



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

---

Tuesday, 8 October 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, 17 OCTOBER 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** 309 -  
310

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** 311 -  
314

To receive as a correct record the minutes of the meeting held on the 5<sup>th</sup> September 2019.

**7. PLANNING APPLICATIONS** 315 -  
328

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

**7a 2019/0595/FUL - Ramsay Timber and Building Supplies, Skull House Lane, Appley Bridge, Wigan** 329 -  
336

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

**7b 2019/0211/FUL - Former Playing Fields, Barnes Road, Skelmersdale** 337 -  
354

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

**7c 2019/0794/WL3 - 17 Beech Avenue, Parbold, Wigan, Lancashire** 355 -  
358

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

**7d 2019/0796/WL3 - 40 Beech Avenue, Parbold, Wigan, Lancashire** 359 -  
362

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

- |    |   |              |
|----|---|--------------|
| 7e | <b>2019/0155/COU - Land to the Rear of 44 to 50 Church Road, Banks</b><br>To consider the report of the Director of Development and Regeneration.   | 363 -<br>370 |
| 7f | <b>2019/0670/FUL - Hughes Mushroom Farm, Course Lane, Newburgh, Wigan</b><br>To consider the report of the Director of Development and Regeneration.  | 371 -<br>374 |
| 7g | <b>2018/1291/FUL - Land at the South-Eastern end of the Campus Edge Hill University, St. Helens Road, Ormskirk</b><br>To consider the report of the Director of Development and Regeneration. | 375 -<br>386 |
| 7h | <b>2019/0069/OUT - Land to the East of Firswood Road, Lathom</b><br>To consider the report of the Director of Development and Regeneration.   | 387 -<br>404 |

**8. PLANNING COMMITTEE - TIMING OF FUTURE MEETINGS**

To consider moving Planning Committee from 7.00pm to 7.30pm.

**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](mailto: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

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

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

**Interest**

**Prescribed description**

Employment, office, trade, profession or vocation

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

Sponsorship

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, 5 September 2019

Start: 7.00 pm

Finish: 7.22 pm

### PRESENT:

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

Councillors: I Ashcroft A Blundell  
Mrs P Baybutt V Cummins  
C Coughlan C Dereli  
N Delaney D Evans  
T Devine J Finch  
S Evans E Pope  
D O'Toole J Witter  
Mrs M Westley

In attendance: Councillor M Blake (Parbold Ward)

Officers: Ian Gill, Deputy Director of Development & Regeneration  
Catherine Thomas, Head of Development Management  
Matthew Jones, Deputy Borough Solicitor  
Ann Veevers, Principal Planning Officer  
Julia Brown, Member Services / Civic Officer

### 39 APOLOGIES

There were no apologies for absence received.

### 40 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillor J Thompson and the appointment of Councillor A Owens for this meeting only, thereby giving effect to the wishes of the Political Groups.

(Note: Councillor A Owens not in attendance)

### 41 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

### 42 DECLARATIONS OF INTEREST

There were no declarations of interest received.

### 43 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

**44 MINUTES**

RESOLVED: That the minutes of the meeting held on 25 July 2019 be approved as a correct record and signed by the Chairman.

**45 PLANNING APPLICATIONS**

The Director of Development and Regeneration submitted a report on planning applications (all prefixed 2019 unless otherwise stated) as contained on pages 257 to 306 of the Book of Reports and on pages 307 to 308 of the Late Information Report.

(Note: Chairman, Mr Mike Wainwright - Downholland Parish Council spoke in respect of Planning Application LCC/2019/0037 relating to Land at the North – Eastern End of Suttons Lane, Great Altcar.

**46 LCC/2019/0037 - LAND AT THE NORTH-EASTERN END OF SUTTONS LANE, GREAT ALT CAR, LANCASHIRE**

RESOLVED: That in respect of application no LCC/2019/0037 relating to Land at the North-Eastern End of Suttons Lane, Great Altcar, objections be raised to LCC as set out on page 261 of the Book of Reports and that a covering letter be sent to request that the County Council pay particular attention to the impact of the development on groundwater, water supply and infrastructure in the local area, including the impact on the adopted highway.

**47 2019/0387/FUL - TURBURY FARM, 10 SHAW CLOSE, HALSALL, ORMSKIRK**

RESOLVED: That planning application 0387/FUL relating to Turbury Farm, 10 Shaw Close, Halsall be approved subject to the conditions as set out on pages 267 to 268 of the Book of Reports.

**48 LCC/2019/0028 - FORMER PARBOLD QUARRY, PARBOLD HALL, PARBOLD**

RESOLVED: That in respect of application no LCC/2019/0028 relating to the Former Parbold Quarry, Parbold Hill, Parbold, objections be raised to LCC as follows:

The proposed development is inappropriate development within the Green Belt which causes harm to openness and would cause urban sprawl by encroaching into the open countryside contrary to the purpose of the green belt. The Council consider this green belt to be substantial and that the justification for works to be less than compelling as it appears to be carried out to reduce costs to the land owner rather upgrade the landform and landscape quality. In particular Phase 1 works contain little of public benefit. It is not considered that the substantial green belt harm is outweighed by any very special circumstances put

forward by the applicant.

WLBC consider that the development proposed would be detrimental to visual amenity and the character of the landscape and as such would not accord with Policies GN3 and EN2 of the Local Plan.

In absence of sufficient details in respect of noise, dust and odours the Council consider that the applicant has not demonstrated that the development will not adversely affect the amenities of the nearest residents and businesses on Parbold Hill and therefore does not comply with GN3 in this respect.

**49 2019/0329/FUL - LAND TO THE SOUTH WEST ADJACENT CAR PARK, THE STILES, ORMSKIRK**

RESOLVED: That planning application 039/FUL relating to Land to the South West Adjacent Car Park, The Stiles, Ormskirk be approved subject to the conditions as set out on pages 288 to 294 of the Book of Reports.

**50 2018/1239/FUL - JMO SPORTS PARK, LIVERPOOL ROAD, SKELMERSDALE**

RESOLVED: That in respect of planning application 2018/1239/FUL relating to JMO Sports Park, Liverpool Road, Skelmersdale:-

1. The decision to grant planning permission be delegated to the Director of Development and Regeneration subject to the receipt of no further issues being raised that have not already been addressed within the body of the report.
2. That any planning permission granted by the Director of Development and Regeneration pursuant to 1 above be subject to the conditions as set out on pages 304 to 306 of the Book of Reports and the additional condition on page 308 of the Late Information Report.

.....  
**Chairman**





PLANNING COMMITTEE  
17 OCTOBER 2019

---

**Report of:** Director of Development and Regeneration

**Contact:** Mrs. C. Thomas (Extn.5134)  
Email: [catherine.thomas@westlancs.gov.uk](mailto: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 &amp; Proposal</u>	<u>Recommendation</u>
1	Wrightington	2019/0595/FUL	Ramsay Timber And Building Supplies Skull House Lane Appley Bridge Wigan Lancashire WN6 9DR  Variation of Condition No. 2 of planning permission 2018/1260/FUL to vary the approved plans.	<b>Planning permission be granted.</b>
2	Skelmersdale South	2019/0211/FUL	Former Playing Fields Barnes Road Skelmersdale Lancashire  Erection of 60 No. two storey residential properties, together with provision of land for use as allotments, scouts hut and associated car parking.	<b>Planning permission be granted.</b>
3	Parbold	2019/0794/WL3	17 Beech Avenue Parbold Wigan Lancashire WN8 7NS  External refurbishment including new render finish to all elevations, replacement windows and doors, recovering of roofs and replacement entrance canopy.	<b>Planning permission be granted.</b>
4	Parbold	2019/0796/WL3	40 Beech Avenue Parbold Wigan Lancashire WN8 7NS  External refurbishment including new render finish to all elevations, replacement windows and doors, recovering of roofs and replacement entrance canopy.	<b>Planning permission be granted.</b>
5	North Meols	2019/0155/COU	Land To The Rear Of 44 To 50 Church Road Banks Lancashire  Change of use from B8 (storage) to mixed use of B8 (storage) and B2 (vehicle repair garage). Alterations and extension to existing garage building and siting of container (Retrospective).	<b>Planning permission be granted.</b>

6	Newburgh	2019/0670/FUL	<p>Hughes Mushroom Farm Course Lane Newburgh Wigan Lancashire WN8 7UB</p> <p>Application for the construction of vehicle and pedestrian gates on previously approved access road.</p>	<b>Planning permission be granted.</b>
7	Derby	2018/1291/FUL	<p>Land At The South-Eastern End Of The Campus Edge Hill University St Helens Road Ormskirk Lancashire</p> <p>Use of land as overflow car parking for c. 500 car parking spaces and provision of new/upgraded access routes within the University campus (retrospective).</p>	<b>Planning permission be refused.</b>
8	Bickerstaffe	2019/0069/OUT	<p>Land To The East Of Firwood Road Lathom Lancashire</p> <p>Outline - Residential development including details of access (all other matters reserved).</p>	<b>The decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice Chairman of the Planning Committee subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 being entered into.</b>







