



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

Wednesday, 17 July 2019

TO: COUNCILLORS **G DOWLING, A PRITCHARD, I ASHCROFT, MRS P BAYBUTT, A BLUNDELL, C COUGHLAN, V CUMMINS, N DELANEY, C DERELI, T DEVINE, D EVANS, S EVANS, J FINCH, D O'TOOLE, E POPE, J THOMPSON, MRS M WESTLEY AND J WITTER**

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET, ORMSKIRK, L39 2DF** on **THURSDAY, 25 JULY 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

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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

To receive as a correct record the minutes of the meeting held on the 20 June 2019. 167 -
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7. PLANNING APPLICATIONS

To consider the report of the Director of Development and Regeneration. 171 -
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7a **2019/0089/FUL - 33-35 & 37 Church Street, Ormskirk, L39 3AG** 181 -
194

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

7b **2019/0311/ARM - Land to the East of Tollgate Crescent, Burscough Industrial Estate, Burscough** 195 -
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To consider the report of the Director of Development and Regeneration.

7c **2019/0438/FUL - Land to the East of Tollgate Road, Burscough** 209 -
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To consider the report of the Director of Development and Regeneration.

- 7d **2019/0201/FUL - Shireoaks, Wigan Road, Lathom, Ormskirk** 221 -
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- To consider the report of the Director of Development and Regeneration.
- 7e **2019/0422/FUL - 179 Long Lane, Aughton, Ormskirk** 231 -
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- To consider the report of the Director of Development and Regeneration.

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

FIRE EVACUATION PROCEDURE: Please see attached sheet.

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

For further information, please contact:-

Jill Ryan on 01695 585017

Or email jill.ryan@westlancs.gov.uk

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

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

IF YOU DISCOVER A FIRE

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

ON HEARING THE FIRE ALARM

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

NOTES:

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

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

CHECKLIST FOR PERSON IN CHARGE

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

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

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

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

NOTE:

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

CHECKLIST FOR ZONE WARDEN

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

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

INSTRUCTIONS FOR DOOR WARDENS

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

Agenda Item 4

MEMBERS INTERESTS 2012

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

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

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

Please tick relevant boxes

Notes

General			
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"/>	<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, 20 June 2019

Start: 7.00pm

Finish: 8.35pm

PRESENT:

Councillor: G Dowling (Chairman)
A Pritchard (Vice-Chairman)

Councillors: T Aldridge D Evans
Mrs P Baybutt S Evans
T Blane J Finch
A Blundell D O'Toole
C Coughlan E Pope
V Cummins J Thompson
C Dereli Mrs M Westley
T Devine Mrs J Witter

In attendance: Councillor K Lockie (North Meols Ward)
Councillor I Rigby (Bickerstaffe Ward)

Officers: Ian Gill – Deputy Director Development and Regeneration
Catherine Thomas – Head of Development Management
Matthew Jones – Deputy Borough Solicitor
Eileen Woollacott – Planning Appeals Officer
Jill Ryan – Member Services/Civic Officer

16 APOLOGIES

There were no apologies for absence received.

17 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillors I Ashcroft and N Delaney and the appointment of Councillors T Blane and T Aldridge for this meeting only, thereby giving effect to the wishes of the Political Groups.

18 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

19 DECLARATIONS OF INTEREST

Councillor D Evans declared a pecuniary interest in respect of planning application 2018/0606/FUL, Marsh View Stables, Rydings Lane, Banks as a close associate of the applicant was known to him.

20 **DECLARATIONS OF PARTY WHIP**

There were no Declarations of Party Whip.

21 **MINUTES**

RESOLVED: That the minutes of the meeting held on the 22 May 2019 be approved as a correct record and signed by the Chairman.

22 **PLANNING APPLICATIONS**

The Director of Development and Regeneration submitted a report on planning applications (all prefixed 2019 unless otherwise stated) as contained on pages 121 to 159 of the Book of Reports and on pages 161 to 162 of the Late Information Report.

(Notes:

1. An Objector and the Applicant spoke in connection with planning application 0060/FUL relating to Land Adjacent to Railway Line, Sandy Lane, Aughton.
2. An Objector and the Agent spoke in connection with planning application 0192/FUL relating to The Slipway, 48 Crabtree Lane, Burscough.
3. Councillor D Evans had declared a pecuniary interest in respect of planning application 2018/0606/FUL relating to Marsh View Stables, Rydings Lane, Banks as he knew a close associate of the applicant and therefore left the Chamber during consideration of this item).

23 **2019/0060/FUL - LAND ADJACENT TO RAILWAY LINE, SANDY LANE, AUGHTON**

RESOLVED: That planning application 0060/FUL relating to land adjacent to Railway Line, Sandy Lane, Aughton be refused for the reasons as set out below:-

The proposed development, by virtue of its siting, scale and design, would result in harm to the Green Belt by virtue of inappropriateness, loss of openness and conflict with one of the purposes of including land in the Green Belt (safeguarding the countryside from encroachment), contrary to the NPPF and Policy GN1 of the West Lancashire Local Plan 2012-2027 Development Plan Document. The harm is not outweighed by the circumstances of the application.

The proposed development, by virtue of its siting, scale and design, would result in harm to the visual amenity of the locality and conflict with the local landscape character and therefore conflict with Policies GN3 and EN2 in the West Lancashire Local Plan.

24 2019/0192/FUL - THE SLIPWAY, 48 CRABTREE LANE, BURSCOUGH, ORMSKIRK, L40 ORN

RESOLVED: That planning application 0192/FUL relating to The Slipway, 48 Crabtree Lane, Burscough be approved subject to the conditions as set out on pages 138 to 140 of the Report and with the amendment to Condition 5 as set out below:-

No development shall take place until a strategy for the surface water drainage of the development, including any necessary attenuation measures and measures to prevent pollution of the nearby canal including oil interceptors, if necessary, has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage strategy must take account of the relevant provisions of this 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 standards. The drainage scheme shall be completed in accordance with the approved details. The peak surface water rate of discharge is to be limited to 3.01/s.

25 2018/1115/OUT - LAND TO THE REAR OF THE BULL AND DOG INN, LORDSGATE LANE, BURSCOUGH, ORMSKIRK, L49 7ST

RESOLVED: That planning application 2018/1115/OUT relating to Land to the rear of the Bull and Dog Inn, Lordsgate Lane, Burscough be approved subject to the conditions as set out on pages 146 to 149 of the Book of Reports.

26 2018/0606/FUL - MARSH VIEW STABLES, RYDINGS LANE, BANKS

RESOLVED: That planning application 2018/0606/FUL relating to Marsh View Stables, Rydings Lane, Banks be approved subject to the conditions as set out on pages 157 to 159 of the Book of Reports and with an additional condition as set out below:-

Condition No. 12

No plant, machinery or power tools shall be installed or operated at the site other than portable hand tools.

Reason No. 12

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

.....
Chairman



PLANNING COMMITTEE
25 JULY 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	Knowsley	2019/0089/FUL	<p>33 - 35 & 37 Church Street Ormskirk Lancashire L39 3AG</p> <p>Demolition of two existing buildings (No. 33-35 and 37 Church Street) and erection of four/five storey mixed-used building comprising spilt-level retail unit (Class A1) at Ground and Lower Ground Level with Student Accommodation above. Landscaping to site areas as detailed. The proposal includes the formation of 2no. 'drop-off' car parking spaces and cycle storage on site.</p>	Planning permission be granted.
2	Burscough West	2019/0311/ARM	<p>Land To The East Of Tollgate Crescent Burscough Industrial Estate Burscough Lancashire</p> <p>Reserved Matters - Construction of seven employment buildings (falling within use classes B1, B2 & B8) comprising a total of 11,721 sqm (GEA) and associated works pursuant to outline planning permission Ref. 2015/0171/OUT. Including Approval of Details Reserved by Condition 8 (Highways), 16 (Arboricultural Method Statement), 18 (Landscaping), 27 (Foul/Surface Water Drainage Strategy), 28 (Foul Drainage), 31 (Levels) and 35 (Noise).</p>	Reserved Matters be approved.
3	Burscough West	2019/0438/FUL	<p>Land To The East Of Tollgate Road Burscough Lancashire</p> <p>The erection of a building for use as employment (B1, B2 or B8) or leisure (D2), together with the laying of an access road from the existing roundabout at Tollgate Road, and other associated works.</p>	Planning permission be granted.

4	Bickerstaffe	2019/0201/FUL	Shireoaks Wigan Road Lathom Ormskirk Lancashire L40 6JN Demolition of existing barn and storage shed and erection of dwelling and stable block.	Planning permission be granted.
5	Aughton Park	2019/0422/FUL	179 Long Lane Aughton Ormskirk Lancashire L39 5BU Erection of 2no. pitched roof dormer windows to front elevation and flat roof dormer to the rear together with other associated external alterations.	Planning permission be granted.



PLANNING COMMITTEE

25th July 2019

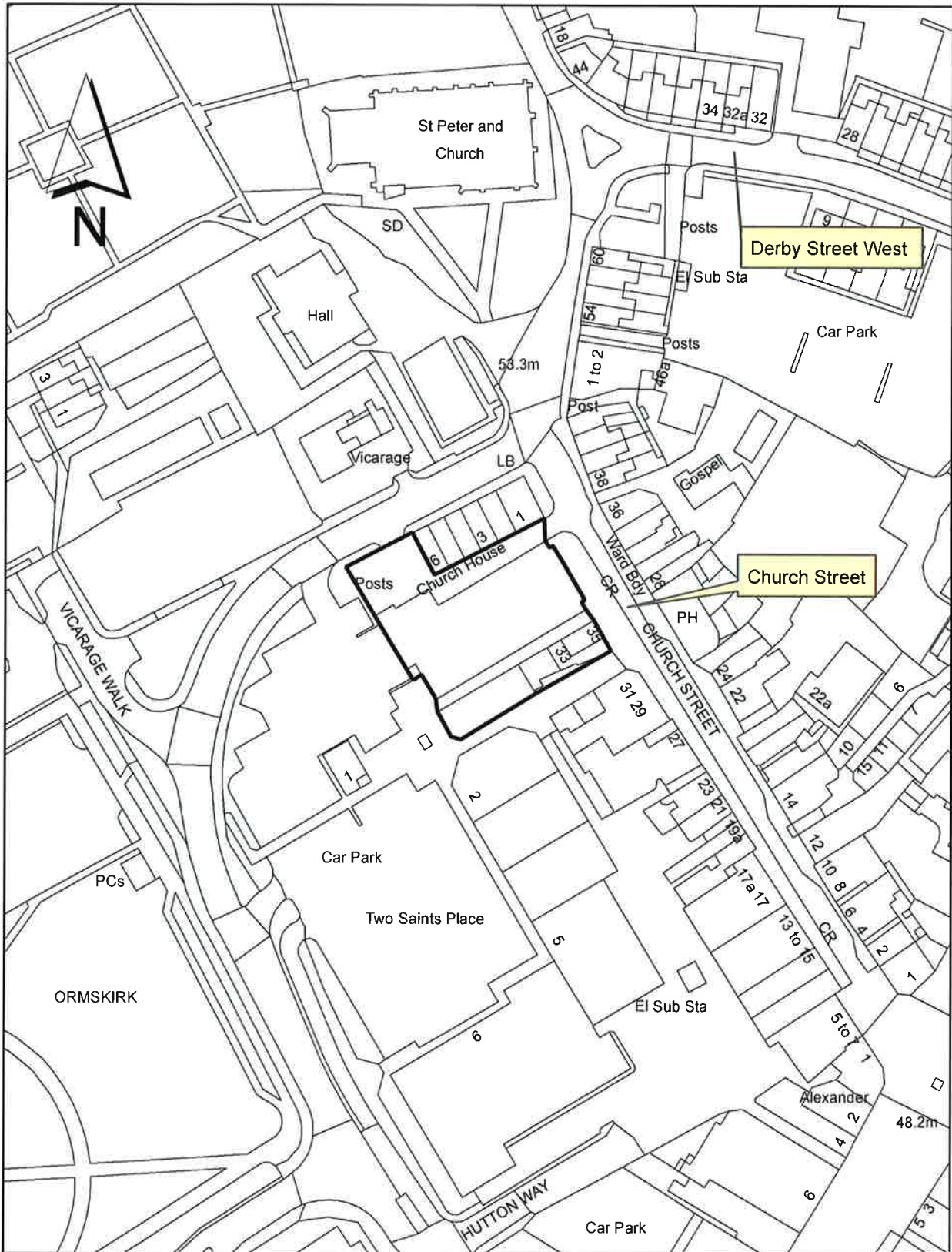
(Agenda Item 7)

