November 2018.
3. All external elevations and roofing materials shall be as detailed in section 7 of the application form received 10th August 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.
4. The rating level of noise from fixed plant shall not exceed 35dB(A) at 3 metres from the facade of the nearest residential building. All measurements and assessments shall be done in accordance with the methodology within BS4142:2014 Method for Rating and Assessing Industrial and Commercial Sound. This noise level shall not be exceeded at any time.
5. The movement of delivery vehicles and the loading and unloading of vehicles shall not take place outside the hours of 07.00 and 19.00 Monday to Friday, 08.00 and 18.00 Saturday with none at any time on Sunday/ Public Bank Holidays. Outside these hours only access to and from the site shall be permitted.
6. Any sound produced by reversing alarms or indicators of any fork-lift truck or other on-site vehicles (other than delivery vehicles) shall not be clearly distinguishable above background noise at the boundary of any of the nearby residential premises.
7. No artificial lighting shall be installed within the glasshouses until a scheme detailing the proposed lighting to be installed is submitted to and approved in writing by the Local Planning Authority. All lighting shall be installed and maintained in accordance with the agreed scheme.
8. The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage scheme (as shown on PSA Design, drawing reference D2952-D-01, dated 22 January 2018). The surface water drainage scheme shall be fully implemented prior to development completion and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the arrangements outlined in the General Maintenance Schedule included in Appendix E of the Drainage Statement ref. D2952/PAS dated 22 January 2019.

Reasons

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. To 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.

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:
Policy GN1 - Settlement Boundaries
Policy GN3 - Criteria for Sustainable Development
Policy EC2 - The Rural Economy
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.	2018/0923/FUL
	LOCATION	Douglas Dale, 23 Bradshaw Lane, Parbold, Wigan, Lancashire WN8 7NQ
	PROPOSAL	Demolition of an existing dwelling and adjacent coach house and construction of a single replacement dwelling.
	APPLICANT	Mr Andrew Clarke
	WARD	Parbold
	PARISH	Parbold
	TARGET DATE	16th November 2018

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme; however, Councillor Mrs Blake has requested it be referred to Planning Committee to consider the possible negative impact on Green Belt and the loss of residential amenity on neighbouring properties.

2.0 SUMMARY

- 2.1 This is an application for the demolition and replacement of the existing dwelling house. As part of the proposal, the existing outbuilding (known as the coach house) would also be demolished. I am satisfied that the proposed development is not inappropriate development in the Green Belt and compliant with the NPPF and Policy GN1 of the Local Plan. Furthermore I am satisfied that the loss of the existing dwelling and associated outbuilding and the design of the proposed replacement dwelling is acceptable and compliant with Policy GN3 of the Local Plan. The proposal is also considered to be compliant with Policy GN3 of the Local Plan in that no significant issues have been identified with regards to the impact of the proposal on neighbouring amenity. The proposal has been assessed in relation to its impact on matters such as drainage, ecology, landscaping and highways/parking and, subject to conditions, the proposal has been found compliant with national and local policy. For these reasons, the proposal is considered to be acceptable and is recommended for approval.

- 3.0** RECOMMENDATION: That planning permission is **GRANTED** subject to conditions.

4.0 THE SITE

- 4.1 Douglas Dale is located to the south-west of Bradshaw Lane and is accessed via a long informal track that leads off from Bradshaw Lane. The site comprises a large detached dwelling set in substantial mature gardens. There is a detached two storey brick outbuilding immediately to the rear of the main house. The River Douglas is located approximately 80m to the south of the property. The site is located within the Green Belt.

5.0 THE PROPOSAL

- 5.1 Planning permission is sought for the replacement of the dwelling of Douglas Dale with a 4 bedroom dwelling. As part of the proposal the existing coach house would also be demolished.
- 5.2 Amended plans have been received since the first submission of this application to remove the single storey elements from the proposal, lower the ridge height and reposition the dwelling 1.5m closer to the western boundary of the site.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2015/0909/FUL - Removal of existing conservatory and erection of single storey entrance porch with canopy to one side of house. Two storey extension to other side. Two storey extension to rear of house.
REFUSED
- 6.2 2013/1142/FUL - Removal of existing conservatory and erection of a part two storey/part single storey side extension with entrance canopy. Single storey extension to other side. Re-siting of entrance porch. Two storey rear extension. (Amendment to planning permission 2013/0869/FUL).
GRANTED
- 6.3 2013/0869/FUL - Extensions and alterations to include: - Removal of existing conservatory and erection of a part two storey/part single storey side extension with entrance canopy. Single storey extension to other side. Re-siting of entrance porch. Two-storey rear extension.
GRANTED
- 6.4 2000/0194 - Retention of 4 no. polytunnels and erection of 2m high perimeter wind break.
GRANTED

7.0 OBSERVATIONS OF CONSULTEES

- 7.1 UNITED UTILITIES (27.09.2018) No objection; foul and surface water should be drained on separate systems and conditions suggested.
- 7.2 Parbold Parish Council (17.10.2018) The Parish Council does not object to the re-development at the site but has some concerns that this large, urban style design is out of keeping in this very rural area, off the end of Bradshaw Lane. There is an immediate disparity with other properties in the vicinity and the surrounding fields. Additionally, there is concern about the likelihood of further future development as there is no provision for a garage.
- 7.3 LANCASHIRE COUNTY COUNCIL (HIGHWAYS) – Awaiting comments.

8.0 OTHER REPRESENTATIONS

- 8.1 5 neighbouring letters of objection have been received from 2 neighbours. These can be summarised as follows:

Statutory consultees have not had all necessary information to make a conclusive decision;

The occupants of Douglas Dale have a right of access down the access track; however ownership and upkeep likes with Parbold Equestrian Centre (PEC). Further, it is only used for accessing land for horses and pasture management – not by visitors as they use a separate access locating before the start of the track;

PEC do not wish for the track to be upgraded; such works could lead to an increase in accidents or incidents where the horses are spooked;

Use of track by construction vehicles, tradesmen would create a dangerous situation for horses;

The proposal is more ambitious than the previously refused scheme (2015/0909/FUL); the reasons for refusal remain applicable;

It is inappropriate development in the Green Belt and the design of the proposal would be out of keeping with this part of the Douglas Valley;

The proposal would leave no outbuilding for storage purposes; despite the intentions of the applicant I am concerned that there will be further development to provide such facilities;

The construction works could put PEC out of business;

LCC Highways has said that they will re-investigate given the proposed use of the narrow access; it is difficult to see how heavy plant and vehicles will use the track;

Bradshaw lane is a small lane which ends at the boundary between 19A and 21 Bradshaw Lane. From this point down Douglas Dale is a private track owned and maintained by Parbold Equestrian Centre (PEC);

The track allows access for the horses to be turned out for grazing on a daily basis and for lessons and riding in the fields;

The track is used to move horses every day;

The proximity of the outdoor riding school to the proposed development is a matter of metres. Public classes are held in this arena every day;

Noise from the site works and site access can spook horses and result in accidents;

Parbold Equestrian Centre (PEC) has over 250+ members and a number of bodies who use the facilities on a weekly basis;

If the proposal was approved PEC would experience an initial loss in revenue of about £70,000 plus as courses cannot be booked in during the construction phase for the protection and safety of the customer and horses;

The house is of historical interest and should be renovated rather than demolished and rebuilt, keeping features such as the staircase from Fairhurst hall as being of historical importance;

Mature trees on the common boundary should be retained;

The submitted site plan is an old plan and does not reflect the proximity of the riding school outdoor arena to the boundary of the proposed site;

The current owners of Douglas Dale purchased the property in 2017 with about 3.7 acres of additional and which is not shown on the site plan.

9.0 SUPPORTING INFORMATION

9.1 Design and Access Statement (Peter Dickinson Architects)

9.2 Bat Survey (Envirotech)

9.3 Supporting information in response to some of the issues raised by third parties. This can be summarised as follows:

The agent does not believe that the comments made have the backing of planning policy or relate to concerns raised by statutory consultees;

Care is made by all parties using the shared track. The applicant has offered to pay for improvements to the access track to benefit all parties;

The site has previously benefited from planning permission for extensive extensions and alterations, as suggested as a more appropriate form of development by the neighbour. The agent responds to this as follows:

Replacement dwellings should always be viewed more favourably than extensions as they are subject to higher building regulations standards, including thermal performance and sustainability;

The proposal contributes to the improvement of the housing stock within the borough;

The site is outside of the Conservation Area and is not mentioned as a dwelling of any particular significance or historic merit. The staircase the neighbour makes reference to is to be retained and reused as stated on the proposed plans;

Any extension and alterations would require a similar level of plant machinery, deliveries and trades working from the site as would be required for the proposed replacement dwelling. A level of disruption would be associated with any form of development; The applicant is willing to accept a Construction Management Plan should the LPA consider this necessary;

The site shall be sufficiently screened by the existing trees and by additional site boarding throughout the entire build. The applicant intends to make every precaution to ensure safe and unimpeded use of the neighbouring equestrian centre;

The land surrounding the application site which is owned by the applicant is Green Belt land and the applicant has no intention of seeking any form of development on this land.

10.0 RELEVANT PLANNING POLICY

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

10.2 National Planning Policy Framework (2018)

Para 12 - Achieving well designed places

Para 13 – Protecting the Green Belt

10.3 West Lancashire Local Plan (2012-2027) DPD

Policy SP1 – A sustainable development framework for West Lancashire

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy RS1 – Residential development

Policy IF2 – Enhancing Sustainable Transport Choices

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

10.4 **Supplementary Planning Document** Design Guide (Jan 2008)

10.5 **Supplementary Planning Document** Development in the Green Belt

11.0 OBSERVATION OF DIRECTOR OF DEVELOPMENT AND REGENERATION

11.1 The main considerations for the determination of this application are:

Principle of Development

Design / appearance

Impact upon neighbouring properties

Impact upon trees

Highways

Ecology

Principal of Development

11.2 The site is located within the Green Belt, therefore the proposal must be considered in the context of the NPPF and Policy GN1 of the Local Plan. Paragraph 133 of the NPPF sets out the government’s view that great importance is attached to Green Belts. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

11.3 Paragraph 145 of the NPPF states “a local planning authority should regard the construction of new buildings as inappropriate in Green Belt”. Exceptions to this include “*the replacement of a building, provided the new building is in the same use and is not materially larger than the one it replaces*”.

- 11.4 The Council's SPD Development in Green Belt also sets out criteria for replacement dwellings such as:
- a) The existing dwelling is lawful and permanent in nature;*
 - b) The total volume of the replacement dwelling should not be more than 20% greater than the dwelling that it replaces;*
 - c) The replacement dwelling should not materially harm the openness of the Green Belt through excessive scale or bulk. It should also be in keeping with the character of the area and appropriate in terms of design and materials;*
 - d) The curtilage of the replacement dwelling should be no larger than that established for the dwelling it replaces;*
 - e) The replacement dwelling should be on or close to the footprint of the one it replaces, unless it can be satisfactorily demonstrated that an alternative location within the same curtilage will have no adverse impact on openness or achieve significant environmental improvements or road safety benefits.*
- 11.5 In terms of the proposed development the existing dwelling on the site is lawful and is of substantial construction. The replacement dwelling would, in the main, be sited on the footprint of the dwelling it is to replace. Furthermore the proposal would not result in an increase in the established curtilage of the dwelling. I am therefore satisfied that criteria a), d) and e) are satisfied.
- 11.6 The applicant has submitted volume calculations which identify that the proposed replacement dwelling would amount to a volume increase over 20% above the existing building. The applicant notes that this is larger than the SPD recommends however it is proposed that along with the demolition of the existing house, an existing coach house to the rear of the dwelling would also be demolished. This is a permanent and substantial building and, in accordance with the Council's SPD – Development in the Green Belt should be given weight if it is to be demolished in tandem with the existing dwelling. The combined loss of the existing house and coach house results in the proposed dwelling having an increased volume of 20%. Whilst typically the whole of the volume of the outbuilding should not be used in these volume calculations, in this case the proposal would reduce the spread of development on site (the outbuilding being similar in length to the existing dwelling) and as such would have a benefit to the openness of the Green Belt.
- 11.7 Taking the above into account I am satisfied that the replacement building when taken into consideration with the demolition of the coach house would not result in a materially larger dwelling than the one it is to replace. Consequently I am satisfied that the proposal accords with criteria b) and c) of the Council's SPD.
- 11.8 Overall I am satisfied that the proposal would be in the same use as the existing building and would not be materially larger than the building it replaces. Therefore the proposal is considered to be appropriate development in the Green Belt compliant with paragraph 145 of the NPPF, Policy GN1 of the Local Plan and the Council's SPD – Development in the Green Belt.
- 11.9 Given that the proposal, in volume terms, is at the upper limits of that acceptable for the replacement dwelling in the Green Belt, it is considered appropriate to remove permitted development rights for development works which could be undertaken under Parts 1 and

- 11.10 On the subject of Green Belt development, one of the objections received commented on the previous application to extend the existing dwelling and how this was refused on the grounds of the impact on the Green Belt. For clarity, planning policies (both national and local) relating to extensions to dwellings in the Green Belt and replacement dwellings in the Green Belt differ and, in any event, each case is based on its own merits.