## **PLANNING COMMITTEE**

**17th October 2019**

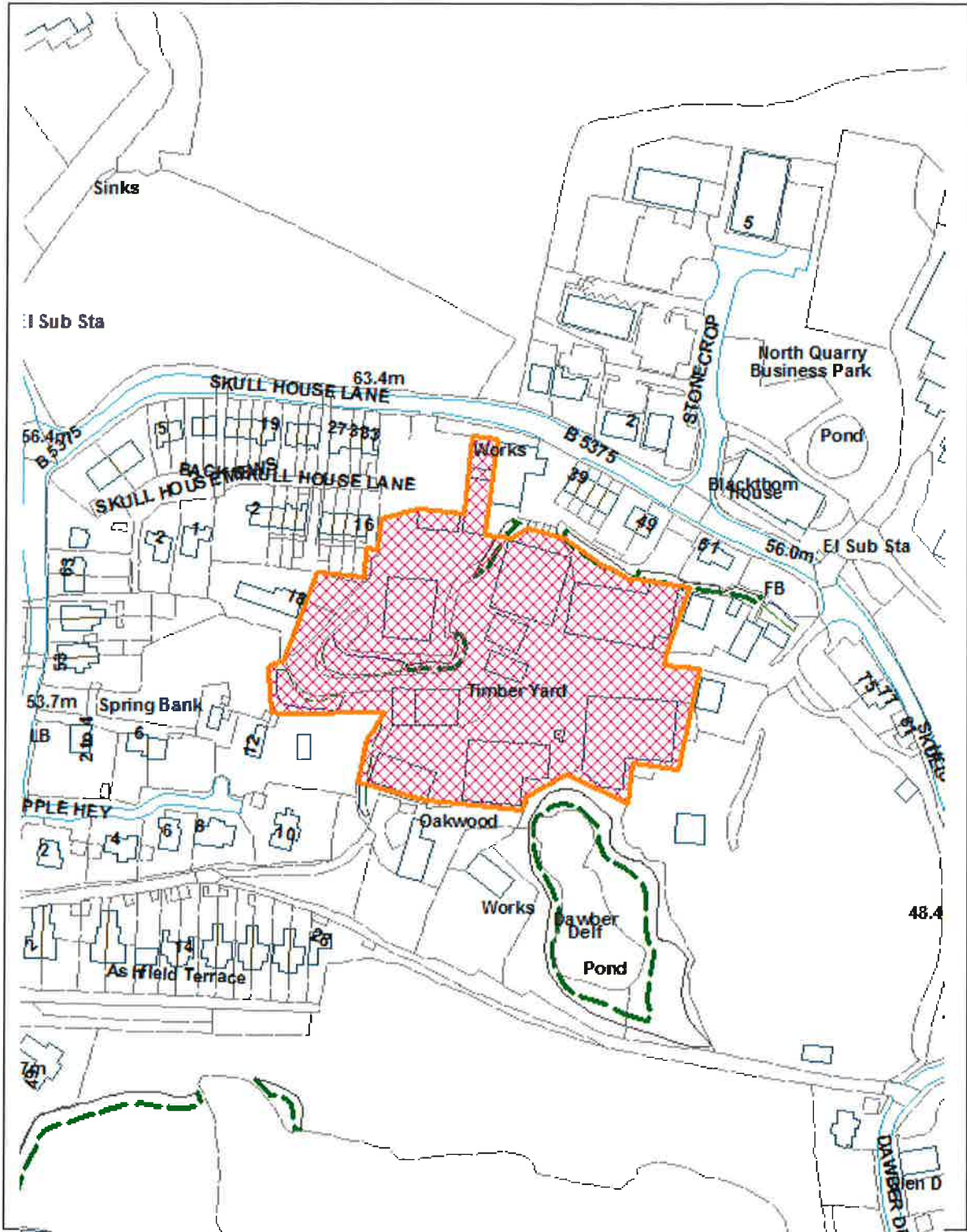
**(Agenda Item 7)**

## **PLANNING APPLICATION ITEMS**

### **LOCATION PLANS**

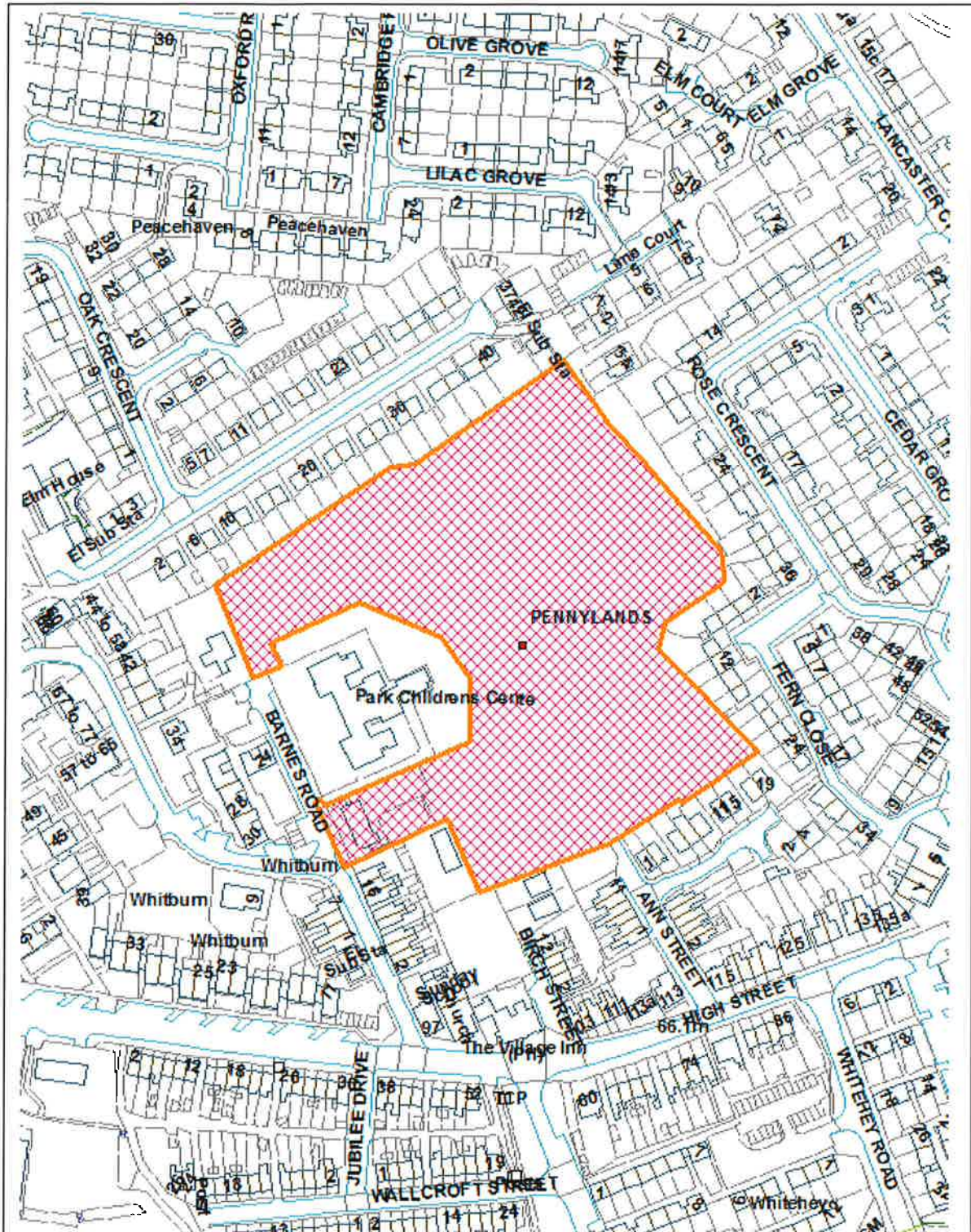
# Report 1 : 2019/0595/FUL

Ramsay Timber And Building Supplies, Skull House Lane, Appley Bridge, WN6 9DR.



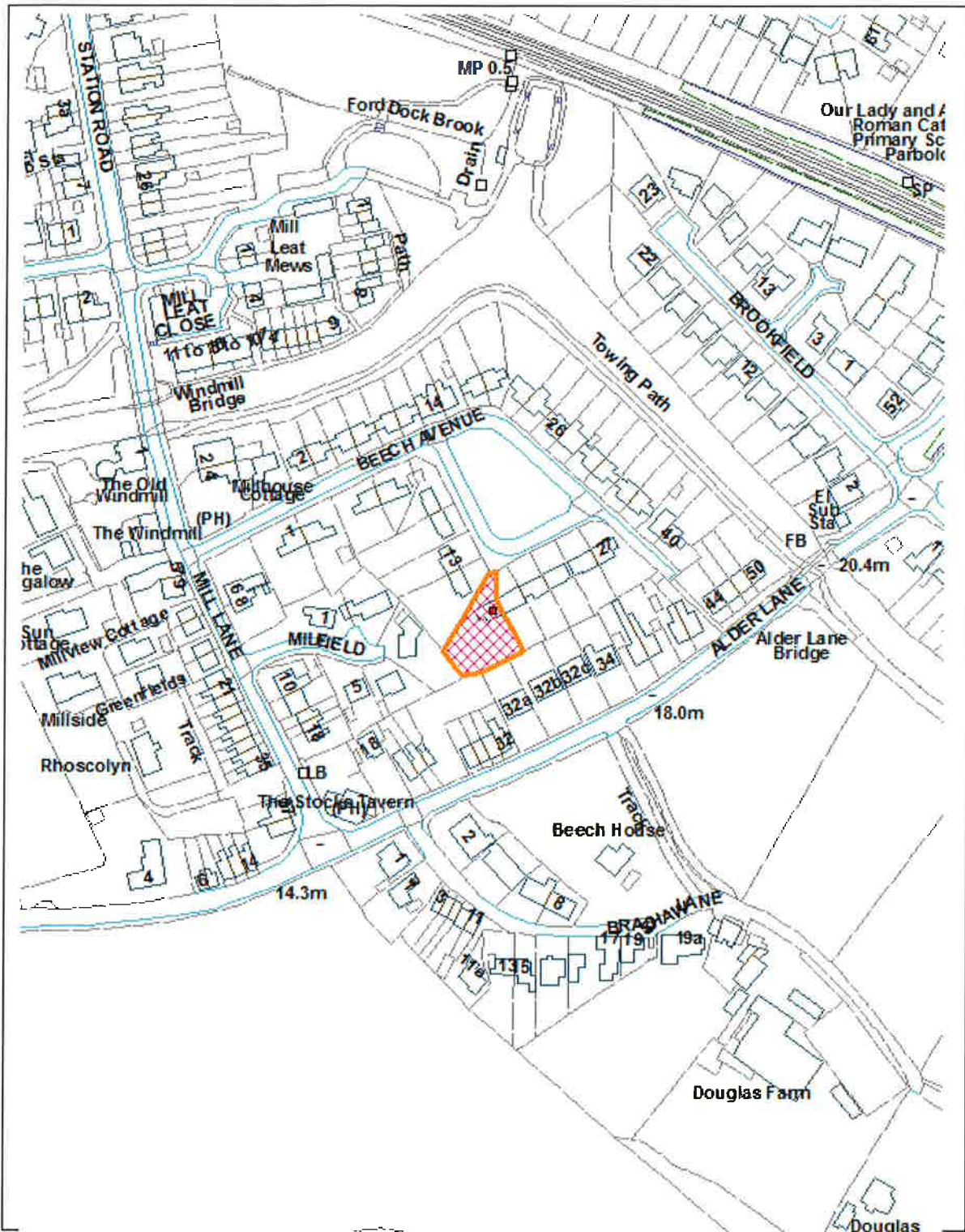
# Report 2 : 2019/0211/FUL

## Former Playing Fields, Barnes Road, Skelmersdale, WN8 8HN.



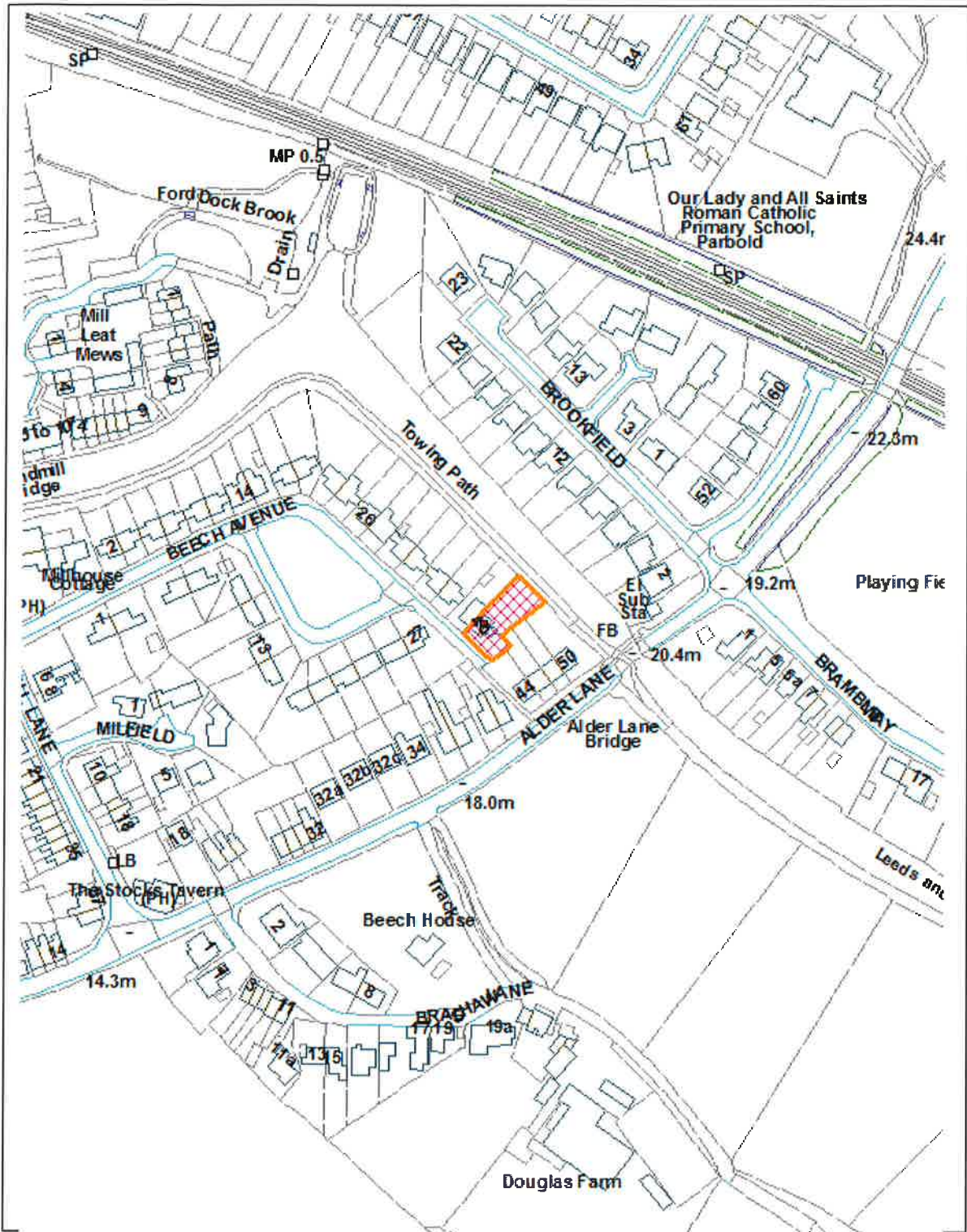
Report 3 : 2019/0794/WL3

17 Beech Avenue, Parbold, WN8 7NS.



# Report 4 : 2019/0796/WL3

40 Beech Avenue, Parbold, WN8 7NS.



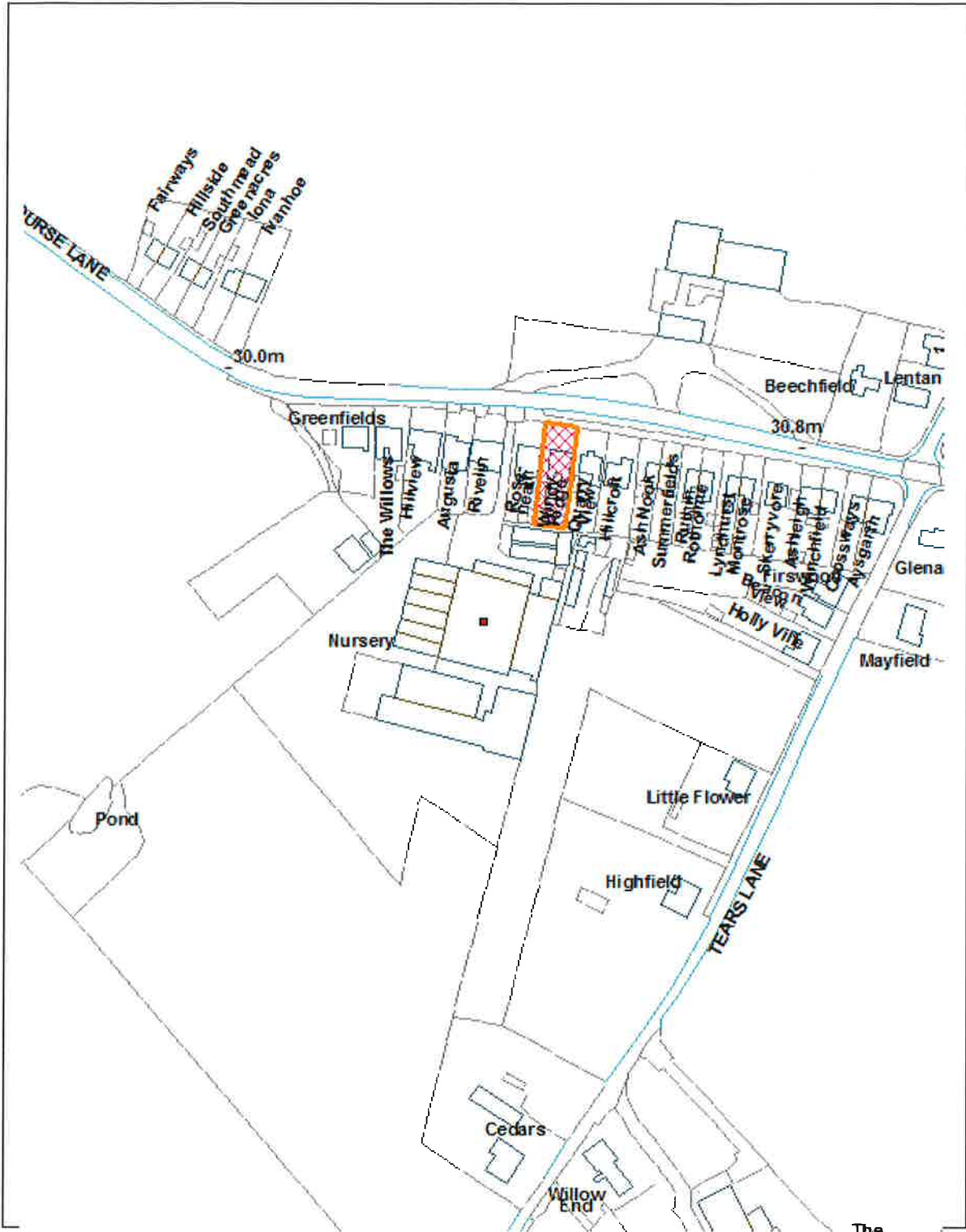
# Report 5 : 2019/0155/COU

Land To The Rear Of 44 To 50, Church Road, Banks, PR9 8ET.