PLANNING APPLICATION ITEMS

LOCATION PLANS

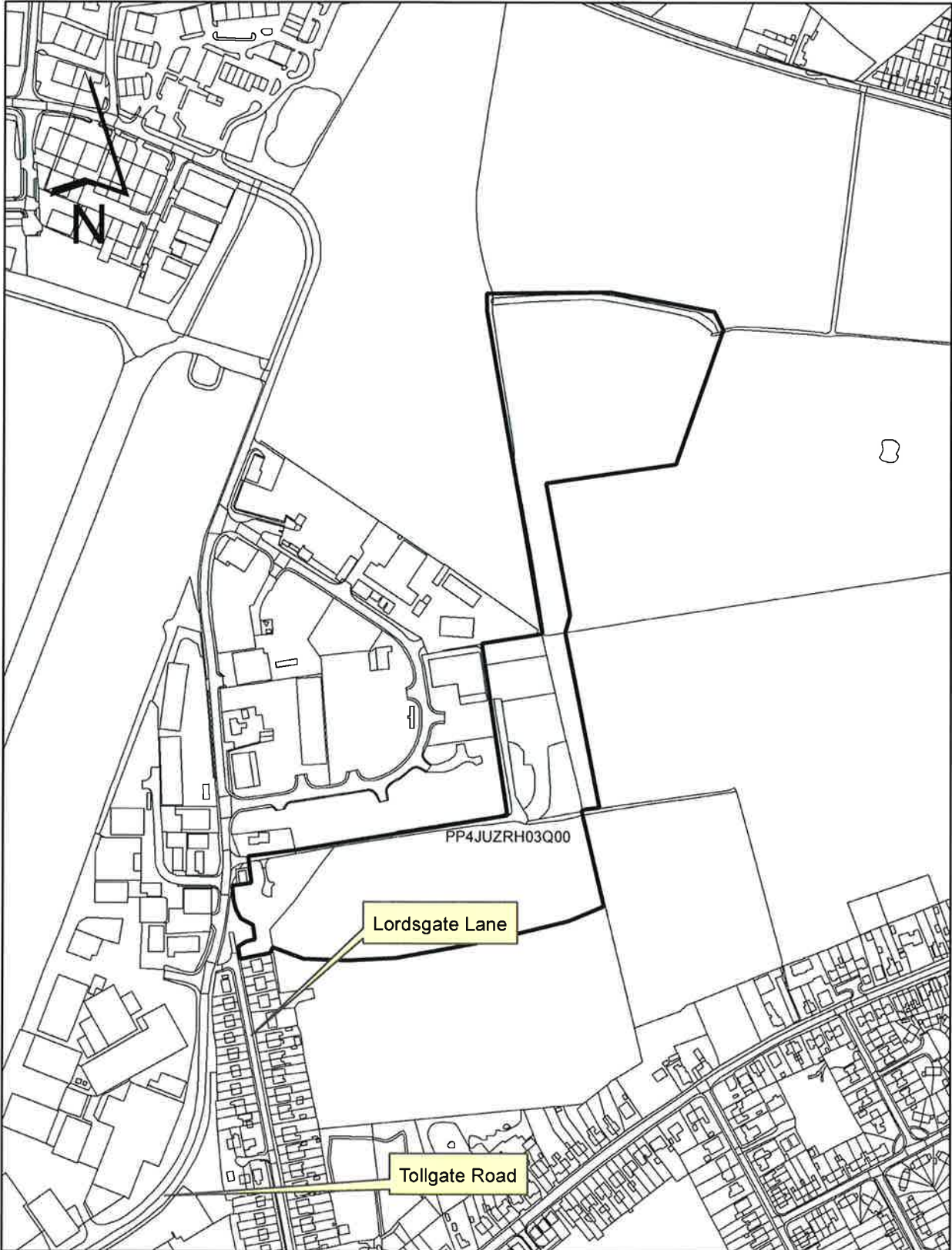


33-35 & 37 Church Street, Ormskirk L39 3AG



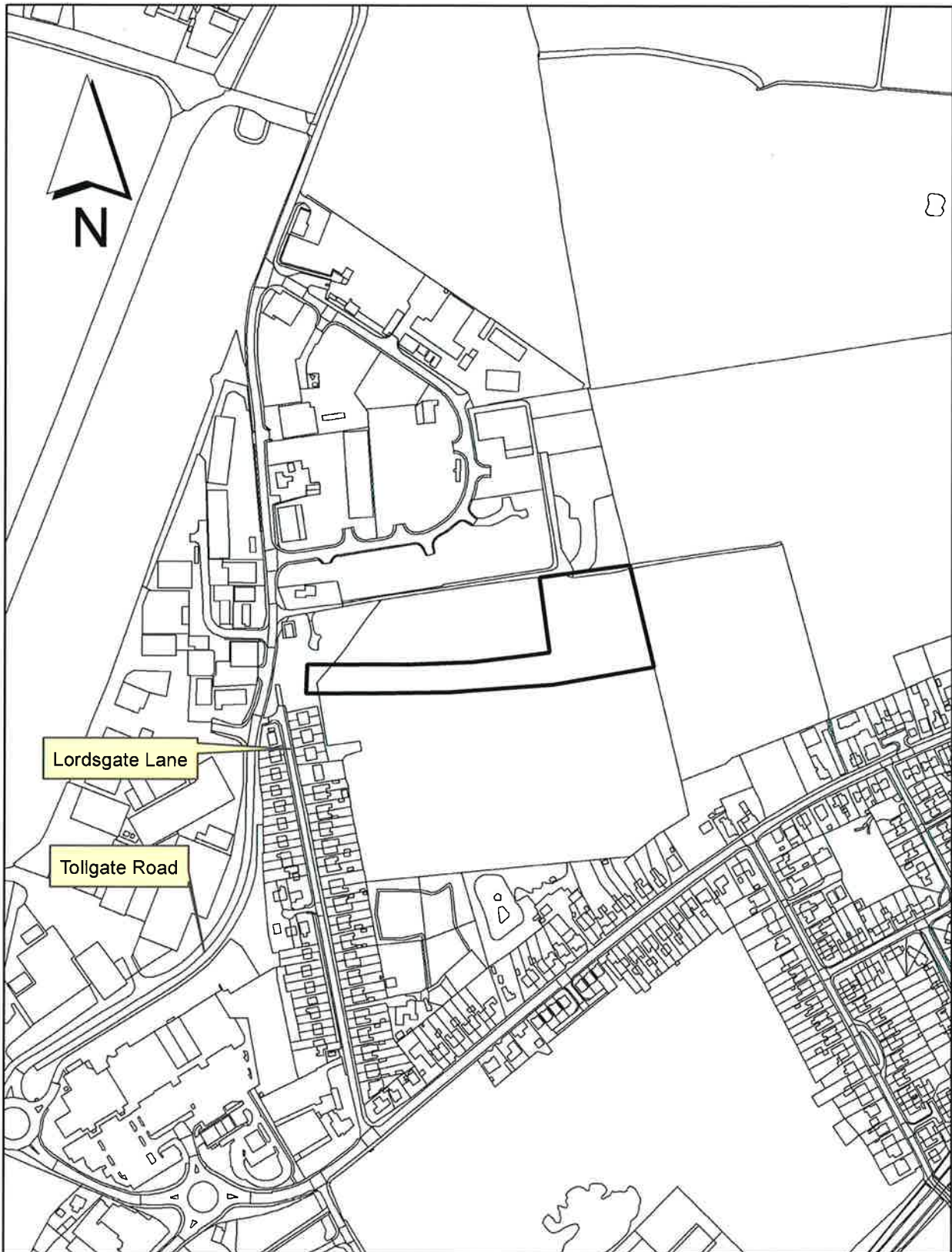


Land to the east of Tollgate Crescent, Burscough Industrial Estate,
Burscough L40 8LT



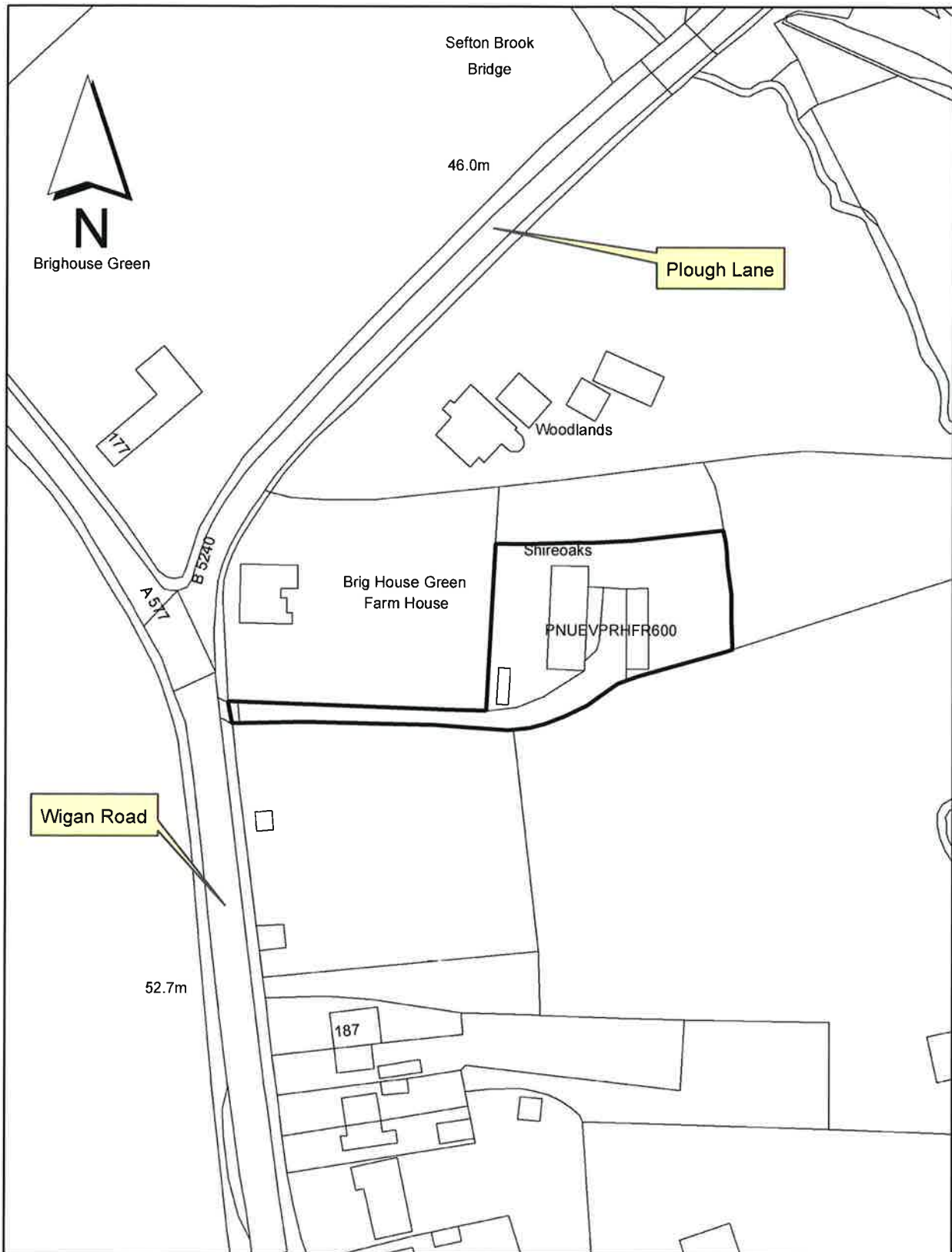


Land to the east of Tollgate Road, Burscough L40 8LT



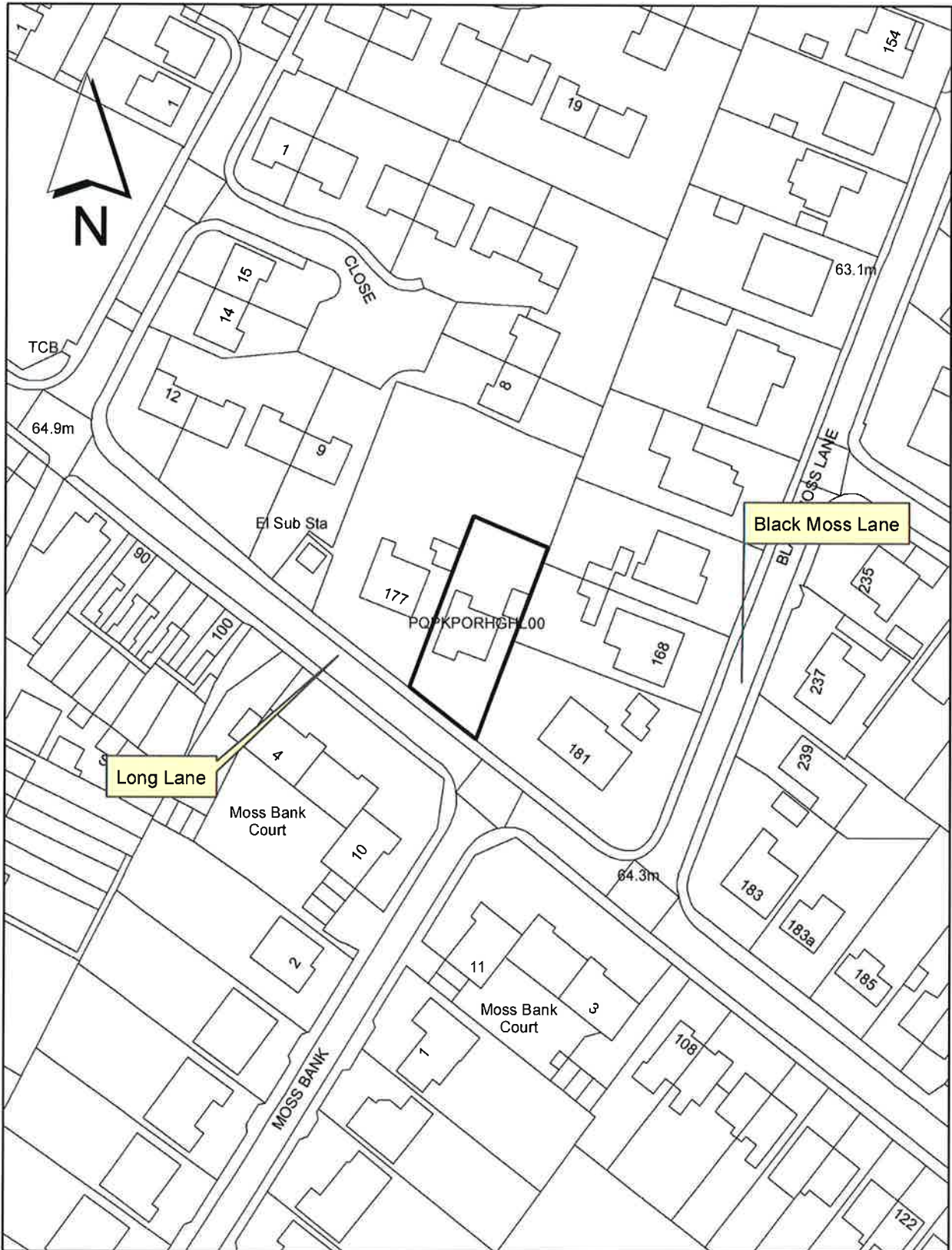


Shireoaks, Wigan Road, Lathom, L40 6JN





179 Long Lane, Aughton, L39 5BU.



Agenda Item 7a

No.1	APPLICATION NO.	2019/0089/FUL
	LOCATION	33 - 35 & 37 Church Street Ormskirk Lancashire L39 3AG
	PROPOSAL	Demolition of two existing buildings (No. 33-35 and 37 Church Street) and erection of four/five storey mixed-used building comprising split-level retail unit (Class A1) at Ground and Lower Ground Level with Student Accommodation above. Landscaping to site areas as detailed. The proposal includes the formation of 2no. 'drop-off' car parking spaces and cycle storage on site.
	APPLICANT	Regal Ormskirk Ltd
	WARD	Knowsley
	PARISH	Unparished - Ormskirk
	TARGET DATE	16th May 2019

1.0 **SUMMARY**

- 1.1 This is a full application for the demolition of two buildings on Church Street (numbers 33 to 37) and the erection of a four / five storey building comprising of a split level retail unit (Class A1) at ground floor and lower ground floor with three floors of student accommodation above. The current buildings are shown in the Conservation Area Character Appraisal Update as not making a positive contribution to the character and appearance of the Conservation Area. The former Regal Cinema has been significantly compromised by alterations since its closure in the 1960's and both buildings are of limited architectural merit. Based on the scale and appearance of the existing building I do not consider the replacement building will cause harm to the character or appearance of the Ormskirk Town Centre Conservation Area or the street scene. Subject to suitable planning conditions, I consider the scheme to be acceptable in principle and compliant with policies GN1, GN3, RS3, EN4 and IF2 of the Local Plan.

2.0 **RECOMMENDATION: APPROVE WITH CONDITIONS**

3.0 **THE SITE**

- 3.1 The application site comprises of two detached buildings on the south west side of Church Street which is within the pedestrianised area of Ormskirk Town Centre and Ormskirk Town Centre Conservation Area.
- 3.2 The larger of the two buildings has a dual aspect with both Church Street and Two Saints Place Retail Park and car park to the rear and is currently occupied on the ground floor by Poundstretcher. The upper floors are partly used for storage but are mainly vacant. This building was constructed in 1936 and opened as a cinema known as The Regal. It closed in 1963 and became a bingo hall and then a Tesco supermarket in 1965.
- 3.3 The smaller of the two buildings is a three storey flat roofed building and is currently vacant but was previously occupied by a hairdressers on the ground floor with an entrance to offices which are used in connection with a local estate agency firm at first floor. The land to the rear of this building is derelict.

4.0 **THE PROPOSAL**

- 4.1 Planning permission is sought for the demolition of two buildings on Church Street (numbers 33 to 37) and the erection of a part four part five storey building comprising of a split level retail unit (Class A1) at ground floor and lower ground floor with three floors of

student accommodation above.

- 4.2 Vehicle access to the site off the A570 Park Road has been retained for servicing and deliveries and includes two car parking spaces and cycle storage.
- 4.3 The retail unit has been designed to provide a large open plan footprint (approx 1626m²), split over two levels and facing both Church Street and the car park.
- 4.4 The student accommodation comprises of 91 bedrooms over three floors. The following format is proposed: 4x cluster of four beds, 3x cluster of 5 beds, 8x cluster of 6 beds and 12 studios. Each cluster will be situated off a main circulation corridor and will comprise of en-suite bedrooms and a shared living area comprising of kitchen, lounge and dining area. The studios will comprise a self-contained bedroom, kitchen and bathroom. Each bedroom has a full height glazing panel with opening window. Shared living spaces are situated in the corner of the floor plan to allow dual aspect views out. An external courtyard has been formed in the centre of the building.
- 4.5 It is noteworthy that planning permission was previously granted in 2003 for the demolition of the smaller of the two buildings and erection of new retail/office space and then granted in 2005 for the erection of 4/5 storey building comprising of commercial units with student accommodation above.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 8/2003/0240 GRANTED Erection of new retail/office development.
- 5.2 8/2003/0241 GRANTED Conservation Area Consent - Demolition of existing building erection of new retail / office development.
- 5.3 8/2005/1436 GRANTED Demolition of existing building and erection of 4/5 storey building comprising 2 commercial units (retail and food/drink - Class A3/A4) at basement and ground floor levels with student accommodation above.

6.0 OBSERVATIONS OF CONSULTEES

- 6.1 LCC Highways (21.03.19) – No Objections; Conditions suggested.
- 6.2 Lead Local Flood Authority (LLFA) (20.03.19) - No objections subject to conditions.
- 6.3 Cadent (22.02.19 & 25.02.19) – Advice given; there is operational gas apparatus within the site boundary and may include a legal interest in the land which restricts activity in proximity to cadent assets.
- 6.4 Lancashire Archaeology Advisory Service (LAAS) (20.03.19) No Objections subject to condition.
- 6.5 Historic England (05.03.19 & 15.03.19) No Comments to make; Rejected a third party application to add the building to the statutory list of buildings of special architectural or historic interest.
- 6.6 Lancashire Constabulary (15.02.19) - Advice given.
- 6.7 United Utilities (08.03.19) - No Objection; conditions suggested.
- 6.8 Drainage Engineer (20.02.19) - No Objections subject to condition.

6.9 Environmental Health (05.04.19) – No objections; conditions suggested.

7.0 **OTHER REPRESENTATIONS**

7.1 I have received a significant number of letters of objection from local residents and a resident group and a petition with 139 signatures from visitors to Ormskirk Town Centre who object to the proposal. These concerns are summarised below:

Heritage and charm of this traditional market town is being eroded /destroyed
The old art deco 1936 cinema The Regal should be preserved as part of the town's heritage. It has a classic unique design.

Loss of heritage in Ormskirk

Concerns over mass, scale and design of building

Overbearing building

Building is too large and is out of character

Squeezing a large building into this space

Design of building is awful

A 4/5 storey building will dwarf the conservation area and be out of keeping with surrounding buildings and the listed church

No regard to the visual amenity of the area

This building should be converted and its art deco features revealed again not knocked down

It could be a cinema again or a cultural centre

What will happen to the archaeological site behind the hairdressers?

Developers are spoiling the town

Has nothing been learnt from the beautiful old buildings in the town that were demolished in the 60's/70's

No parking for 93 students

Other innovative uses need to be explored

No decent shops anymore, just bars, coffee shops and charity shops.

Congestion

Ormskirk needs to attract a range of residents who will support the town all year round by using the facilities on offer and by paying council tax to support our local services and infrastructure

Every time a building is converted into student accommodation the balance shifts and the town becomes more non-descript and its character is diminished

The need for further student accommodation of this scale is unnecessary. The information provided on Edge Hill student numbers is outdated

More student accommodation in the form of a large multi storey residence block is not required.

Student numbers are falling and there is more capacity at Edge Hill for students to live

There are a number of purpose built student accommodations being built nearby, why are more needed?

Several 'To-Let' signs in the area suggest no demand

There is an oversupply of student accommodation in the town.