Visual appearance / design / amenity

- 11.11 Policy GN3 of the West Lancashire Local Plan DPD (2012-2027) states that new development should add to the distinctive character and visual amenity of the area. Proposals should consider the scale of new development and ensure that the height and massing is appropriate in relation to the neighbouring properties and the surrounding environment, and that the importance of spaces between buildings is recognised.
- 11.12 The existing dwelling is not listed nor is it located within the Conservation Area and as such I do not object to its removal.
- 11.13 The design of the proposed dwelling is uncharacteristic of the local area. However there are a variety of house types and designs along Bradshaw Lane with various architectural styles. As the proposed dwelling on the application site would be set well back from Bradshaw Lane and is a significant distance from its nearest neighbours, the design is not considered to be so harmful to warrant a refusal of planning permission.
- 11.14 The dwelling would be moved off the existing footprint slightly in an attempt to re-centre the dwelling within its plot. Again I do not object to this repositioning. The existing driveway is to be retained which is welcomed as the front elevation of the building will be addressed from this aspect.
- 11.15 The dwelling would incorporate sustainable energy sources such as solar panels on the roof and a ground source heat pump and underfloor heating, all of which are acceptable and in accordance with Policy GN3 of the Local Plan.
- 11.16 I am satisfied that satisfactory amenity space would remain for the occupants of the replacement dwelling having gardens space to both front and rear aspects.

Impact upon adjoining land uses

- 11.17 Policy GN3 of the Local Plan states that developments should 'retain reasonable levels of privacy, amenity and sufficient garden / outdoor space for occupiers of the neighbouring and proposed properties.'
- 11.18 Owing to the large plot and the significant separation distance from neighbouring dwellings it is not anticipated that the proposed dwelling would result in any harm to the amenities or privacy of neighbouring dwellings.
- 11.19 The site lies adjacent to the Parbold Equestrian Centre (PEC) with land to the north and west being owned and used by this facility. I am satisfied that the proposed development, in terms of its built form and siting would not have an adverse impact on the use of this neighbouring land for its existing purposes. This is especially so given that the proposal is a replacement dwelling, the use of the site is not changing and the proposal would be built largely over the existing footprint.

- 11.20 Notwithstanding the above, neighbouring representations have been received from PEC which raise concern with construction noise and traffic which could impact upon their business; namely that the disruption would scare the horses and result in safety issues for clients, staff and the horses themselves. The neighbour has pointed out that the access track to Douglas Dale is owned by them but the applicant has a right of way over it. I have been informed that this track is frequently used to move horses around the site and the disruption caused by the construction of the proposed dwelling may result in the neighbour having to reduce or cease their business operations during construction resulting in a significant financial loss. Whilst I appreciate these concerns and am sympathetic that construction work at the site may result in a period of disturbance for this neighbouring land use, unfortunately this does not constitute a material planning consideration significant enough to warrant a refusal of permission as the construction of the proposal would be a temporary activity. Furthermore the applicant would be able to carry out building works at the site, for example under permitted development rights, which would not require a formal planning permission and could result in similar disturbance. In any event significant noise and disturbance or working at unsociable hours would be governed by other departments in the Council, such as Environmental Health should these issues materialise.
- 11.21 Overall whilst I am sympathetic to the concerns raised by PEC I cannot restrict development on these grounds. On balance I am satisfied that the proposal would accord with Policy GN3 in this regard.

Impact upon Trees

- 11.22 Within the site there are no trees protected by a Tree Preservation Order (TPO). There are however a number of trees within the site and on its boundaries which make up an aesthetically pleasing setting and in the case of the trees on the north western boundary with the Parbold Equestrian Centre make up partial screening of the building. As part of the proposal the trees on the site boundaries are to be retained. To accommodate the slight movement of the dwelling to the eastern aspect a number of small fruit trees to the rear of the dwelling will be removed. I am satisfied that the removal of these ornamental trees would not result in significant harm to the wider site. The proposal would also result in the relocation of a large Monkey tree which is considered acceptable as the species is non-native. I am satisfied that the proposal accords with Policy EN2 and would not have a detrimental impact on trees with significant amenity value.

Highways / parking

- 11.23 The proposal would utilise the existing access / driveway which is considered acceptable. The replacement dwelling would be a 4 bedroom dwelling and as such in accordance with Policy IF2 of the Local Plan, 3 on-site parking spaces should be provided. The applicant has demonstrated that this provision can easily be accommodated within the site. Furthermore the existing drive layout means that there is ample room within the site to allow vehicles to turn to enable them exit in a forward gear.

Protected species

- 11.24 Policy EN2 in the WLLP confirms that the need to take account of any potential impact on priority species or their habitat and to pay particular attention to the Habitat Regulations. This follows the advice provided at national level. It is a requirement of both local and national policy that appropriate surveys are submitted to address any impact or potential impact.

11.25 As the proposed works involve the demolition of the existing coach house and dwelling and noting the rural location of the buildings an ecology survey has been submitted with the application. This survey has outlined that the risk to bats in the buildings will remain low and I have no evidence with which to contradict the findings of this report. Precautionary mitigation measures have been suggested and these measures can be conditioned as part of any approval of permission. On this basis and subject to the attachment of a suitable condition I am satisfied that the applicant has demonstrated that no harm would result to protected species and the proposal would be in accordance with Policy EN2 of the Local Plan.

Drainage

11.26 The supporting statement outlines that the existing property treats both surface and foul water on site, with no connection to separated or combined sewers. Foul water is treated via a septic tank, while surface water disperses across the site into land drains and the River Douglas. Whilst this is acceptable in principle, no specific details have been submitted regards to these methods. As such a condition is recommended to secure details regards foul and surface water drainage.

Conclusion

11.27 The proposed development is considered to be appropriate development in the Green Belt and is therefore acceptable in principle. The scale, design and siting is considered acceptable, given the location of the site and no significant issues with respect to trees, ecology, drainage or highway impact have been identified. The proposed development, is not considered to result in the loss of reasonable levels of amenity for the neighbouring land users. It is acknowledged that the adjacent equestrian centre is concerned over the impact of the construction period on the operation of the business but this is not considered to be a valid reason to refuse the planning application.

11.28 For the reasons outlined above, I am satisfied that the proposal accords with the NPPF and relevant policies of the Local Plan.

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
3651-18-09A received by the Local Planning Authority on 30.11.2018
3651-18-08D received by the Local Planning Authority on 30.11.2018
3651-18-06J received by the Local Planning Authority on 16.11.2018
3. No development above slab level shall take place until full details and samples of external elevations and roof 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no garages, extensions, alterations, porches, garden sheds, out buildings, greenhouses, swimming pools, hardstandings or means of enclosure shall be erected or undertaken without the express written permission of the Local Planning Authority.
5. The recommendations made within The Bat Survey (Envirotech) received by the local planning authority on 17th September 2018 shall be adhered to at all times during the construction phase and for the duration of the development hereby approved.

6. Prior to the occupation of the replacement dwelling hereby approved, the coach house as detailed on plan reference 3651-18-08D (proposed site plan) received by the Local Planning Authority on 27.11.2018 shall be demolished and fully removed from the site and the land returned to grass.
7. No development shall take place until a scheme for the separate foul and surface water drainage of the site, including any necessary attenuation measures, has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation of the building/s and maintained as such at all times for the duration of the development.

Reasons

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. The character and location of the property are such that the Local Planning Authority wish to exercise maximum control over future development in order to comply with the provisions of Policy GN1 and GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. 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.
6. The retention of the outbuildings on this site in addition to the replacement dwelling would result in conflict with the Local Planning Authority's policy for the control of development in the Green Belt and would conflict with the provisions of Policy GN1 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and the National Planning Policy Framework through failure to protect the openness of the Green Belt.
7. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:
Policy SP1 - A sustainable development framework for West Lancashire
Policy GN1 - Settlement Boundaries
Policy GN3 - Criteria for Sustainable Development
Policy RS1 - Residential development
Policy IF2 - Enhancing Sustainable Transport Choices
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 7c

No.3	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 DEFERRAL

- 1.1 This application was deferred at January's Planning Committee meeting in order to allow further discussion with the Highway Authority regarding the safety aspects of the proposed access including visibility splays, other traffic calming methods and speed cameras.
- 1.2 Having held further discussions the Highway Authority, and expressed Members concerns, LCC have recommended additional measures to be delivered as part of the offsite highway works in order to provide appropriate speed reduction in the area. This includes relocating of the existing speed limit sign on the A59, additional street lighting, renewal of ladder markings along the A59, enhanced rumble strips, removal of existing vegetation to the south east corner of the site and sterilization of land (no structures or planting) between the bridge and 15 Liverpool Road. The applicant has agreed to these additional measures and an updated access arrangement plan has been received. Condition 24 has been amended to reflect these requirements and an additional condition added. In summary, the Highway Authority is satisfied that the proposed access arrangements and mitigation measures are acceptable and the scheme will not have an unacceptable impact on highway safety.

2.0 SUMMARY

- 2.1 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.

3.0 RECOMMENDATION: Approve subject to S106 and conditions

4.0 THE SITE

- 4.1 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.

5.0 THE PROPOSAL

- 5.1 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).

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 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.
- 6.2 1996/0914 Withdrawn Outline – Residential Development (social housing).

7.0 OBSERVATIONS OF CONSULTEES

- 7.1 LCC School Planning Team (04.04.18) - Contribution towards educational places required.
- 7.2 Director of Leisure and Environment (Scientific Officer) (05.04.18) – Contaminated Land Investigation condition required.
- 7.3 LCC Highways (06.04.18, 13.12.18, 16.01.19 & 01.02.19) – No Objections subject to conditions.
- 7.4 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.
- 7.5 Environment Agency (17.04.18, 16.05.18 & 31.10.18) - No Objections.
- 7.6 United Utilities (25.04.18) – No objection subject to conditions.
- 7.7 Natural England (14.05.18, 22.11.18 & 05.12.18) – No Objection subject to conditions.
- 7.8 MEAS (09.11.18 & 30.11.18) - No Objection subject to conditions.
- 7.9 Lead Local Flood Authority (06.07.18) No Objections subject to conditions.
- 7.10 Environmental Health (14.12.18) – No Objections subject to conditions.

8.0 OTHER REPRESENTATIONS

- 8.1 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.
- 8.2 I have received letters of objection from neighbouring residential properties, local councillors 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.

Boundary treatment 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

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

Inadequate visibility splays

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

Potential damage to water mains

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

Noise disturbance

Impact on trees

Proposed traffic island would restrict vehicular access from driveways opposite

If you believe the A59 is just a street the application should be supported but if you believe the A59 is a major road with over 10,000 vehicle movements a day then you should eject the application.

Proposed mitigation measures regarding the 'Slow Down' interactive signs. There are two of these to the north of Rufford and they often don't work and a residents group has been formed to contact LCC Highways on this matter.

- 8.3 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.

9.0 SUPPORTING INFORMATION

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

10.0 RELEVANT PLANNING POLICY

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

The site is located within Rural Sustainable Village of Rufford as designated in the West

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)

11.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Principle of Development

- 11.1 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

- 11.2 Policy RS2 of the Local Plan requires 35% of the units within developments of 15 or more dwellings 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.
- 11.3 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

- 11.4 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 approx 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

- 11.5 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.
- 11.6 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.
- 11.7 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.
- 11.8 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

- 11.9 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.
- 11.10 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.
- 11.11 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.

- 11.12 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

- 11.13 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

- 11.14 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.
- 11.15 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, required 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. However, visibility splays to the south of 2.4m x 43m can be achieved which complies with Manual for Streets Guidance for a 30mph road. As a result the Highway Authority recommends that the scheme includes traffic management measures to moderate traffic speeds approaching the site so that vehicles reduce their speed to 30mph. This will include a traffic island and a Speed Indicator Display sign (SPID), renewal of ladder markings and enhanced rumble strips, as shown on the 'Proposed Access Arrangement' drawing. The Highway Authority is of the view that these

measures should reduce vehicle speeds on the approach to the junction and with the proposed package of mitigation measures the Highway Authority confirms the acceptability of the proposed visibility splays and confirms that the scheme will not have a detrimental impact on highway safety.

- 11.16 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. As Members will be aware the NPPF states that "*development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*". In this case the Highway Authority confirms that the development would not have a significant impact on the road network or an unacceptable impact on highway safety.

Trees

- 11.17 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

- 11.18 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.
- 11.19 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.
- 11.20 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 an EMP (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.

- 11.21 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.
- 11.22 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

- 11.23 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.
- 11.24 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.
- 11.25 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

- 11.26 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

- 11.27 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

- 11.28 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.

12.0 RECOMMENDATION

- 12.1 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

- 12.2 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 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.
Plan reference 1490-F02 Rev D received by the Local Planning Authority on 1st February 2019.
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 plots 19-22

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 43 metres in both directions shall be provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of 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 indicated on plan reference 1490-F02 Rev D received by the Local Planning Authority on 1st February 2019 (namely the provision of right turn lane for the new junction incorporating refuge island, relocating the existing speed limit sign on the A59, additional street lighting, renewal of ladder markings along the A59, enhanced rumble strips and the installation of a Speed Indicator Display Sign) 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.
25. A 2 metre strip of land to the rear of the existing stone wall on the site frontage to Liverpool Road shall be laid to grass. No trees, shrubs, hedges buildings or structures shall be planted or erected on the land at any time.

Reasons

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

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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 allow for the maintenance of the watercourse in the interests of flood risk management and ecological interest in accordance with policies EN2 and GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. 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.
12. 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.
13. 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.
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. 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.
16. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
17. To 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.
18. 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.

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 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.

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.

No.4	APPLICATION NO.	2018/1261/OUT
	LOCATION	Land Adjoining Bescar Lane Station, Bescar Lane, Scarisbrick, Lancashire
	PROPOSAL	Outline - Infill development for up to 4 dwellings. All matters reserved.
	APPLICANT	Mr Marshall
	WARD	Scarisbrick
	PARISH	Scarisbrick
	TARGET DATE	28th March 2019

1.0 **SUMMARY**

- 1.1 This application is referred to the Planning Committee as the applicant is related to Councillor Charles Marshall.
- 1.2 The application is in outline form and the fundamental issue is the principle of development for market housing as the site lies in the Green Belt. The site is not *limited infilling in villages* and therefore the proposal is inappropriate development in the Green Belt.

2.0 **RECOMMENDATION**

- 2.1 That planning permission be REFUSED.