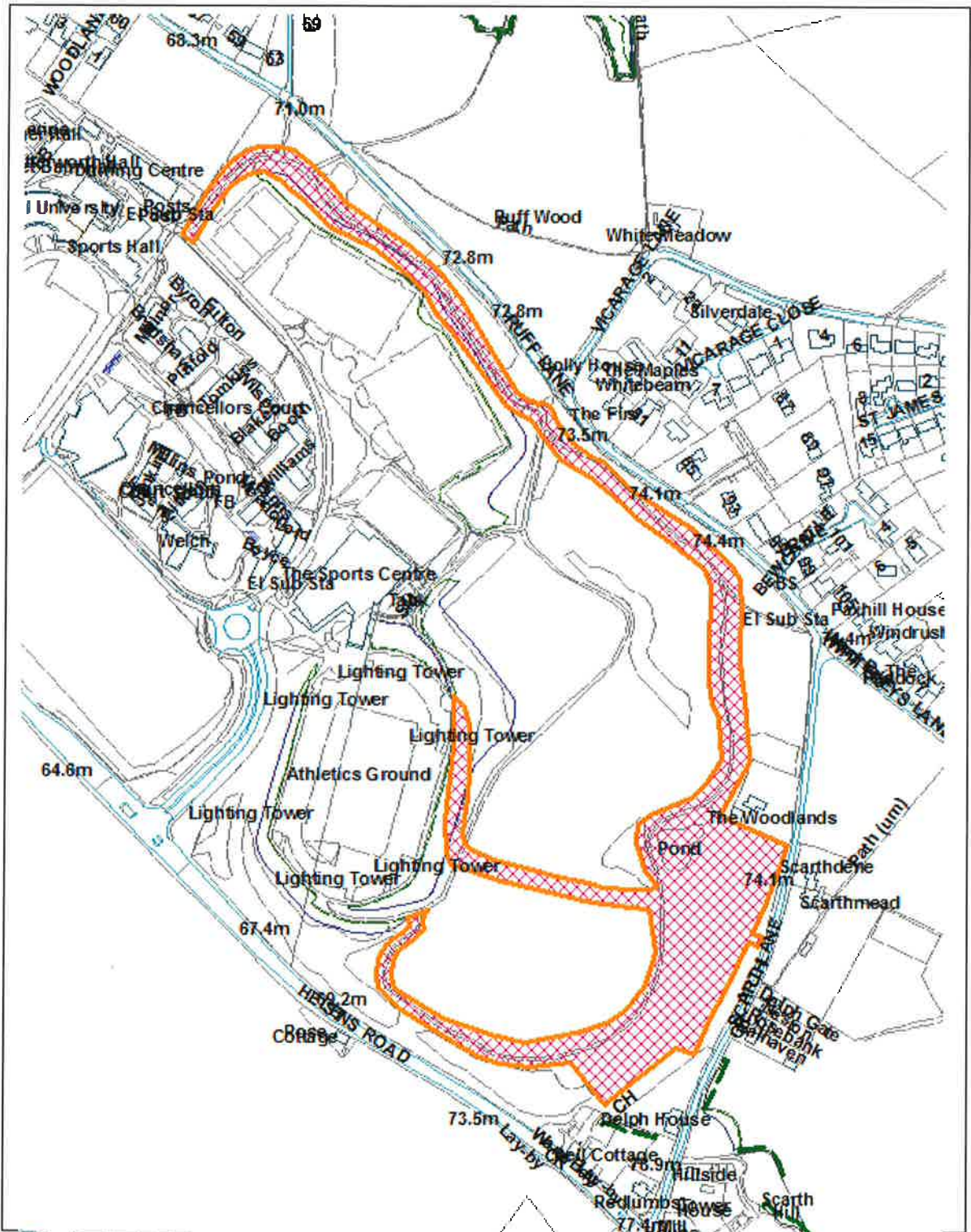
Report 6 : 2019/0670/FUL

Hughes Mushroom Farm, Course Lane, Newburgh, WN8 7UB.



# Report 7 : 2018/1291/FUL

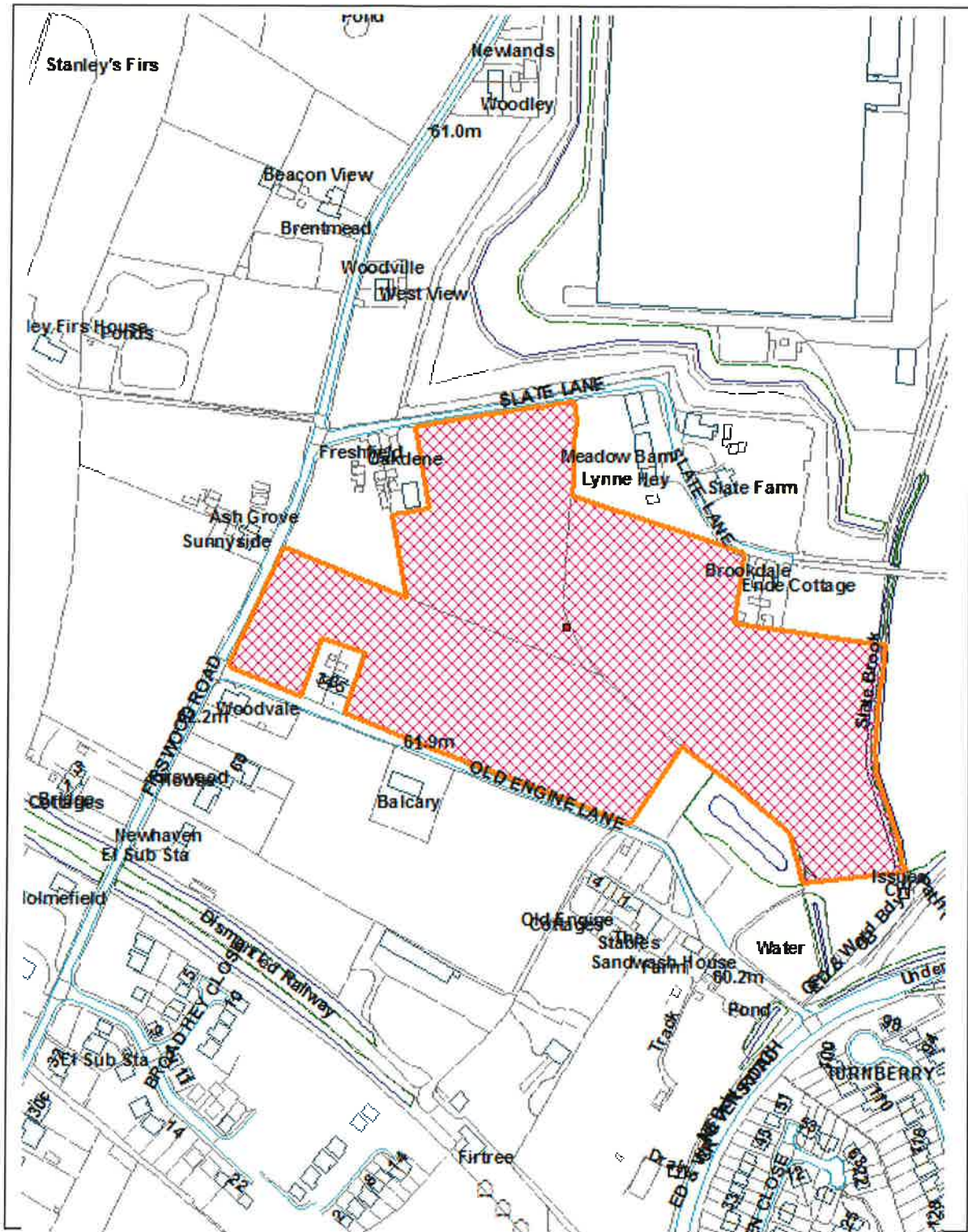
## Land At The South-Eastern End Of The Campus, Edge Hill University, St Helens Road, Ormskirk, L40 6HD.





# Report 8 : 2019/0069/OUT

## Land To The East Of, Firswood Road, Lathom, WN8 8UY.





# Agenda Item 7a

<b>No.1</b>	<b>APPLICATION NO.</b>	2019/0595/FUL
	<b>LOCATION</b>	Ramsay Timber And Building Supplies Skull House Lane Appley Bridge Wigan Lancashire WN6 9DR
	<b>PROPOSAL</b>	Variation of Condition No. 2 of planning permission 2018/1260/FUL to vary the approved plans.
	<b>APPLICANT</b>	Ramsay Timber And Building Supplies
	<b>WARD</b>	Wrightington
	<b>PARISH</b>	Wrightington
	<b>TARGET DATE</b>	18th September 2019

---

## **1.0** REFERRAL

1.1 The application has been called in for consideration at Planning Committee by Councillor Baybutt to assess the impact of the proposed development on neighbouring properties.

## **2.0** SUMMARY

2.1 The proposal is a S73 (variation of condition) application which relates to the variation of the approved plans for 2018/1260/FUL. This recent permission granted approval for a large part replacement timber storage building. The proposal is to increase the height of the approved storage building by increasing the height of the eaves by 2.6m and the ridge by 1m. The approved building would be sited 5m off the site's southern boundary with residential properties.

2.2 The principle of a building of this floorspace for storage use, in association with a timber yard, was established by approval 2018/1260/FUL. The impacts in respect of highway safety, trees and layout/design remain the same. The revised proposals have been assessed in respect of residential amenity, conservation impacts/design and ecology/protected species. The scheme is considered to be acceptable and in accordance with policies GN3 and EN4 of the West Lancashire Local Plan (WLLP).

## **3.0** RECOMMENDATION: APPROVE with conditions.

## **4.0** THE SITE

4.1 The site is located to the south of Skull House Lane, Appley Bridge. It is located within the southern area of Ramsay's Timber Yard and is largely surrounded on 3 sides by warehouse and industrial buildings used by the Timber Business. The site adjoins to the south, the elevated garden and the residential dwelling Oakward, plus an industrial building and former Quarry. There are some residential properties to the west in Apple Hey and Spring Bank but these are largely separated by an embankment. The site sits in a dip with the land to the north and west (and residential properties) being at a significantly higher level.

4.2 The site is designated as part of a 'Significant Employment Site' in the WLLP.

## **5.0** PROPOSED DEVELOPMENT

5.1 The proposal is a S73 application which relates to the variation of approved plans Condition 2 to application 2018/1260/FUL.

- 5.2 The proposal is to increase the height of the approved storage building by increasing the height of the eaves from by 2.6m and the ridge by 1m.

## **6.0 RELEVANT PLANNING HISTORY**

- 6.1 2018/1260/FUL - Erection timber storage building GRANTED
- 6.2 2014/0663/FUL - Demolition of existing office and small workshop buildings and extension of existing traditional portal frame timber storage building GRANTED
- 6.3 2007/0717/FUL - Timber store. GRANTED
- 6.4 2007/0051 - Erection of two storey replacement office building GRANTED
- 6.5 2004/1351 - Extension to existing wood/timber store. GRANTED
- 6.6 2000/0396 - Timber storage shed. GRANTED
- 6.7 1998/0716 - Open sided timber store. GRANTED
- 6.8 1994/0995 - Erection of storage canopy. GRANTED
- 6.9 1990/0813 -Canopy to cover external timber treatment plant. GRANTED
- 6.10 1990/0349 - Canopy to cover new timber treatment plant. GRANTED

## **7.0 CONSULTEE RESPONSES**

- 7.1 None

## **8.0 OTHER REPRESENTATIONS**

- 8.1 Wroughtington Parish Council - No objections
- 8.2 There have been 5 objections from neighbouring properties raising the following issues:

### **Residential amenity**

Increase in height will impact immensely on the imposing size of warehouse;  
Proposed building now 3.5m higher and eaves 2.6m higher than existing storage buildings;  
No justification for increased height and volume;  
At present adequate concealment from property;  
Views of buildings on site would be more bulky/massive than 3 existing buildings it replaces;  
Need more screening in winter;

Need extra natural screening/landscaping from noise, light and views;  
Main concern illumination of the premises;  
Increased height will increase usage and extend operating hours as traffic at capacity;  
Increased height increases use of bigger forklift trucks;  
Longstanding complex history of emissions issue with Ramsay Timber causing health problems;  
Why external storage proposed close to vulnerable residential properties.

### **Conservation**

Large planned building will have significant negative impacts on Conservation Area including trees/wildlife.

### **Inadequate detail**

Size and height of building not fully stated;  
No full site plan (at 1250 scale);  
Surrounding properties not shown on plans;  
Full environmental statement not included no assessment on trees wildlife health.

### **Wildlife/Ecology**

Larger building will have negative impacts on trees wildlife;  
Barn owls in and around buildings (nesting) no habitat survey submitted.