Occupiers of student accommodation don't pay council tax and are left empty half the year
Too many HMO's in the town centre

In the immediate vicinity there is already an incomplete purpose built student accommodation on Church Street, another incomplete purpose built student accommodation opposite the Church, many above retail student rooms/flats, all of which leads to levels of clustering

Students only bring money to the bars and clubs in Ormskirk

We need residential development for young professionals

Ormskirk is known for its nightlife but not somewhere you would want to shop in the day,

the few decent shops left will be gone soon due to rising rates
Edge Hill should build accommodation on their own land

- 7.2 I have received a small number of letters from local residents and businesses who support the development. These concerns are summarised below:

As a business owner in this part of Church Street I have a vested interest in the success of the town centre. Since Tesco shut down several years ago, we have seen a significant loss in trade. We are at the top end of town near the church and it is really important to have passing trade.

The building at 33-35 Church Street is not in good condition and is empty. Although Poundstretcher is in the ground floor of the old Regal cinema building, we do not feel this attracts anywhere near as many shoppers as Tesco did or as a big retailer might. There is nothing going on with the upper floors and that is a wasted opportunity in a town centre location. A large new shop (like Primark or Next etc.) would attract new customers to the town and increase the footfall. This will have a knock-on positive effect for the entire town. Bringing students into the town centre will also increase footfall and increase the night-time economy.

Look forward to the realisation of this project and the improvement of Church Street and the Town Centre.

The building currently is an eye sore, very old fashioned could definitely do with a new touch and an upgrade, as it is a negative impact on the street at present.

Some new shops would be very nice as Poundstretcher is going and the property could be empty for a long time, the hair studio and upper floors next to pound stretcher are also empty. The proposed buildings will increase foot fall and increase much needed new shops to draw people to the town centre and to Church St.

I believe this investment to the town centre would be something not to be missed.

This is best for Ormskirk town as nobody is doing anything to this scale and it is nice to see someone is trying

The town centre is the best place to house students of Edge Hill and a building specifically for students can be properly managed

As a resident I have witnessed the steady increase in student rental properties which has had an impact on local residents including noise disturbance and litter.

House prices have risen as investors have bought family houses to convert into student lets which means less affordable houses for families wanting to live in Ormskirk.

Result in less student lets in residential areas

A large retail unit in Church Street is also welcomed

The town centre is declining and this development will help

- 7.3 **West Lancashire Conservation Area Advisory Panel** - Objects on the grounds that the mass, scale and form of the building has no regard to the surrounding buildings and wider town centre Conservation Area. The new building would be overly dominant and would harm the character and appearance of the Conservation Area and the setting to the Grade 2* Listed Parish Church. Panel also objected to the loss of public access through the site and to one of the remaining burgage plots which together are important characteristics of Ormskirk town centre.

8.0 **SUPPORTING INFORMATION**

Design & Access Statement
Student Accommodation Report
Planning and Heritage Statement
Biodiversity Survey and Report
Archaeological Desk Based Assessment

9.0 RELEVANT PLANNING POLICY

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

The site is located within Ormskirk Town Centre and Ormskirk Town Centre Conservation Area as designated in the West Lancashire Local Plan 2012-2027 DPD

West Lancashire Local Plan 2012-2027 DPD

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

GN4 – Demonstrating Viability

EC1 - The Economy and Employment Land

RS1 - Residential Development

RS3 – Provision of Student Accommodation

IF1 – Maintaining Vibrant Town and Local Centres

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

EN1 - Low Carbon Development and Energy Infrastructure

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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

SPD – Design Guide (Jan 2008)

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Principle of Development

- 10.1 The site lies within the main settlement area where the principle of residential and retail development is acceptable under the terms of Policies SP1, GN1, IF1 and RS1 of the Local Plan. The site is considered to be in a highly sustainable location within the town centre and easily accessible by public transport. The existing buildings are of no particular architectural merit, contributing little to the appearance of the area. As such, the principle of demolishing these buildings and erection of a replacement building for retail and residential use complies with the aims and aspirations of the NPPF.

Principle of Development – Retail Units

- 10.2 Policy IF1 of the Local Plan advocates the promotion of sustainable and economically vibrant town centres and advises that retail development will be encouraged within town centres. The NPPF places great importance on the role that town centres play at the heart of local communities. Paragraph 85 states that planning policies should promote the long term vitality and viability of town centres by allowing them to grow and diversify and retain and enhance existing markets and where appropriate re-introduce or create new ones.
- 10.3 I consider that the proposal to provide a new retail unit (class A1) complies with both local and national planning policy. This proposal is advantageous as it not only retains the ground floor retail unit facing Church Street but also introduces a retail frontage to the rear of the building fronting the existing car park which will help to maintain the retail function of the town centre. It also introduces a much needed large retail space to the town centre.

Principle of Development – Student Accommodation

- 10.4 Paragraph 85 of the NPPF encourages a suitable mix of uses including housing in the town centre and recognises that residential development often plays an important role in ensuring the vitality of centres. The application site is located within the Primary Shopping Area within which Policy RS3 in the Local Plan refers specifically to proposals for student accommodation and advises that a greater proportion than 15% of residential properties above ground floor level will be permitted to function as Houses in Multiple Occupation (HMOs) subject to there being no unacceptable impact on the residential amenity or the primary shopping area or on the supply of accommodation for other town centre uses (for example offices, or storage for ground floor retail units).
- 10.5 Policy RS3 goes on to state the development of purpose built student accommodation outside of the University Campus will be restricted, except where i) an over-riding need for such accommodation is demonstrated; ii) demand for the conversion of existing dwelling houses to HMOs will be demonstrably reduced; and iii) it will not negatively impact the amenity of surrounding uses. When assessing the potential impact of purpose-built student accommodation on the amenity of the surrounding areas, the Council will also have regard to the presence of any HMOs in the vicinity. In addition, Policy RS3 refers to taking into account the effects of clustering of HMOs.
- 10.6 With regards to the implementation of Policy RS3, at present the amount of HMOs within the Primary Shopping Area is significantly in excess of the 15%, however, the policy specifically allows for a greater proportion of HMOs within this part of the town centre and importantly, Policy IF1 of the Local Plan states that in order to maximise the vitality and viability and improve natural surveillance of the town centre student accommodation will be acceptable above ground floor level. In my view, a balance needs to be struck between the requirement to create a vibrant town centre and some surveillance and the clustering of too much student accommodation in the town centre.
- 10.7 There is currently a four storey purpose built student accommodation comprising of 35 bedrooms under construction across the road in Church Street but I do not consider the addition of this proposal will result in a significant clustering of student accommodation within this part of Church Street. It is also important to note that planning permission has previously been granted for student accommodation on this site. Planning permission (reference 2005/1436) was granted for a 4/5 storey building provide 26 student units and although this scheme has not been implemented, it is a material consideration.
- 10.8 In terms of the impact on the supply of accommodation for other town centre uses, the proposed ground floor units are to remain in retail use; however the existing first floor office and storage space will be lost. As there are currently a number of vacant units to let within the town centre, I am satisfied that the loss of the existing first floor office space would not result in a detrimental impact on the provision of such uses within the town centre.
- 10.9 The applicant has stated there remains a need for purpose-built student accommodation because Edge Hill University continues to grow in popularity despite a dip in university student numbers nationally in recent years. In February 2019, the Universities and Colleges Admissions Service (UCAS) published a report which states the demand for higher education remains strong and there was a rise in 18 year olds applying for UK higher education for 2019/2020 academic year. It is also expected the demand for places at Edge Hill will increase with the continual development and expansion of Edge Hill University particularly with the opening of the standalone Medical School in 2020.

- 10.10 As a result in recent growth in campus accommodation, Edge Hill now guarantees a place in the on campus halls of residence to all new full time first year undergraduate students from the UK and EU. However, this does not provide sufficient accommodation for all first year applicants and also provides a deficit in accommodation for 2nd, 3rd year and mature students looking for accommodation on or close to campus. Many students who have lived in new build accommodation on campus in their first year wish to continue to live in similar purpose built development either on campus or within the town centre. There is evidence to show there is both a short and long term over-riding need for purpose built student accommodation for Edge Hill University. The Edge Hill University Accommodation Strategy 2017/18 identified 400 bed spaces are required in the short term. Presently there is accommodation under construction on Church Street for 35 beds. There is also an undetermined planning application for 100 beds at The Stiles. This still leaves a shortfall in the short term of approx. 265 beds. In terms of long term need, Edge Hill have previously identified that 4,205 bed spaces are required by 2030/31. There are currently 2,486 bed spaces available on campus as Edge Hill (2018/19). This leaves a current shortfall of 1,719 bed spaces in the long term. These figures demonstrate that there is still a requirement within both the short and long term for additional student accommodation.
- 10.11 Ormskirk has seen a substantial increase in off campus accommodation over the last 20 years particularly in the conversion of dwelling houses to HMOs within the residential areas of Ormskirk. In this respect, the provision of purpose-built student accommodation in the town centre will be likely to reduce the need for conversions of existing dwelling houses. In terms of the impact on the supply of accommodation for other town centre uses, the ground floor units will remain in retail use as part of the proposal. Therefore, I am satisfied that the proposed development will not unduly compromise the vitality or viability of the town centre and the principle of student accommodation as proposed is acceptable.

Heritage Impacts

- 10.12 Policy EN4 of the Local Plan is relevant as is the guidance contained in the NPPF in terms of the impact of the proposed development on heritage assets. The NPPF, in determining such planning applications, advises Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.
- 10.13 Paragraph 193 of the NPPF states that the significance of a heritage asset needs to be given weight to the assets conservation. The more important the asset, the greater the weight to be provided to its significance. Paragraph 200 advises that Local Planning Authorities should look for opportunities for new development within the historic environment and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal their significance should be treated favourably.
- 10.14 Local Planning Authorities should in coming to decisions refer to the principle act which requires in this case to have special regard to the desirability of preserving any listed buildings or their setting (s.66) and preserving the character or appearance of a Conservation Area (s.72). Recent Court judgements have shown that the statutory duty prescribed under the P(LBCA) Act 1990 should always be given considerable weight in decision making.

General Principle - Demolition

- 10.15 The principle and most prominent building, number 37, was built originally as a cinema in the mid 1930's. The Regal Cinema opened in 1936 and occupied the building until its closure in 1963. The large single mass building is built of red brick with a simple Art Deco façade. Alterations since the 1960's including the removal of the external canopy, insertion of a modern shop front and fascia and insertion of internal floor have significantly diminished its original design. Indeed apart from the brick work on the front elevation the building is unremarkable and has little or no design or architectural features of note.
- 10.16 Number 33 to 35 on the south side of the site is a narrow three storey building constructed from brick. Planning permission has previously been approved (in 2003 and 2005) for its demolition and for its replacement with a four to five storey new block incorporating retail and office space with student accommodation above.
- 10.17 Both buildings were identified in the approved 2009 Conservation Area Appraisal as making a negative contribution to the character of the Conservation Area. Historic England have recently rejected a designation proposal to identify the former Regal Cinema as a listed building. The Historic England assessment identifies that the building does not have sufficient design quality or detailing to be of interest in a national context nor does it form part of a coherent group. Whilst it is accepted that there is some limited historic value associated to the former cinema use of number 37, the fact that this use has long since ceased means that I do not place significant weight to this aspect. The modern interventions such as the insertion of a floor and creation of a retail unit have further reduced any local value the building once had.
- 10.18 The current site overlies a former Iron Foundry which occupied the site into the early C20. The evidential (or potential) value that the site holds is likely of greater significance than the current above ground buildings. The demolition of the current buildings will provide the opportunity through further investigation secured via planning condition to understand the significance of the below ground archaeology better.
- 10.19 Overall, I have no reason to come to a different conclusion, regarding the value of number 37 to the Conservation Area, than was reached in the approved 2009 Conservation Appraisal. On this basis I have no objections to the proposed demolition of numbers 33-35 and 37 and feel that the character and appearance of the Ormskirk Town centre Conservation Area will not be harmed by the loss of either building.

Design of proposed new building

- 10.20 The proposed building will be a four to five storey building which provides retail units fronting onto both Church Street and Park Road. Student accommodation will be provided on the floors above. The building will be clad in brick with the top floor incorporating a grey standing seam flat roof. The modern design has a glazed atrium which runs through the building (east to west) to give the sense of two joined buildings. This is reinforced by the use of two different shades of red brick on the building.
- 10.21 Whilst the proposal relates to just one new building, the design attempts to create the sense of two joined buildings with a glazed link set back from the principle elevations. To further reinforce this visual split differing tones of red brick have been used to break up the mass. The height of the new building is comparable to the existing former cinema building and those adjoining and adjacent. In order to reduce the overall mass of the building, the top floor has been clad in a dark metal and has been set back from principle elevations to further reduce its visual impact. The use of a decorative motif and brick pattern along with

a glazed canopy over the front entrance to the retail store will reference the original Regal building and adds interest to design.

- 10.22 In terms of the street scene, the building will sit in the same footprint / building line as the existing buildings but will also include a derelict parcel of land to the rear of 33-35 Church Street. The new building will front onto Church Street in the same way the existing buildings do and provides a closed frontage which is characteristic of Ormskirk and when viewed from along Church Street the new building will preserve the alignment of the street and important view of the Church to the north which is a key view of the Conservation Area.
- 10.23 The view of the building from Park Road is a more open one, however this more expansive view of the site is set against the immediate context of the existing modern commercial units on Two Saints Place and its car park. The Parish Church with its enclosed graveyard and mature trees lie further to the north. Whilst there is no doubt that the new building will be prominent within this view and from the west across Coronation Park, I am mindful that so is the existing building, which has its blank and somewhat incongruous rear elevation fronting onto the space. In this respect the existing building offers no interest or frontage onto the Park Road. The new building will in my view be an improvement over the existing and provides a more engaging western (rear) elevation. As the new building shares the same northern boundary as the existing and moves no closer it will not impinge on the view or historic setting of the Church as you move along Park Road from south to north.
- 10.24 In design terms the building appears layered with a build out at the first and second floor and two levels of glazed shop fronts below at lower ground floor and ground floor facing onto the car park. The building is split by a large glazed section which runs through the building from Church Street which is inset on the rear elevation, to help give the impression of being two separate buildings.
- 10.25 I note the concerns raised that the new building will result in the loss of a current permissive path between the two buildings. The path to the south side and private access to the north remain unaltered. From map evidence, because the site related to a former iron foundry the pathway is more recent (early C20) and does not relate to the medieval pattern of burgage plot layouts found in other parts of the Town Centre. Whilst I am mindful that the pathways, alleyways and ginnels between buildings are characteristic of Ormskirk Town Centre I do not feel the loss of the one between numbers 33/35 and 37 will unduly harm this typical characteristic of the Conservation Area.

Proposed building – the impact on the setting to heritage assets

- 10.26 The Grade 2* Parish Church is located approximately 100 metres to the north of the site. The Church, with its tower and steeple is an important building in the skyline of Ormskirk town centre. Historically the site lies in the built up area of the town. The views of the Church generated from Park Road is a relatively modern one and has been available since the development of the ring road. From within the town centre one of the principle views of the Church is looking north along Church Street. Given that the new building will preserve the existing street frontage and building line, visually this important view remains unaltered by the proposal. As explained above, whilst the new building will be viewed from Park Road and the west the immediate context of the site is retail and commercial development including a car park. Visually, I do not feel the new building will harm the historic setting to the Church. Given the size, scale and location of the existing buildings I do not feel the setting will change and the proposal will leave the setting to the Church essentially unharmed. Similarly, as the new building is to be sited in the same location at the existing one and the road alignment and frontage on to Church Street remains

unaltered I do not feel the historic setting to number 27 Church Street, a Grade 2 listed building, which lies to the south, will be harmed by the proposal.

Conclusions on heritage

- 10.27 On balance, considering the scale and appearance of the existing building I do not consider the new proposals will cause harm to the character or appearance of the Ormskirk Town Centre Conservation Area or the setting of the Parish Church or nearby listed buildings. On this basis I feel the proposal will meet the statutory duty to 'preserve' as required under s.66 and s.72 of the Planning (LBCA) Act, Chapter 16 of the NPPF and Policy EN4 of the Local Plan.

Archaeology

- 10.28 Paragraph 199 of the NPPF states that 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.
- 10.29 The Archaeological Desk Based Assessment accompanying this application identifies that a former 1796 iron foundry lies underneath the current buildings. Most significantly the report states that the survival of archaeological structures and deposits from the Iron Foundry complex founded in c.1796 were confirmed during a 2009 excavation. The report goes on to suggest there is a potential through this proposed development to encounter both possible medieval buildings and structures shown on the 1609 Ormskirk Estate Map and Medieval property boundaries (burgage plots) to the rear of Church Street.
- 10.30 Lancashire Archaeological Advisory Service (LAAS) recommend that a programme of archaeological investigation is undertaken. The first phase of this work will include a building record of the former Regal Cinema, followed by a formal watching brief during the demolition works of all buildings on site. The demolition down to just above ground level does not require archaeological monitoring, however the lifting of ground surfaces and removal of foundations, services etc. should be supervised archaeologically by means of a formal watching brief. If during this watching brief phase it becomes obvious that earlier remains are present within the footprint of the cinema, a contingency plan to upgrade to an archaeological strip, map and record should be in place. Furthermore an archaeological strip, map record exercise should also be undertaken for the area of the car park (located in the north west corner of the site) and for the alleyway which lies between numbers 33-35 and 37 Church Street. Subsequent phases of work should then be designed to address the issues revealed by these initial investigations. This investigation work can be secured by planning condition.