3.0 **THE SITE**

- 3.1 The site is comprised of an area of former railway sidings on the northern side of the railway line (Bescar Lane Station). It covers some 0.18 hectares. The site lies within the Green Belt just outside the settlement of Bescar which lies to the immediate south west on the opposite side of the rail line. There is one residential property bounding the northern side of the site, Station Farm, with a small scale residential estate comprising affordable properties south of the railway line (Swan Close). The site is elevated in comparison to Station Farm. Further north are the open moss lands of Martin Mere.
- 3.2 There is an existing access to the site from Bescar Lane. There is one small shed currently located on the site and evidence of a ramp and hard surfaces remain.
- 3.3 The surrounding area is largely agricultural in nature with many of the neighbouring dwellings located on large farm holdings.

4.0 **THE PROPOSAL**

- 4.1 This application seeks planning permission is in outline for the erection of 4 market dwellings. All matters are reserved including access.

5.0 **PREVIOUS RELEVANT DECISIONS**

- 5.1 2013/0432/FUL Erection of 4 no. affordable semi-detached dwellings with associated access road, parking, landscaping and bin and cycle storage. GRANTED subject to S106 to ensure affordable housing.

- 5.2 2008/0842/FUL - Erection of 31 affordable dwellings comprising 8 apartments in a single two storey block; 16 2-storey houses and 7 bungalows; associated access road, parking, bin and cycle storage. REFUSED and DISMISSED at APPEAL.

6.0 CONSULTEE RESPONSES

- 6.1 LCC HIGHWAYS (18/12/18) - No objection in principle to the development of up to 4 dwellings and is of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site. Suggest conditions re access/visibility, internal layout and parking.
- 6.2 NETWORK RAIL (02/01/19) Holding objection. The applicant has included Network Rail land (station lease area) within their proposal red line area. The developer/applicant must ensure that their proposal, both during construction and as a permanent arrangement, does not affect the safety, operation or integrity of the existing operational railway / Network Rail land. The applicant has not considered the potential for the proposal to impact the level crossing with vehicles entering and exiting the site.
- 6.3 UNITED UTILITIES (08/01/19) – Recommends conditions re foul and surface water shall be drained on separate systems and that surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance.
- 6.4 DIRECTOR OF LEISURE AND WELLBEING (Environmental Health) – No objection (09/01/19) - concerns about this site being used for residential development due to noise from the railway line and station. Recommends safeguarding condition to determine any noise protection measures that would be required to protect the future occupiers from noise.
- 6.5 DIRECTOR OF LEISURE AND WELLBEING (Contaminated Land) (19/12/18) No objection - The site may be contaminated by virtue of its past commercial/industrial use-request condition to be attached to deal with any land contamination.
- 6.6 CADENT GAS (17/12/19) – Cadent Gas has an intermediate pressure pipeline in the vicinity of this application. There must be no obstructions within the pipeline's maintenance easement strip. It is the responsibility of the applicant to contact Cadent Gas prior to any works commencing on site.

7.0 OTHER REPRESENTATIONS

- 7.1 Scarisbrick Parish Council- No resolution in respect of this application.

8.0 SUPPORTING INFORMATION

- 8.1 The application is supported by the following information:
Planning Statement
Ecological Survey and Assessment
Topographical Survey
Tree Survey.

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 proposals will be assessed.

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

The following policies apply:

National Planning Policy Framework (NPPF)

Achieving Sustainable Development
Delivery of sufficient supply of housing.
Protecting Green Belt land

West Lancashire Local Plan (2012-2027) DPD

SP1 – A Sustainable Development Framework for West Lancashire
RS1 – Residential Development
RS2 – Affordable and Specialist Housing
IF2 – Enhancing Sustainable Transport Choice
IF3 – Service Accessibility and Infrastructure for Growth
IF4 – Developer Contributions
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
GN1 – Settlement Boundaries
GN3 – Design of Development
GN4 – Demonstrating Viability
GN5 – Sequential Tests

Additionally the following supplementary planning documents are relevant:

SPD – Design Guide (Jan 2008)
SPD – Development in the Green Belt (October 2008)

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

- 10.1 The key issue for consideration of this application is whether the principle of development of the site for housing is appropriate in the Green Belt. The application has been submitted in outline form with all matters reserved and no details of the form of development proposed. Specific site issues which would be largely covered by reserved matters would include:

Access, Traffic and Parking
Drainage/Flood risk
Contamination
Ecology
Impact on residential amenity

Principle of Development in the Green Belt

- 10.2 The site lies in the Green Belt, beyond the settlement boundary of "Bescar / Drummersdale" in Scarisbrick. Planning permission was granted in 2013 (planning application 2013/0432/FUL) for four affordable dwellings on the site. The four affordable dwellings were judged to be in line with policy RS1 and RS2 of the West Lancashire Local Plan 2012-2027 (WLLP) which allows for up to 4 affordable dwellings in the Green Belt subject to a satisfactory sequential test. The provisions within these policies mirror the approach advocated by the NPPF, which states that limited affordable housing for local community needs under policies set out in the Local Plan is an acceptable form of development in the Green Belt (paragraph 145).

- 10.3 This application is in outline for 'up to 4' market dwellings on the same site. The WLLP does not expressly allow market houses in the Green Belt, but defers to national policy on general Green Belt matters. This includes paragraph 145 of the National Planning Policy Framework (NPPF), which sets out six types of development that are defined as being "not inappropriate" in the Green Belt. By definition inappropriate development in the Green Belt is harmful. The fifth of these development types is "limited infilling in villages".
- 10.4 The applicants supporting Planning Statement (whilst referring to the old 2012 NPPF para references) identifies that the main planning policy issue arising from the proposed development is whether it represents "limited infilling in villages". . Reference is made to a Court of Appeal case (Wood v Secretary of State for Communities and Local Government [2014] EWHC 683 (Admin); February 2015).
- 10.5 In this Court of Appeal case, the Judge found that the policy required the decision-maker to consider whether, as a matter of fact on the ground, the site appeared to be in the village. The fact that the site lay outside the village boundary as designated in the development plan was not solely determinative of the point. In limiting himself to considering whether the proposal was within the designated village boundary, the Inspector had misdirected himself as to the proper meaning of paragraph 89 (now 145) of the NPPF. Despite this narrow legal point it is pertinent to note that the application/appeal was redetermined by the Planning Inspectorate who considered in that case that the site was not within the designated settlement boundary but also was not, on the ground, part of the village.
- 10.6 The main issue and point of contention with the applicant is whether the Bescar Lane site appears to be 'in the village' as well as lying outside the village boundary as defined by Policy GN1.
- 10.7 I note the points made by the Applicant about the developed frontage along Bescar Lane, the dwelling adjacent to the site, the location of the site in relation to the railway station and the changes in the speed limit. However, it is my view that 'on the ground' the railway and Bescar Lane station represents a clear 'end' of the Bescar / Drummersdale 'settlement', with the developed area south of the railway predominantly urban in nature comprising of tightly knit residential properties and formalised pedestrian footpaths in contrast to the land to the north of the railway which clearly retains its rural nature. There is a stark difference between the two.
- 10.8 The western side of Bescar Lane (north of the railway) comprises a hedgerow with trees immediately behind, and two unadopted tracks leading to a complex of agricultural buildings at Moss Hall Farm and at Bescar Moss Farm, set back 100-200m from Bescar Lane, and not readily visible when looking down Bescar Lane from the railway crossing. The eastern side of Bescar Lane (north of the railway) comprises the vacant application site, adjacent to which is a detached residential property beside a barn and other outbuildings. It is my view that this property and its surrounding buildings have the appearance of a farm complex as opposed to a residential property with domestic outbuildings. This view is reinforced by the address of the property, 'Station Farm. The change in speed limit responds to highway considerations and reflects mainly on the position of the railway crossing before entering the village. The approach is also consistent with that taken when determining application 2013/0432/FUL.
- 10.9 To conclude, it is my view that these proposals at Bescar Lane do not constitute limited infilling in villages as the appearance 'on the ground' is that the settlement ends at the railway, beyond which is open countryside with sporadic mainly agricultural buildings. The end of the settlement 'on the ground' coincides with the village settlement (Green Belt)

boundary, but the fact that the site lies outside the settlement boundary is not determinative of whether or not it appears to be part of the settlement.

- 10.10 As such, the proposed development is inappropriate in the Green Belt under paragraph 145 of the NPPF and so the applicant would need to demonstrate the very special circumstances that would outweigh the harm to the Green Belt and any other harm, as per paragraph 144 of the NPPF in order to gain planning permission. At this time, I have seen no evidence of such very special circumstances that would convince me that an application for up to 4 market dwellings on this site should be granted permission. Indeed as with most housing developments in the Green Belt the proposals would adversely affect openness and, as set out in para 134, the purposes of including land within it.
- 10.11 The proposed housing development would deliver 4 market houses and contribute towards the Borough's Housing Land Supply. I do not consider this small contribution to housing delivery is a very special circumstance to outweigh the harm to the Green Belt.

Access, Traffic and Parking

- 10.12 There are no details of access provided with the application. In consideration of the previous scheme 2013/0432/FUL concerns were raised by Network Rail which related to the backing up of vehicles across the railway crossing and causing obstructions on the track. The detailed access arrangements into the site were amended to satisfy the Highway Authority. The Highway Authority has confirmed that 4 dwellings can be designed to allow acceptable access which would not comprise highway safety and highway capacity in the area.

Surface Water, Drainage and Flood Risk

- 10.13 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.
- 10.14 The foul sewerage for the proposed houses is capable of being disposed of via a package treatment plant and surface water by a Sustainable Drainage System. Whilst no details of either system have been submitted the proposed drainage arrangements are capable of being the subject of pre-commencement conditions which will require the submission of further details.

Contamination

- 10.15 The site may be contaminated by virtue of its past use as former railway sidings and therefore a condition relating to land contamination requiring investigation and remediation could be attached if any consent was to be granted.

Ecology

- 10.16 Policy EN2 seeks to balance the protection of the Borough's natural environment against the need for development. The applicants have undertaken an updated Ecology appraisal which presents the results of a desktop study and extended Phase 1 Habitat Survey carried out in April 2018. The survey identified potential ecological constraints, the extent of any mitigation required and opportunities for biodiversity associated with the development proposals.

- 10.17 The applicants have undertaken a Tree Survey of the limited number of trees largely on the site boundaries. The groups of trees present are pioneer species and have no arboricultural significance in development terms. The surrounding treescape is made up of larger groups of trees and this is not reflected in the present tree content on site. I consider the existing trees have little amenity value and the removal of all the trees on site will allow for a more appropriate replanting schedule to be drawn up and improvements in visual amenity.
- 10.18 Any Ecological and Landscape issues required by Policy EN2 are capable of being addressed by conditions.

Impact on amenity of existing and proposed residents

- 10.19 The proposed development is located adjacent to one neighbouring dwelling, Station Farm. I am satisfied that the development of 4 dwellings is capable of being designed in accordance with the requirements of Policy GN3 so as not to cause significant harm to the residential amenities of neighbouring properties.

11.0 CONCLUSION

- 11.1 Given the nature of the outline application submitted, the fundamental issue is the principle of development in the Green Belt. It is my view that these proposals at Bescar Lane do not constitute limited *infilling in villages* as the site is both outside the settlement Boundary in the WLLP and on the ground does not appear to be part of the village. As such, the proposed development is inappropriate in the Green Belt under paragraph 145 of the NPPF and there are no very special circumstances that would outweigh the harm to the Green Belt. The application is therefore recommended for refusal.

12.0 RECOMMENDATION

- 12.1 That the application be REFUSED

Reasons for Refusal

1. The proposed development is contrary to the NPPF and policies GN1 and RS1 in the West Lancashire Local Plan 2012-27 Development Plan Document as market housing in this location would be inappropriate in the Green Belt, would result in harm to the openness and be contrary to one of the purposes of including land in the Green Belt aimed at safeguarding the countryside from encroachment. No very special circumstances have been identified to outweigh this harm.

Agenda Item 7e

No.5	APPLICATION NO.	2018/1062/FUL
	LOCATION	37 Burscough Street, Ormskirk, Lancashire L39 2EG
	PROPOSAL	Development including change of use and remodelling of existing space from vacant office/retail accommodation into 4 no. bed student HMO accommodation with micro pub/wine bar, and associated external alterations.
	APPLICANT	Mr Paul Moy
	WARD	Scott
	PARISH	Unparished - Ormskirk
	TARGET DATE	11th December 2018

1.0 REFERRAL

- 1.1 This application is referred to the Planning Committee as it has been called in by Councillor Wright to consider whether the application exceeds the permitted numbers of HMO's within the locality and possible clustering.

2.0 SUMMARY

- 2.1 The principle of the development for a bar and a 4 bed HMO in the primary shopping area of Ormskirk Town Centre complies with the requirements of policy IF1 and policy RS3. The outstanding heritage issue has been addressed and I consider the heritage impacts of this revised proposals to be acceptable. Subject to safeguarding conditions the proposal would provide a suitable level of residential amenity and adequate waste storage provision would be provided. There would be no significant adverse impact on highway conditions and the development therefore complies with the requirements of Policies GN3 and EN4.

3.0 RECOMMENDATION

- 3.1 APPROVE with conditions.

4.0 THE SITE

- 4.1 The site comprises a three storey (plus basement) building located on Burscough Street within the town centre and primary shopping area of Ormskirk. The current lawful use of the property is A2 use.
- 4.2 The site lies within the Ormskirk Town Centre Conservation Area and a Grade II public house known as Buck i'th Vine lies to the south. Outside seating for the pub is located at the front within their courtyard. A passageway, Church View Court, is located to the north of the site and leads to the public car park known as 'The Stiles'.