- 8.3 There has been 1 comment from a neighbouring property raising no objection but requesting the building be clad in dark green or brown to blend in with natural surroundings and assurance that tree works have been assessed by the appropriate department.
- 8.4 2 Residents subsequently have withdrawn their objections following discussions with the applicant and the amendments made

## **9.0 SUPPORTING INFORMATION**

- 9.1 Plans and sections.
- 9.2 The applicant has produced sections showing the proposed building in relation to the buildings it replaces and in relation to surrounding other buildings on site.
- 9.3 The applicant has responded to residents' concerns with the following information:

The 3 open buildings which are to be demolished are currently accessed by a wagon/sideloader to move the timber. These machines can currently manoeuvre right up to the site boundary. The construction of the new building will go a long way to helping reduce any noise pollution;

The door to the South West corner of the building is to be removed, ensuring there will be no vehicle traffic movements around this area. Any storage around this area will be lightweight as this will only be able to be carried in by hand;

Any doors to the rear are positioned to the Eastern side of the building away from the houses and will be kept to a minimum;

The requirement for the increase in height is so cantilever racking can be included in the building. This enables our Client to reach packs of timber much more easily, quickly and also safely;

The extra height keeps the vehicle working movements down to a minimum working time;

The levelling off of the site to construct the building, will allow the purchase of more advanced side loaders/forklifts which are electric, being environmentally friendly and quieter for adjacent neighbours;  
Any lighting of the building will be directional as noted in the Planning Approval, there is no additional lighting proposed;  
Our Client is open to changing the colour of the cladding to green along the South and West walls to help blend in with the existing landscaping.

- 9.4 In response to residents reporting of a barn owls in the area the applicants have submitted a Bat, Barn Owl and Nesting Bird Survey by Envirotech Ecological Consultants.

## **10.0 RELEVANT PLANNING POLICIES**

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

- 10.2 The site is located within the North Quarry Business Park which is designated as a 'Significant Employment Site' within the West Lancashire Local Plan (WLLP).

### **10.3 National Planning Policy Framework**

Building a strong, competitive economy  
Achieving well-designed places  
Conserving and enhancing the natural environment  
Conserving and enhancing the historic environment

### **10.4 West Lancashire Local Plan (WLLP) 2012-2027 DPD**

Policy GN1 – Settlement Boundaries  
Policy GN3 – Criteria for Sustainable Development  
Policy EC1 – The Economy and Employment Land  
Policy EN1 – Low Carbon Development and Energy Infrastructure  
Policy EN2 – Preserving and Enhancing West Lancashire's Natural Environment  
Policy EN4 – Preserving and Enhancing West Lancashire's Historic Environment

**Supplementary Planning Document – Design Guide (January 2008)**

## **11.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

- 11.1 The site is designated as part of a 'Significant Employment Site' in the WLLP (Policy EC1) and the principle of the building of this floorspace for storage use in association with the timber yard was established by approval 2018/1260/FUL. The impacts in respect of highway safety, trees and layout/design remain the same. The revised proposals for an increase in height of the approved building are to be assessed in respect of Residential amenity and Conservation/Design Impacts and impacts on Ecology/trees are further assessed.

### **Residential Amenity**

- 11.2 The site has a longstanding and lawful use as a timber yard. The building would be used for the storage of timber in association with the wider timber yard and its operation, use and hours would remain unchanged. The approved building measured 73m in length, a maximum width of 43m with a maximum ridge height of 8.7m.
- 11.3 The proposal is to increase the height of the eaves by 2.6m and the ridge by 1m so cantilever racking can be included in the building. The applicant states this will enable

packs of timber to be reached more easily, quickly and also in a safer manner. The main change is the physical impact of this larger structure particularly on its southern boundary. The nearest residential property would be that of Oakwood which is located directly south of the site. The building would be located about 15m away from this dwelling and it is noted that there is significant tree screening and a 5.5m blockwork retaining wall on the boundary. The eaves height of the building would increase by 2.6 m and the building would be visible approximately 2m above this boundary wall albeit set 5m off the common boundary. Owing to the scale and height of the proposal it is likely that the eaves/roof of the proposed building would be visible from the garden of Oakwood. However there are inward facing garden outbuildings on this common boundary behind the retaining wall and a belt of conifer screening and a large deciduous tree with the dwelling beyond. I still consider that the physical presence of the building set 5m off the boundary would not result in significant harm in respect of being overbearing to Oakwood noting the existing extensive screening, the presence of existing buildings and the fact that the pitched roof would slope away from the party boundary.

- 11.4 The increased height of the building might be slightly more visible from other surrounding properties to the west in Apple Hey and Spring Bank particularly in winter but private views are not a material planning consideration. I do not consider that the physical presence of the building would have an overbearing impact upon any other neighbouring properties as a result of the separation distance from it and given the level changes, embankment and existing vegetation. The previous consent approved 4 lighting columns on the southern boundary of the site with lighting directed towards the building. In the absence of any details of the columns or lighting luminance a safeguarding condition is repeated to control any impacts from lighting.
- 11.5 In terms of the activity associated with the proposed building the applicant has now deleted the proposed door to the South West corner of the building in order to remove vehicle traffic movements around this area. The applicant considers the more level site will allow the purchase of electric fork lift loading/unloading equipment. The larger building reduces outdoor servicing areas and enables movement of unloading/loading vehicles to take place inside the building.
- 11.6 Subject to repeating relevant safeguarding conditions directly related to the development proposed, I do not consider the proposal would adversely affect the amenities of nearby residential properties and the proposal complies with GN3. These conditions for what are in effect replacement storage buildings still include controls over the use of any fixed power driven machinery.

### **Impact on the adjacent Conservation Area/Design**

- 11.7 The Ashfield Terrace Conservation Area lies to the immediate south of the site and therefore the proposed development requires an assessment as to whether it affects the setting of this heritage asset. The principle statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 is to preserve the character or appearance of a conservation area" and its setting s.72(1) and this is complemented by similar requirements in Policy EN4. I consider that the replacement building, would not appear prominent within the context of its surroundings either through scale, design or use of materials. The proposed profiled cladding materials for the building are considered acceptable and are similar to other industrial buildings on the site and meet the requirement of Policy GN3 of the WLLP. The applicants offer to clad in green the south and west elevations of the building with the other goosewing grey, will help it better blend in with the existing embankment/landscaping. There is a clear boundary between the Conservation Area and the Employment area and given that it is a replacement building (albeit slightly large in area and roofscape) together with the marked change in levels, I do

not consider there would be any adverse impact on the setting of the Conservation Area. The amended proposal with an enlarged roof would thereby comply with Policy EN4 and GN3 and duties under s72 of the P(LBCA) Act.

### **Ecology/Protected species**

- 11.8 In accordance with Policy EN2 in the Local Plan, where there is reason to suspect that there may be priority species, or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, making provision for their needs. The applicants were advised at Pre Application that further consideration should be given to whether or not these buildings support (or could potentially support) priority species, such as bats or nesting birds, or their habitat. Residents have commented that there are Barn Owls in and around the existing buildings. In response the applicants have submitted a Bat, Barn Owl and Nesting Bird Survey, by Envirotech Ecological Consultants.
- 11.9 The site survey found no evidence of bats roosting although there is a possibility of opportunistic use by low numbers of bats at some times of the year. The level of use is not considered likely to be significant and with the precautionary mitigation, a significant disturbance and or the loss of roost sites is unlikely to occur. There was no evidence of birds currently nesting. Work will not be commenced or undertaken in such a way as active nest sites are disturbed. There is no evidence of past use of the buildings by barn owls for roosting or nesting.
- 11.10 Subject to precautionary measures set out in the applicants submitted ecology report, the proposal complies with Policy EN2 in respect of Ecology and Priority Species.

### **12.0 CONCLUSION**

- 12.1 The principle of a building of this floorspace for storage use in association with a timber yard was established by approval 2018/1260/FUL. I consider that the physical presence of the building with its enlarged roof design set 5m off the boundary would not result in significant harm in respect of being overbearing to neighbouring properties. Subject to repeated safeguarding conditions I do not consider the proposal would adversely affect the amenities of nearby residential properties and would comply with Policy GN3. I do not consider that the amended design would appear prominent within the context of its surroundings within the Conservation Area either through scale, design or use of materials and would not impact on ecology or protected species. I consider the proposals would comply with Policies GN3, EN2 and ENV4 of the WLLP and the duty under S72 of the Planning (Listed Buildings and Conservation Areas) Act.

### **13.0 RECOMMENDATION**

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

#### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan reference 3649-18-04D Proposed Site Plan received by the Local Planning Authority on 30 August 2019.  
Plan reference 3649-19-10A Proposed Site Sections received by the Local Planning Authority on 13 June 2019.



Plan reference 3649-18-06B Proposed Plan received by the Local Planning Authority on 23 July 2019.

Plan reference 3649-19-11A Proposed Elevations received by the Local Planning Authority on 23 July 2019.

Plan reference 3649-18-08A Proposed Site Plan and Location Plan received by the Local Planning Authority on 27 November 2018.

3. No development shall take place until full details and samples of the 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.
4. No power driven machinery (other than hand held tools), plant, flues or ducting shall be installed or operated in the building hereby approved without details to be submitted to and approved by the Local Planning Authority. These details shall include any measures necessary to ensure sound attenuation or ventilation/extraction of any machinery, plant, flue or ducting. The scheme shall implemented in accordance with any approval by the Local Planning Authority
5. Notwithstanding the details shown on the approved drawings, no part of the development shall be occupied until full details of any external lighting, including any to be installed on the building have been submitted to and approved in writing by the Local Planning Authority. The details shall include height of any lighting/columns, orientation and cowling of any lighting, its luminosity and hours of operation. All external lighting shall be installed and maintained in accordance with the agreed scheme.
6. The development hereby permitted shall be implemented in accordance with the submitted Arboricultural Impact Statement with Tree Protection measures by Godwins Arboricultural Limited received 27 November 2018 unless otherwise agreed in writing by the Local Planning Authority.
7. The development shall be implemented in accordance with the Recommendations and Mitigation strategy described in the Bat, Barn Owl and Nesting Bird Survey prepared by Envirotech and deposited with the Local Planning Authority on 20 September 2019.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To safeguard local residents from noise and disturbance, and to comply with Policy GN3 of the West Lancashire Local Plan
5. To safeguard local residents from any adverse impacts of lighting and to comply with Policy GN3 of the West Lancashire Local Plan
6. To ensure that the proper protection of trees has been carried out in the interests of visual amenity and to comply with Policies GN3 and EN2 of the West Lancashire Local Plan
7. To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document

### **Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:  
Policy GN1 - Settlement Boundaries  
Policy GN3 - Criteria for Sustainable Development  
Policy EC1 - The Economy and Employment Land  
Policy EN1 - Low Carbon Development and Energy Infrastructure

Policy EN2 - Preserving and Enhancing West Lancashire's Natural Environment  
Policy EN4 - Preserving and Enhancing West Lancashire's 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 7b

<b>No.2</b>	<b>APPLICATION NO.</b>	2019/0211/FUL
	<b>LOCATION</b>	Former Playing Fields Barnes Road Skelmersdale Lancashire
	<b>PROPOSAL</b>	Erection of 60 No. two storey residential properties, together with provision of land for use as allotments, scouts hut and associated car parking.
	<b>APPLICANT</b>	Southworth Construction
	<b>WARD</b>	Skelmersdale South
	<b>PARISH</b>	Unparished - Skelmersdale
	<b>TARGET DATE</b>	12th August 2019

---

## **1.0** **SUMMARY**

- 1.1 The application is a major application with the majority of the proposed site to be used for the erection of 60no two storey dwellings with allotments (12 no), land for a replacement Scout hut, a Communal building and a communal car park with 12 spaces.
- 1.2 The principle of a residential development on the site is acceptable within this part of Skelmersdale. In relation to the loss of playing fields I consider that the open space/recreation needs of the area are best served by using part of the site for allotment and community use. I consider that the layout, scale, proportions and design of the proposed dwellings to be acceptable and would not adversely impact on neighbouring amenity of surrounding properties. Subject to conditions I consider that the development satisfactorily addresses highways, drainage, ecology and trees, coal risk and archaeology issues and is compliant with the relevant policies in the NPPF and the West Lancashire Local Plan.

## **2.0** **RECOMMENDATION APPROVE with conditions.**

### **3.0** **The Site**

- 3.1 The site is located within Skelmersdale, approximately 1.5km from the town centre and the total site is some 2.45 ha. The site lies to the east of Barnes Road and is bordered on three sides by residential development which is predominantly two storeys. To the west of the site is Park Children's Centre and an existing Scout Hut. The site is grassed with some trees mainly on the periphery and close to the Children's Centre. There is a change in levels across the site, dropping from west to east.
- 3.2 Access to the site is currently taken off Ann Street, from the southern boundary of the site, though this is currently fenced off. There is an access point to the former scout hut, located off Barnes Road, but this does not currently provide access to the wider site. There is currently no direct vehicular access to the site.
- 3.3 The site is designated as Open Recreation Space within the Local Plan and formerly comprised playing pitches. These however have not been used for at least 5 years and the open space is currently fenced off with no permitted public access.