Residential Amenity

- 10.31 This area of the town centre comprises of a mix of commercial and residential uses at first floor. In terms of the potential impact from the introduction of student accommodation, given the town centre location, the fact that there are a large amount of non-residential uses and the site is in an area located near to a busy road it is unlikely the student accommodation would have any significant impact on the existing residential amenity in the area through increased noise and disturbance.
- 10.32 In terms of the potential impact upon the occupiers of the student accommodation, in order to reduce the potential disturbance from the retail use, surrounding eating/drinking establishment units and other noise sources, the Council's Environmental Health Officer advises a scheme of noise insulation will be required between the commercial and

residential uses. A noise impact assessment will also be required to help inform what mitigation may be required to protect residents from external environmental noise. In terms of accommodation provided the majority of units are single bedrooms with shared kitchen/living areas. Some self-contained studios would be provided and all rooms would have adequate outlook. Residents would have access to amenity space in a central courtyard area.

Highways and Parking

10.33 The layout of the development will utilise the existing delivery and servicing area and the applicant has provided cycle storage for 8 bicycles and two drop off spaces. The proposed development does not provide any additional on-site car parking however, the site has previous retail use and due to the Town Centre location there are public car parks adjacent to the site and throughout the town centre area available for shoppers. It is considered that the demand for parking with student accommodation in such a central location would be low. There is a public car park to the rear of the site for any visitors and there is a regular bus service between the town centre and the university for students. The bus and train stations are within a short walking distance from the site making the site highly accessible and sustainable location. The Highway Authority has been consulted and is of the opinion there is adequate parking available within the vicinity for the proposed development and the development will not have a significant impact on highway conditions within the town centre.

Impact on Ecology and Trees

10.34 An Ecological Survey and Assessment has been submitted which found no evidence of bat activity, birds, or barn owls. I consider the information submitted is acceptable and that the development would not have any significant ecological impacts. The existing trees along the frontage of Church Street will be retained as will a tree along the northern boundary. I consider the scheme to be compliant with Policy EN2 in the Local Plan.

Impact on Drainage

10.35 Limited details of how the site would drain following the proposed development have been provided with the exception of confirmation that the current mains system could be utilised. The site will of course benefit from an existing drainage system by virtue of the existing building and it seems reasonable that the any future scheme will mirror this to some degree. Policy GN3 requires the submitted drainage scheme achieves a reduction in surface water run off of at least 30% as this application is for a redevelopment of previously developed land. I am satisfied that full details of the foul and surface water disposal strategy can be obtained by planning condition and the scheme will comply with Policy GN3 in the Local Plan in this regard.

Summary

10.36 The proposed development is considered acceptable in principle, would contribute to the vitality and viability of Ormskirk Town Centre without harming the character of the area. The proposal satisfactorily meets the requirements of the NPPF and Policies GN1, GN3, RS3, EN4, IF1 and IF2 of the West Lancashire Local Plan 2012-2027 DPD and is recommended for approval.

11.0 RECOMMENDATION

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

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference 3812-220 received by the Local Planning Authority on 31st January 2019.
Plan reference 3812-200B Site Plan - Proposed, 3812-201B Level -1 Proposed Floor Plan, 3812-202A Level 0 Proposed Floor Plan, 3812-203B Level 1, Proposed Floor Plan, 3812-204B Level 2 Proposed Floor Plan, 3812-205B Level 3 Proposed Floor Plan, 3812-206B Proposed Roof Plan, 3812-207B Proposed Elevation A (Church Street), 3812-208B Proposed Elevation B (Car Park), 3812-209B Proposed Elevation C, 3812-212A Proposed Street Scene - Church Street, 3812-213A Proposed Street Scene - A570, 3812-214A Proposed Street Scene - Car Park, 3812-215A Proposed Building Sections, 3812-216A received by the Local Planning Authority on 23rd May 2019.
Plan reference 3812-210C Proposed Elevation D, received by the Local Planning Authority on 5th July 2019.
3. No development above slab level shall take place until full details and samples of the external brickwork and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No development shall take place until a strategy for the separate foul and surface water drainage of the development, including any necessary attenuation measures, maintenance and management proposals and phasing of delivery has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage strategy must take account of the relevant provisions of this Councils Planning Applications - Drainage, Flood Risk and Sustainability guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement standards. The drainage scheme shall be completed in accordance with the approved details and in accordance with the approved phasing of the scheme. To assist with approval a copy of the completion certificate issued by the Building Control body should be submitted.
5. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a phased programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.
6. No development shall commence until a scheme of noise insulation between the commercial and residential premises has been submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to occupation of the student accommodation.
7. No extraction systems, air conditioning, refrigeration or other such plant systems shall be installed in the building unless full details are submitted to and approved in writing by the Local Planning Authority. Thereafter, the equipment shall be installed, properly maintained and operated as appropriate.
8. No development shall commence until a noise impact assessment is carried out for existing external environmental noise that may affect the residential use of the development. The results shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation measures arising from the survey shall be approved in writing by the LPA and implemented in full prior to occupation of the student accommodation.
9. The student accommodation shall not be occupied by more than 91 residents at any one time.
10. The Class A1 units on the ground floor shall not be open for business between the hours of 10pm and 8am on any day.

11. No service vehicles, maintenance vehicles, or waste collections shall be taken or received at the site except between the hours of 07.30 and 20.00 Monday to Saturday and at no time on Sundays and Bank Holidays.
12. No lighting shall be installed on the site until a scheme detailing the proposed lighting to be installed is submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed and maintained in accordance with the agreed scheme.
13. The existing trees shall be retained and before site works commence they shall be protected with stout fencing constructed to BS5837:2012, to contain the branch spread of the trees. Such fencing shall remain and be adequately maintained for the duration of the development operations. Within this fencing no development operations may take place including the storage or dumping of materials or plant, the lighting of fires, the siting of temporary huts or the raising or lowering of ground levels. All dead or damaged existing trees specified for retention shall be replaced with trees of such size and species approved in writing by the Local Planning Authority.
14. The servicing area shall be kept clear at all times to allow loading and unloading of vehicles servicing the retail and student use.
15. The lower ground and ground floor unit shall be used for Class A1 retail only.

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 ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. As the site is of archaeological interest and in order to comply with the provisions of Policy EN4 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To ensure that parking requirements are satisfied having regard to the provisions of Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD.
10. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
13. To 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.

14. To allow for vehicles visiting the site to be parked clear of the highway and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
15. In order to protect the vitality and viability of Ormskirk town centre in accordance with Policy IF1 of the West Lancashire Local Plan 2012-2027 Development Plan Document and the NPPF.

Reason for Approval

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

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

GN4 - Demonstrating Viability

EC1 - The Economy and Employment Land

RS1 - Residential Development

RS3 - Provision of Student Accommodation

IF1 - Maintaining Vibrant Town and Local Centres

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

EN1 - Low Carbon Development and Energy Infrastructure

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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

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

No.2	APPLICATION NO.	2019/0311/ARM
	LOCATION	Land To The East Of Tollgate Crescent Burscough Industrial Estate Burscough Lancashire
	PROPOSAL	Reserved Matters - Construction of seven employment buildings (falling within use classes B1, B2 & B8) comprising a total of 11,721 sqm (GEA) and associated works pursuant to outline planning permission Ref. 2015/0171/OUT. Including Approval of Details Reserved by Condition 8 (Highways), 16 (Arboricultural Method Statement), 18 (Landscaping), 27 (Foul/Surface Water Drainage Strategy), 28 (Foul Drainage), 31 (Levels) and 35 (Noise).
	APPLICANT	Crompton Property Developments Ltd
	WARD	Burscough West
	PARISH	Burscough
	TARGET DATE	25th July 2019

1.0 SUMMARY

- 1.1 This is a reserved matters application for the first phase of employment development at the Yew Tree Farm site. The proposed use, layout, design and landscaping is considered to be acceptable. The development will not have a detrimental impact on highway safety and adequate parking has been provided. Subject to conditions pertaining to hours of use and noise levels in order to protect neighbouring residential amenity, I am satisfied that the proposal complies with the relevant policies of the Local Plan and the Yew Tree Farm Masterplan.

2.0 RECOMMENDATION: APPROVE with conditions

3.0 THE SITE

- 3.1 The site comprises a further phase of the wider strategic development site of Yew Tree Farm, previously granted outline planning permission for a mixed-use development (2015/0171/OUT). It is located within the settlement boundary of Burscough. The site itself is in an irregular shaped parcel of land of approximately 7.3ha (4.6ha employment plus 2.7ha drainage land) hectares. The site lies to the east of a newly formed roundabout off Tollgate Road, south and east of existing employment units on Tollgate Crescent. There is an existing brick single storey electricity sub-station to the west alongside Tollgate Road. To the south are residential properties at the end of Lordsgate Lane and agricultural land that forms part of the wider safeguarded Yew Tree Farm site. To the north and east is also agricultural land that forms part of the wider Yew Tree Farm site (the northern part is safeguarded and the eastern part has outline permission for residential development). Planning permission has also recently been granted in outline for employment development on the existing agricultural land to the NW of the site.
- 3.2 The whole site is presently relatively flat open land with a mature tall hedgerow along the boundary with existing industrial units on Tollgate Crescent. A public footpath runs through the site with interspersed hedgerow and trees along its length (FP74).

4.0 THE PROPOSAL

- 4.1 This is a detailed application for the construction of 7 flexible use employment buildings falling within Class B1 (light industrial) B2 (general industrial) and B8 (storage and

distribution) together with associated access, parking and landscaping. This area amounts to approximately 4.6ha. In addition, detailed permission is sought for the laying out of an area of linear park, public open space and drainage works including a surface water drainage pond for the wider Yew Tree Farm site. This area amounts to approximately 2.7ha.

- 4.2 The proposed employment units comprise 7 varying size buildings from approximately 500sqm to 1,400sqm. They are arranged in linear form, some being back to back and each includes dedicated loading/unloading and parking areas. They are to be accessed off a new road leading from the recently constructed roundabout on Tollgate Road, which will include footways on both sides and which will ultimately form one of the two primary vehicular routes across the wider Yew Tree Farm site. This road is designed as a 7.3m wide access route capable of serving both HGV and residential traffic. Three separate access points serve the site from this new road and one new access point will be created to serve the existing field to the south.
- 4.3 The employment units are rectangular in shape with an eaves height of 6.5m and the maximum height of any single unit is 11.5m. External materials comprise Kingspan goosewing grey cladding with anthracite grey flashings on units F, G and H and additional glazed and brick areas on units A, B, C and D fronting the new primary access road. A landscaped buffer is proposed between the units, parking areas and the access road which also wraps around the site to the east along the length of the public footpath and screens a number of proposed paladin green mesh security fences.
- 4.4 To the north of the site, beyond the proposed employment units, a widened and landscaped public footpath provides a link past a safeguarded potential school site, to a proposed landscaped public park and drainage basin.
- 4.5 It should be noted that a further unit is proposed within the site but excluded from this application (Unit E). This is subject to a separate application elsewhere on this agenda (2019/0408/FUL). The outline permission for the site only permits uses falling within B1, B2 or B8. Therefore a separate full permission is required for any alternative use. The applicant seeks permission for a more flexible use of this building to incorporate leisure uses (Class D2) as a potential occupier has expressed an interest. However, the cumulative floorspace proposed remains within the parameters (13,800sqm) approved under the outline permission.

5.0 RELEVANT APPLICATIONS

- 5.1 2019/0438/FUL – Erection of a building for use as employment (B1, B2 or B8) or leisure (D2), together with the laying of an access road from the existing roundabout at Tollgate Road and other associated works. PENDING DETERMINATION
- 5.2 2018/0525/HYB - Hybrid Application - Full planning permission for the construction of a link road between Tollgate Road/Ringtail Road and the Phase 1 residential development of the Yew Tree Farm site including associated drainage and other works; and Outline planning permission for the construction of 31,100 sqm of B1, B2 and/or B8 employment development (all matters reserved except for access positions from the existing/new roads) together with the provision of related infrastructure including the construction of drainage works, services and related utilities. APPROVED
- 5.3 2017/0431/ARM - Approval of Reserved Matters for 146 dwellings with associated car parking and landscaping for phases 1a & 1b (denoted as 1 & 1a on the Outline approved master plan). The reserved matters for which consent is sought on these two phases are appearance & scale, layout and landscaping. Discharge of Condition No. 27 (foul and

surface water drainage strategy) and Condition No. 35 (updated noise assessment) of planning permission 2015/0171/OUT. APPROVED

- 5.4 2015/0171/OUT - Demolition of the existing buildings, and outline planning permission (including details of access) for the erection of up to 580 dwellings (C3); Extra Care or Care Accommodation (C2); a Local Centre (comprising up to 500m² of A1, A2, A3, A4 and A5 floorspace; and community uses); the construction of 4.6 hectares of Employment Development (up to 13,800m² of B1, B2 and B8 floorspace); the provision of open space and associated recreation facilities (including parkland, allotments, play areas, a linear park, cycle and pedestrian facilities); together with the provision of related infrastructure including the construction of drainage works (including sustainable urban drainage systems), roads, services and related utilities; and associated works. APPROVED SUBJECT TO A S106 AGREEMENT
- 5.5 2014/1054/SCO - Scoping Opinion - Residential-led mixed-use development - Development IS EIA development (25.11.2014)

Land to west

- 5.6 2019/0190/FUL – Extension to existing yard to accommodate storage of non-motorised items of plant and equipment and erection of 2.4m high mesh fencing. APPROVED

Land to south at end of Lordsgate Lane

- 5.7 2016/0406/FUL - Erection of 6 No. (3 pairs of semi-detached) dwellings. APPROVED

6.0 CONSULTEE RESPONSES

- 6.1 LANCASHIRE CONSTABULARY (29.04.2019) – Recommend security measures.
- 6.2 LANCASHIRE FIRE AND RESCUE (09.05.2019) – Recommend access facilities and water provision for the fire service.
- 6.3 LCC HIGHWAYS (21.05.2019) – No objections subject to conditions.
- 6.4 UNITED UTILITIES (19.06.2019 and 10.07.2019) – Following receipt of additional information, no objection in principle subject to conditions.
- 6.5 LCC LEAD LOCAL FLOOD AUTHORITY (12/07/2019) - The LLFA is satisfied that the surface water drainage strategy presented for this phase of the development meets the necessary requirements and is in line with previously agreed master strategy for the wider Yew Tree Farm development, which was agreed and discharged as part of application 2017/0779/CON.
- 6.6 DIRECTOR OF LEISURE AND WELLBEING – No objection in principle subject to conditions relating to restrictions on noise, use and hours.

7.0 OTHER REPRESENTATIONS

- 7.1 None.

8.0 SUPPORTING INFORMATION

- 8.1 The application is supported by the following information:
Design and Access Statement

9.0 RELEVANT PLANNING POLICIES

- 9.1 The National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG) and the West Lancashire Local Plan (2012-2027) (WLLP) provide the policy framework against which the development will be assessed. The Burscough Parish Neighbourhood Plan is now at an advanced stage and as such, is also a material planning consideration. The site is subject of a Supplementary Planning Document: Yew Tree Farm Masterplan (February 2015) which aims to guide developers and their applicants in their proposals and planning applications for development on the site.
- 9.2 The majority of the site is allocated as SP3 – Yew Tree Farm, Burscough – A Strategic Development Site. The western part of the site is allocated as a Strategic Employment Site. The site also falls within the Mineral Safeguarding Area as designated under Policy M2 of the Joint Lancashire Minerals and Waste Local Plan.
- 9.3 The following policies apply:

National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development
Section 4 Decision making
Section 6 Building a strong, competitive economy
Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
Section 11 Making effective use of land
Section 12 Achieving well-designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment
Section 17 Facilitating the sustainable use of minerals

West Lancashire Local Plan (2012-2027) DPD

SP1 – A Sustainable Development Framework for West Lancashire
SP3 – Strategic development Site: Yew Tree Farm
GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
EC1 – The Economy and Employment Land
IF2 – Enhancing Sustainable Transport Choice
IF3 – Service Accessibility and Infrastructure for Growth
EN1 – Low Carbon Development and Energy Infrastructure
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
EN3 – Provision of Green Infrastructure and Open Recreation Space
EN4 - Preserving and Enhancing West Lancashire’s Built Environment
The site is also within a Mineral Safeguarding Area and therefore an assessment of whether or not the site should be retained for future mineral extraction should be made in order to accord with Policy M2 of the Lancashire Minerals and Sites Allocation and Development Management Policies Local Plan

Burscough Parish Neighbourhood Plan

BPI1: Development and Infrastructure
BPI2: Surface Water Drainage
BPI3: Foul Water Drainage

BPE1: Burscough Industrial Estate
BPT1: Transport and Development
BPT4: Sustainable Transport Routes
BPD1: Design and Accessibility Principles
BPD2: Detailed Design Elements

- 9.4 The following supplementary planning documents are also relevant:
SPD – Yew Tree Farm Masterplan (Feb 2015)
SPD – Open Space (July 2014)
SPD – Design Guide (Jan 2008)

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Principle of Development

- 10.1 The site forms part of the Strategic Development Site of Yew Tree Farm as allocated in the Local Plan. Outline planning permission, with all matters reserved except access, was granted for a mixed-use development on the site (comprising up to 580 dwellings, care accommodation, a local retail centre, community uses, 4.6 hectares of employment development, the provision of open space and associated recreation facilities including a linear park) on 20th March 2017 (Ref: 2015/0171/OUT). The outline permission includes 36 conditions and a S106 Agreement.
- 10.2 The first phase of residential development by Redrow is well under way and the details of a spine road running between Liverpool Road South and Tollgate Road have been approved. This application seeks Reserved Matters Approval for the scale, appearance, layout and landscaping of the first phase of employment development on the Yew Tree Farm site along with details of landscaping and drainage for the approved area of public open space.
- 10.3 The principle of employment and open space development on the site in the proposed locations has already been established through the approval of outline planning permission and subsequent phasing plan. The proposal is considered acceptable and in accordance with Policy SP3 of the Local Plan and the Yew Tree Farm Masterplan SPD. Furthermore, the submitted scheme does not, in my opinion, prejudice the delivery of a mixed use scheme on the remainder of the site covered by the Strategic Development Site allocation nor the adopted Supplementary Planning Document: Yew Tree Farm Masterplan. There have been no significant policy changes in the interim which may have affected this decision, including the introduction of the Burscough Parish Neighbourhood Plan, therefore I am satisfied that the principle of development remains compliant with the aims and objectives of the NPPF, the Local Plan and the Burscough Parish Neighbourhood Plan.