5.0 THE PROPOSAL

- 5.1 The application proposes the change of use of the building to a micro pub/ wine bar at part of the ground and all of the basement floor. The first and second floor are proposed to be converted to a 4 bed House in Multiple Occupation. The kitchen/lounge area serving the HMO would be located at the rear of the ground floor with access from the passageway.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2018/0495/FUL - Development including change of use and remodelling of existing space from vacant office/retail accommodation into 4 no bed student HMO accommodation with micro pub/ wine bar and associated external alterations. Refused.
- 6.2 2010/0624/COU - Change of use from A2 (professional offices) to D1 (non-residential institutions) – Granted.
- 6.3 2003/1113 - Change of use to Class A2 use (Estate Agency) – Granted.
- 6.4 2000/0617 - Change of use of 1st and 2nd floor to music school – Granted.

7.0 CONSULTEE RESPONSES

- 7.1 LCC HIGHWAYS (05/11/18) – No objection in principle. The site is in a highly sustainable location close to the town centre car parks. The impact of HMO's within the town centre on on-street car parking must be considered. Condition recommended.
- 7.2 DIRECTOR OF LEISURE AND WELL BEING (Environmental Health) (19/11/18) - No objections subject to conditions requiring; sound attenuation to be installed prior to the first occupation of the premises , hours restrictions on hours of opening and hours of delivery and no live music to be played.

8.0 OTHER REPRESENTATIONS

- 8.1 Conservation Area Advisory Panel – No comment.
- 8.2 Representations have been received from two addresses which can be summarised as follows:

Concerns regarding waste disposal and outside storage of bins in Church View Court or adjoining Buck i"th Vine and the subsequent impact on the area (aesthetics in Conservation Area/Listed building, smells and access problems) if suitable storage is not provided.

9.0 SUPPORTING INFORMATION

- 9.1 The application is supported by the following information:
 - Crime Impact Statement
 - Noise Impact Statement
 - Flue and Extraction details
 - Planning Heritage Impact Statement

10.0 RELEVANT PLANNING POLICIES

- 10.1 The application site is located within the Key Service Centre of Ormskirk as designated in the West Lancashire Local Plan Proposal Map.
- 10.2 The Planning (Listed Building and Conservation Areas) Act (PLBCA Act) 1990 sets out a statutory duty in respect of Listed Buildings s66(1) and Conservation Areas s72(1) to preserve the special character of heritage assets including their setting.

- 10.3 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.

National Planning Policy Framework

Ensuring the Vitality of Town Centres
Conserving and Enhancing the Historic Environment
Achieving Well-Designed Spaces.

West Lancashire Local Plan (2012-2027) DPD

GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
RS1 - Residential Development
RS3 – Provision of Student Accommodation
IF1 - Maintaining Vibrant Town and Local Centres
IF2 - Enhancing Sustainable Transport Choice
EN4 - Preserving and Enhancing West Lancashire’s Cultural and Heritage Assets

Additionally the following supplementary planning document is relevant:
SPD – Design Guide (Jan 2008)

11.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

- 11.1 A similar application (2018/0495/FUL) for a bar on ground floor/basement and 4 bed HMO on first/second floor was recently refused on 2 grounds; firstly that the scheme failed to provide adequate levels of amenity for future occupants and inadequate space for waste facilities and secondly poorly designed window details were proposed which would affect the character and appearance of the Conservation Area. The applicants have since amended their proposals and resubmitted a revised application and the main considerations are:

Principle of development
Impact on Conservation Area
Impact on residential amenity
Waste storage
Highway impacts

Principle of Development

- 11.2 The site is located in the Primary Shopping Area of Ormskirk. Policy IF1 states (inter alia) that a diversity of uses will be encouraged above ground floor in the Primary Shopping Area. Such uses include student accommodation. Within the Primary Shopping Area Policy RS3 allows the conversion of residential properties above ground floor level to function as HMOs subject to there being no unacceptable impact on the residential amenity of the Primary Shopping Area or on the supply of other town centre uses. There are several other HMOs at first floor level within this section of Burscough Street and planning permission has recently been granted for the conversion of the upper floors of the Buck l'th Vine. However, given the character of this part of Burscough Street, I am satisfied that the proposed HMO will not have any detrimental impact on the amenity of existing residents.
- 11.3 Policy IF1 also requires that at least 70% of pedestrian level units should be retained in A1 use. The existing ground floor level of the building is already not in A1 use therefore I am

satisfied that the development as a bar would not have any impact on the number of A1 units within the Primary Shopping Area. I am satisfied that the use of the upper floors as a HMO would not compromise the proposed or any future town centre ground floor use.

- 11.4 On that basis I consider that the principle of the development for a bar and HMO complies with the requirements of Policy IF1 and Policy RS3.

Impact on Conservation Area

- 11.5 Recent High Court judgements identify the need to give considerable weight and importance to the duty imposed under s66 and s72 of the Planning (Listed Buildings and Conservation Area) Act (PLBCA) and to the presumption in favour of the desirability of the preservation of heritage assets, including their setting.
- 11.6 The previous application for the same development (2018/0495/FUL) was refused in July 2018. One of the reasons for the refusal was that the scheme failed to preserve the character and appearance of the Ormskirk Town Centre Conservation Area. This was mainly due to the use of UPVC replacement windows which had been installed during the processing of application 2018/0495/FUL.
- 11.7 The current scheme now proposes new timber (sliding sash) windows on the south and east elevations which face onto Burscough Street. This will be a positive change in the appearance of the property and better reflect the character of the C19 property. On this basis subject to suitable details being agreed, via condition, the outstanding heritage issue has been addressed.
- 11.8 There are no heritage objections to the use of the upper floors in the existing property being used as a HMO, in my view it has the benefit to retaining the building in a viable and sustainable use. The use of the ground floor as a bar will have no impact on the existing "traditionally styled" shop front which is an attractive feature and because the external works are minimal the setting to the Listed Building adjacent (Buck l'Th Vine PH) will not be harmed.
- 11.9 I consider the proposal will meet the statutory duties of the PLBCA Act and accords with Chapter 16 of the NPPF and Policy EN4 of the WLLP.

Impact on residential amenity

- 11.10 Policy GN3 of the Local Plan requires that new development should retain reasonable levels of amenity for occupiers of the proposed and nearby properties.
- 11.11 There are several other HMOs at first floor level within the area however they are spaced out along the street. I do not consider that an additional HMO in this location would have a significant impact on the residential amenity of nearby properties.
- 11.12 Consideration needs to be given to the amenity of future occupants of the HMO. In the previous application, concern was expressed with regard to the internal layout of the HMO and the level of residential amenity provided for future occupants. The proposed internal layout has been amended and the current application is considered to provide an appropriate form of residential accommodation for future occupants, in accordance with Policy RS3 of the Local Plan.
- 11.13 Whilst I have no objections in principle to a wine bar in this location, I have some concerns regarding the impact of the proposed ground floor use on the future residents of the property. The applicants have provided some details to address this concern in their noise

report. On that basis I consider it to be appropriate to attach conditions requiring; sound attenuation to be installed prior to the first occupation of the premises, hours restrictions on hours of opening and hours of delivery and no live music to be played.

- 11.14 I consider that both the bar and HMO can be operated in a manner which would not affect the amenities of nearby or future residents and meets the requirements of Policy GN3.

Waste Storage

- 11.15 The SPD - Design Guide at Part 3.1(ii) advises that developers should “*ensure adequate space is provided for servicing, refuse and bin collection, recycling and cycle storage*”. Policy GN3 requires that proposals for development should incorporate recycling collection facilities.
- 11.16 The applicants have now provided internal bin storage details for both the bar and HMO. The site ownership extends to an area to the side of the building (down alleyway) where bins can be kept on collection day. These arrangements are acceptable and satisfy the requirements of Policy GN3 and the Design Guide SPD.

Highway Impacts

- 11.17 Policy GN3 requires that adequate parking provision is made in line with the standards set out in Local Plan Policy IF2 and Appendix F unless the local circumstances justify a deviation from the policy. The NPPF at paragraph 109 states that *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
- 11.18 The application does not propose to provide any specific parking for users of the building. The location of the site in the town centre is close to local facilities and there is a relatively short walking distance to/from Edge Hill University. Public transport services, including a bus service from Ormskirk bus station to the university, are located within a short walk of the site.
- 11.19 Due to the location of the site the Highway Authority have no objection to the ground floor bar use. However they recommend that a suitable condition is imposed to ensure occupants of the proposed HMO sign a tenancy agreement agreeing to a ‘no-car’ policy. However I do not consider this is an appropriate and reasonable condition for this type and scale of development within the Town Centre. I am satisfied that there would be no severe impact on highway safety as a result of the proposed development and it accords with Policy GN3 in this respect.

12.0 CONCLUSION

- 12.1 I consider that the principle of the development for a bar and HMO in the primary shopping area of Ormskirk Town Centre complies with the requirements of Policy IF1 and Policy RS3. The 2 previous reasons for refusal have now been addressed in this revised application. The current scheme now proposes new timber (sliding sash) windows on the south and east elevations which face onto Burscough Street. This will be a positive change in the appearance of the property and better reflect the character of the C19 property. The outstanding heritage issue has been addressed and the proposal complies with statutory duties of the PLBCA Act and would accord with Chapter 16 of the NPPF and Policy EN4 of the WLLP. Subject to safeguarding conditions there would be no impact on residential amenity of future or nearby residents and the scheme provides satisfactory

waste management arrangements. There would be no significant impact on highway conditions and the development therefore complies with the requirements of Policy GN3.

13.0 RECOMMENDATION

13.1 That the application 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 the details shown on the following plans:-
Existing Building Layout and Location Plans BS/ADA/01A Rev C received by the Local Planning Authority on 10 October 2018
Proposed Building Layout Plan BS/ADA/03A Rev G received by the Local Planning Authority on 7 January 2019
Proposed Building Elevations BS/ADA/04A Rev H received by the Local Planning Authority on 7 January 2019
3. Prior to the use of the wine bar details of any mechanical ventilation, refrigeration and extraction systems to be installed in the premises shall be submitted and approved in writing by the Local Planning Authority. The details required by this condition shall include measures to ensure that any such systems are acoustically isolated from the fabric of the building to minimise the possibility of structure borne sound and vibration. Equipment shall be installed in accordance with the approved details. No other systems shall be installed thereafter without the express written consent of the Local Planning Authority.
4. A scheme to protect measures to protect the proposed residential dwellings from noise including amplified music/voices emanating from the ground floor use and from external noise sources shall be submitted to and approved in writing by the Local Planning Authority. The Scheme should include the standard for constructing the party floor/ceiling between the ground floor and the first floor and acoustic glazing of habitable room windows together with acoustic ventilation. The approved scheme shall be implemented prior to occupation of the HMO and the approved noise protection measures shall thereafter be retained.
5. No live music shall be played within the hereby approved pub/wine bar at any time.
6. The use of the pub/wine bar hereby permitted shall only take place between the hours of 0800 and 0000 hours on any day.
7. Deliveries to 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.
8. All proposed and replacement windows shall be constructed in timber and be of a sliding sash design in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of the windows hereby approved. The replacement windows shall be installed prior to the building being brought into the use for the purposes hereby approved.
9. Notwithstanding the details on the submitted plans full details of any external vent, ducting and extraction system shall be submitted to and approved by the local planning authority prior to the commencement/occupation of the use hereby approved. These details shall include elevation details showing the size, colour and materials to be used. The scheme shall be implemented in accordance with the approved details.

Reasons

1. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2. For the avoidance of doubt and to ensure compliance with Policy GN3 of the West Lancashire Local Plan 2012-2017 DPD
3. To protect the amenities of residential properties in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD
4. To protect the amenities of residential properties in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD
5. To protect the amenities of residential properties in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD
6. To protect the amenities of residential properties in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD
7. To protect the amenities of residential properties in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD
8. To preserve the character and appearance of the Ormskirk Town Centre Conservation Area and to comply with Policy EN4 of the West Lancashire Local Plan 2012-2027 DPD
9. To preserve the character and appearance of the Ormskirk Town Centre Conservation Area and to comply with Policy EN4 of the West Lancashire Local Plan 2012-2027 DPD

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:
 - GN1 - Settlement Boundaries
 - GN3 - Criteria for Sustainable Development
 - RS1 - Residential Development
 - RS3 - Provision of Student Accommodation
 - IF1 - Maintaining Vibrant Town and Local Centres
 - IF2 - Enhancing Sustainable Transport Choice
 - EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assetstogether with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.

Agenda Item 7f

No.6	APPLICATION NO.	2018/0686/FUL
	LOCATION	Land To The Rear Of 29 The Gravel, Mere Brow, Tarleton, Lancashire
	PROPOSAL	Erection of 5 No. New detached dwellings with associated soft landscaping. Proposed improvement highway works forming new site access following demolition of existing building. Diversion of public right of way.
	APPLICANT	Bella Homes NW Ltd
	WARD	Tarleton
	PARISH	Tarleton
	TARGET DATE	5th February 2019

1.0 REFERRAL/DEFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillors Mee and G Hodson have requested it be referred to Planning Committee to consider the impacts on flooding, loss of amenity and privacy, highway issues, problems of Japanese Knotweed, maintenance of existing watercourse and loss of the Smithy.

2.0 SUMMARY

- 2.1 The proposed development to erect five detached dwellings on the site is considered to be acceptable in principle and in compliance with Policy RS1 of the West Lancashire Local Plan. The proposal is considered to be appropriate to the location and will not have a significant impact on the character or appearance of the surrounding area or on the amenity of neighbouring properties. Suitable planning conditions are recommended to ensure landscaping, drainage and highway works are carried out appropriately and that the residential amenity of both the proposed occupiers of the dwellings and existing surrounding neighbouring occupants are protected. The proposed development is considered to be compliant with the NPPF and Policies SP1, GN1, GN3, RS1, IF2, IF3, EN1, EN2, EC2 and GN4 of the West Lancashire Local Plan 2012-2027 DPD.