## **4.0** **PROPOSAL**

- 4.1 The proposal comprises a number of elements with the majority of the site being used for the erection of 60no two storey dwellings with the provision in the south west corner of the site closest to the access for:

Allotments (12 no)  
Communal building  
Land for replacement Scout hut  
Communal car park with 12 spaces

4.2 The proposed dwellings comprise:

21 2 bed dwellings  
28 3 bed dwellings  
11 4 bed dwellings

4.3 A new site access is to be provided on Barnes Road some 40m from its junction with High Street.

## **5.0 SUPPORTING INFORMATION**

5.1 The application is accompanied by the following supporting documents:

Planning Statement  
Open Space Assessment;  
Design and Access Statement (including Sustainability Statement, Site Waste Management Statement, Crime Impact Statement);  
Flood Risk Assessment;  
Geo-environmental Investigation and Appendix;  
Coal Mining Risk Assessment;  
Ecology Report;  
Utilities Statement.  
Transport Assessment and Travel Plan

## **6.0 CONSULTEE RESPONSE**

- 6.1 LCC HIGHWAYS (04/06/19) – No objections as level of traffic generated by this proposal should have a negligible impact on safety and capacity within the immediate vicinity of the site. Detailed Technical comments re access, parking and internal layout site layout.
- 6.2 LCC HIGHWAYS (03/10/19) – The majority of the concerns raised in our original comments have been addressed within the amended plan - suggest conditions re access into site.
- 6.3 LCC LEAD LOCAL FLOOD AUTHORITY (25/07/19) no objection to the proposed development subject to condition re appropriate surface water drainage scheme details.
- 6.4 LCC SCHOOLS PLANNING (21/05/19) an education contribution is not required at this stage in regards to this development.
- 6.5 LCC ARCHEOLOGY (15/05/19) No objections subject to a condition that the area of the development should be subject to a formal watching brief with the area of the former farm having a "strip map and record" survey.
- 6.6 LANCASHIRE CONSTABULARY DESIGNING OUT CRIME OFFICER (20/05/19) – A number of recommendations provided which should be incorporated into the design of the development in order to reduce the risk of crime affecting the residents, visitors, business units and locality, thereby promoting safer communities and reducing avoidable demand on policing resources.

- 6.7 SPORTS ENGLAND (05/06/19) - Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF. Not a statutory objection.
- 6.8 SPORTS ENGLAND (13/08/19) - The additional information from the Leisure Operations Manager talks about the supply of existing green open space within a 5-10 minute walk of the application site. This is an opinion based on an audit of supply. It does not take into account the quality of the surrounding sites, their ability to host matches, whether these sites are at capacity; and finally it does not take into account demand. This does not make reference to a robust and up to date Playing Pitch Strategy that specifically names the application site as being surplus to both current and future sporting requirements.

Sport England maintains its objection to this application. Sport England would suggest that the applicant makes a financial contribution (£290,000) for the loss of this site and that it is used to secure improvements at other playing field sites as mitigation for the loss of the playing field on the application site.

- 6.9 DIRECTOR OF LEISURE AND WELLBEING (31/07/19) In respect of the comments made by local residents regarding loss of open space and playing fields I would highlight the proximity of Stanley Coronation Park (120 metres), Kiln Lane Playing Fields (200 metres) and Blaguegate Playing Fields (600 metres). These facilities provide green open space, playing fields (grass and 3G), bowling green, multi-use games areas and formal playground facilities within a 5-10 minute walk of the proposal site.

I would therefore consider that the locality already has sufficient public open space facilities to cater for the local population, and objections on grounds of loss of facility are not justified.

I would consider that the proposal site has no special significance to the interests of sport and the objection by Sport England is not justifiable.

- 6.10 DIRECTOR OF LEISURE AND WELLBEING (01/08/19) Whilst I would not consider the Barnes Road site as suitable for re-providing active sports facilities like playing fields the more passive community facilities of allotments has an unmet demand in the Skelmersdale area. Re-provision of a community building on the new site could provide a dual use building to continue use by the local scout groups as well as providing a community facility for the allotment users.

I would therefore fully endorse the proposal for the provision of an allotment site and community building as part of the development site.

- 6.11 DIRECTOR OF LEISURE AND WELLBEING (02/09/19) The "opinion" expressed was based not just on an audit of supply, but also on quality and availability of other pitches, as assessed in the West Lancashire Playing Pitch Strategy 2015-25, and subsequent Playing Pitch Strategy Review 2017. These documents also take into account current and future demand.

The Playing Pitch strategy makes no reference to the Barnes Road site, therefore, it may be correct to state that it does not name the site as being surplus to requirements. However, as the supply in Skelmersdale is shown in the Playing Pitch strategy as satisfying demand (save a small shortfall in small sided football which is currently being rectified) therefore it is concluded that the Barnes Road site is not required.

- 6.12 Scientific Officer (16/06/19) – No objections in relation to any land contamination.

- 6.13 LANCASHIRE FIRE AND RESCUE (20/05/19) – Noted and advice given in respect of access for fire appliances and water supplies for firefighting purposes to the site.
- 6.14 Principle Engineer (Drainage) (06/06/19) – No objections.
- 6.15 THE COAL AUTHORITY (03/06/19) – No objection subject to condition requiring further intrusive site investigation works prior to commencement of development.
- 6.16 UNITED UTILITIES (13/06/19) No objection subject to condition that the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
- 6.17 DIRECTOR OF LEISURE AND ENVIRONMENT (Environmental Health) (12/09/19) No objections in principle. Suggest conditions to protect future residents from noise, provision of electric vehicle charging points and construction management

## **7.0 OTHER REPRESENTATIONS**

- 7.1 There have been 10 objections from neighbouring properties raising the following issues:

### **Open Space and Recreation**

Wrong area for housing;

Loss of open space. Loss of green areas. Land needs to be retained for recreational purposes and open space

### **Lack of Infrastructure/Facilities**

Lack of facilities in area e.g. police station, oversubscribed and overstretched doctors, dentists, schools, shops for extra 300+ people. 3 and 4 bed properties would result in these facilities (being oversubscribed). Development doesn't provide any new amenities/facilities

### **Residential amenity**

Wagons and large machinery during construction cause no end of disruption;

Noise dust and pollution, disruption for all surrounding residents, residents of Barnes Road and flats opposite. Many work nights;

Loss of privacy, overlooking and loss of natural light. Not overlooked at present;

Loss of view;

Bought house because quiet and not overlooked. Development will cause noise pollution in garden

### **Affordability of housing and project**

Cost of project means housing not affordable, too few homes under £100,000 with exception of 2 bed;

Viability Report states that zero allowance for any S106 and other contributions;

Zero profit

### **Access, traffic and parking**

Only one vehicle access road in/out of estate, dangerous if accident and fire engine access/delays;

Barnes Road a narrow street, woefully inadequate, poor access for bin lorries. Road collapsed twice in past. Pot holes and sink holes;

Increase in volume of traffic where users driving significantly above speed limit;

Only one pedestrian access in/out estate, no walkway from Lime Grove. Inconvenient to new residents, long walk to facilities; Green Hill, community centre/church and schools.

Unfair to cut existing residents from new estate;

Too much traffic with existing residents, new residents and users of Childrens Centre;  
Development would add to existing parking problem an issue;  
Site is in unsustainable location and Skelmersdale not well served by public transport.  
Train travel to Liverpool and Manchester long and inconvenient. Town's design means travel based on car which is unsustainable;  
Detailed comments on technical highway issues: Access into site onto Barnes Rd not offset will increase risk of collisions; not provided any vehicle swept path analysis of the site access junction; junction priority not shown correctly; refuse vehicle would have to reverse over relatively long distances (over 12m maximum) with added dangers to collection workers/public; pedestrian crossings do not follow desire lines; not typically expect parking opposite the main site access junction; not shown any priority control at the internal site access junctions; areas where pedestrian footways aren't provided on either side of the carriageway; all parking spaces of the communal parking area should be easy to access.

### **Archaeology**

Old Farm House on land danger to heritage if no research/documentation before building starts

### **Drainage**

No viability of infiltration methods

### **Wildlife/Ecology**

Bats, hedgehogs and other animals live in fields and their habitat would be destroyed

### **Property Values**

Affect property values in surrounding roads

7.2 There has been 1 comment from a neighbouring property raising no objection but requesting that their garden has access to the rear for fire escape and 1 comment asking whether houses are for Council Rent or to buy. 1 comment from a neighbouring property asking for coal mining risks to be properly addressed.

7.3 There have been 5 letters of support for proposals for the following reasons;

New housing in area;

Boost for affordable houses;

Wish to buy one of new homes;

The scout/cub group will benefit from new scout hut;

Allotments will be an opportunity to revitalise community;

New residents will use and support local shops;

New residents may assist local schools/further teaching spaces;

Increase in population may help maintain bus routes, help doctors/dentists review services

## **8.0 RECENT RELEVANT PLANNING HISTORY**

8.1 None relevant.

## **9.0 RELEVANT PLANNING POLICIES**

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

9.2 The site is located within the Regional Town of Skelmersdale as designated in the West Lancashire Local Plan 2012-2027 DPD. It is also designated as Green Infrastructure/Open Recreation Space.

9.3 **National Planning Policy Framework**

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

9.4 **West Lancashire Local Plan (WLLP) 2012-2027 DPD**

Policy SP1 – A Sustainable Development Framework for West Lancashire  
Policy GN1 – Settlement Boundaries  
Policy GN3 – Criteria for Sustainable Development  
Policy IF4 – Developer Contributions  
Policy RS1 – Residential Development  
Policy RS2 – Affordable and Specialist Housing  
Policy IF2 – Enhancing Sustainable Transport Choice  
Policy EN2 – Preserving and Enhancing West Lancashire's Natural Environment  
Policy EN3 – Provision of Green Infrastructure and Open Recreation Space  
Policy EN4 – Preserving and Enhancing West Lancashire's Cultural Heritage Assets

**Supplementary Planning Document – Design Guide (January 2008)**

**Supplementary Planning Document – Provision of Open Space in New Residential Developments (July 2014)**

**10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

10.1 The application raises the following issues:

Principle of Development – Residential Development  
Principle of Development - Loss of Open Recreation Space  
Affordable and Elderly Housing Provision  
Design/layout  
Residential Amenity  
Highways  
Drainage  
Ecology and Trees  
Contamination and Coal Risk  
Archaeology

**Principle of Development – Residential Development**

10.2 The NPPF supports growth of areas to supply new homes in sustainable locations. Policy SP1 of the Local Plan re-iterates this approach. Policy RS1 of the WLLP states that within the Regional Town, residential development will be permitted on brownfield sites, and on greenfield sites not protected by other policies, subject to the proposals conforming with all other planning policy. Therefore, the principle of a residential development on the site within the settlement area is acceptable subject to other relevant planning policies. The provision of 60 extra houses in the area would help support the provision of local facilities and local infrastructure.



## **Principle of Development - Loss of Open Recreation Space**

*The policy context for open space, playing pitches and recreation provision*

- 10.3 The site is designated as Open Recreation Space within the Local Plan. Policy EN3 of the Plan states that the Council will provide a green infrastructure strategy which supports the provision of a network of multi-functional green space including open space, sports facilities, recreational and play opportunities, allotments, flood storage, habitat creation, footpaths, bridleways and cycleways, food growing and climate change mitigation. Policy EN3 1.iv states:

In order to support this green infrastructure strategy, all development, where appropriate, should:

Contribute to the green infrastructure strategy by enhancing and safeguarding the existing network of green links, open spaces and sports facilities, and securing additional areas where deficiencies are identified – this will be achieved through contributions to open space as outlined within Policy IF4;

Provide open space and sports facilities in line with an appraisal of local context and community need, with particular regard to the impact of site development on biodiversity;  
Seek to deliver new recreational opportunities, including the proposed linear parks between Ormskirk and Skelmersdale, between Ormskirk and Burscough, along the river Douglas at Tarleton and Hesketh Bank and along the former railway line in Banks;  
Support the development of new allotments and protect existing allotments from development.

Specifically, in relation to open space and recreation facilities part 2 of the policy goes on to say that:

Development that results in the loss of existing open space or sports and recreation facilities (including school playing fields) will only be permitted if one of the following conditions are met:

The open space has been agreed by the Council as being unsuitable for retention because it is under-used, poor quality or poorly located;  
The proposed development would be ancillary to the use of the site as open space and the benefits to recreation would outweigh any loss of the open area; or  
Successful mitigation takes place and alternative, improved provision is provided in the same locality.

Development on open space and sports and recreation facilities will not be permitted where:

Development would affect the open character of the area;  
Development would restrict access to publicly accessible Green Space;  
Development would adversely affect biodiversity in the locality;  
Development would result in the loss of Green Spaces, Green Corridors and the Countryside.

- 10.4 The NPPF at para 97 states that Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

*Assessment of open space, playing pitches and recreation provision*

- 10.5 Sport England have objected to the application as the development involves the loss of former playing pitches. However, as the pitches have not been used for over 5 years it is not a statutory objection which could lead to a call in by the Secretary of State. There is a disagreement between Sport England and the Director of Leisure Services over the loss of these playing pitches in this part of Skelmersdale and the issues raised are outlined in detail in the Consultation Responses at Section 6 of this report.
- 10.6 One issue facing the Council in respect of recreation space relates to deficiencies in certain types of open space and sports facilities, and poor access to these spaces for local communities. In addition, problems relating to an oversupply of poor quality green spaces in areas such as Skelmersdale have led to poor maintenance and under-utilisation. There are existing facilities at Stanley Coronation Park (120 metres), Kiln Lane Playing Fields (200 metres) and Blaguegate Playing Fields (600 metres) which provide green open space, playing fields (grass and 3G), bowling green, multi-use games areas and formal playground facilities within a 5-10 minute walk of the proposal site. The Director of Leisure states that his comments are based on a thorough audit of supply and demand carried out in the West Lancashire Playing Pitch Strategy 2015-25, and subsequent the Playing Pitch Strategy Review 2017. He considers that the locality already has sufficient public open space facilities to cater for the local population, and objections by Sport England on grounds of loss of facility are not justified. Moreover, he agrees that the more passive community facilities of allotments have an unmet demand in the Skelmersdale area. Re-provision of a community building on the new site could provide a dual use building to continue use by the local scout groups as well as providing a community facility for the allotment users. The Director of Leisure fully endorses the proposal for the provision of an allotment site and community building as part of the development site.
- 10.7 With specific regard to POS, the Provision of Open Space in New Residential Developments Supplementary Planning Document (SPD) provides guidance on the required amount of POS to be incorporated in new residential developments, which is detailed in Policy OS1. The SPD states that for developments between 40 – 289 dwellings, developers are expected to provide 13.5 sqm of POS per bedroom developed. The proposed development would deliver 2790sqm of Public Open Space, including the provision of allotments. Whilst this figure also includes the open space allocated for the communal building/scout hut I consider overall the total open space to be provided meets the requirements of the SPD.