Siting, Layout and Design

- 10.4 Paragraph 124 of the NPPF advises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policy GN3 in the Local Plan together with the Council's SPD Design Guide reiterates this ethos and states that new development should be of a scale, mass and built form which responds to the characteristic of the site and its surroundings. New development is required to be of a high quality design and have regard to visual amenity and complement its surroundings through sensitive design, including appropriate siting, orientation and scale.

- 10.5 The location of the proposed employment units and primary access road is as envisaged within the Yew Tree Farm Masterplan. The use of the units for B1, B2 and B8 employment purposes and the overall floorspace is in full compliance with the outline permission. The layout of the units provides the opportunity for landscaping along the new primary road frontage to soften the appearance of the large buildings and the position of some buildings parallel to and some horizontal to the road offers a more interesting street scene. The design of the buildings, whilst utilitarian, also offers variation along the frontage with the use of a mixed palette of cladding, brick infill panels and extensive glazing on some units. The units to the north of the site, and less visible, are more industrial in appearance.
- 10.6 The location of the proposed drainage basin and public open space land follows the natural topography of the site and creates a sustainable drainage solution for the proposed and future development on the wider Yew Tree Farm site. Policy SP3 of the Local Plan along with the Masterplan requires the wider site to deliver a new town park and a Linear Park. The town park was approved in outline and as part of the phasing plan in the location now proposed. The linear park will run alongside the southern side of the approved main spine road to the north of the site and will link to the proposed southern primary route via the existing public footpath 74 which runs north/south through the site. This path will be formalised and widened to 3m to safely accommodate cycles and lie within a 16m wide landscaped belt. I consider the proposed development accords with the Masterplan in terms of the location of the relevant elements of the Linear Park and public open space. The proposal is therefore considered to comply with Policies SP3, EN3 and the Masterplan in this regard.
- 10.7 Overall I am satisfied that the layout, use, scale and design of the employment units is acceptable and the location and layout of the area of open space (town park) and drainage basin is acceptable and neither would prejudice development on the remaining Yew Tree Farm site. The proposal is therefore in accordance with Policy GN3 of the Local Plan and the Yew Tree Farm Masterplan SPD.

Highways

- 10.8 LCC Highways have been consulted in respect of the proposals and have confirmed that traffic impact of the proposed employment land can be accommodated on the local highway network and as such would not cause adverse harm to highway safety or the free flow of traffic in the local area. Access to the site was determined at outline application stage and a roundabout has recently been constructed on Tollgate Road to facilitate access to the southern part of the wider Yew Tree Farm site. In my view, the construction of the primary road will provide a potential alternative access for traffic travelling north/south as well as east/west through Burscough should the safeguarded land to the east and south be brought forward for development in the future. It is also considered likely that a large number of the potential employees would reside in the proposed residential development on Yew Tree Farm and this would reduce traffic generation/external trips from all phases of the development of the wider Yew Tree Farm site.
- 10.9 LCC are satisfied with the location and amount of separate access points into the employment area and that adequate visibility can be achieved at all proposed access junctions. Furthermore, HGV tracking movements within the parking, servicing and loading/unloading areas have been provided which demonstrate adequate turning movements can be accommodated within the site.
- 10.10 Public footpath 74 runs along the eastern boundary of the site (FP74) and it is proposed to incorporate it into the wider pedestrian/cycle network as a green link in accordance with

the Masterplan.

- 10.11 In terms of parking, the exact requirement for each unit is unknown at this stage as each unit could be used for B1, B2 or B8 purposes. It is likely that the final occupiers will comprise a mix of all three. A total of 245 spaces are provided for the employment units. One space per 32sqm is required for B1 uses, one space per 48sqm for B2 uses and one space per 100sqm for B8 uses (as advocated in Appendix F of the Local Plan). It is reasonable to take an average across the site of one space per 48sqm, the same as a B2 requirement. Therefore, approximately 230 spaces would be required (based on a total floorspace of the employment units of 10,370sqm). The proposal includes 245 spaces, of which 16 are disabled spaces. This is in compliance with the Local Plan. The provision of 10% or equivalent spaces suitable for electric vehicles can be required by condition.
- 10.12 Overall, I consider the proposed development complies with Policy SP3 and GN3 of the Local Plan and the Yew Tree Farm Masterplan SPD with regards access and parking.

Surface Water, Drainage and Flood Risk

- 10.13 In terms of drainage, an overall drainage strategy has been approved for the wider Yew Tree Farm and stringent conditions have been imposed on the outline planning permission requiring full details of both the surface water and foul water proposals along with their maintenance and management.
- 10.14 The overall strategy indicates that surface water from the proposed employment site will discharge via a network of underground pipes, to a proposed new basin located within the north of the site. This basin provides the storage volume associated with the employment land and also the proposed Phase 4 residential area to the east and the potential school site. It will also provide the additional storage required for a portion of existing surface water discharge currently connected to the existing combined water sewer west of the site (Lordsgate Lane), which will be diverted into it. Surface water will then be discharged at a controlled rate to the existing ditch network flowing west.
- 10.15 In terms of foul water, since preparation of the initial overall drainage strategy provided at outline planning stage, the developer acquired the additional land required to provide the full length of the spine road and further employment land (2018/0525/HYB). The acquisition of this additional land means that there is sufficient available gradient to enable a gravity pipe network to be routed through this land and connect to the existing combined water sewer.
- 10.16 Following liaison between United Utilities and the Lead Local Flood Authority, an updated drainage strategy has been submitted which satisfies the statutory agency's requirements in principle. Full details relating to surface water drainage remain subject to condition on the outline permission for the site and would still have to be agreed prior to development commencing on site. On this basis, I am satisfied that the foul water system is acceptable and the surface water disposal will form a sustainable urban drainage system in accordance with the NPPF and Local Plan Policies SP3 and GN3.

Impact on surrounding land uses

- 10.17 It is necessary to consider the impact of the proposed employment units on surrounding land uses, in particular those residential properties to the south, along Lordsgate Lane and Liverpool Road South. A noise assessment has been submitted with the application in accordance with condition 35 of the outline permission. The closest residential properties are the 6 recently built semi-detached dwellings at the end of Lordsgate Lane. The closest of these is approximately 40m from the nearest car parking area and 65m from the

nearest employment unit. At such a distance, it is anticipated that noise from night-time activities could cause noise and disturbance to occupiers of the closest dwellings. Therefore, deliveries and loading/unloading at proposed units A and B are to be restricted to daytime hours of use only. The applicant has suggested hours between 7am and 11pm, 7 days a week.

- 10.18 The noise assessment also recommends that specific target noise level from fixed noise sources of 5dB(A) below background noise level at noise sensitive receivers are set and that one acoustic barrier is necessary within the site adjacent to unit F.
- 10.19 The Council's Environmental Health Officer has assessed the proposal and the submitted noise report and raises some concerns about the close proximity of the site to properties on Lordsgate Lane. The proposed new road will be approximately 30m from the nearest property and vehicles travelling along this road and making manoeuvres at the roundabout at the end of Lordsgate Lane on Tollgate Road at night time have the potential to give rise to noise nuisance. In terms of fixed plant noise, appropriate noise level limits can be imposed by condition. The noise assessment submitted does not refer to noise from other activities and as future occupiers are unknown, this is difficult to predict. The EHO raises concerns that B2 uses (general industrial) within Units A and B could give rise to noise nuisance and potentially from any of the units if permitted to continue at night. A definition of night time in most guidance documents, including BS4142, is given between the hours of 11pm and 7am.
- 10.20 Environmental Health therefore recommend a restriction on operating and delivery hours for Units A and B to daytime hours (7am to 11pm) as well as a restriction on those units for Class B1 (office and light industrial) and B8 (storage and distribution) uses only. An overall noise limitation condition for fixed plant together with a proposed acoustic barrier between units E and F are also recommended to ensure that the development would not have a detrimental impact on nearby residents. These mitigation measures can be secured by appropriately worded planning conditions.
- 10.21 Paragraph 180 of the NPPF and Local Plan Policy GN3 also require any impact of light pollution to be limited and in this regard, details of proposed lighting were required as part of the outline permission and will be provided as part of an approval of details of condition application.

Landscaping, Ecology and Public Open Space

- 10.22 Policy SP3 of the Local Plan along with the Masterplan requires the wider site to deliver a new public park and a Linear Park. The public park is proposed to the north of the proposed employment site and included as part of the current proposals. The linear park will run alongside the southern side of the new northern spine road and link with the existing footpath 74, which then runs southwards through the current site and continues through the safeguarded land onto Liverpool Road South. A further part of the linear park pedestrian/cycle route will also run along the southern edge of the proposed southern primary route.
- 10.23 Scattered copses of trees and hedgerows will be retained along the existing footpath and substantially enhanced around the proposed public park and drainage basin. It is also proposed to retain the trees/hedgerow between the existing industrial estate at Tollgate Crescent and the proposed employment site. Detailed landscape plans along with maintenance and management details have been provided which indicate suitable tree and shrub planting. A Habitats Regulations Assessment was undertaken in relation to the outline application, the conclusions of the Habitats Regulations Assessment remains valid. As a result, there is considered to be no loss of supporting habitat for pink-footed geese or

whooper swans. I am satisfied that increased compensatory planting has been provided to mitigate any loss of existing habitat and as such, there is no undue impact on ecology as a result of the development in accordance with Policy EN2 of the Local Plan.

Mineral Safeguarding

- 10.24 In accordance with Policy M2 of the Lancashire County Council Minerals and Waste Site Allocation and Development Management Policies DPD a Mineral Assessment was submitted by the applicant at the outline application stage. The assessment concluded that any mineral resource on the site was not a commercially viable deposit and the development of the site for uses not compatible with mineral extraction would be in conformity with Policy M2. No further assessment in this regard is necessary.

Summary

- 10.25 In summary, it is considered that, subject to conditions relating to use of the employment units, noise limits and hours of delivery and servicing, the proposed development is acceptable in terms of layout, appearance and scale and that the proposed landscaping scheme will assimilate the development into its surroundings. I am satisfied that the proposed development would allow for the retention of reasonable levels of amenity for the occupants of neighbouring properties and provides an enhanced widened and landscaped public footpath/cyclepath along with a large public park. I consider that the proposed development is compliant with the NPPF, the Local Plan and the Burscough Parish Neighbourhood Plan in respect of drainage and highway matters.

11.0 RECOMMENDATION

- 11.1 That planning permission be approved subject to the following conditions and reasons:

Conditions

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:
PL03 Rev F (Proposed site plan) received by the Local Planning Authority on 10th July 2019;
PL20 Rev B (Proposed site plan part 2) received by the Local Planning Authority on 10th July 2019;
PL04 Rev B (Proposed building type A) received by the Local Planning Authority on 25th April 2019;
PL05 Rev B (Proposed building type A) received by the Local Planning Authority on 25th April 2019;
PL06 (Proposed building type B) received by the Local Planning Authority on 27th March 2019;
PL07 (Proposed building type B) received by the Local Planning Authority on 27th March 2019;
PL08 (Proposed building type B) received by the Local Planning Authority on 27th March 2019;
PL09 (Proposed building type C) received by the Local Planning Authority on 27th March 2019;
PL10 (Proposed building type C) received by the Local Planning Authority on 27th March 2019;
PL11 Rev C (Proposed building type D) received by the Local Planning Authority on 10th July 2019;
PL12 (Proposed building type D) received by the Local Planning Authority on 27th March 2019;

PL13 Rev A (Proposed building type F) received by the Local Planning Authority on 10th July 2019;

PL14 (Proposed building type F) received by the Local Planning Authority on 27th March 2019;

PL15 Rev C (Proposed building type G) received by the Local Planning Authority on 10th July 2019;

PL16 Rev E (Proposed building type H) received by the Local Planning Authority on 10th July 2019;

PL17 Rev D (Proposed building type H) received by the Local Planning Authority on 10th July 2019

2. Materials for the development hereby approved shall be implemented in accordance with the schedule contained within Plan Ref: 2019-124-Tollgate Road Materials List received by the Local Planning Authority on 11th July 2019 unless otherwise agreed in writing with the Local Planning Authority.
3. Landscaping of the site shall be carried out in accordance with the details provided in Plans Ref: 002.01 Rev D (layout 1) received by the Local Planning Authority on 10th July 2019; 002.02 Rev C (layout 2) received by the Local Planning Authority on 10th July 2019; 002.03 Rev B (layout 3) received by the Local Planning Authority on 18th April 2019; 002.04 Rev B (layout 4) received by the Local Planning Authority on 18th April 2019; 002.05 Rev A (layout 5) received by the Local Planning Authority on 10th July 2019; 002.06 Rev A (layout 6) received by the Local Planning Authority on 10th July 2019; 002.07 Rev A (layout 7) received by the Local Planning Authority on 10th July 2019; 002.08 Rev A (layout 8) received by the Local Planning Authority on 10th July 2019; together with the Milieu Landscape Design Planting Philosophy received by the Local Planning Authority on 18th April 2019.
4. Maintenance and management of the landscaping on the site shall be implemented in accordance with the Milieu Landscape Design Habitat Creation, Maintenance and Management Plan dated February 2019 and revised April 2019 and received by the Local Planning Authority on 18th April 2019.
5. The development hereby approved shall be carried out in accordance with the following drainage details:
Rutter Johnson Drainage Summary Strategy Report No: 16079 Rev D received by the Local Planning Authority on 8th July 2019;
Surface Water Design Summary and Calculations Ref: 16079-SW - EMP01 received by the Local Planning Authority on 26th June 2019;
Plan Ref: 16079-EMP1_D101 Rev C received by the Local Planning Authority on 26th June 2019;
Plan Ref: 16079-EMP1_D102 Rev D received by the Local Planning Authority on 10th July 2019;
Plan Ref: 16079-EMP1_D103 Rev B;
Plan Ref: 6079_EMP1_D114 Rev A received by the Local Planning Authority on 10th July 2019;
Plan Ref: 16079-EMP1_D115 Rev B received by the Local Planning Authority on 16th July 2019
6. Boundary fencing on the site shall be implemented in accordance with the Proposed Site Plan PL03 Rev F received by the Local Planning Authority on 10th July 2019; and fencing examples indicated on Plan Ref 2019-124 (Fencing Examples) received by the Local Planning Authority on 17th April 2019.
7. Notwithstanding the submitted site layout plan, a 2.5m high acoustic barrier, the details of which shall first be submitted to and approved in writing by the Local Planning Authority, shall be erected in the location indicated in Figure 5-1 of the JPM Acoustics Noise Impact Assessment Report received by the Local Planning Authority on 2nd May 2019 prior to occupation of Units F,G and H. The agreed acoustic barrier shall be retained for the duration of the development.

8. All highway works and finished floor levels shall be implemented in accordance with the Rutter Johnson Engineering Layout plan ref: 16079-EMP1_D100 Rev A received by the Local Planning Authority on 17th April 2019.
9. All tree works shall be implemented in accordance with the MPTREES Arboriculture Method Statement dated February 2019 and received by the Local Planning Authority on 27th March 2019, including appended plan ref: MPT140.01.19 (Tree Protection Plan - Phase 1).
10. Prior to the first occupation of any building, a scheme for the provision of 10% of the overall parking provision to be provided for electrical vehicles, together with full details of the charging points, ampage and cabling and the phasing of such provision, shall be submitted to and approved in writing by the Local Planning Authority. Any approved scheme shall be implemented in accordance with a timetable to be agreed in writing and shall be retained for the duration of the development.
11. Car parking spaces and manoeuvring areas shall be marked out in accordance with the approved site layout plan, before occupation of the building to which the parking and manoeuvring relates.
12. Bicycle and motorbike parking shall be provided for each unit within the site in accordance with a scheme, which shall first be submitted to and approved in writing by the Local Planning Authority. The approved bicycle and motorbike parking, including phasing, shall be implemented prior to occupation of the unit to which the parking relates.
13. No commercial building shall be occupied until a scheme detailing the method of storage and disposal of litter and waste materials, including recycling facilities for that unit, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme for each unit shall be implemented before the associated unit hereby permitted is brought into use and retained as such thereafter.
14. No raw materials, finished or unfinished products or parts, equipment, machinery, crates or materials, other than waste and recycling facilities approved under condition 13, shall be stacked or stored outside any building on the site without the prior approval in writing of the Local Planning Authority.
15. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, Buildings A and B as indicated on Plan Ref: PL03 Rev F (Proposed site plan) shall be used for Use Classes B1 (light industrial) and/or B8 (storage and distribution) only; and for no other purpose, including any other use falling within Class B; of the Schedule to that Order or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, except with the prior grant of a further planning permission.
16. No loading/unloading of vehicles and no deliveries shall be taken at or dispatched from any unit within Building A or B as indicated on plan ref: PL03 Rev F (Proposed site plan), including waste collections, between 2300 and 0700 Mondays to Saturdays, nor at any time on Sundays, Bank or Public Holidays.
17. No plant or machinery shall be operated, and no process shall be carried out in any unit within Buildings A or B as indicated on plan ref: PL03 Rev F (Proposed site plan) between 2300 and 0700 Mondays to Saturdays, nor at any time on Sundays, Bank or Public Holidays.
18. Noise from fixed plant and equipment and noise from industrial and business activities associated with the proposed development shall not exceed the derived noise level limits from the JPM Acoustics Noise Impact Assessment report dated 16th April 2019 during weekday and weekend daytime and night-time periods, when measured at the nearest noise sensitive receptors.
19. Prior to occupation of the fourth complete block (not unit within a block) hereby approved, the diversion of the surface water sewer from Lordsgate Lane shall be completed in accordance with the details shown on the approved plans and Drainage Summary Statement 16079 Rev D and thereafter a Drainage Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The verification report shall confirm that the approved surface water drainage diversions have been implemented in

full and shall include Photographic evidence of construction as per design drawings and as built construction drawings.