- 3.0 RECOMMENDATION:** APPROVE with conditions.

4.0 THE SITE

- 4.1 The application site relates to a vacant plot of land (approx. 3963m sq) of an irregular shape. The site is located within the settlement boundary of Mere Brow, to the north of The Gravel between no. 29 and 33 The Gravel. Residential properties bound the site to the east at Spring Meadow, south on The Gravel, residential and commercial (Blacksmith and Wheelwrights) to the west and to the north of the access is a commercial property currently occupied by Neptunes (furniture) and three residential properties built under planning permission 2017/0763/FUL. A public right of way (footpaths 16 and 17) run to the east and west of the of access track.

5.0 THE PROPOSAL

- 5.1 This application seeks planning permission for the erection of 5 no. detached dwellings with associated soft landscaping. Highway works are also proposed which include forming a new site access following demolition of existing building.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2017/0763/FUL – GRANTED (16.08.2018) - Erection of three detached dwelling houses including two detached garages to Plots 2 and 3 (Amendment to previously approved planning application 2016/1319/FUL).
- 6.2 2016/1319/FUL – GRANTED (06.03.2017) Erection of three detached dwelling houses including two detached garages.
- 6.3 2015/0587/FUL – GRANTED (11.12.15) Erection of two detached dwelling houses (resubmission of planning application 2014/0612/FUL).
- 6.4 2014/0612/FUL – WITHDRAWN (23.03.15) Two detached dwelling houses. (Re-submission of application no. 2013/0111/FUL).
- 6.5 2013/0111/FUL – WITHDRAWN (29.11.13) Two detached dwelling houses.

7.0 CONSULTEE RESPONSES

- 7.1 Forestry Commission (20/07/2018) – No comment.
- 7.2 Environmental Health (29/10/2018) – Noise assessment required to demonstrate that noise from the nearby dual carriageway will not adversely affect the proposed residential development. Conditions recommended.
- 7.3 Lancashire County Council (Highways) (14/01/2019) – No objections in principle. Recommends planning conditions.
- 7.4 Environmental Health Scientific Officer (20/09/2018) – No objections / comments.
- 7.5 United Utilities (12.11.2018) – No objections in principle. Recommends planning conditions.

8.0 OTHER REPRESENTATIONS

- 8.1 Objections from seven addresses have been received on the grounds of:

Flooding and Drainage
Traffic
Japanese Knotweed
Overlooking
Loss of privacy
Loss of amenity
Impact upon public footpaths
Historical impact of loss of Wheelwrights shop
Impact of disturbance
Dirt on highway from construction vehicles
Lack of neighbour notification
Impact of road on health and wellbeing
Concerns of future development

- 8.2 Mere Brow Local History Society (30/07/2018) – Comments:

The Wheelwrights shop has been on this site since at least 1841
Destruction of building is unnecessary

Building is regarded as part of the history and heritage of Mere Brow
Seeking advice from English Heritage
Currently being used as a local business

- 8.3 Tarleton Parish Council (30/07/2018) – Objects to the application on the following grounds:

Insufficient parking and substandard access roadway
A blind bend to the east of the proposed new access prevents clear visibility for vehicles exiting the site
Drainage and flooding
Japanese Knotweed
Demolition of the Blacksmiths Wheelwrights shop a building of great historical interest in Mere Brow

9.0 SUPPORTING INFORMATION

- 9.1 Arboricultural Impact Assessment with Tree Protection Measures
9.2 Planning Supporting Information (June 2018) Rev A (11.10.18)
9.3 Drainage Information
9.4 Ecological Appraisal (June 2018) (Revised October 2018)
9.5 Design and Access Statement (June 2018)
9.6 Economical Viability Statement (Rev A) (August 2018)
9.7 Heritage Statement (September 2018)

10.0 RELEVANT PLANNING POLICIES

- 10.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan (2012-2027) DPD (WLLP) provide the policy framework against which the development will be assessed.
10.2 The site is located with the settlement boundary of Mere Brow, designated as a Rural Sustainable Village in the Local Plan. The following policies are therefore relevant:-

National Planning Policy Framework (NPPF)

Delivering a sufficient supply of homes
Building a strong, competitive economy
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
Conserving and enhancing the historic environment

West Lancashire Local Plan (WLLP)

SP1 – A Sustainable Development Framework for West Lancashire

GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
RS1 – Residential Development
IF2 – Enhancing Sustainable Transport Choices
IF3 – Service Accessibility and Infrastructure for Growth
EN1 – Low Carbon Development and Energy Infrastructure
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
EC2 – The Rural Economy
GN4 – Demonstrating Viability

11.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

11.1 The main issues for consideration in the assessment of this application are:

Principle of Development (Housing / Loss of an employment site / Loss of a potential heritage asset)
Scale, Design and Appearance
Highways
Impact upon neighbouring properties
Trees and Landscaping
Ecological considerations
Drainage

Principle of Development - Housing

11.2 The application site lies within the rural sustainable village of Mere Brow as defined in the Local Plan. Policy RS1 'Residential Development' of the WLLP advises that residential development will be permitted within such areas on greenfield sites not protected by other policies and subject to the proposals conforming with all other planning policy. The greenfield area of the site is not protected by other policies and residential development is therefore acceptable in principle subject to adherence with all other relevant policy requirements.

Principle of Development – Loss of employment

11.3 To facilitate the new access to the site from The Gravel and the erection of a dwelling on Plot 1, a building relating to 'The Smithy' is proposed to be demolished. As the current use of The Smithy building is for commercial purposes, the requirements of Local Plan policy EC1(c) and EC2 must be met. This requires 'other employment sites' to be re-used for industrial, business, storage and distribution uses (B1, B2 and B8). The policy goes on to confirm that "the redevelopment of existing individual employment sites for other uses will be considered where a viability case can be put forward (in line with Policy GN4)..."

11.4 Policy GN4 (Demonstrating Viability) advises that the Council will seek to retain existing commercial/industrial and retail land/premises...unless it can be demonstrated that one of the following tests contained within GN4 can be met.

11.5 Policy GN4 requires, in cases where the existing use is no longer considered viable and a mixed employment led-scheme is also not viable or appropriate, preferential consideration of the following alternative uses prior to consideration of a market housing-led scheme:

For existing retail uses, an alternative use that helps create or maintain the vitality of a town, village or local centre.

- 11.6 An 'Economic Viability Report (Rev A)' has been submitted with the planning application which puts forward a supporting case to satisfy Policy GN4, EC1 and EC2.
- 11.7 The applicant advises that the building that is proposed to be demolished forms part of a pair of buildings used as part of a commercial business manufacturing gate and railings. The smaller building is to be demolished whilst the larger building is to be retained. The building to be demolished is single storey and measures approx. 7m x 5m. It is confirmed that given the limited internal space the smaller building it is now only used as an ancillary storage room for some of the more bespoke ornamental pieces which are long discontinued as they are no longer commercially viable to produce. The building is too small to store products that are manufactured by the business. All of the core business practices are located within the larger building which is to be retained.
- 11.8 Given that the existing commercial use of the site will still continue in the larger Smithy building and there will be no net loss of employment, I consider that the development would comply with Policy EC2 of the WLLP.

Principle of Development – Potential loss of a heritage asset

- 11.9 The Smithy building to be demolished is an undesignated mid-late 19th century single-storey building that forms part of the smithy and was originally used as a wheelwright's premises.
- 11.10 Paragraph 135 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 11.11 A Heritage Statement (September 2018) has been submitted with the planning application.
- 11.12 The statement confirms that the building is of no particular architectural quality, being essentially a plain brick hut with an altered interior. Its interest stems more from its historical role, and interest to the local community, as a mid-late 19th century former wheelwright's premises that later became part of the village smithy. The building has a group value with the adjoining principal building of the smithy. However of the two structures, the principal building is considered to have greater value in heritage terms as it is a more substantial and noteworthy structure that still performs the role for which it was built.
- 11.13 I have no reason to disagree with the assessment and summary made in the report. Although the building to be demolished is of local interest and has some group value with the remaining Smithy building it would not meet the requirements for statutory designation.
- 11.14 Where heritage assets are undesignated, paragraph 197 of the NPPF requires a balanced judgment to be made with regards to the scale of harm or loss and the significance of the asset. Whilst this application would result in the loss of the building it has limited heritage value and its demolition is considered acceptable in principle.

Scale, Design and Appearance

- 11.15 Policy GN3 in the Local Plan states that new development should be of a high quality design and complement or enhance any attractive attributes and/or local distinctiveness within its surroundings through sensitive design, including appropriate siting, orientation, scale, materials, landscaping and boundary treatment.

- 11.16 Five detached dwellings are proposed. The immediate area is characterised by a mixture of detached residential and commercial properties, including backland developments in mixed sized plots including the three detached dwellings built under planning permission 2017/0763/FUL and properties located at Spring Meadow and Cinder Lane. Although there is open land to the west of application 2017/0763/FUL and to the east (rear of Spring Meadow), when viewed in the context of the wider settlement area, I am satisfied that the siting of the proposed development is acceptable and is in context with the local grain and settlement pattern for the area.
- 11.17 In terms of the design of the dwellings, I consider that they are acceptable. Although the site is a backland development, they blend well with existing built development including the three houses already built on site granted under 2017/0763/FUL and therefore would not appear out of character. Plot 1 is along the road frontage. Street scape drawings have been provided and I am satisfied that the dwelling would integrate well in terms of its design, siting and scale.
- 11.18 In terms of garden depths, I am satisfied that Plots 1 and 3-5 provide sufficient amenity areas. The proposed garden depth of Plot 2 would fall short of the guidance given in the Design SPD. However, as accepted with the adjacent dwellings the amenity area is relatively wide which would compensate for this. To the rear of Plot 2 is a commercial premises, therefore there would not be any concerns in respect to any residential overlooking / loss of privacy. I note a 1.85m fence is proposed to the eastern boundary of Plot 2. To soften this hard boundary appearance landscaping will be requested as part of a planning condition.
- 11.19 The garages proposed at Plots 1 and 2 are in the rear garden area. The garages would be subordinate in scale to the dwelling houses and provided that they are constructed from matching materials would be acceptable in accordance with Policy GN3 of the Local Plan.
- 11.20 On balance the scale, design and appearance of the proposed development is considered to be compliant with Policy GN3 of the Local Plan along with the Council's SPD Design Guide. In terms of its siting, in the wider context of the local area I am satisfied that it is acceptable.

Highways

- 11.21 A new site access is proposed from The Gravel. The access track will allow access to the proposed dwellings and the three existing houses already built under planning permission 2017/0763/FUL.
- 11.22 A public footpath (8-16-FP 16 and 8-16-FP 17) runs to the east and west of the existing access track. Plot 1 of the proposed development is over the existing public right of way (Footpath 16) – the plans indicate that the footpath is to be diverted. The Town and Country Planning Act 1990 has provision for diverting the Definitive Public Right of Way if a diversion is necessary to allow the development to take place. However, the diversion of the public footpath must not commence until the necessary procedures are in place – this will be subject to a planning condition.
- 11.23 The proposed layout and turning heads are not to an adoptable standard and therefore would not be considered for adoption. A suitable planning condition will be attached to any planning permission to agree highway future management and maintenance.

11.24 In terms of parking provision, I am satisfied that the level of on-site parking is satisfactory and in accordance with Policy IF2 of the WLLP.

Impact upon neighbouring properties

11.25 Policy GN3 requires proposals for new development to retain or create reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of proposed and neighbouring properties.

11.26 No. 33 The Gravel is adjacent to Plot 1, to which there is an approx. 6m separation distance. The proposed dwelling would be set forward of the building line for no.33. No. 33 has side facing windows at both ground and first floor however they are secondary windows. Taking this into consideration, the distance and juxtaposition of the dwellings and subject to a planning condition which requires side windows on Plot 1 to be obscure glazed, I do not consider that the development would result in a significant impact upon the residents of no.33. I note overlooking concerns from the residents of no.33 in relation to front dormers on Plot 2. These windows have now been removed from the scheme.

11.27 To the east of the site are properties located on Spring Meadows. Proposed plots 3-5 are located to the north western rear. The interface distances between these sites meet the minimum standards as outlined in the Councils SPD Design Guide. The design and siting of these properties should not detrimentally impact upon the residents of properties along Spring Meadows.

11.28 Therefore I am satisfied the scheme would have a satisfactory relationship to surrounding residential properties in compliance with Policy GN3 of the WLLP.

Trees and Landscaping

11.29 Policy EN2 of the West Lancashire Local Plan states that development involving the loss of, or damage to, woodlands or trees of significant amenity, screening, wildlife or historical value will only be permitted where the development is required to meet a need that could not be met elsewhere and where the benefits of the development clearly outweigh the loss or damage.

11.30 An Arboricultural Impact Assessment with Tree Protection Measures accompanies this planning application. The proposals require the removal of trees within the field to the rear of the site which are lower grade trees as listed in the submitted survey data.

11.31 The boundary hedges are an important feature, particularly adjacent to Spring Meadow on the eastern side. It is proposed to retain the hedge with pruning as stated in the tree survey data. The loss of trees would not lead to a significant loss of landscape amenity. The submitted landscaping scheme shows substantial replacement tree planting on the site which would lead to an increase in tree cover across the site. On consultation with the Councils Arboricultural Officer it is advised that a condition for full landscape details and details for hedge management works are imposed in the event of planning permission being granted.

Ecological considerations

11.32 Policy EN2 of the WLLP states that where there is reason to suspect that there may be a priority species, or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, making provision for their needs. This allows the LPA to screen the project against the Habitats Regulations and relevant national and local policy.