*Conclusions on open space, playing pitches and recreation provision*

- 10.8 In respect of Policy GN3 I consider that it has been demonstrated that the playing fields are unsuitable for retention because they were under-used, of poor quality and poorly located. Moreover, part of the site is to be used for more appropriate allotment/community uses relating to recreational demand in the area and this is part mitigation for the loss of formal playing pitches. Whilst this mitigation does not meet Sports England's compensation requirements for the replacement of playing pitches, I consider that the open space/recreation needs of the area and site have been properly evaluated, as required by the NPPF, and believe that they are best served by using part of the site for

allotment community use. In this regard I consider the requirements of Policy GN3, the SPD and the NPPF have been met.

### **Affordable and Elderly Housing Provision**

- 10.9 Provision of 20% affordable housing is required on sites of this scale under the terms of Policy RS2 of the Local Plan. In addition to this, Policies RS1 and RS2 also require that 20% of new residential units should be suitable for the elderly.
- 10.10 The applicant has submitted 2 different Viability Appraisals as they consider that the development would not be financially viable to provide any of the requested 20% affordable housing. The Council have employed independent Financial Advisers to evaluate the applicant's Viability Appraisal. The second Viability Appraisal now largely follows the methodology required by the recently updated PPG *Viability* but the Council's Financial Advisers disagree with the majority of the applicant's appraisal assumptions and calculations. Notwithstanding these deficiencies they have undertaken their own comprehensive analysis and assessment of the viability of the proposed scheme using the applicant's base information and their knowledge of the local housing market. They have concluded that based on current costs and values that the application proposals are unlikely, largely because of weak sales values in this part of Skelmersdale, to be able to support any substantive planning obligations such as affordable housing.
- 10.11 The second part of Policy RS2 *Affordable and Specialist housing* requires 20% of all units to be designed specifically as accommodation suitable for the elderly. Policy is flexible as to how this requirement should be met but the units must be designed specifically for the elderly to live in without adaptation.
- 10.12 Whilst the dwellings themselves will not be fully constructed for use by the elderly without adaptation, 12 dwellings (20%) will be constructed to meet Lifetime Homes standards with both external and internal spaces designed to ensure minimal work is required in any future adaptation that may be necessary. The applicant has now provided a precise specification of these standards and shown on the proposed site plan the units to be provided to this standard. In this respect I am satisfied that it would be in line with the expectations of the Policy RS2 and is therefore acceptable.

### **Siting, layout and design**

- 10.13 Policy GN3 in the Local Plan together with the Council's SPD Design Guide states that new development should be of a scale, mass and built form that responds to the characteristic of the site and its surroundings. New development is required to have regard to visual amenity and complement its surroundings through sensitive design, including appropriate siting, orientation and scale.
- 10.14 The proposed development for 60 dwellings equates to a housing density of around 30 dwellings per hectare, which is commensurate with the density of surrounding development. Various types and size of dwellings are proposed, including 2 bedroom houses and 3 and 4 bed houses as a mix of semi-detached and detached.
- 10.15 The dwellings are of brick construction and of typical modern estate design, similar to those surrounding the site. The proposed materials for the dwellings consist of concrete charcoal roof tiles, with facing brickwork with natural mortar, with black UPVC half round profile gutters and downpipes. It is proposed that windows will be constructed of white framed UPVC double glazed glass. The applicant has submitted a revised layout to address some of the concerns initially expressed over road layout/design, parking and the amount of hard surfacing at front of properties. Dwellings in the main benefit from front

gardens and all properties have off road parking for at least 2 cars, some at the front and some at the side, ensuring that there is not a complete dominance of hardstanding to frontages. The applicant has also submitted revised details of fencing around the allotments which is to be hit and miss timber fencing to enable greater surveillance. The design of the house types adjoining the allotments have been redesigned to provide some supervision from flank windows. All dwellings have adequate sized rear gardens and meet the spatial separation standards set out in the Council's SPD Design Guide. Boundary treatment will comprise of a 1.8m high featherboard fence. I consider that the layout, scale, proportions and design of the proposed dwellings to be an acceptable addition to this part of Skelmersdale and would thereby comply with Policy GN3 of the WLLP and the Council's SPD Design Guide.

### **Residential Amenity**

- 10.16 Policy GN3 in the WLLP requires new development to retain or create reasonable levels of privacy, amenity and sufficient garden/outdoor spaces for occupiers of the proposed and neighbouring properties. Further detailed advice on interface distances is provided within the Council's SPD Design Guide.
- 10.17 In terms of the relationships between the proposed dwellings, I am satisfied that the proposed layout, in general, accommodates the required interface distances. Where this is not the case, I am satisfied that the resulting impact has been designed out by ensuring that the main outlook is focused away from the neighbouring property. In terms of the impact on neighbouring residents, I am satisfied that there is sufficient distance to ensure no impact upon privacy or overshadowing. The Environmental Health Officer has suggested conditions to protect future residents from noise from the nearby Children's Centre and the proposed allotments. Given these are both suitable neighbouring uses I do not consider these conditions to be necessary or reasonable given the relationship to the proposed housing. I consider that the proposed development would satisfy the requirements of Policy GN3 in respect of neighbouring amenity.

### **Highways**

- 10.18 Policy GN3 of the Local Plan requires proposals for development to incorporate suitable and safe access and road layout design and ensure that parking provision is made in line with the standards set out in Policy IF2.
- 10.19 The site will be accessed via a new access with priority junction on to the eastern side of Barnes Road at its junction with Whitburn. Barnes Road (U570) has been categorised as a local access road with a 20mph speed limit and runs in a northerly direction from its junction with the High Street (U2574). High Street has been categorised as a link road and also falls within the 20mph zone. Whitburn (U571) has been categorised as a local access road with a 20mph speed limit. Visibility splays of 2.4m x 25m are required in both directions based on table 7.1 from Manual for Streets and the classified speed of the road. This level of visibility is achieved at the proposed access into the site and is acceptable. The proposed development does not affect any public rights of way.
- 10.20 A Transport Assessment and Travel Plan have been submitted to support the application and the Highway Authority is of the opinion that the level of traffic generated by this proposal should have a negligible impact on safety and capacity within the immediate vicinity of the site. The applicant has submitted a revised layout to address most of the concerns initially expressed over the internal road layout, parking and manoeuvring of vehicles although these areas are not to be adopted. I consider the access, road layout and parking arrangements to be acceptable and comply with GN3 and IF2 in this respect.

## **Drainage**

- 10.21 It is a requirement of Policy GN3 that new development does not result in unacceptable flood risk or drainage problems. The information from the Environment Agency Maps has determined that the site is located within Flood Zone 1. The drainage strategy and drainage plan indicate that the foul sewage will discharge to the mains drainage system in Barnes Road. The United Utilities sewer map indicates the presence of a combined public sewer beneath the Barnes Road carriageway and therefore, in principle, this proposal is considered satisfactory.
- 10.22 With regard to the disposal of surface water the drainage plan indicates that this will discharge to the combined sewer in Barnes Road at a controlled rate of discharge, i.e. 6.3 l/s. A site investigation has been undertaken including percolation tests and the results indicate that ground infiltration techniques would not be feasible on this site. In addition, it would appear that there are no watercourses available in this area. The proposals therefore, in principle, are considered satisfactory. I consider that subject to a suitable condition as recommended by the LLFA to require full details of the drainage of foul and surface water that the development complies with Policy GN3.

## **Ecology and Trees**

- 10.23 Policy EN2 seeks to protect priority species and their habitats, if significant impacts on any biodiversity are unavoidable, then mitigation or as at least compensation, is required to fully offset any impacts. The applicant has undertaken an Ecology Report Phase 1 Habitat Survey which demonstrates that this essentially urban, self-contained and formerly manicured grassland has limited ecological/habitat value. The small buildings to be demolished have limited potential for bats or nesting birds.
- 10.24 Policy EN2 seeks to protect trees of significant amenity, screening, wildlife or historical value. The submissions do not include an arboricultural impact assessment and therefore there is no information to demonstrate that the housing layout has taken into account root protection areas and above ground constraints. However the proposed layout in relation to the tree cover, does not appear to create any notable conflict with the existing tree cover. Tree cover is confined to the boundaries with some trees situated in adjacent properties with canopies that overhang into the site. The scheme has been designed to ensure that all existing trees on site have been retained on the north west of the site, with new landscaping proposed on the western boundary, which abuts the neighbouring children's centre. Additional pockets of tree planting have been included within the scheme to improve privacy and soften the street scene. An avenue of trees is proposed lining the entrance to the site extending along the perimeter of the allotments, scouts hut and associated car park. Subject to a condition for tree protection to be submitted prior to the commencement of any site operations and a full landscaping plan including species, numbers and size of stock I consider that the proposals comply with Policy EN2

## **Contamination and Coal Risk**

- 10.25 It is a requirement of the NPPF under paragraphs 178-179 that the applicant demonstrates to the satisfaction of the Council that the application site is safe, stable and suitable for development. In addition the National Planning Practice Guidance in section 45 makes it clear that planning applications in the defined Development High Risk Area must be accompanied by a Coal Mining Risk Assessment. Policy GN3 requires that developments should minimize the risks from all types of contamination and take account of land instability in former Coal Mining Areas.

10.26 The Scientific Officer has commented that there are no contamination issues. However, the site falls within the defined High Risk Area for mining and as a result the applicants have submitted a Geo-Environmental Investigation which has carried out intrusive investigations. The report recommends further works, specifically an extensive mine working investigation. These additional intrusive site investigations are required to indicate the depth of coal seams in the north-eastern part of the application site and to determine any evidence of mining and the residual risk related to the presence or otherwise of shallow workings. The Coal Authority are happy with this approach which can be addressed by condition in accordance with Policy GN3 and the NPPF.

### **Archaeology**

10.27 Birches Farm has been identified on an old OS Map dated from 1849 but there may be evidence of earlier origin. The creation of the playing fields are likely to have damaged and disturbed remains of the farmstead although deeper features of the site are likely to have survived and may contain evidence for the date and development of the farm. In this respect the Archaeological Officer would recommend therefore that the area of the development should be subject to a formal watching brief with the area of the farm having a "strip map and record" survey during development to ensure that the area of the farmstead is investigated and recorded prior to any possible further damage during development of the site. Subject to this condition I consider the development would comply with the requirements and EN4 and the NPPF.

## **11.0 SUMMARY AND CONCLUSION**

11.1 The principle of a residential development on the site is acceptable within the settlement boundary of Skelmersdale. In relation to the loss of playing fields I consider that the open space/recreation needs of the area and site have been properly evaluated, as required by the NPPF, and believe that they are best served by using part of the site for allotment and community use. The Viability Assessment undertaken by the Council's Financial Advisers recognises that the development is not able to support any substantive planning obligations such as affordable housing but it does provide community benefit. I consider that the layout, scale, proportions and design of the proposed dwellings to be an acceptable addition to this part of Skelmersdale and that proposed development would not adversely impact on neighbouring amenity of surrounding properties. Subject to conditions I consider that the development satisfactorily addresses highways, drainage, ecology and trees, contamination and coal risk and archaeology. The development complies with Policies RS1, RS2, EN3, GN3 and EN4 of the West Lancashire Local Plan.

## **12.0 RECOMMENDATION**

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

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Drawing Ref  
L111 Proposed Site Plan with Lifetime Homes indicated received by local planning authority on 4 October 2019  
L103 Plan Rev 6 Proposed Site Plan received by local planning authority on 8 October 2019  
L104 Boundary Treatments received by local planning authority on 24 September 2019

L109 -03 Plot 7 Balmoral Housetype received by local planning authority on 23 September 2019

L100 Location Plan.

L104 Proposed Site Sections

L110 Communal Building Plan

Proposed House Plans and Elevations:

L109 Balmoral Housetype.

L107 Chelsea Housetype.

L106 Kensington Housetype.

L108 Windsor Housetype.

received by local planning authority on 5 March 2019

3. Plots 1, 2, 21, 22, 25, 26, 39-44(inclusive) shown on L111 Proposed Site Plan with Lifetime Homes indicated shall be constructed to Lifetime Homes Standards as set out in the Applicants Commitment towards achieving Lifetime Homes Standards received by local planning authority on 4 October 2019
4. No development shall commence until full details and specification of the allotment and community uses shown on Proposed Site Plan L103 Rev 5 have been submitted to and approved by the local planning. This shall include a timetable for the delivery of the allotment and community uses  
For the avoidance of doubt no dwelling hereby approved shall be occupied until the allotment area has been laid out and made available and the community use facilities provided and made available for use.
5. No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme, have been submitted to and approved in writing by the local planning authority in consultation with the LLFA. Those details shall include:
  - a) Final sustainable drainage layout plan appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels in AOD with adjacent ground levels.
  - b) The drainage strategy should demonstrate that the surface water run-off must not exceed 6.3 l/s up to and including 1 in 100 year events and including an allowance of 40% increase for climate change. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
  - c) Sustainable drainage flow calculations (1 in 1, 1 in 30 and 1 in 100 + climate change) with allowance for urban creep.
  - d) Plan identifying areas contributing to the drainage network
  - e) Measures taken to prevent flooding and pollution of the receiving surface waters.
  - f) A plan to show overland flow routes and flood water exceedance routes and flood extents.
  - g) Details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development. This shall include arrangements for adoption by an appropriate public body or statutory undertaker or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicableThe scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.
6. No development including any site preparation, clearance or demolition works shall take place until the applicant or their agent or successors in title has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works should comprise the holding of a formal watching brief over the site and a "strip, map and record" over the site of the farmstead of Birches Farm. These should be carried out by an

appropriately qualified and experienced professional archaeological contractor to the standards and guidance of the Chartered Institute for Archaeologists. A report on the work undertaken and its results shall be submitted to the Local Planning Authority and the Lancashire Historic Environment Record before any dwelling hereby approved is brought into first use.

7. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.  
The access and visibility splays of 2.4m x 25m shall be constructed before any construction commences in accordance with a timetable agreed as part of any approved scheme.
8. No part of the development hereby approved including any dwelling shall be occupied until the approved access scheme referred to in Condition 7 has been constructed and completed in accordance with the approved scheme details, unless otherwise agreed in writing by the Local Planning Authority
9. Prior to any part of the development hereby permitted taking place a scheme showing the areas for a site compound including the siting of office, storage of plant and materials and measures to prevent the transfer of mud out of the site shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be implemented while any demolition/construction works are in operation.
10. No construction shall be commenced until details of the proposed ground and floor levels of all parts of the site, including the finished floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a number of sections across the site, which shall indicate existing and proposed ground levels, together with the finished floor levels of any proposed dwellings/buildings through which the sections run and shall extend beyond the site boundaries to include any surrounding adjacent properties.  
The development shall thereafter be implemented in accordance with the approved details and method of construction.
11. No development shall commence on site until intrusive coal mining site investigation works are undertaken to establish the exact situation regarding coal mining legacy issues on the site. The results of these investigations shall be submitted to and approved in writing by the Local planning Authority in consultation with the Coal Authority. The submission of a report of findings arising from the intrusive site investigations shall include details of any remedial works necessary for approval. The remedial works identified shall be carried out in accordance with the approved details and timescales agreed.
12. No site clearance, preparatory work or development shall take place until a Method Statement detailing measures to be taken during construction to protect the health of the existing trees has been submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved Method Statement shall be fully implemented during construction.
13. Notwithstanding the details shown on the approved drawings, no part of the development shall be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority.  
The details shall relate to all land surfaces not built upon and shall include:  
Land-levels and gradients resulting in the formation of any banks, terraces or other earthworks  
hard surfaced areas and materials  
planting plans, specifications and schedules, planting size, species and numbers/densities, trees to be retained and  
a scheme for the timing / phasing of work.  
existing plants / trees to be retained



A detailed regime for the ongoing and longer term maintenance of all soft landscaping is also required to be submitted for approval.

The approved landscaping works shall be implemented and completed prior to the occupation of the dwelling to which it relates unless otherwise agreed in writing by the Local Planning Authority.

Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 7 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted

14. Notwithstanding the provisions of Article 3, Schedule 2, Part 14 Class A; Part 15 Class A; Part 16 Class A; Part 17 Class G to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) no substations or other buildings shall be provided within the site without the prior approval in writing of the LPA of the detailed siting and external appearance of the substations
15. The development shall be constructed from the materials detailed on the L109 Balmoral Housetype, L107 Chelsea House type ,L106 Kensington Housetype and L108 Windsor Housetype. Received by local planning authority on 5 March 2019
16. Notwithstanding any description of the facing materials in the application, no above ground construction works shall take place until samples and / or full specification of the brickwork to be used externally on any dwelling have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials and should be reflective of those within the surrounding area, unless otherwise agreed in writing by the Local Planning Authority.
17. Notwithstanding any description of the roofing and facing materials in the application, no above ground construction works in respect of the Community Building/scout hut shall take place until samples and / or full specification of the roofing and brickwork to be used externally on the Community Building/scout hut have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials and should be reflective of those within the surrounding area, unless otherwise agreed in writing by the Local Planning Authority.
18. Prior to construction of any dwelling a scheme for the provision of electric vehicle charging points throughout the development and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until an electric vehicle charging point has been installed in accordance with the agreed details.
19. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.
20. The parking provision shown within the curtilage of each dwelling and the communal parking areas on the approved plans ref L103 Rev5 Proposed Site Plan; shall be provided prior to first occupation of the dwelling to which it relates. The parking areas shall be hardsurfaced and the communal parking areas marked and shall be made available for their intended use at all times thereafter.
21. The allotment and community uses hereby permitted shall not be brought into use until the areas for the movement, loading, unloading and parking of vehicles have been provided, constructed and surfaced in complete accordance with the plans ref L103Rev5 Proposed Site Plan. These areas shall be retained at all times thereafter.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To ensure the dwellings are designed specifically for the elderly to live in without adaptation in accordance with RS2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.
4. In order to ensure the delivery of public open space and allotment/ community provision to meet the requirements of Policy GN3 of the West Lancashire Local Plan 2012 - 2027 Development Plan Document
5. These details are required prior to the commencement of development to ensure adequate drainage for the proposed development and to ensure that there is no flood risk on- or off-the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. These details are required to be approved before the commencement of development to ensure any remains on site are properly recorded in accordance with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document
7. In order to ensure that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner. 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 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document
8. In order that the traffic generated by the new development does not exacerbate unsatisfactory highway conditions in advance of the first occupancy of any development hereby approved. 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 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document
9. To safeguard the amenities of occupants of existing dwellings located in the vicinity of the application site and highway safety to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
10. These details are required prior to the commencement of construction to ensure the satisfactory visual appearance of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
11. These details are required prior to the commencement of development as the site is in a coal mining high risk area. Further investigations are required to shown the depth of coal seams in the north-eastern part of the application site and to determine any evidence of mining and the residual risk related to the presence or otherwise of shallow workings. In order to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. These details are required prior to the commencement of development to protect the trees/hedges and thereby retain the character of the site and the area and to ensure the development complies with the provisions of Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document
13. 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 EN3in the West Lancashire Local Plan 2012-2027 Development Plan Document having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 and EN3in the West Lancashire Local Plan 2012-2027 Development Plan Document
14. These details are required prior in order to ensure the satisfactory visual appearance of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

15. 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
16. 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.
17. 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.
18. In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
19. 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 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document
20. In the interests of highway and pedestrian safety and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document
21. In the interests of highway and pedestrian safety and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document

### **Reason for Approval**

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

Policy SP1 - A Sustainable Development Framework for West Lancashire

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy IF4 - Developer Contributions

Policy RS1 - Residential Development

Policy RS2 - Affordable and Specialist Housing

Policy IF2 - Enhancing Sustainable Transport Choice

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

Policy EN3 - Provision of Green Infrastructure and Open Recreation Space

Policy EN4 - Preserving and Enhancing West Lancashire's Cultural 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.



<b>No.3</b>	<b>APPLICATION NO.</b>	2019/0794/WL3
	<b>LOCATION</b>	17 Beech Avenue Parbold Wigan Lancashire WN8 7NS
	<b>PROPOSAL</b>	External refurbishment including new render finish to all elevations, replacement windows and doors, recovering of roofs and replacement entrance canopy.
	<b>APPLICANT</b>	West Lancashire Borough Council
	<b>WARD</b>	Parbold
	<b>PARISH</b>	Parbold
	<b>TARGET DATE</b>	6th November 2019

---

## **1.0 SUMMARY**

1.1 The proposed development of the external refurbishment including render, replacement windows and doors, recovering of roofs and replacement porch canopy is acceptable in principle. It is considered the proposal will not have a significant impact on the amenity of neighbouring properties and would not adversely impact on the street scene or the visual amenity of the area. The proposed development is considered to be compliant with the NPPF and Policies GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD.

## **2.0 RECOMMENDATION - APPROVE with conditions.**

## **3.0 SITE DESCRIPTION**

- 3.1 The site comprises of a corner plot semi-detached two-storey dwelling. There is a drive with a grassed area to the front and a garden to the rear.
- 3.2 There is a green space with a number of trees separating the proposal site from the adjacent properties.

## **4.0 PROPOSAL**

4.1 The application proposes external refurbishment including replacement of timber cladding with insulated render, replacement windows and doors, recovering of roofs and replacement porch canopy.

## **5.0 PREVIOUS RELEVANT DECISIONS**

5.1 None.

## **6.0 OBSERVATIONS OF CONSULTEES**

6.1 None received.

## **7.0 OTHER REPRESENTATIONS**

7.1 None received.

## **8.0 RELEVANT PLANNING POLICIES**

8.1 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.

## 8.2 National Planning Policy Framework

### West Lancashire Local Plan Policies

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

**Supplementary Planning Document - Design Guide (January 2008)**

## 9.0 **OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

9.1 The main considerations for this application are

Principle of development

Design

Impact on residential amenity

*Principle of development*

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

9.3 Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 part f) sets out a need to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

9.4 It is my view that the principle of the external refurbishments to the dwellinghouse are supported by the NPPF. On that basis the principle of this development is acceptable provided it complies with other relevant national and local planning policies.

*Design*

9.5 The NPPF and Policy GN3 supported by the Council's SPD Design Guide requires that development should be of a high quality design, integrate well with its surroundings, promote sustainable development principles and respect its setting. NPPF states that planning policies should ensure developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

9.6 It is my view that the design of the proposed alterations is in keeping with the appearance of the existing building and the development does not adversely impact on the street scene and would better integrate the buildings within the local area. The property was formerly faced with wooden cladding which has already been removed leaving the original brickwork exposed and would benefit from rendering. On that basis the development complies with the requirements of policy GN3.

*Impact on residential amenity*

9.7 Policy GN3 of the Local Plan requires that new development should retain reasonable levels of privacy and amenity for occupiers of the neighbouring properties.

9.8 Due to the scale and characteristics of the development I am satisfied that there would not be any significant adverse impact on the residential amenity of neighbouring properties. I therefore consider that the proposal complies with policy GN3.

## **10.0 CONCLUSION**

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

## **11.0 RECOMMENDATION**

11.1 That planning permission is GRANTED subject to the following conditions and reasons.

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan reference Existing Plans and Elevations Dwg No. 005 received by the Local Planning Authority on 1st August 2019.  
Plan reference Proposed Plans and Elevations Dwg No. 010 received by the Local Planning Authority on 1st August 2019.
3. All external facing and roofing materials shall be as detailed in section 9 of the submitted application form received by the Local Authority on 3rd October 2019. If the applicant or developer has any doubts as to whether the proposed materials do match they should check with the Local Planning Authority before commencement of the building works.

### **Reasons**

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

### **Reason for Approval**

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

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

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





<b>No.4</b>	<b>APPLICATION NO.</b>	2019/0796/WL3
	<b>LOCATION</b>	40 Beech Avenue Parbold Wigan Lancashire WN8 7NS
	<b>PROPOSAL</b>	External refurbishment including new render finish to all elevations, replacement windows and doors, recovering of roofs and replacement entrance canopy.
	<b>APPLICANT</b>	West Lancashire Borough Council
	<b>WARD</b>	Parbold
	<b>PARISH</b>	Parbold
	<b>TARGET DATE</b>	6th November 2019

---

## **1.0 SUMMARY**

1.1 The proposed development of the external refurbishment including new render finish, replacement windows and doors, recovering of roofs and replacement porch canopy is acceptable in principle. It is considered the proposal will not have any significant impact on the street scene or visual amenity of the area. The proposed development is therefore considered compliant with the NPPF and Policies GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD.

## **2.0 RECOMMENDATION - APPROVE with conditions**

## **3.0 SITE DESCRIPTION**

3.1 The site comprises of a two storey semi-detached dwelling. There is grassed area to the front and a garden and driveway to the side and rear.

## **4.0 PROPOSAL**

4.1 The application proposes the external refurbishment of the dwelling house including new render to all elevations, replacement windows and doors, recovering of roofs and replacement entrance canopy.

## **5.0 PREVIOUS RELEVANT DECISIONS**

5.1 None.

## **6.0 OBSERVATION OF CONSULTEES**

6.1 None received.

## **7.0 OTHER REPRESENTATIONS**

7.1 None received.

## **8.0 RELEVANT PLANNING POLICIES**

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

8.2 **National Planning Policy Framework – (NPPF)**  
Section 7: Requiring Good Design

### 8.3 **West Lancashire Local Plan (2012-2027) DPD – (Local Plan)**

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

### **Supplementary Planning Document – (SPD)**

Design Guide (Jan 2008)

All the above Policy references can be viewed on the Council's website at:

<http://www.westlancs.gov.uk/planning/planning-policy.aspx>

## 9.0 **OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

9.1 The main considerations for this application are

Principle of Development

Design

Impact on Residential Amenity

### **Principle of Development**

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

9.3 Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127, (part f) sets out a need to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

9.4 It is my view that the principle of the external refurbishments to the dwelling house are supported by the NPPF. On that basis the principle of this development is acceptable provided it complies with other relevant national and local planning policies.

### **Design**

9.5 The NPPF and Policy GN3 supported by the Council's SPD Design Guide requires that development should be of high quality design, integrate well with its surroundings, promote sustainable development principles and respect its setting. The NPPF states that planning policies should ensure developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

9.6 It is my view that the design of the proposed alterations is in keeping with the appearance of the existing building and the development does not adversely impact on the street scene and would better integrate the buildings within the local area. The property was formerly faced with wooden cladding which has already been removed leaving the original brickwork exposed and would benefit from rendering. On that basis the development complies with the requirements of Policy GN3.

### **Impact on residential amenity**

9.7 Policy GN3 of the Local Plan requires that new development should retain reasonable levels of privacy and amenity for occupiers of the neighbouring properties.

9.8 Due to the scale and characteristics of the development I am satisfied that there would not be any significant adverse impact on the residential amenity of neighbouring properties. I therefore consider that the proposal complies with Policy GN3.