Reasons

1. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012 -2027 Development Plan Document.
2. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To enable adequate maintenance and management of landscaped areas and provide compensatory planting so ensure the development complies with Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
5. 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.
6. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To safeguard the occupiers of the surrounding area from excessive noise intrusion and so ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. To assimilate the proposed development into its surroundings and to ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To 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.
10. In the interests of sustainable transport choice and to comply with Policy IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To allow for the effective use of the parking areas in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. In the interests of sustainable and alternative transport choice and to comply with Policy IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
13. To reduce and manage waste generated from the development in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
14. In the interests of visual amenity and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
15. To safeguard the occupiers of the surrounding area from excessive noise intrusion and so ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
16. To safeguard the occupiers of the surrounding area from excessive noise intrusion and so ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
17. To safeguard the occupiers of the surrounding area from excessive noise intrusion and so ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
18. To safeguard the occupiers of the surrounding area from excessive noise intrusion and so ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

19. To 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:

SP1 - A Sustainable Development Framework for West Lancashire

SP3 - Strategic development Site: Yew Tree Farm

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

EC1 - The Economy and Employment Land

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

EN1 - Low Carbon Development and Energy Infrastructure

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN3 - Provision of Green Infrastructure and Open Recreation Space

EN4 - Preserving and Enhancing West Lancashire's Built Environment

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

Agenda Item 7c

No.3	APPLICATION NO.	2019/0438/FUL
	LOCATION	Land To The East Of Tollgate Road Burscough Lancashire
	PROPOSAL	The erection of a building for use as employment (B1, B2 or B8) or leisure (D2), together with the laying of an access road from the existing roundabout at Tollgate Road, and other associated works.
	APPLICANT	Crompton Property Developments Ltd
	WARD	Burscough West
	PARISH	Burscough
	TARGET DATE	31st July 2019

1.0 SUMMARY

- 1.1 This is a detailed application for the erection of a building in the first phase of employment development at the Yew Tree Farm site. The proposed use, layout, design and landscaping is considered to be acceptable. The development will not have a detrimental impact on highway safety and adequate parking has been provided. Subject to conditions pertaining to hours and noise in order to protect neighbouring residential amenity, I am satisfied that the proposal complies with the relevant policies of the Local Plan.

2.0 RECOMMENDATION: APPROVE with conditions

3.0 THE SITE

- 3.1 The site comprises part of a further phase of the wider strategic development site of Yew Tree Farm, previously granted outline planning permission for a mixed-use development (2015/0171/OUT). It is located within the settlement boundary of Burscough. The site itself relates to a proposed large unit within the wider application boundary for Reserved Matters application 2019/0311/ARM elsewhere on this agenda and is known as Unit E.
- 3.2 The proposed unit lies to the east of a newly formed roundabout off Tollgate Road, south and east of existing employment units on Tollgate Crescent. To the south lies agricultural land that forms part of the wider safeguarded Yew Tree Farm site with residential properties beyond along Liverpool Road South. To the north and east is also agricultural land that forms part of the wider Yew Tree Farm site (the adjacent land to the east is safeguarded for future residential development and the northern part forms part of current application 2019/0311/ARM for proposed employment units F,G and H). The site is presently relatively flat open land.

4.0 THE PROPOSAL

- 4.1 This is a detailed application for the construction of a 3,000sqm building with associated parking to be used as a children's recreation centre. The proposed building is known as Unit E within the wider application for employment uses currently under consideration (2019/0311/ARM) and will be accessed from a new road leading from the recently constructed roundabout on Tollgate Road, which will include footways on both sides and which will ultimately form one of the two primary vehicular routes across the wider Yew Tree Farm site. This road is designed as a 7.3m wide access route capable of serving both HGV and residential traffic.
- 4.2 An occupier has been secured for the building, Fun Arena Ltd, who specialized in a range of soft play attractions comprising party rooms, mega bouncy castle, helter-skelter, climbing frames, bumper cars, bowling alley, paddle boats, crazy golf, small football courts

and seasonal games areas.

- 4.3 The building measures 79.5m in length, 32m in width and is 6.5m to the eaves and 12m to the ridge. A mezzanine floor containing party rooms, toilets, office, kitchen and store room is proposed over part of the ground floor. External materials comprise Kingspan goosewing grey cladding with anthracite grey flashings with a glazed entrance door. The gable of the building would front onto the new access road with a landscaped verge between the building, a 1.8m high green paladin mesh fence and the road. Access leads from the new road into a dedicated car park for the unit which includes 107 car parking spaces.

5.0 RELEVANT APPLICATIONS

- 5.1 2019/0311/ARM – Reserved Matters - Construction of seven employment buildings (falling within use classes B1, B2 & B8) comprising a total of 11,721 sqm (GEA) and associated works pursuant to outline planning permission Ref. 2015/0171/OUT. Including Approval of Details Reserved by Condition 8 (Highways), 16 (Arboricultural Method Statement), 18 (Landscaping), 27 (Foul/Surface Water Drainage Strategy), 28 (Foul Drainage), 31 (Levels) and 35 (Noise).PENDING DETERMINATION
- 5.2 2018/0525/HYB - Hybrid Application - Full planning permission for the construction of a link road between Tollgate Road/Ringtail Road and the Phase 1 residential development of the Yew Tree Farm site including associated drainage and other works; and Outline planning permission for the construction of 31,100 sqm of B1, B2 and/or B8 employment development (all matters reserved except for access positions from the existing/new roads) together with the provision of related infrastructure including the construction of drainage works, services and related utilities. APPROVED
- 5.3 2017/0431/ARM - Approval of Reserved Matters for 146 dwellings with associated car parking and landscaping for phases 1a & 1b (denoted as 1 & 1a on the Outline approved master plan). The reserved matters for which consent is sought on these two phases are appearance & scale, layout and landscaping. Discharge of Condition No. 27 (foul and surface water drainage strategy) and Condition No. 35 (updated noise assessment) of planning permission 2015/0171/OUT. APPROVED
- 5.4 2015/0171/OUT - Demolition of the existing buildings, and outline planning permission (including details of access) for the erection of up to 580 dwellings (C3); Extra Care or Care Accommodation (C2); a Local Centre (comprising up to 500m² of A1, A2, A3, A4 and A5 floorspace; and community uses); the construction of 4.6 hectares of Employment Development (up to 13,800m² of B1, B2 and B8 floorspace); the provision of open space and associated recreation facilities (including parkland, allotments, play areas, a linear park, cycle and pedestrian facilities); together with the provision of related infrastructure including the construction of drainage works (including sustainable urban drainage systems), roads, services and related utilities; and associated works. APPROVED SUBJECT TO A S106 AGREEMENT
- 5.5 2014/1054/SCO - Scoping Opinion - Residential-led mixed-use development - Development IS EIA development (25.11.2014)

Land to south-west at end of Lordsgate Lane

- 5.6 2016/0406/FUL - Erection of 6 No. (3 pairs of semi-detached) dwellings. APPROVED

6.0 CONSULTEE RESPONSES

- 6.1 LANCASHIRE CONSTABULARY (09.05.2019) – Recommend security measures.
- 6.2 LCC HIGHWAYS (21.05.2019) – No objections subject to conditions.
- 6.3 UNITED UTILITIES (12.06.2019) – No objections subject to conditions.
- 6.4 LCC LEAD LOCAL FLOOD AUTHORITY (12.07.2019) – No objection subject to condition.
- 6.5 DIRECTOR OF LEISURE AND WELLBEING (15.07.2019) – No objection subject to condition.

7.0 OTHER REPRESENTATIONS

- 7.1 Burscough Parish Council object to the application on the basis that there are existing play provisions in the area employing staff at Windmill Farm, Burscough, Play Barn, Mere Brow and Farmer Teds, Ormskirk. These are all situated within a 6km radius and are not referred to in the supporting information. The proposed 28 jobs would affect the wider community of similar play activities in their business and employment of staff already in situ. The bus route passing near the site has a service of every two hours and therefore not easily accessible, with a lack of pavements in the area for child safety.

8.0 SUPPORTING INFORMATION

- 8.1 The application is supported by the following information:

Planning Statement including an impact test
Noise Assessment

9.0 RELEVANT PLANNING POLICIES

- 9.1 The National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG) and the West Lancashire Local Plan (2012-2027) (WLLP) provide the policy framework against which the development will be assessed. The Burscough Parish Neighbourhood Plan is now at an advanced stage and as such, is also a material planning consideration. The site is subject of a Supplementary Planning Document: Yew Tree Farm Masterplan (February 2015) which aims to guide developers and their applicants in their proposals and planning applications for development on the site.
- 9.2 The majority of the site is allocated as SP3 – Yew Tree Farm, Burscough – A Strategic Development Site. The western part of the site is allocated as a Strategic Employment Site. The site also falls within the Mineral Safeguarding Area as designated under Policy M2 of the Joint Lancashire Minerals and Waste Local Plan.
- 9.3 The following policies apply:

National Planning Policy Framework (NPPF)
Section 2 Achieving sustainable development
Section 4 Decision making
Section 6 Building a strong, competitive economy
Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
Section 11 Making effective use of land
Section 12 Achieving well-designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment
Section 17 Facilitating the sustainable use of minerals

West Lancashire Local Plan (2012-2027) DPD

SP1 – A Sustainable Development Framework for West Lancashire

SP3 – Strategic development Site: Yew Tree Farm

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

EC1 – The Economy and Employment Land

IF2 – Enhancing Sustainable Transport Choice

IF3 – Service Accessibility and Infrastructure for Growth

EN1 – Low Carbon Development and Energy Infrastructure

EN2 – Preserving and Enhancing West Lancashire's Natural Environment

EN3 – Provision of Green Infrastructure and Open Recreation Space

EN4 - Preserving and Enhancing West Lancashire's Built Environment

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

Burscough Parish Neighbourhood Plan

BPI1: Development and Infrastructure

BPI2: Surface Water Drainage

BPI3: Foul Water Drainage

BPE1: Burscough Industrial Estate

BPT1: Transport and Development

BPT4: Sustainable Transport Routes

BPD1: Design and Accessibility Principles

BPD2: Detailed Design Elements

9.4 The following supplementary planning documents are also relevant:

SPD – Yew Tree Farm Masterplan (Feb 2015)

SPD – Design Guide (Jan 2008)

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Principle of Development – employment use

10.1 The site forms part of the Strategic Development Site of Yew Tree Farm as allocated in the Local Plan. Outline planning permission, with all matters reserved except access, was granted for a mixed-use development on the site (comprising up to 580 dwellings, care accommodation, a local retail centre, community uses, 4.6 hectares of employment development, the provision of open space and associated recreation facilities including a linear park) on 20th March 2017 (Ref: 2015/0171/OUT). The outline permission includes 36 conditions and a S106 Agreement.

10.2 The first phase of residential development by Redrow is well under way and the details of a spine road running between Liverpool Road South and Tollgate Road have been approved. The outline permission for the site only permits uses falling within B1, B2 or B8. Therefore a separate full permission is required for any alternative use. The applicant seeks permission for a more flexible use of this unit to incorporate leisure uses (Class D2) as a potential occupier has been secured by the landowner. It should be noted that the cumulative floorspace proposed for all units on this area of employment land remains within the parameters (13,800sqm) approved under the outline permission.

- 10.3 The principle of leisure uses on the site has not therefore been established through a previous permission. Policy SP3 of the Local Plan states that the Yew Tree Farm site should deliver, inter alia, 10ha of new employment land as an extension to the existing Burscough Industrial Estate. The adopted SPD for Yew Tree Farm reiterates and expands upon the principles set out in Policy SP3. An indicative masterplan sets out the locations of specific land uses. No specific mention of Class D2 uses is referred to; however, the SPD does state that "the Council wishes to support a variety of employment uses at the site and welcomes innovation and variation on the current offer". Whilst the proposed D2 use is not a traditional Class B use, it will provide employment (28 jobs).
- 10.4 Local Plan Policies SP1 and EC1 aim to facilitate economic growth in the Borough and the Council is fully supportive of local business growth. A key aim of the Council's Economic Development Strategy 2015-2025 is to support growing businesses. Furthermore, Paragraphs 38 and 80 of the NPPF promote the growth of sustainable business. As such, I am satisfied that the proposed development will provide economic benefits to the Borough and that the proposed use does not conflict with the relevant local and national policies and is acceptable in principle. In the interests of maintaining a flexible employment use, it is intended to also permit B1, B2 or B8 uses within the building should market conditions change. This is an acceptable use falling within the approved outline permission for the wider site.
- 10.5 It should be noted that since the approval of outline permission, the Burscough Parish Neighbourhood Plan (BPNP) has been "made" and is a material consideration when considering planning applications within the Plan area. Policy BPE1 refers to Burscough Industrial Estate and whilst the site itself does not fall within the existing industrial estate, it is pertinent to consider the proposed development having regard to this policy. This policy sets out, inter alia, criteria that must be met for proposals for non B uses and requires any alternative use to be compatible with existing employment uses and not prejudice the range, quality and choice of employment land available to meet future needs. In my view, the scale and design of the building is wholly compatible with the other proposed units on this phase of Yew Tree Farm and in terms of the provision of sufficient employment land to meet future needs, Phase 1 of the Yew Tree Farm employment site will deliver approximately 12,000sqm and outline permission has been granted for a further 31,000sqm on land to the north (2018/0525/HYB). Furthermore, a number of jobs will be created (28) on the site. This is wholly in accordance with the aims of the BPNP to create jobs to support the local economy in a sustainable location.

Principle of Development – town centre use

- 10.6 Leisure uses (Class D2) are considered to be town centre uses and The National Planning Policy Framework sets out 2 key tests that should be applied when planning for town centre uses which are not in an existing town centre and which are not in accordance with an up to date Local Plan – the sequential test and the impact test. Policy IF1 reiterates the requirements of the NPPF. The sequential test should be considered first as this may identify that there are preferable sites in town centres for accommodating the proposed use (and therefore avoid the need to undertake the impact test). The impact test determines whether there would be likely significant adverse impacts of locating main town centre development outside of existing town centres. It applies only above a floorspace threshold as set out in paragraph 89 of the National Planning Policy Framework (2,500sqm in this instance as there is no locally set threshold for leisure uses).
- 10.7 In terms of the sequential test required by Paragraph 86 of the NPPF and Policy IF1, I am satisfied that there are no available sites within any of the town centres in the Borough that would accommodate a unit of this size (3,000sqm). Applicants are encouraged to be

flexible when considering format and scale of buildings and where possible, to disaggregate the use. However, the format of the proposed development relies on various children's facilities based in one building for business and safety reasons. As such I consider there are no sequentially preferable sites available and this aspect of the NPPF and Policy IF1 are met.

- 10.8 In terms of the impact test, Paragraph 89 of the NPPF advises that an assessment should consider the impact of the proposal on existing, committed and planned public and private investment in centres in the catchment area of the proposal, along with the impact of the proposal on town centre vitality and viability. As the proposed floorspace is over 2,500sqm an impact test has been submitted with the application. The nearest existing children's indoor play centres within settlement boundaries are the Jungle Hut in Skelmersdale, Playtown in Southport and Pipsqueaks in Orrell. There is no current provision for children's indoor play centres in Burscough or Ormskirk town centres and no such facilities in edge of centre locations. The Parish Council refer to a number of play centres in the Borough – Windmill Animal Farm, the Play Barn and Farmer Teds – however, these are all located within the Green Belt and are therefore not sequentially preferable to the proposed site which is located within the settlement boundary in a more sustainable location.
- 10.9 I agree with the submitted impact assessment in that there are no directly comparable schemes existing or proposed in Burscough or Ormskirk town centres or edge of centres and there are no available sites within these areas of a scale proposed. As such, no impact on competing town centre uses is envisaged. Whilst the submitted impact assessment acknowledges that there are other existing D2 uses in the town centres, such as gyms, these do not cater for young children and are a different market. The proposal is considered to comply with the requirements of the NPPF and Policy IF1 and is therefore acceptable in principle.