11.33 An Ecological Appraisal (June 2018) (Revised October 2018) (Envirotech) has been submitted with the planning application. This report concludes that there was no conclusive evidence of bats, water voles, amphibians and nesting birds regularly occurring on the site or the surrounding area which would be negatively affected by site development. The mitigation measures outlined in paragraph 7 of the report will be subject to planning condition.

11.34 The report advises that Japanese knotweed is present in several small scattered stands on the site. Japanese knotweed is an invasive species which has the potential to spread onto the development site during the construction period. For this reason it is necessary to attach a condition to require a method statement to be submitted to prevent the spread of this species.

Drainage

11.35 Drainage plans have been provided with the planning application. The plans indicate that the surface water will discharge to the watercourse with an agreed discharge rate of 3 l/s. These details are acceptable in principle subject to a final drainage design being submitted.

11.36 In terms of foul water this will be disposed of via main sewer, again, this will be final details will be subject to a planning condition.

12.0 SUMMARY

12.1 The proposed development is considered to be acceptable in principle and would provide a suitable residential environment for future occupants without significant detriment to nearby occupiers, highway safety or the character of the area. The scheme complies with the relevant local plan policies.

13.0 RECOMMENDATION

13.1 That planning permission be GRANTED subject to the following conditions and reasons:

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference 28 and 26 received by the Local Planning Authority on 05/09/2018.
Plan reference 25; 29; 14; 15 PL07 Rev A received by the Local Planning Authority on 12/10/2018.
Plan reference PL20; PL10 and 18.005.PL01 Rev B received by the Local Planning Authority on 16/11/2018.
Plan reference PL22 Rev A; PL24 Rev E; 30 Rev E; PL12 Rev A; PL03 Rev D and PL02 Rev G received by the Local Planning Authority on 11/12/2018.
3. No development above slab level shall take place until full details and samples of the external materials to be used for the construction of the dwellings have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No development 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. A scheme for protecting the proposed dwellings (including garden areas) from noise from Southport New Road shall be submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are occupied and retained thereafter. The specification of the glazing and vents should be stated; together with a detailed specification for any acoustic barriers.
6. Prior to the first occupation of the dwellings, each shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.
7. No development 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.
8. No development shall take place until the final detailed drainage design for the separate foul and surface water drainage of the development, including any necessary attenuation measures, has been fully agreed with the relevant statutory body/bodies, and until written evidence of that agreement has been provided to and acknowledged in writing as acceptable by the Local Planning Authority. The surface water drainage scheme must be in accordance with this Council's Planning Applications - Drainage, Flood Risk and Sustainability guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The drainage scheme shall be completed in accordance with the approved details prior to occupation of any dwelling.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, the garages shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority.
10. The mitigation recommendations contained within paragraph 7 of the Ecological Appraisal (Envirotech) received by the Local Planning Authority on 12/10/2018 shall be implemented in full throughout the duration of the development.
11. No gates shall be erected between the highway boundary of The Gravel and the Public Right of Way (Footpath No. 16 and Footpath No. 17)
12. Prior to occupation of Plot 1 hereby approved the first floor en-suite window(s) on the eastern side elevation below a height of 1.7m above the floor of the room in which the window is installed, shall be fitted with obscure glazing (Pilkington level 3 or equivalent) and shall be non-opening and shall remain so fitted at all times thereafter for the duration of the development.
13. No development shall take place until a method statement for the control of Japanese knotweed during the construction period has been submitted to and approved in writing by the local planning authority. The statement shall include the following:-
A plan showing the spread of Japanese knotweed
What methods will be used to prevent the plant spreading further, including demarcation fencing, signage and briefing of construction workers.
The agreed methodology shall be implemented in full at all times during the construction phase.
14. The proposed drives and paved areas within each plot shall be made of a porous materials or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the site boundaries.
15. 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.
16. Prior to each dwelling being occupied the associated parking areas shall be provided in accordance with the approved plans.
 17. The new estate road/access between the site and The Gravel 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.
 18. The proposed access from the site to The Gravel 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.
 19. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980. The site access shall be constructed in accordance with the approved scheme.
 20. No dwelling shall be occupied 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.

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. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To 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 protect the amenity of the occupiers of the proposed residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To ensure that the development complies with the provisions of Policy IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. 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.
8. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To allow for the effective use of parking areas and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To ensure that the proposed development has no detrimental impact upon protected species or their habitats and is in accordance with Policy EN2 of the West Lancashire Local Plan.
11. To ensure the right of way remains unobstructed.
12. To protect the privacy of adjacent residential properties and so comply with the provisions of Policy GN1 in the West Lancashire Local Plan.
13. To prevent the spread of Japanese knotweed.

14. 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.
15. To prevent stones and mud being carried onto the public highway to the detriment of road safety and to ensure compliance with Policy GN3 of the West Lancashire Local Plan.
16. Vehicles reversing to and from the highway are a hazard to other road users.
17. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.
18. To enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users.
19. 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.
20. 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 highway is not to an adoptable layout and will remain private. With regard to condition 17 it is advised the carriageway construction is based on the Lancashire County Council Specification for estate roads 2011 edition. Further information and advice can be found at www.lancashire.gov.uk and search for "construction of estate roads".
2. 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 for further information and advice by telephoning the Development Support Section on 0300 123 6780, or email lhscustomerservice@lancashire.gov.uk This consent does not give approval to a connection being made to the County Council's highway drainage system.
3. The applicant is advised that to discharge condition 21 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes
4. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.
5. This consent does not give approval to a connection being made to the County Council's highway drainage system.

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:
 - SP1 – A Sustainable Development Framework for West Lancashire
 - GN1 – Settlement Boundaries
 - GN3 – Criteria for Sustainable Development
 - RS1 – Residential Development
 - IF2 – Enhancing Sustainable Transport Choices
 - IF3 – Service Accessibility and Infrastructure for Growth
 - EN1 – Low Carbon Development and Energy Infrastructure
 - EN2 – Preserving and Enhancing West Lancashire's Natural Environment

EC2 – The Rural Economy

GN4 – Demonstrating Viability

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

Agenda Item 7g

No.7	APPLICATION NO.	2018/1063/FUL
	LOCATION	Briar Dene Nursery School, 2 Fulwood Avenue, Tarleton, Preston, Lancashire PR4 6RP
	PROPOSAL	Provision of hardstanding to the front of 2 Fulwood Avenue.
	APPLICANT	Mr David Birkbeck
	WARD	Tarleton
	PARISH	Tarleton
	TARGET DATE	20th December 2018

1.0 REFERRAL

- 1.1 The application was to be determined under delegated powers, however, Cllr Mee has requested it be considered at planning committee to consider the impact of the proposed development on the Conservation Area, protected trees and the effect of additional traffic on Fulwood Avenue.

2.0 RECOMMENDATION: That planning permission be REFUSED.

3.0 SUMMARY

- 3.1 The proposed formation of an in-out driveway across the mixed-use site frontage within the context of the Douglas and Fulwood Avenues Conservation Area would result in harm to the character and appearance of the Conservation Area. Benefits would accrue through the improved provision for vehicles visiting the site, however, this approach fails to prioritise access for pedestrians and other sustainable forms of travel and therefore the public benefit fails to outweigh the harm to the Conservation Area. The development therefore conflicts with Policies GN3 and EN4 of the Local Plan and the National Planning Policy Framework.

4.0 THE SITE

- 4.1 The application site is located on the south side of Fulwood Avenue. The nursery element is located to the eastern side and partly at the rear of a residential property at no.2 Fulwood Avenue. The dwelling is detached from the nursery buildings and benefits from a detached double garage to the western side. To the rear of the property the land is subdivided between the residential and nursery elements to provide a residential garden area associated with the dwelling and a detached extended timber clad nursery building to the south-eastern corner of the plot. Some of the land within the curtilage of the nursery has recently been resurfaced to facilitate outdoor play, and there are separate timber buildings close to the southern boundary. The dwelling and nursery have separate tarmacked vehicle driveways but a shared pedestrian access point.
- 4.2 Fulwood Avenue is an un-adopted, privately maintained road approximately 4.8 metres in width with a non-metalled final surface. Its junction with Hesketh Lane lies about 28 metres to the west.

5.0 THE PROPOSAL

- 5.1 The revised application proposes the provision of increased areas of tarmacked hardstanding to facilitate an in-out drop-off area whilst maintaining access to the domestic garage. The proposal would utilise an area of existing hardstanding that was extended and re-surfaced in January 2015 to the front of the garage and western bay of the

dwelling, and the separate existing nursery access/driveway in combination with a new link of about 10 x 3 m between the two. Some compensatory green areas are proposed to the forward part of the residential part of the site in lieu of removed landscaping and a pedestrian access.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2014/1374/FUL REFUSED (23.03.2015) Single storey extension and canopy to the existing nursery APPEAL DISMISSED (19.08.15).
- 6.2 2008/1026/FUL GRANTED (10.12.2008) Single storey front/side extension to nursery school to provide staff/disabled wc and store. Erection of covered play space area at rear. Demolition of garage at side of dwelling and erection of single storey storage building.

7.0 OBSERVATIONS OF CONSULTEES

- 7.1 Director of Leisure and Environment (21.1.19) – concerns with regard to the facilitation of increased vehicle movements and associated noise arising, including car doors, radios, loud conversations/children crying would be brought closer to the immediate neighbours rather than being generally dispersed. There is little respite due to the long opening hours each day.
- 7.2 LCC Highways (14.11.18) - no objection, negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

8.0 OTHER REPRESENTATIONS

- 8.1 16 letters of objection on the following grounds:

Proposal does not consider larger vehicles using the site and will facilitate increased vehicle use

The proposal will exacerbate the number of blind turns into Fulwood Avenue and by virtue of the restricted width, the absence of a pavement and no emergency refuges and the low quality of the road surface, will exacerbate collision risks.

Conflicts with reason for imposing Article 4 restriction

Undesirable precedent

Proposal extends over commercial and residential parts of the site

Question validity of the ownership certificates

Potentially obstruct emergency access/muster point

No justification for additional parking – attendee numbers to nursery falling

Will decrease landscaping and potentially impact trees and not protect or enhance the Conservation Area

Proposal will facilitate additional traffic resulting in traffic congestion and increased safety concerns

Will potentially facilitate a change of use of the residential property

Incremental erosion of character and cumulative negative effect on Conservation Area

Erosion of habitats and wildlife refuge opportunities

Time restrictions should be imposed in the event of planning permission is granted

Will facilitate increased numbers attending the site to detriment of local amenity

Conflict with fire assembly and emergency access points

Inconvenience

In conflict with covenant preventing commercial uses on the Avenue

Revised proposals don't materially change previous concerns

- 8.2 Conservation Area Advisory Panel (06.12.18) - No objections to the principle of making an 'in and out drive' however scheme needed to be amended to retain more of the existing garden and provide compensatory planting close to the road to mitigate any lost landscaping/garden.

9.0 SUPPORTING INFORMATION

- 9.1 The applicant suggests the development will improve the existing access arrangements and therefore contribute to sustainable development consistent with the aims of Policies SP1 and GN1 in the WLLP and the primary aim of the NPPF. The supporting statement advises that the proposals meet the NPPF's requirements in terms of delivering economic and social benefits and causes no harmful environmental impacts. It is concluded that the development would not give rise to any harmful impacts and offer benefits in terms of highway safety. A Heritage Statement concludes that the proposals would not result in any negative impact on the Conservation Area.

10.0 RELEVANT PLANNING POLICY

- 10.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan (WLLP) provide the policy framework against which the development proposals will be assessed. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 is a material consideration.
- 10.2 The site is located within a Key Sustainable Village and the Fulwood Avenue / Douglas Avenue Conservation Area as designated in the West Lancashire Local Plan. The site is subject of an Article 4(2) removing permitted development rights inter alia for the formation or replacement in whole or part of a hard surface fronting the highway.
- 10.3 Relevant West Lancashire Local Plan 2012-2027 (WLLP) policies:
SP1 – A Sustainable Development Framework for West Lancashire
GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
IF2 – Enhancing Sustainable Transport Choice
IF3 – Service Accessibility and Infrastructure for Growth
EN2 – Preserving and Enhancing West Lancashire's Natural Environment
EN4 – Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

Supplementary Planning Document, Design Guide (Jan 2008)

11.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Principle of Development

- 11.1 The proposed development lies within the established settlement area of Tarleton and is therefore appropriately located in terms of the principles of sustainable development outlined in Policies SP1 and GN1 in the WLLP. Some concern has been expressed in relation to the extension of the hardstanding – primarily for use in conjunction with the nursery, into the area previously dedicated for use in conjunction with the dwelling. The site is in single ownership and constitutes a mixed-use planning unit. The cross-over of shared facilities does not, in my view, result in any material change of use within the planning unit. In itself, the proposals would not generate any significant intensification of either the residential or nursery uses or introduce an additional use to the planning unit and therefore I do not consider this aspect significant in assessment of the proposals. The main points of consideration are considered to be:

Design, appearance and the preservation or enhancement of the character and appearance of the Conservation Area