Siting, Layout and Design

- 10.10 Paragraph 124 of the NPPF advises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policy GN3 in the Local Plan together with the Council's SPD Design Guide reiterates this ethos and states that new development should be of a scale, mass and built form which responds to the characteristic of the site and its surroundings. New development is required to be of a high quality design and have regard to visual amenity and complement its surroundings through sensitive design, including appropriate siting, orientation and scale.
- 10.11 The location of the proposed units and primary access road is as envisaged within the Yew Tree Farm Masterplan. The cumulative floorspace of the proposed unit, together with the surrounding units forming application 2019/0311/ARM is in full compliance with the outline permission. The layout of the unit provides the opportunity for landscaping along the new primary road frontage to soften the appearance of the large building. The design of the building is industrial in nature and utilitarian. However, it is accepted that this is to allow flexibility for B1, B2 or B8 uses should market conditions dictate in the future. The design and scale of the building matches that of the proposed surrounding employment units and is in character with the adjoining Burscough Industrial Estate. The proposed building is fronted by a large car park which I consider appropriate in this location. Overall I am satisfied that the layout, scale and design of the unit is acceptable and in accordance with Policy GN3 of the Local Plan and the Yew Tree Farm Masterplan SPD.

Highways

- 10.12 LCC Highways have been consulted in respect of the proposals and have confirmed that traffic impact of the proposed development can be accommodated on the local highway network and as such would not cause adverse harm to highway safety or the free flow of traffic in the local area. Access to the site was determined at outline application stage and a roundabout has recently been constructed on Tollgate Road to facilitate access to the southern part of the wider Yew Tree Farm site. In my view, the construction of the primary road will provide a potential alternative access for traffic travelling north/south as well as east/west through Burscough should the safeguarded land to the east and south be brought forward for development in the future. It is also considered likely that a large number of the potential employees would reside in the proposed residential development on Yew Tree Farm and this would reduce traffic generation/external trips from all phases of the development of the wider Yew Tree Farm site. A new footway will be provided along the length of the new road so that a safe pedestrian route can be provided to the site.
- 10.13 LCC are satisfied with the location of the access point into the site and that adequate visibility can be achieved.
- 10.14 In terms of parking, a total of 107 spaces are provided for the units. One space per 23sqm is required for D2 uses (as advocated in Appendix F of the Local Plan). Therefore, based on the actual floorspace of the building without the mezzanine (2,500sqm), 108 spaces would be required. Whilst the inclusion of the mezzanine floor results in a requirement of a further 22 spaces, having regard to the use of half of the mezzanine for toilets and storage, I am satisfied that adequate provision has been made. The provision of 10% or equivalent spaces suitable for electric vehicles, disabled spaces and cycle/motorbike parking, can be required by condition.
- 10.15 Overall, I consider the proposed development complies with Policy SP3 and GN3 of the Local Plan and the Yew Tree Farm Masterplan SPD with regards access and parking.

Surface Water, Drainage and Flood Risk

- 10.16 In terms of drainage, an overall drainage strategy has been approved for the wider Yew Tree Farm and stringent conditions have been imposed on the outline planning permission requiring full details of both the surface water and foul water proposals and along with their maintenance and management.
- 10.17 Surface water from the proposed employment site will discharge via a network of underground pipes, to a proposed new basin located to the north of the site. This basin provides the storage volume associated with all the Phase 1 employment land and also the proposed Phase 4 residential area to the east and the potential school site. Surface water will then be discharged at a controlled rate to the existing ditch network flowing west.
- 10.18 In terms of foul water, since preparation of the initial overall drainage strategy provided at outline planning stage, the developer acquired the additional land required to provide the full length of the spine road and further employment land (2018/0525/HYB). The acquisition of this additional land means that there is sufficient available gradient to enable a gravity pipe network to be routed through this land and connect to the existing combined water sewer.
- 10.19 Following liaison between United Utilities and the Lead Local Flood Authority, an updated drainage strategy has been submitted which satisfies the statutory agency's requirements in principle. On this basis, and subject to detailed drainage conditions, I am satisfied that the foul water system is acceptable and the surface water disposal will form a sustainable

urban drainage system in accordance with the NPPF and Local Plan Policies SP3 and GN3.

Impact on surrounding land uses

- 10.20 It is necessary to consider the impact of the proposed unit on surrounding land uses, in particular those residential properties to the south, along Lordsgate Lane and Liverpool Road South. A noise assessment has been submitted with the application in accordance with condition 35 of the outline permission. The closest residential properties are along Liverpool Road South, a considerable distance from the building. The applicant has suggested that the proposed leisure use could be open between 7am and 11pm, 7 days a week; however, the applicant has also applied for B1, B2 and B8 uses in order to retain a flexible use should the need arise. This is compatible with the surrounding proposed units C, D, F, G and H subject to application 2019/0311/ARM.
- 10.21 The submitted noise assessment recommends that specific target noise level from fixed noise sources of 5dB(A) below background noise level at noise sensitive receivers are set and that this would render an hours restriction unnecessary.
- 10.22 The Council's Environmental Health Officer has assessed the proposal and the submitted noise report and advises that, provided a noise restriction is imposed in accordance with the noise report, this would ensure adequate noise protection for surrounding residents in compliance with Policy GN3 of the Local Plan.
- 10.23 Paragraph 180 and Local Plan Policy GN3 also require any impact of light pollution to be limited and in this regard, details of proposed lighting can be provided by condition.

Landscaping, Ecology and Public Open Space

- 10.24 Policy SP3 of the Local Plan along with the Masterplan requires the wider site to deliver a new public park and a Linear Park. The linear park will run alongside the southern side of the new northern spine road and link with the existing footpath 74, which then runs southwards adjacent to the current site and continues through the safeguarded land onto Liverpool Road South. A further part of the linear park pedestrian/cycle route will also run along the southern edge of the proposed southern primary route.
- 10.25 It is also proposed to retain the trees/hedgerow between the existing industrial estate at Tollgate Crescent and the proposed site. Detailed landscape plans along with maintenance and management details have been provided which indicate suitable tree and shrub planting. A Habitats Regulations Assessment was undertaken in relation to the outline application, the conclusions of the Habitats Regulations Assessment remain valid. As a result, there is considered to be no loss of supporting habitat for pink-footed geese or whooper swans. I am satisfied that increased compensatory planting has been provided on the wider employment site to mitigate any loss of existing habitat and as such, there is no undue impact on ecology as a result of the development in accordance with Policy EN2 of the Local Plan.

Mineral Safeguarding

- 10.26 In accordance with Policy M2 of the Lancashire County Council Minerals and Waste Site Allocation and Development Management Policies DPD a Mineral Assessment was submitted by the applicant at the outline application stage. The assessment concluded that any mineral resource on the site was not a commercially viable deposit and the development of the site for uses not compatible with mineral extraction would be in conformity with Policy M2. No further assessment in this regard is necessary.

Summary

10.27 In summary, it is considered that, subject to conditions, the proposed development is acceptable in terms of use, layout, appearance and scale. I am satisfied that the proposed development would allow for the retention of reasonable levels of amenity for the occupants of neighbouring properties I find that the proposed development is compliant with the NPPF, the Local Plan and the Burscough Parish Neighbourhood Plan in respect of technical drainage and highway matters.

11.0 RECOMMENDATION

11.1 That planning permission be approved 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:
PL003 Rev 02/19 (Proposed site plan) received by the Local Planning Authority on 1st May 2019;
PL004 Rev C (Proposed building type E floor plan/elevations) received by the Local Planning Authority on 1st May 2019;
PL005 Rev C (Proposed building type E roof plan/elevations) received by the Local Planning Authority on 1st May 2019;
3. Materials for the development hereby approved shall be implemented in accordance with the schedule contained within Plan Ref: 2019-124-Tollgate Road Materials List received by the Local Planning Authority on 11th July 2019 unless otherwise agreed in writing with the Local Planning Authority.
4. Landscaping of the site shall be carried out in accordance with the details provided in Plans Ref: MLD_19137_001 Rev E Masterplan and MLD_19137_002.3 Rev B Planting Plan received by the Local Planning Authority on 16th July 2019.
5. The development hereby approved shall be carried out in accordance with the following drainage details:
Rutter Johnson Drainage Summary Strategy Report No: 16079 Rev D received by the Local Planning Authority on 16th July 2019;
Surface Water Design Summary and Calculations Ref: 16079-SW - EMP01 received by the Local Planning Authority on 16th July 2019;
Plan Ref: 16079-EMP1_D101 Rev C received by the Local Planning Authority on 16th July 2019;
Plan Ref: 16079-EMP1_D102 Rev D received by the Local Planning Authority on 16th July 2019;
Plan Ref: 16079-EMP1_D103 Rev B received by the Local Planning Authority on 10th July 2019
Plan Ref: 6079_EMP1_D114 Rev A received by the Local Planning Authority on 10th July 2019
Plan Ref: 16079-EMP1_D115 Rev B received by the Local Planning Authority on 10th July 2019
6. All attenuation basins and flow control devices/structures shall be constructed and operational prior to occupation of the building.
7. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development has been submitted to and agreed in writing by the Local Planning Authority which, as a minimum shall include:

a) 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;

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

8. Boundary fencing on the site shall be implemented in accordance with the Proposed Site Plan PL003 Rev 02/19 (Proposed site plan) received by the Local Planning Authority on 1st May 2019;
9. All highway works and finished floor levels shall be implemented in accordance with the Rutter Johnson Engineering Layout plan ref: 16079-EMP1_D100 Rev A received by the Local Planning Authority on 1st May 2019.
10. Prior to the first occupation of any building, a scheme for the provision of 10% of the overall parking provision to be provided for electrical vehicles, together with full details of the charging points, ampage and cabling and the phasing of such provision, shall be submitted to and approved in writing by the Local Planning Authority. Any approved scheme shall be implemented in accordance with a timetable to be agreed in writing and shall be retained for the duration of the development.
11. Car parking spaces and manoeuvring areas shall be marked out in accordance with the approved site layout plan, before occupation of the building and shall thereafter be kept clear for the parking and turning of vehicles.
12. Bicycle and motorbike parking shall be provided in accordance with a scheme, which shall first be submitted to and approved in writing by the Local Planning Authority. The approved bicycle and motorbike parking shall be implemented prior to occupation of the unit.
13. The building shall not be occupied until a scheme detailing the method of storage and disposal of litter and waste materials, including recycling facilities has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the building hereby permitted is brought into use and retained as such thereafter.
14. No raw materials, finished or unfinished products or parts, equipment, machinery, crates or materials, other than waste and recycling facilities approved under condition 13 shall be stacked or stored outside the building without the prior approval in writing of the Local Planning Authority.
15. The rating level of noise emitted from the site's plant, equipment and machinery and activity in service yards shall not exceed the background levels determined at all boundaries near to noise-sensitive premises; and noise from externally mounted ancillary plant, equipment and servicing shall not exceed a rating level of 5dB (LAeq) below background levels as determined at all boundaries near to noise-sensitive premises. All measurements and assessments shall be done in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound.

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 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 ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 and EN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
5. 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.
6. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development and to reduce the flood risk to the development as a result of inadequate maintenance and so ensure compliance with the provisions of Policies GN3 and IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. 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 West Lancashire Local Plan 2012-2027 Development Plan Document.
9. 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 West Lancashire Local Plan 2012-2027 Development Plan Document.
10. In the interests of sustainable transport choice and air quality and so to comply with Policy IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To allow for the effective use of the parking areas in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. In the interests of sustainable and alternative transport choice and to comply with Policy IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document If2
13. To reduce and manage waste generated from the development in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
14. . In the interests of visual amenity and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
15. To safeguard the occupiers of the surrounding area from excessive noise intrusion and so ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Reason for Approval

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

SP1 - A Sustainable Development Framework for West Lancashire

SP3 - Strategic development Site: Yew Tree Farm

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

EC1 - The Economy and Employment Land

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

EN1 - Low Carbon Development and Energy Infrastructure

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN3 - Provision of Green Infrastructure and Open Recreation Space

EN4 - Preserving and Enhancing West Lancashire's Built Environment

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in

the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.

No.4	APPLICATION NO.	2019/0201/FUL
	LOCATION	Shireoaks Wigan Road Lathom Ormskirk Lancashire L40 6JN
	PROPOSAL	Demolition of existing barn and storage shed and erection of dwelling and stable block.
	APPLICANT	Mr A Howard
	WARD	Bickerstaffe
	PARISH	Lathom South
	TARGET DATE	3rd June 2019

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme; however, Councillor Rigby has requested it be referred to Planning Committee to consider the possible negative impact on Green Belt along with concerns regarding site drainage.

2.0 SUMMARY

- 2.1 I am satisfied that the proposed development is not inappropriate development in the Green Belt and is compliant with the NPPF and Policy GN1 of the Local Plan. This is due to status of the land being brownfield (previously developed land) and the proposal complying with paragraph 145 (g); the proposed redevelopment of previously developed land would not have a greater impact on the openness of the Green Belt than the existing development. Furthermore I am satisfied that the site is not located in an isolated/unsustainable location and is therefore compliant with paragraphs 78 and 79 of the NPPF. In design terms, the proposal is considered to be compliant with Policy GN3 of the Local Plan and no issues have been identified with regards to the impact of the proposal on the amenities of neighbouring properties. Lastly the proposal has been assessed in relation to its impact on matters such as drainage, ecology and highways/parking and, subject to conditions, the proposal is considered to be 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 The site is accessed via an existing access way off Wigan Road, close to its junction with Plough Lane. The site extends behind the dwelling and associated residential land known as Brighthouse Green Farm eastwards. A further dwelling, Woodlands, lies to the immediate north and there are open agricultural fields to the immediate south which are interspersed with small outbuildings. A row of residential properties lie further to the south, facing onto both Wigan Road and Dickets Lane.
- 4.2 The site currently contains two large and substantial outbuildings and a static caravan. These structures have previously been assessed and their presence deemed lawful on the site. The same conclusion has been drawn on the existing access track.
- 4.3 The site has a varied planning history but essentially planning permission was granted in 2017 for a change of use of the land from agricultural to a mixed use consisting of agriculture (Keeping of livestock) and equestrian (the keeping of horses), additional hardstanding area and an all-weather paddock and drainage ditch. This permission has been implemented. The use of the existing buildings were not clarified under this approval

but the approved use of the land included the existing buildings and therefore they have been used in connection with the authorised mixed use of the land.

5.0 THE PROPOSAL

- 5.1 Planning permission is sought for the demolition of existing barn and storage shed and erection of one dwelling and one stable block. The proposed buildings would be located on the footprint of those to be demolished. A parking area is shown to the west of barn 1 on an area of existing hardstanding. The existing caravan is shown to be removed from the site. A garden area for the dwelling is shown to be located to the western side of that building.
- 5.2 The proposed dwelling would be single storey and contain 3 bedrooms; the building would be finished in facing brick and slate roof tiles. The proposed stables would be sited on the footprint of 'Barn 2' and contain 5 separate blocks. The stables would be constructed from timber.
- 5.3 In terms of the site layout, this would largely remain as existing. The hardstanding area is to be retained; some of this was approved under 2016/0642/COU or deemed lawful prior to this and this area can be described as being the land to the south, north and west of barn 1 and the land in between barn 1 and barn 2. The area of hardstanding to the north of barn 2 and paddock did not form part of the previous approved development. The paddock is to be retained as is the boundary (2m high timber fencing) along the southern boundary.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2016/0642/COU – GRANTED (10.03.2017) Change of use of agricultural land from grazing of livestock to the keeping of livestock/horses. Putting in hardstanding area for access, parking and storage area. All weather paddock and drainage ditch.
- 6.2 2006/1133 – REFUSED (04.06.2007) Change of use of existing building and yard area to builders store with ancillary parking.

Enforcement

- 6.3 E/2017/0261/UEW - Laying of concrete - CLOSED
- 6.4 E/2017/0089/BCN - Breach of condition nos 3, 6 & 9 imposed on planning permission 2016/0642/COU - CLOSED
- 6.5 E/2017/0040/UL - Without planning permission install security lights - CLOSED
- 6.6 E/2015/0114/UEW - Construction of hardstanding and use of site for non-agricultural purposes - CLOSED
- 6.7 E/2015/0007/TSN - Use of site for the siting of residential caravans and parking of associated vehicles - CLOSED
- 6.8 E/2006/0003 - The construction of a hardstanding area and use of the site for non-agricultural purposes - ENFORCEMENT NOTICE COMPLIED WITH
- 6.9 E/2006/0002 - Use of land and buildings for non-agricultural purposes - ENFORCEMENT NOTICE COMPLIED WITH

6.10 E/2006/0001 - Construction of hardstanding - ENFORCEMENT NOTICE COMPLIED WITH

7.0 OBSERVATIONS OF CONSULTEES

7.1 LANCAHIRE COUNTY COUNCIL (HIGHWAYS) (30.04.2019) – The existing site access is located close to the busy junction of Wigan Road and Plough Lane. Condition 2 of previously granted application (2016/0642/COU) restricts the use of the stables and ménage for private use only. Provided the facilities remain as private use and not for use as a riding school, livery or other commercial purposes, I would not expect a significant increase in vehicle movement from the proposed 3 bed dwelling and therefore would not object to the application.

7.2 MERSERYSIDE ENVIRONMENTAL ADVISORY SERVICES (30.04.2019) – No objections. The Council does not need to consider the proposals against the Three Tests set out in the Habitat Regulations.

7.3 DIRECTOR OF LEISURE AND ENVIRONMENT (16.05.2019) – No objection; conditions are recommended.

7.4 COAL AUTHORITY (29.04.2019) – No objection.

7.5 SHELL PIPELINES (30.04.2019) – No pipelines affected.

7.6 HEALTH AND SAFETY EXECUTIVE (30.04.2019) – Does not advise, on health and safety grounds against the granting of planning permission.