Impacts on Highways

Impacts on adjacent land uses

Design, Appearance and the Conservation Area

- 11.2 The revised proposals would result in the partial loss of existing areas of landscaping including small areas of shrubs and grass. These would be replaced with tarmac hardstanding facilitating vehicles entering the site via the existing domestic access and leaving via the driveway currently serving the nursery. Forward lengths of the pedestrian pathway areas will be removed to be replaced with compensatory areas of lawn to seek to offset those parts of the existing landscaping to be removed. The tarmac finish to the link element would match that of the existing driveways.
- 11.3 The design and appearance of the development is clearly aimed at facilitating improved vehicle manoeuvring and uses a minimum amount of additional area to achieve this, however, this must be assessed in the context of the site with particular reference to the Conservation Area status and the characteristics that justify that status and the Article 4 restriction.
- 11.4 Para 7.1 of the Fulwood and Douglas Avenue Conservation Area Appraisal sets out the reasons for imposing the Article 4(2) restriction on properties in the Conservation Area. In terms of hardstandings this identifies that the formation of additional hard surfaced areas may affect the character of the Conservation Area. Paragraph 9.1 highlights the importance of the buildings and landscaping and the intrinsic link between the two in making positive contributions to the Conservation Area. Paragraph 10.1 identifies that large areas of hard standing or paving to the front of dwellings has become a concern in terms of the management of the Conservation Area. Para. 10.3 goes on to seek the encouragement of removal of large areas of hard standing for replacement with smaller parking areas and natural vegetation (gardens).
- 11.5 Whilst it is acknowledged that there are other deep and wide driveways serving several of the other properties on Fulwood Avenue these present as domestic scale driveways and generally limited to areas fronting side garages. These are treated in a variety of materials with consequential differing levels of visual prominence and assimilation into their landscaped frontages. The domestic property at no.2 benefits from a widened driveway; similarly the tarmac nursery driveway leads to a gravelled area used for accommodating two vehicles and pedestrian access. These are currently linked by a surfaced path immediately to the front of the dwelling and the forked pedestrian access from Fulwood Avenue itself. The main driveways present as visually separate hardstandings with the formal green garden area and domestic scale paths providing a visual break between them. I have some concern that the linkage of these with an average width of about three metres of tarmac will harm the interpretation of the individual areas as being of domestic scale. The proposal will result in the outward spread of the commercial use across the frontage of the site. At present the commercial use associated with the nursery has been confined to the eastern drive. I consider that the scheme blurs the lines between the two separate uses and it will be inevitable that the new access arrangements will encourage increased activity across the frontage of the house and this will be at odds with the more infrequent vehicle movements commonly associated with the residential properties which characterise the Conservation Area. Notwithstanding that there is some potential to soften the site frontage through enhancement landscaping, I conclude that the combined extent of the hardstanding would be at odds with and harm the general character of the area, resulting in a more commercial and utilitarian appearance. An alternative surface

treatment may assist to some degree in reducing the impacts of the proposal but the scale of the combined hard standing would remain excessive in its context.

- 11.6 The Conservation Area Character Appraisal describes the area as being characterised by bespoke designed late C19 and early C20 detached dwellings which sit back from the roadside on a consistent building line. This provides space for front gardens which on the whole are well established and in combination with the existing mature trees and hedges provide an Arcadian feel to Fulwood and Douglas Avenues. As part of recognising the above as being important characteristics to the character and appearance of the Conservation Area, the Council has sought to manage the potential harm caused from incremental 'permitted development' changes by designating the Article 4(2) Direction. In my view the proposal would be prominent and, notwithstanding the provision of new landscaping to the site frontage, would be clearly viewed as involving the substantial loss of a traditional front garden, which will be at odds to that well defined character of the Avenue. Being sited close to the entrance of the Avenue this will be visually prominent. Due to the layout of the proposed in-out arrangement I also have some doubt as to whether the proposed landscaping areas would not see a degree of overrun about its edges (as is evident along the current frontage) reducing the quality of any landscaping. The Design Guide suggests sensitivity to the character of the historic environment and encouragement of high quality materials with the aim to enhance the character and appearance of the wider area. For the reasons stated above, I do not consider this requirement to be met with respect to the historic character. Furthermore, the tarmac proposed does not appear as a high quality material within the site context.
- 11.7 In determination of planning applications within a Conservation Area the principle statutory duty under the P(LBCA) Act 1990 is to preserve the special character of heritage assets, including their setting. In respect to conservation areas, the Council must pay special attention to the desirability of preserving or enhancing the character *and* appearance of that area. Further detail as to determining development proposals is set out in the NPPF and Policy EN4 of the WLLP. Policy EN4 – reaffirms a presumption in favour of the conservation of designated heritage assets.
- 11.8 I consider that, by virtue of the increased area of hardstanding, the loss of the visual break between the existing driveway areas, the loss of domestic scale of the resultant hardstanding and the relative containment of the consolidated garden, the proposal will fail to preserve the character and appearance of the Conservation Area in a manner classified as 'less than substantial' by the NPPF. In the circumstances, the NPPF requires the decision maker to consider whether the harm caused to the heritage asset would be outweighed by any public benefits arising from the development.
- 11.9 The applicant submits that benefits do accrue as a consequence of the improved traffic management for vehicles visiting the nursery facilitated by the in-out driveway and addresses areas of planning harm identified by the appeal Inspector in 2015, then considering the proposal to increase nursery places from 20 to 24.

Highways and Amenity

- 11.10 It is material to consider the relevant planning history of the site. In 2015, planning application 2014/1374/FUL was refused for the following reason:

By virtue of increased activity and absence of suitable drop-off and parking facilities the proposed development would result in significant on-road parking and manoeuvring in the locality to the detriment of the free-flow of traffic and amenity of nearby residential occupants, and therefore conflict with Policy GN3 and IF2 in the West Lancashire Local Plan (2012-2027) Development Plan Document.

- 11.11 This decision was subject to a planning appeal which was ultimately dismissed on the grounds of highway safety concerns – particularly in relation to reversing manoeuvres in and about the site, the inaccessibility of the site and the nature of its use i.e. small children being present in the locality where vehicle manoeuvring might be concentrated.
- 11.12 The applicant suggests that the provision of the in-out driveway will form a loop to reduce the amount of reversing manoeuvres in the vicinity of the site and thereby give rise to benefits both in terms of highway safety and neighbour amenity. I have some sympathy with that view. Previous schemes have generated significant representation with respect to the local effects in terms of vehicle numbers, reversing up neighbouring drives to turn, damage to frontages, blocking and general inconsiderate driver behaviour on Fulwood Avenue. The Inspector anticipated in that instance - where additional traffic would be generated by additional numbers of children, it would lead to on-street parking in a vicinity with no pedestrian footways and result in additional reversing manoeuvres that would pose an increased risk to highway safety. The effective use of an in-out system would have potential to address some of these concerns by facilitating continuous forward movement and theoretically reducing reversing manoeuvres and on road parking/waiting.
- 11.13 I do, however, have some reservations with respect to aspects of this argument. Firstly, the provision of an improved facility could, in itself, attract increases in the level of use of Fulwood Avenue, which, due to its width, surface and absence of pedestrian footways is identified as sub-standard to suitably facilitate the higher intensity activity of the nursery use in comparison to the remaining residential uses on the Avenue. Any increased use is likely to somewhat offset any benefit arising as detailed in the following paragraphs.
- 11.14 If increased use occurs then there is greater potential for the in-out loop to become ineffective. Whilst the combined area of the driveways and proposed link could accommodate up to 4 visitor vehicles, it will only take one extended drop-off to snarl the facility which could then still generate vehicle reversing in the concentrated area of the proposed access point which lies close to the main junction of Fulwood Ave with Hesketh Lane. Reversing from this driveway has poor visibility to approaching pedestrians and the main junction and therefore has the potential to adversely impact highway safety in a manner described by the appeal Inspector.
- 11.15 The intensified use of the turning area also has potential to increase general activity including noise from patrons, car doors, radios etc. This was a matter that the Planning Inspector considered and determined that the level of amenity impact would not be sufficient grounds to reject the 2015 application. Given any such activity is more likely (but not exclusively), to occur within the application site than previously, I likewise consider this would not constitute a firm ground for refusal.
- 11.16 Secondly, the current staffing requirement was stated at appeal as three full-time equivalent posts that requires the provision of three parking spaces to meet the standards set out in Policy IF2. The space adjacent to the eastern gable is only capable of accommodating two small vehicles whilst maintaining the pedestrian access to the nursery. A third space would substantially impede the pedestrian access to the nursery (or the ability to use the proposed loop). The consequent under provision of staff parking is likely to see displacement to either elsewhere on Fulwood Avenue or Hesketh Lane – both determined to be unsuitable at the appeal. Alternatively insufficient on-site provision would occur. Sufficient parking is shown for the domestic unit. Given the above I consider that some weight can be attributed to the benefits of the proposal in preventing and/or reducing some of the unsafe parking and manoeuvring of vehicles.

11.17 However, I consider those benefits to be offset by concerns in terms of the provision of staff parking (or waiting) over the pedestrian access, the removal of the pedestrian footways within the site and the general approach to facilitate private vehicle trips to the site that does not benefit from suitable public pathways runs contrary to the requirements of Policy GN3 in the WLLP and Para 110 of the NPPF which seek to prioritise the convenience and safety of pedestrians, cyclists and public transport users over car users. I would therefore conclude those benefits accrue less weight than the considerable weight in favour of preservation of the character and appearance of the Conservation Area.

Trees

11.18 The revised scheme proposes to retain a Silver Birch tree located on the site frontage. Whilst the proposed hardstanding may encroach slightly into the root protection area of the tree, it is not anticipated that the development would give rise to any significant threat to the health of the tree.

Other matters

11.19 Concerns in respect of amenity impacts as a consequence of hours of operation have also been raised. The site is free from planning restrictions on operational times. This matter is therefore substantially outside the consideration of the application. However, I would comment that the more infrequent use of the turning area during earlier and later times of opening are likely to be less restricted and therefore likely to reduce noise impacts to properties on the northern side of the Avenue but maintain a similar level of impact to the immediate property to the east.

11.20 It is alleged that the layout will impede a fire safety muster point; this is a matter for consideration under more direct regulation than the planning system and is likely capable of easy remediation and is not therefore attributed significant weight in this instance. Similarly, restrictions imposed by legal covenants are not a material planning consideration.

12.0 SUMMARY

12.1 In summary, I consider that by virtue of the increased hardstanding, linkage of the existing driveways and consequential loss of the domestic scale and characteristic garden, the proposals will result in a level of harm to the character and appearance of the Conservation Area that would be classified as 'less than substantial' as defined in the NPPF. That harm must be attributed considerable weight. The NPPF allows the identified harm to be balanced in the planning judgement by any public benefits arising from the proposals.

12.2 In terms of public benefits the applicant references the improvement to access arrangements that seek to address the planning harm identified during a recent appeal in terms of vehicular access arrangements. I agree that some highway safety benefits and local amenity impacts are likely to accrue from the proposal, however, due to the site and design limitations, and the implications of staff parking the weight afforded is diluted. Furthermore, the proposals are more likely to encourage private vehicle use at the cost of the existing limited facilities for pedestrians or other sustainable forms of transport access and therefore in direct conflict with Policy GN3 in the WLLP and the NPPF. Given the above, I consider that the development would not constitute a sustainable form of development and therefore the weight attributed to the harm to the character and appearance of the Conservation Area is not outweighed.

13.0 RECOMMEDATION

13.1 Planning permission is **REFUSED** for the following reasons:

Reasons for Refusal

1. The proposed development, by virtue of the amalgamation and extension of hardstanding area to the frontage of the site, would fail to preserve or enhance the character and appearance of the Conservation Area which, in the absence of public benefits to outweigh the identified harm, would conflict with Policy EN4 in the West Lancashire Local Plan (2012-2027) Development Plan Document and Part 16 of the National Planning Policy Framework.
2. The proposed development would fail to prioritise or promote the convenience of pedestrians, cyclists and public transport users over car users or provide safe pedestrian access and therefore conflicts with Policy GN3 in the West Lancashire Local Plan (2012-2027) Development Plan Document and Part 9 of the National Planning Policy Framework.
3. By virtue of its siting, scale and design, the proposed development would conflict with Policy GN3 1 i, ii and iv in the West Lancashire Local Plan (2012-2027) Development Plan Document and the Design Guide Supplementary Planning Document in that it would not have regard to the historic character of the local townscape and would detract from the character and streetscene of the locality.

Agenda Item 7h

No.8	APPLICATION NO.	2018/1148/FUL
	LOCATION	26 Miners View, Up Holland, Skelmersdale, Lancashire WN8 0AZ
	PROPOSAL	Change of use of the rear of a residential garage to allow the running of a beauty salon business from home. (Retrospective)
	APPLICANT	Mrs H Murray
	WARD	Up Holland
	PARISH	Up Holland
	TARGET DATE	22nd January 2019

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme however Councillor Moran has requested it be referred to Committee to consider whether some restrictions are needed to limit detrimental effects on the neighbours.

2.0 SUMMARY

- 2.1 The proposed development of the change of use of part of the garage is acceptable in principle. Subject to appropriate conditions it is considered the proposal will not have a significant impact on the amenity of neighbouring properties and would not result in any additional adverse impact on highway safety. The proposed development is considered to be compliant with the NPPF and Policies IF2, GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD.

3.0 RECOMMENDATION - APPROVE with conditions.

4.0 SITE DESCRIPTION

- 4.1 The site comprises a detached two-storey dwelling with attached double garage. It is located at the end of a small cul-de-sac within a modern housing estate. There are parking spaces on the driveway at the front of the garage.
- 4.2 There is a public footpath which runs from Chequer Lane along the side boundary of the site and across the housing estate. The footpath also leads to the cul-de-sac.

5.0 PROPOSAL

- 5.1 The application is retrospective in form and proposes the change of use of the rear part of the garage into a beauty salon. The remainder of the garage would remain as garage/storage.
- 5.2 The owner of the dwelling is the sole person working within the beauty salon.

6.0 PREVIOUS RELEVANT DECISIONS

Planning history

- 6.1 2013/0587/ARM - Approval of Reserved Matters - Partial re-plan of planning permission 2012/1286/ARM to erect 66 dwellings (comprising plot substitution to plots 30-64 with an additional 2 dwellings) together with associated works - Granted

Condition 4 stated: *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development and General Development Procedure) Orders 1995 or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, the garages shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority.*

- 6.2 2012/0809/OUT - Outline - Erection of up to 80 dwellings including details of access - Granted

Enforcement history

- 6.3 E/2018/0194/UAU - Change of use from residential to business from home - Ongoing (Initial complaint received 01/10/18)

7.0 OBSERVATIONS OF CONSULTÉES

- 7.1 LCC Highways

LCC Highways Development Support has no objection to the proposals and is of the opinion that 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 Officer

No objections to this application in principle.

The application is for a home business beauty salon within the garage of a house in a residential area. The proposed property is at the end of a cul-de-sac of detached properties and the entrance to the beauty salon is to the rear of the garage which is some distance away from other residential properties.

The proposal states there is adequate parking on the existing driveway which appears to be the case. The issue is that the driveway area due to the layout of the cul-de-sac is directly opposite the front elevation of the neighbouring property and the traffic route past other residential properties within the cul-de-sac.

The applicant is the business owner and there are no further employees and so the proposal is likely to generate only single persons coming for appointments one at a time, and I would expect, due to treatment length, arriving at least approximately an hour apart. As such I expect that the proposal would generate slightly more comings and goings than a single residential use would, but on balance, any disturbance is likely to be limited in duration.

As such I feel a restriction in the hours of operation and any deliveries /waste collections would be appropriate in order to protect residential amenity. I would also advise restricting the permission to only the applicant to prevent the expansion of the business or the use of employees in the future.

8.0 OTHER REPRESENTATIONS

- 8.1 Letters of objection to the application have been received which can be summarised as follows:

Concerns regarding increases in traffic, problems with parking and impacts on highway safety;

Concerns regarding disturbance including additional noise, hours of use;
Adverse impacts on privacy and security;
Damage to property - Concern whether applicant has appropriate insurance and safety certificates;
Fire and Health and Safety concerns - Concern whether the equipment been appropriately checked?;
Concern how waste will be dealt with;
Consider a more commercial site would be appropriate as this is not a retail park or shopping complex;
The applicant failed to discuss the start of her proposed business with neighbours.

Letters in support of the application have been received which can be summarised as follows:

Support the application and the owner of the business;
It is good to see local people starting a business in West Lancashire as it all helps boost the local economy and the greater good of the country;
The salon is clean and exceeds health and safety standards;
The application is not to expand the business;
The applicant only treats one person at a time;
The opening hours are clearly set out in the advertising and social media for the business;
There is a minute increase in traffic as a result of the business - at the most one car per hour;
I have never witnessed any issues with traffic, kids or dog walkers. The clients use the estate roads and Mr Murray's private driveway. There is no planned increase in traffic as the application is retrospective;
The business has been operating from the property for almost two years without complaint until now;
As a neighbour the business does not affect me or my young family;
There is very little traffic congestion, no noise pollution, and no risk for children, dog walkers or adult residents due to parked cars, no increased footfall. The clients drive carefully and are respectful to our local community;
There are no changes to the outside of the building to show that there is a salon present.

9.0 RELEVANT PLANNING POLICIES

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

The site is located within an allocated housing site as designated in the West Lancashire Local Plan 2012-2027 DPD.

National Planning Policy Framework

Building a strong competitive economy
Promoting healthy and safe communities

West Lancashire Local Plan Policies

GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
IF2 - Enhancing Sustainable Transport Choices

Supplementary Planning Document - Design Guide (January 2008)

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

10.1 The main considerations for this application are:

Principle of development
Design
Impact on residential amenity
Highways
Other matters

Principle of development

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

10.3 Paragraph 80 of the NPPF supports economic growth and productivity taking into account local business needs. Paragraph 81 sets out a need to accommodate new and flexible working practices such as live-work accommodation.

10.4 The proposed business is very small scale, being operated solely by the applicant who also lives at the attached dwelling. The business has been operating for approx. 2 years from this address and the proposal is for retention in its current form. No expansion of the business is proposed.

10.5 It is my view that the principle of small scale business development is supported by the NPPF. On that basis the principle of this development is acceptable provided it complies with other relevant national and local planning policies.

Design

10.6 Policy GN3 supported by the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings.

10.7 No alterations are required to the external appearance of the garage as a result of the change of use and the garage doors are proposed to remain. No signage has been erected and the boundary treatment/gates remain in place. It is my view that the change of use does not adversely impact on the street scene or the visual amenity of the area. On that basis the development complies with the requirements of policy GN3.

Impact on residential amenity

10.8 Paragraph 17 of the NPPF requires that planning should always seek to ensure a good standard of amenity for all existing and future residents. The application must also be assessed in terms of Policy GN3 of the West Lancashire Local Plan (2012-2027), which states that development should retain or create reasonable levels of privacy and amenity for occupiers of the neighbouring properties.

10.9 I have consulted the Council's Environmental Health Officer (EHO) who raises no objection to the principle of the change of use of the garage. As the business owner is a 'sole-trader' the disturbance caused by the additional visits would be limited.

10.10 Conditions have been suggested by the EHO in respect of hours of operation and collection of waste. It is also suggested that the permission is personal to the applicant. I

note that the EHO has recommended hours of operation to finish at 1900hrs Tuesday to Friday. However the Council must consider the hours which has been stated by the applicant in the submission i.e. open until 2000hrs. It is my view that due to the level of operations proposed it would not be injurious to the residential amenity of the neighbours for the premises to offer beauty treatments until 2000hrs.

- 10.11 I am satisfied that the other recommended conditions would protect the amenity of the neighbouring properties and that, subject to restrictive conditions, the retention of the change of use would be acceptable and would comply with the relevant parts of policy GN3 and with the NPPF.

Highways

- 10.12 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards. Adequate parking should be provided in accordance with policy IF2.
- 10.13 I have consulted the Highway Authority who have advised there is no objection to the proposal. I note that there is a condition requiring the garage to be retained in the approved form. However, having regard to the size of the existing driveway, I consider that the property retains sufficient parking for the dwelling along with an additional space for the business. The increase in traffic as a result of the proposal is minimal and the Highway Authority consider the development would have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

- 10.14 I am satisfied the development would comply with policies GN3 and IF2.

Other matters

- 10.15 Concerns have been raised in regard to matters such as whether the business has appropriate insurance and safety certification. Such matters are covered by other appropriate legislation and are not therefore matters which need to be taken into account in the assessment of this planning application.

11.0 RECOMMENDATION

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

Conditions

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Site location plan and floor plan received by the Local Planning Authority on 1st November 2018 and site layout plan and floor plan received on 19th November 2018.
2. This permission shall only be for the benefit of Mrs Helen Murray to operate a beauty salon at 26 Miners View in the location shown on floor plans received 1st November 2018 and 19th November 2018 and shall not ensure for the benefit of the land. No staff may be employed on the premises at any time.
3. The use hereby permitted shall only take place between the hours of 0900 and 2000 Tuesday to Friday, 0900 and 1300 Saturdays and shall not take place at any time on Mondays, Sundays or Public/Bank Holidays.
4. In respect of the business premises no deliveries shall be taken at the site or waste collections made except between the hours of 0900 and 1900 Tuesday to Saturday.

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. 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.

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

Agenda Item 7i

No.9	APPLICATION NO.	2018/0628/COU
	LOCATION	Car Park, Canal Bank, Appley Bridge, Lancashire
	PROPOSAL	Siting of metal container for storage of tools and equipment.
	APPLICANT	Appley Bridge Community Ass
	WARD	Wrightington
	PARISH	Wrightington
	TARGET DATE	6th August 2018

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme however Councillor Owen and Councillor Baybutt have requested it be referred to Planning Committee to consider how the container would be brought onto the site and to consider how far this container would be located from the neighbours boundary.

2.0 SUMMARY

- 2.1 The proposed development comprising the siting of a metal storage container is acceptable in principle. Subject to appropriate conditions it is considered the proposal will not have a significant impact on the amenity of neighbouring properties and would not result in a significant adverse impact on highway safety or on trees of amenity value. The proposed development is considered to be compliant with the NPPF and Policies EN2, IF2, GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD.

3.0 RECOMMENDATION - APPROVE with conditions.

4.0 SITE DESCRIPTION

- 4.1 The site comprises an area of land situated between a row of dwellings and a car park near to the canal in Appley Bridge. At present the land is covered with scrub vegetation however there are several trees within close proximity to the site. To the south of the car park is a community woodland known as 'The Meadows'.

5.0 PROPOSAL

- 5.1 The application proposes the siting of a container to be used for storage purposes by the Appley Bridge Community Association. It is proposed the container will be clad in timber and will have a living roof.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 None.

7.0 OBSERVATIONS OF CONSULTEES

- 7.1 Wrightington Parish Council

The Parish Council will leave this decision to the professional officers.

- 7.2 Canal and River Trust

The shipping container would be sited on land which is owned by the Canal & River Trust.

No objections in principle. Some concerns that the site is located to the south of the Leeds & Liverpool canal and is accessed via the trackway/towpath from Appley Bridge. It is unclear how the shipping container would be delivered to the site. The access track which runs parallel to the canal from Appley Bridge may not be suitable for large vehicles. The applicant would need to make suitable arrangements to ensure the safe delivery of the shipping container.

8.0 OTHER REPRESENTATIONS

8.1 Letters of representation have been received which can be summarised as follows:

Consider siting is too close our property;
Potential for illegitimate behaviour, loss of privacy and security;
Potential for a small space to be created between our fence and the container which may be used by homeless people or to create a den for playing in;
Small gaps may be used for fly tipping;
Concerned that access to the container should be restricted so it cannot be accessed in the evenings of outside normal working hours;
Concern that there would be a reduction in the number of parking spaces.

9.0 RELEVANT PLANNING POLICIES

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

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

National Planning Policy Framework

Building a strong competitive economy
Promoting healthy and safe communities

West Lancashire Local Plan Policies

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

Supplementary Planning Document - Design Guide (January 2008)

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

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

10.1 The main considerations for this application are

Principle of development
Design
Impact on residential amenity
Highways
Impact on trees

Principle of development

- 10.2 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.
- 10.3 Paragraph 145 in the National Planning Policy Framework states that “A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.” There are 7 exceptions to this rule including *“the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”*.
- 10.4 The Meadows which is a publically accessible woodland is used for outdoor recreation purposes. The applicant, Appley Bridge Community Association, is responsible for the maintenance of this land. A storage container is required for their equipment used on the land.
- 10.5 It is my view that the storage container is an appropriate facility that is required in connection with the outdoor recreation uses of The Meadows and therefore the principle of the development is acceptable.
- 10.6 Having regard to the location of the container at the end of the row of dwellings and adjacent to the car park I consider there would be no adverse impact on openness and the development would not conflict with any of the purposes of including land within the Green Belt.
- 10.7 I am satisfied the development would comply with the requirements of the NPPF and with local plan policy GN1.

Design

- 10.8 Policy GN3 supported by the Council’s SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings.
- 10.9 During the course of the application the design has been amended and the applicant has confirmed the container will be clad in timber and will have a living roof installed. I am satisfied the appearance of the structure would be acceptable and respects the characteristics of its surroundings. The container is small in size and its siting will be unobtrusive being situated in the corner of the site close to existing fencing.
- 10.10 On that basis I consider the development complies with the requirements of policy GN3.

Impact on residential amenity

- 10.11 Paragraph 17 of the NPPF requires that planning should always seek to ensure a good standard of amenity for all existing and future residents. The application must also be assessed in terms of Policy GN3 of the West Lancashire Local Plan (2012-2027), which states that development should retain or create reasonable levels of privacy and amenity for occupiers of the neighbouring properties.
- 10.12 Concerns have been raised that the siting of the structure may lead to an increase in anti-social behaviour or use of the area around the site for play purposes. It is my view that there is no evidence that a storage container would lead to an increase in such

behaviours. The container would be locked to keep the stored items secure and the remainder of the site would be open to the public in the same way that it is at present.

- 10.13 Concerns have also been raised that the structure would allow people to climb on top and view into neighbouring properties. Given the distance between the container and the neighbouring property and noting that the boundary is already partially screened with trees I considered it is unlikely that there would be significant overlooking or loss of privacy to the neighbouring property as a result of the proposal.
- 10.14 Subject to a restrictive condition ensuring the use of the container is for storage purposes only it is considered that siting of the container would be acceptable and would comply with the relevant parts of policy GN3 and with the NPPF.

Highways

- 10.15 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards. Adequate parking should be provided in accordance with policy IF2.
- 10.16 The container would be sited on an area of scrubland next to the existing car park. It is my view that none of the existing car parking spaces would be affected by the development.
- 10.17 It is considered that the development would have a negligible impact on highway safety and highway capacity within the vicinity of the site.

Impact on trees

- 10.18 There are a number of trees within close proximity to the proposed site of the container which are prominent in the street scene and of substantial value to the visual amenity of the area.
- 10.19 Details of how the container will be manoeuvred into position have been provided and the canopies of the tree have been marked on the plan. The plan indicates that some pruning is required of lower branches.
- 10.20 The Council's Arboricultural Officer has considered the proposals and considers that there is adequate detail provided to demonstrate that the siting of the container close to the existing trees would not result in any loss or significant damage to those trees.
- 10.21 Provided that the pruning of the trees is carried out in accordance with the relevant British Standards I consider the development would comply with policy EN2.

11.0 RECOMMENDATION

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

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference 3764-18-02B received by the Local Planning Authority on 1st February 2019.

3. Within three months of the hereby container being moved onto the site it shall be fully clad in timber that shall be painted or stained in colour that has previously been agreed in writing by the Local Planning Authority.
4. All works to the adjacent trees shall be undertaken in accordance with BS 3998:2010 Recommendations for Tree Work.

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.

Notes

1. The applicant/developer is advised to contact The Third Party Works Team (01782 779909) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".
The land is owned by the Canal & River Trust. The applicant/developer is advised to contact the Trust's Estates Team on 0303 040 4040 in order to ensure that any necessary consents are obtained.

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 Choices
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.