7.7 CADENT AND NATIONAL GRID (03.05.2019) – No objection.

8.0 OTHER REPRESENTATIONS

8.1 Lathom South Parish Council

Draw the Council's attention to entrenchment of a separate site area for a residential caravan. Consider the use of the caravan would be superseded by the new dwelling and it should be removed from site.

Query the need for the size of the parking and turning area.

Query regarding proposed drainage methods.

Consider that the conversion of Barn 1 to a dwelling would not comply with the NPPF.

Concerns that the construction methods for the replacement Barn 2 would be too permanent for a stable block and too large for the number of horses that should be kept on such a limited area of land.

Consider that no very special circumstances have been put forward and the application should be refused.

8.2 South Lathom Residents' Association (22.05.2019)

Query regarding the ownership of the site.

Note that there are inaccuracies within the application form including the current use of the site is not B8 and the development involves the creation of one new dwelling.

The previous application was for keeping two horses on site. Consider that the current proposal for five stables is excessive for two horses.

Query the stated need for someone to live on site to care for the horses

Concerns regarding the proposed drainage scheme being unsuitable

Proposal fails to comply with the NPPF and Supplementary Planning Document - Development in the Green Belt.

- 8.3 Six representations have been received from three neighbouring residents. A summary of the issues raised is as follows:

Objection to the proposed development because the land is agricultural and green belt land;

Concerns regarding access to the site and impacts on highway safety. The access road to the land is on a very dangerous junction to the main and side roads causing traffic problems;

In respect of previous planning applications the planning conditions have not been complied with;

This has always been agricultural/farming land and should always remain this;

Query the need to build a house on this land to care for horses. There are no horses on the land and have not been for many years. In previous applications it has been stated by experts that the land is only suitable to sustain two horses;

Concerns regarding the condition and appearance of the land;

Concern that a precedent would be set if this is approved;

The mobile home on the site has been gradually separated off from the rest of the site;

Note there are inaccuracies within the application form / ownership certificates;

The site is currently not supplied with water;

The site has been subject to several enforcement investigations since 2004. The use of the site should not be justified by any previous misuse of the site;

How can the Council ensure that Barn 1 is demolished and not remodelled?

9.0 SUPPORTING INFORMATION

- 9.1 Planning, Design and Access Statement
Preliminary Ecological Appraisal (Pennine, Nov 2018).
Coal Mining Risk Assessment

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 5 - Delivering a sufficient supply of homes

Para 12 - Achieving well designed places

Para 13 – Protecting the Green Belt

Para 15 – Conserving and enhancing the natural environment

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 (2015)

11.0 OBSERVATION OF DIRECTOR OF DEVELOPMENT AND REGENERATION

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

Principle of Development - Green Belt;
Principle of Development – Sustainability;
Visual appearance / design / layout;
Impact upon adjoining land uses;
Highways / parking;
Biodiversity;
Drainage.

Principal of Development – Green Belt

- 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 *"limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development"*.
- 11.4 The site is considered to constitute previously developed land due to the implementation of the permission granted under planning reference 2016/0642/COU which introduced a mixed use of the site to include a non-agricultural use. The proposed development would re-use the footprint of the existing building and the scale of the buildings to be erected would be similar to those existing. Therefore in terms of the replacement nature of the buildings, I am satisfied that the proposal does not have any greater impact on the openness of the Green Belt than the existing development.
- 11.5 Whilst not expressly stated in the description of the development, the proposal shows the retention of an area of hardstanding which does not currently benefit from planning permission. That area is located to the immediate north of barn 2 and the paddock. This area would essentially serve the proposed stable block and associated paddock and it is usual to allow some form of hardstanding around such facilities to cater for movement of vehicles and animals. Therefore, whilst the retention of this area would cause some limited harm to the openness of the Green Belt, it would be perverse to disallow the ability to freely move around an appropriate building (stables) and a lawful area for outdoor sport and recreation. In this context, I find that the retention of this area of hardstanding complies with paragraph 145 (b) of the NPPF, *"the provision of appropriate facilities for outdoor sport, outdoor recreation"*. Furthermore I am satisfied that the retention of the hardstanding would not conflict with the purposes of including land within the Green Belt as it would be contained close to and around existing buildings and would not exceed the visual built limits of the site.
- 11.6 The existing caravan is to be removed from the site and that area of existing hardstanding would be used as a parking area. The proposed garden area for the dwelling is of a suitable size and would not result in encroachment into the Green Belt.
- 11.7 It has been noted that the applicant's submission refers to the need for a dwelling on site in connection with the care of horses; this has also been referred to by local residents within their representations. It is important to note that the proposal has not been assessed on that basis; it does not have to meet any tests relating to 'need' on the basis

that the site represents previously developed land and the redevelopment of the site has been assessed on that basis alone.

- 11.8 On the basis of the above assessment, I find that the proposed development would not cause any greater impact on the openness of the Green Belt and is compliant with the NPPF and Policy GN1 of the Local Plan.

Principal of Development – Sustainability

- 11.9 The submission has sought to justify the need for a dwelling at this location. Paragraphs 77 and 78 of the NPPF seeks to avoid new isolated homes in unsustainable locations within the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work.
- 11.10 Whilst the submission sets out the applicant's case that there is a need to live at the site to care for horses, as mentioned above the principle of development has not been assessed on that basis. However the site is located close to several bus stops from which regular buses to Ormskirk, Skelmersdale, Southport and Wigan can be caught. In addition there are several school buses which use these routes. The site is located close to Warbreck Garden Centre where there are several local services including a restaurant and a beautician. The village of Westhead is located approx. 500m away where pedestrian access is possible along existing pavements. Further local facilities such as a primary school, nursery, village hall and pub are available in Westhead. It is my view that the dwelling would be situated in a sustainable location.
- 11.11 On that basis, I am satisfied that the proposed development is in accordance with the NPPF.

Visual appearance / design / layout

- 11.12 The proposed dwelling would be single storey in height and have similar proportions to the existing Barn 1 which is to be demolished. Both of the proposed buildings would have a traditional style that is considered to be appropriate in this location and the proposed design and size would be acceptable. The proposed dwelling would be constructed in brick with a slate roof. A suitable condition can be imposed to agree details of the exact materials.
- 11.13 The agent has advised that the stables would be constructed in timber which complies with the requirements of GB5 in the SPD - Development in the Green Belt. The new stable block would be approx. 0.6m higher than the existing Barn 2 to allow suitable height for use by horses. The footprint of the building would remain the same as the existing barn. Within the building there is adequate space for storage of animal feeds and other ancillary equine items such as tack. Having regard to the size of the barn which will be demolished I am satisfied that the proposed stable would not have an adverse impact on the character and visual amenity of the area.
- 11.14 Due to the position of the dwelling and stables I consider there would be no adverse impact on the street scene. Overall I am satisfied the proposal would comply with the relevant requirements of policy GN3.

Impact upon adjoining land uses

- 11.15 Planning permission has previously been approved for the use of the land for stables and keeping of horses. I consider that due to the distance from nearby dwellings and subject to

conditions as recommended by the Environmental Health Officer the proposed equine use would not result in any adverse impacts on neighbours as a result of noise or odours.

- 11.16 In terms of the proposed dwelling I am satisfied there would be no adverse impacts from overlooking or overshadowing on neighbouring amenity. Overall I am satisfied that the development would comply with policy GN3 as it would provide acceptable amenity levels for future occupants and would not result in undue harm to the residential amenity of neighbouring properties.

Highways / parking

- 11.17 I note that concerns have been raised in regard to highway safety in the area. The Highway Authority have advised that they have no objections to the proposal provided that the use of the equine facilities are restricted to private use only. It is considered that the three bedroom dwelling would not result in intensification of use of the access such that would lead to an impact on highway safety.
- 11.18 Suitable parking can be provided within the site in accordance with policy IF2. I am satisfied that the development would not result in a significant impact on highway safety within the local area.

Biodiversity

- 11.19 The application has been accompanied by a preliminary ecological appraisal. The Council's Ecologist has assessed the submission and agrees with conclusions made. The Council's Ecologist advises that the Council does not need to consider the proposals against the three tests set out in the Habitat Regulations. Subject to the recommended conditions in respect of nesting birds it is concluded that the proposal would not have a harmful impact on any protected species or their habitat. The proposal would therefore comply with the requirements of policy EN2.

Drainage

- 11.20 The drainage details have been revised since this application was first submitted and it is now proposed to discharge foul waste water to the mains sewer located within Wigan Road and this is considered to be satisfactory. The finer details of the connection to the mains sewer would be overseen by the Building Control body as part of the Building Regulation process.
- 11.21 The revised details in respect of surface water disposal proposes disposal to an "existing drainage channel" which runs along the northern boundary of the site and then connects with Dicket's Brook to the east. Whilst I am satisfied that this is a suitable proposal, the use of soakaways should first be considered and, if necessary, discounted before consideration is given to a connection to a watercourse. I am satisfied that such investigations can be carried out by way of a condition. Furthermore, should investigations prove that ground conditions would not support an infiltration method of disposal, I am satisfied that there is suitable fall-back position, i.e. connection to a water course via an existing ditch (approved under 2016/0642/COU).

Conclusion

- 11.22 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 context of the existing site and its environs. No issues have been

identified with respect to ecology, drainage or highway safety subject to conditions referred to within the main body of the report.

11.23 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 053-05 received by the Local Planning Authority on 27th March 2019 and plan reference 053-01F and 053-03F received on 15th July 2019.
3. No development shall take place until a strategy for the surface water drainage of the development, including any necessary attenuation measures, has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage strategy must take account of the relevant provisions of this councils Planning Applications - Drainage, Flood Risk and Sustainability guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement standards. The drainage scheme shall be completed in accordance with the approved details. The peak surface water rate of discharge is to be limited to 3.0 l/s.
4. In respect of the hereby approved dwelling no development above slab level shall take place until full details and samples of the external facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
5. In respect of the hereby approved stable building no development above slab level shall take place until full details of the external facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
6. Prior to the first occupation of the hereby approved dwelling it shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.
7. The hereby approved stable building shall be used for private purposes only and shall not be used for riding school, livery or any other commercial purposes.
8. The hereby approved stable building shall be used only for the housing of horses, associated equipment and feedstock and for no other purposes including any other forms of animal boarding.
9. Prior to the first use of the hereby approved stable building details of the location of the manure trailer shall be submitted to and approved in writing by the Local Planning Authority. The manure trailer shall be sited in accordance with the approved details and shall be maintained as such thereafter. For the avoidance of doubt the storage of manure and soiled bedding is not be permitted within 30 metres of the curtilage of nearby residential accommodation.
10. No burning of either hay, straw, soiled bedding or manure shall take place on the site. All bedding and manure shall be removed from the site at least once every four weeks.
11. No external lighting shall be installed at the site until a scheme detailing the proposed lighting to be installed on the site has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed and maintained in accordance with the agreed scheme.
12. Within one month of the first occupation of the hereby permitted dwelling the existing caravan shall be removed in its entirety from the site and the area of hardstanding shall thereafter be retained for parking.

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 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.
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 ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. In the interests of sustainability in accordance with policies GN3 and IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. 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.
8. 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.
9. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. To allow for vehicles visiting the site to be parked clear of the highway and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

1. The developer is advised that building works should not take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings should be checked first by an appropriately experienced ecologist to ensure no breeding birds are present.

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 7e

No.5	APPLICATION NO.	2019/0422/FUL
	LOCATION	179 Long Lane Aughton Ormskirk Lancashire L39 5BU
	PROPOSAL	Erection of 2no. pitched roof dormer windows to front elevation and flat roof dormer to the rear together with other associated external alterations.
	APPLICANT	Mrs Debra Naden
	WARD	Aughton Park
	PARISH	Aughton
	TARGET DATE	24th June 2019

1.0 REFERRAL

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

2.0 SUMMARY

- 2.1 This application is for the erection of 2no. pitched roof dormers to the front elevation and a flat roof dormer to the rear elevation, together with associated external alterations including the conversion of the garage to a habitable room and insertion of patio doors to rear elevation. Given the size, design and position of the front and rear dormers, I am satisfied there would not be any significant detrimental impact upon neighbouring amenity. I also consider the overall design and parking requirements are acceptable and compliant with the relevant policies of the Local Plan.

3.0 RECOMMENDATION: APPROVE subject to conditions

4.0 THE SITE

- 4.1 This application relates to a bungalow located on the north side of Long Lane Aughton. It is flanked at both sides and to the rear by residential property. The rear garden slopes from the south to the north.

5.0 THE PROPOSAL

- 5.1 Planning permission is sought for the following development:

Erection of 2.no pitched roof dormer windows to the front elevation and a flat roof dormer to the rear elevation; and
Associated external alterations including the conversion of the garage to a habitable room; insertion of patio doors to rear elevation.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 None.

7.0 OBSERVATIONS OF CONSULTEES

- 7.1 Aughton Parish Council – 22.05.2019

The proposed alterations appear to detrimentally affect the residential amenity of some of the bungalows, in close proximity, on Black Moss Lane. The proposed rear alterations, particularly, the Juliette balcony, will result in a loss of privacy and poor outlook.

8.0 OTHER REPRESENTATIONS

8.1 The Council has received one letter objecting to the proposal on the following grounds:

Loss of privacy;
Loss of daylight;
Detrimental to residential amenity;
Loss of outlook;
Out of character;
Overdevelopment of site.

9.0 RELEVANT PLANNING POLICIES

9.1 The site is located within the settlement of Aughton as designated in the West Lancashire Local Plan 2012-2027 DPD

West Lancashire Local Plan 2012-2027 DPD

9.2 **National Planning Policy Framework**
Requiring good design

9.3 **West Lancashire Local Plan (2012-2027) DPD**
Policy GN1 – Settlement Boundaries
Policy GN3 – Criteria for Sustainable Development

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

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

10.1 The main considerations for the determination of this application are;

Design / appearance;
Impact upon neighbouring properties;
Highways / parking.

Visual appearance / design / character of area

10.2 The character of Long Lane is varied and has a mixture of detached and semi-detached houses and bungalows.

10.3 The main impact on visual amenity is the introduction of 2.no pitched roof dormer windows to the front elevation and a flat roof dormer to the rear elevation.

10.4 The SPD, Design Guide states that '*dormer extensions rarely contribute to the overall character of a building...in many cases dormer extensions appear somewhat incongruous within the street scene, especially ones which completely alter the shape of the existing roof to the dwelling*'. Furthermore, the Design Guide, states that '*the use of wide flat roofed dormer extensions is visually unacceptable and will generally not be allowed*'.

10.5 In my opinion the pitched dormers on the front elevation are in character and harmonise with the front elevation of the bungalow. The proposed rear dormer is set in from the gable, down from the ridge, and up from the eaves. Whilst the rear dormer is more substantial it would not be visible in the street scene. In the circumstances described, I consider that the front and rear dormers are acceptable and compliant with Policy GN3 in the West Lancashire Local Plan and SPD Guide on Design. I also consider that the proposed new bay window to block up the garage opening is acceptable in terms of design, and compliant with Policy GN3 in the West Lancashire Local Plan and SPD Guide on Design

Impact upon adjoining land uses

10.6 Policy GN3 of the Local Plan states that developments should 'retain reasonable levels of privacy, amenity and sufficient garden / outdoor space for occupiers of the neighbouring and proposed properties.'

10.7 Concern has been expressed that the Juliet balcony and bedroom window would result in a loss of privacy to properties on Blackmoss Lane. Given the Juliet Balcony and bedroom window directly overlook the applicant's private garden, which measures approximately 15m long, I am satisfied there would not be any significant loss of privacy to residents at neighbouring properties.

10.8 Given the depth of gardens on Black Moss Lane and orientation of development. I am satisfied that the physical presence of the dormers would not result in a loss of light or overbearing impact to the neighbouring properties. Therefore on balance, I am satisfied that the proposal accords with Policy GN3 of the Local Plan.

Highways / parking

10.9 Policy IF2 of the Local Plan sets out parking standards for new developments based on the number of bedrooms within a property. Policy GN3 identifies that proposals should incorporate suitable and safe access.

10.10 The existing property is a 2 bedroom dwelling house. The submitted plans show the existing garage would be blocked up to create a habitable room. This would leave 2 off road car parking spaces. Policy IF2 requires dwellings with 3no. bedrooms to have 2 off road car parking spaces. Whilst turning within the site would not be possible, the current situation would not worsen. Consequently I am satisfied that the proposal accords with Policy GN3 and IF2 in this regard.

Summary

10.11 I consider the proposed development acceptable and the details accord with Policies GN3 and IF2 and advice given in the Council's SPD Design Guide.

11.0 RECOMMENDATION

11.1 That planning permission be GRANTED subject to the following conditions

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. All external brickwork and roofing materials shall be identical to those on the existing building in respect of shape, size, colour and texture. If the applicant or developer has

any doubts as to whether the proposed materials do match they should check with the Local Planning Authority before commencement of the building works.

3. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference B24 - 06 (Proposed elevations) received by the Local Planning Authority on 29th April 2019;
Plan reference B24 - 05 (Proposed elevations) received by the Local Planning Authority on 29th April 2019;
Plan reference B24 - 04 (Proposed first floor) received by the Local Planning Authority on 29th April 2019;
Plan reference B24 - 03 (Proposed ground floor) received by the Local Planning Authority on 29th April 2019;

Reasons

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

Reason for Approval

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

Policy GN1 - Settlement Boundaries
Policy GN3 - Criteria for Sustainable Development

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