## **10.0 CONCLUSION**

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

## **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 facing and roofing materials shall be as detailed in section 9 of the submitted application form received by the Local Planning Authority on 3rd October 2019. 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:-  
Number 40 Beech Avenue Proposed Plans and Elevations Dwg No: 006 received by the Local Planning Authority on 1st August 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:

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

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



# Agenda Item 7e

<b>No.5</b>	<b>APPLICATION NO.</b>	2019/0155/COU
	<b>LOCATION</b>	Land To The Rear Of 44 To 50 Church Road Banks Lancashire
	<b>PROPOSAL</b>	Change of use from B8 (storage) to mixed use of B8 (storage) and B2 (vehicle repair garage). Alterations and extension to existing garage building and siting of container (Retrospective).
	<b>APPLICANT</b>	Mr Jordan Foxley
	<b>WARD</b>	North Meols
	<b>PARISH</b>	North Meols
	<b>TARGET DATE</b>	15th October 2019

---

## **1.0** **REFERRAL**

- 1.1 The application has been called in for consideration at Planning Committee by Councillor Blane to assess the impact of a commercial development in a residential area and effects on amenity of neighbouring residential properties.

## **2.0** **SUMMARY**

- 2.1 The proposal is for a retrospective change of use from B8 (storage) to a mixed use of B8 (storage) and B2 (vehicle repair garage). The application has been amended to now include the retention of the alterations and extensions, largely in height, to the existing garage building. The site has a longstanding use for commercial purposes. The main planning consideration relates to the impacts of the mixed use on the amenities of surrounding residential properties.
- 2.2 I consider that on balance and subject to safeguarding conditions that the use of the site for open storage and car repairs, provided that they were all carried out within the garage, would not adversely affect the amenities of nearby residential properties and would meet the requirements of Policy GN3.

## **3.0** **RECOMMENDATION: APPROVE with conditions.**

## **4.0** **THE SITE**

- 4.1 The site is within the rural settlement of Banks and is located at the rear of residential properties that front onto Church Street. There are residential properties to the rear of the site in Fleetwood Drive. There is a large commercial garage, Europa Engineering, located to the west of the site.
- 4.2 The land is largely open with fencing along its boundaries. There is small, recently extended in height, garage building on the west boundary of the site.
- 4.3 The access to the site is between Nos 46 and 48 Church Road.

## **5.0** **PROPOSED DEVELOPMENT**

- 5.1 The proposal is a change of use from B8 (storage) to a mixed use of B8 (storage) and B2 (vehicle repair garage).
- 5.2 This in effect comprises 2 different uses/operators. The bulk of the site is to be used for the storage of vehicles comprising commercial vans and cars. The small garage building (extended in height) on the western boundary of the site is to be used for car repairs.

5.3 The application has been amended to now include the retention of the alterations and extensions, largely in height, to the existing garage building. The building has been raised in height with a pitched roof to the eaves of 3.6m and 5.1m to ridge. The asbestos roof has been replaced and the building has been re-clad in silver profiled metal sheeting. The application now includes retention of a shipping container, for storage, adjoining the garage.

## **6.0 RELEVANT PLANNING HISTORY**

6.1 2004/0249 Change of use from vacant land and private garden to use for the storage of trailer mounted telescopic platforms GRANTED

6.2 1983/1131 Siting of portable buildings to serve as office and staff room and drainage (taxi and minibus depot) GRANTED

6.3 1982/656 Retention of caravan for use as office and laying out of 6 car parking spaces GRANTED

6.4 1979/1306 (Rear of No 46) Change of use for parking of mini coaches and erection of garage for maintenance of applicants vehicles GRANTED

## **7.0 CONSULTEE RESPONSES**

7.1 LCC Highways (30/04/19) No objections as will not be a significant increase in vehicle movements to be a highway safety concern.

7.2 Environmental Health (12/08/19) - No objections in principle subject to appropriate safeguarding conditions.

7.3 North Meols Parish Council – (07/04/19) Object. Previous use for storage of cherry pickers do not cause a problem as appropriate conditions attached. Application is retrospective and use causes unacceptable noise nuisance to surrounding residents at anti-social hours and Sundays. Noise impact unacceptable for surrounding resident even with hours condition. Europa Engineering does not cause noise problems. Garage raised in height and re-clad in metal sheeting which is too high and too close to residents and amplifies the noise.

7.4 Principal Engineer (Drainage) (23/09/19) no further comments regarding the surface water drainage.

## **8.0 OTHER REPRESENTATIONS**

8.1 There have been 6 objections from neighbouring properties raising the following issues:

### **Residential amenity**

Significant increase in noise decibel level, drilling banging shutter doors opening/closing, revving of engines, breaking of vehicles in yard, additional vehicle movements;  
Noise/activity anti-social hours evenings Mon -Sat and Sundays. Noise can be heard end of Fleetwood Drive;

Increase in vehicles and noise with engines running;

Garage next door does not cause noise (Europa Engineering) as owner lives on premises.  
Has trees/fencing buffer;

Previous storage use did not cause a problem as appropriate conditions attached to control use/activities. These conditions all being broken;  
Application site affects 10 property's gardens;  
Not an industrial area;  
Owner advertising Caravan and Motor storage and car parts broken in yard;  
Fumes and dust in gardens from vehicle emissions;  
Noise from site gets dogs barking increasing noise;  
Security given increasing comings/goings;  
Breaking/scrapping of cars in yard;  
Old roof asbestos has it been stored/disposed of properly?;  
Loss of privacy, 20ft conifers felled which acted as screen/noise buffer;  
Foul language from workers users of yard;  
No clear description of what is to be stored;  
Fire risk.

### **Access and Parking**

Site access already congested. Additional vehicles will add nuisance;  
Church Road already congested with cars parking for Coop store.

### **Flooding**

Properties suffer from flooded gardens which has increased over years. Application site higher than gardens;  
Rainwater from roof will cause flooding.

### **Condition of building/Visual amenity**

Building doubled in size increased in height and width. Now 2 storey silo. Silver cladding an eyesore;  
Storage container now on site;  
Structure flimsy does it meet building regs.

- 8.2 As a result of the re-consultation on the amended plans to alterations/extensions to the building 2 further objections received raising the following additional issues:

### **Condition of building/Visual amenity**

Height, design and colour of building intrusive to surroundings character of area;  
Container an eyesore.

### **Flooding**

Rainwater from roof of building/container will cause flooding as higher than gardens;  
Ground been compacted causing additional flooding.

### **Residential amenity**

Significant increase in noise from building as metal construction acts as noise funnel;  
Work is still being carried out during late at night banging, clattering, shouting and laughing coming from within the workshop at 10.50pm.

## **9.0 SUPPORTING INFORMATION**

- 9.1 The applicant (car repair garage) has submitted details of machinery to be used: which are a power wrench, a hand held grinding tool, similar in size to a household drill and a compressor used to inflate tyres. The applicant intends to replace the existing compressor with an updated (quieter) model.
- 9.2 The owners of the site (C&D vans Ltd) have submitted a Supporting Statement.

Not aware planning permission required as when site bought car repairs already being carried out by previous owner;

Banging and grinding in evenings and weekends was due to alterations/extensions to building;

There was some evening and weekend car repairs being carried out by tenant before he left full time employment and established his car repair business;

Details of machinery/tools supplied by tenant;

Ample parking within yard and vehicles not parked on main road;

The adjoining Europa Engineering operate the same type of business.

## **10.0 RELEVANT PLANNING POLICIES**

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

### **10.2 National Planning Policy Framework**

Building a strong, competitive economy

Achieving well-designed places

Conserving and enhancing the natural environment

### **10.3 West Lancashire Local Plan (WLLP) 2012-2027 DPD**

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy EC1 – The Economy and Employment Land

**Supplementary Planning Document – Design Guide (January 2008)**

## **11.0 OBSERVATIONS OF THE DIRECTOR OF DEVELOPMENT AND REGENERATION**

- 11.1 The site has a longstanding use for commercial purposes, being used in the past for a taxi and mini bus depot with ancillary repairs. The last lawful use of the premises was for the storage of large trailer mounted telescopic platforms. The application has been submitted following enforcement complaints and is retrospective as the mixed use of the site is in operation and building works carried out. The main planning consideration in the assessment relates to the impacts of the mixed use on the amenities of surrounding residential properties.

### **Residential Amenity**

- 11.2 The proposal is a change of use from B8 (storage) to a mixed use for 2 different uses/operators. The bulk of the site is to be used for the open storage of vehicles comprising commercial vans and cars - B8 (storage). The small garage building (extended in height) on the western boundary of the site is to be used for car repairs – B2 (General Industrial). Policy GN3 of the West Lancashire Local Plan states that development should retain or create reasonable levels of privacy and amenity for adjoining occupiers.



- 11.3 Following a change of ownership of the site there was undoubtedly an increase in activity at the site which generated noise and disturbance for and complaints from surrounding residents. This was caused by 2 factors; the first relates to construction work carried out to alter and extend the existing building and its fabrication in steel cladding; the second related to the use of land/building for car repairs often during unsocial hours including evenings and Sundays. At this time the applicant was operating his car repair business when not employed full time elsewhere so invariably it was been carried out during anti-social hours to the detriment of surrounding residents.
- 11.4 Officers from Planning and Environmental Health have visited the site on a number of occasions to assess the types of activities being carried out at the site, (and the adjoining Europa Engineering) to verify the extent of any noise generating machinery and equipment being used and to establish the hours of use of the car repair business and the vehicle storage. I have also clarified the extent of building operations and established that given their scope, distance from the boundary and activities undertaken that they are not permitted development. The owner has also stated and the application has been amended to include the continued storage of vehicles (including commercial vans) on site and latterly to retrospectively alter/enlarge the building. This has resulted in neighbours being re-notified a number of times.
- 11.5 I consider that the storage of cars and commercial vehicles is little different from the lawful use for the storage of large trailer mounted telescopic platforms whose use was previously controlled by safeguarding conditions.
- 11.6 The car repair activity will re-introduce an industrial use onto the site for the repair of vehicles. However, I am mindful whilst sited within a predominately residential area the site has a long standing history of commercial activity including some repairs. Moreover, a large industrial premises, Europa Engineering, lies immediately to the west of the garage building. The applicant has produced details of the power tools/machinery used on site and these have been observed in operation on site both with the doors open and closed. These include a power wrench, a hand held grinding tool, similar in size to a householder drill and a compressor used to inflate tyres. When monitoring the machinery being used within the application site it was clear that the adjoining Europa Engineering used similar equipment emitting similar levels of noise. The applicant intends to replace the existing compressor with an updated (quieter) model. The applicant has agreed to carry out all repair operations within the building and with doors closed when operating machinery. I consider that any approval should be; subject to conditions which ensure that these repairs, including machinery to be used, and storage movements are controlled, be subject to hours conditions restricting all activity on site (to 0900-1800 Monday to Fridays, 0900 -1300 Saturday and no Sunday or Bank Holiday working) and that measures including sound attenuation in the building are in place to reduce/minimize noise.
- 11.7 I consider subject to safeguarding conditions that the proposals would not on balance adversely affect the amenities of nearby residential properties and would meet the requirements of GN3.

### **Highways - Access and parking**

- 11.8 Policy GN3 of the Local Plan requires proposals for development to (amongst other things) incorporate suitable and safe access and road layout design and ensure that parking provision is made in line with the standards set out in Policy IF2. In terms of 'suitable and safe access', this should include provision for vehicles to enter and leave the site in a forward gear.

11.9 Church Road (C142) is a classified road which has been categorised as a Secondary Distributor road with a speed limit of 30mph fronting the site. The Highway Authority has no objection in principle to the proposed change of use and is of the opinion that there would not be a significant increase in vehicle movements to be a highway safety concern. I consider that the development incorporates suitable and safe access to the public highway adequate parking and complies with Policy GN3 in this respect.

### **Visual Amenity**

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

11.11 The main changes involve the works carried out to the garage building which previously had an asbestos roof. The building has been increased in height and the asbestos roof has been replaced and re-clad in silver profiled metal sheeting. The application now includes retention of a shipping container, for storage, adjoining the garage. The building alterations replace in effect one type of industrial material with its modern equivalent and whilst utilitarian in nature the building is not out of character on this longstanding commercial site. I consider the development complies with Policy GN3 in respect of visual amenity.

### **Drainage**

11.12 Policies GN3 seeks to ensure flood risk is avoided / mitigated through development and that proposals for new development can be appropriately accommodated by existing water and drainage infrastructure.

11.13 As the application generally relates to the change of use of an existing building and that the existing yard is largely hardstanding I consider that the surface water run-off from the building/container would not exacerbate surface water drainage. As the site is located in Flood Zone 3 and the hardstanding area is generally at a higher level than most surrounding properties I would suggest removing permitted development for further hardstanding work to reduce the risk of flooding to neighbouring properties. I consider that the development complies with Policy GN3 and IF3 in respect of flood risk and drainage.

## **12.0 CONCLUSION**

12.1 The main planning consideration relates to the impacts of the mixed use on the amenities of surrounding residential properties. The site has a longstanding use for commercial purposes including in the past some repairs. I consider that the storage of cars and commercial vehicles is little different from the lawful use for the storage of large trailer mounted telescopic platforms. The car repair activity will re-introduce an industrial use onto the site. I consider that on balance and subject to safeguarding conditions that the use of the site for car repairs provided that they were all carried out within the garage would not adversely affect the amenities of nearby residential properties and would meet the requirements of GN3. I consider the development complies with Policy GN3 in respect of visual amenity, highway safety and drainage and the application is recommended for approval.

## **13.0 RECOMMENDATION**

13.1 That planning permission be GRANTED 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:-  
Site Location and Layout Plan  
Plans and Elevations  
received by the Local Planning Authority on 20 August 2019
2. The vehicle repair use hereby permitted shall only take place between the hours of 0900 and 1800 hours on Mondays to Friday and 0900 and 1300 hours on Saturdays and shall not take place at any time on Sundays or Public/Bank Holidays.
3. For the avoidance of doubt no vehicles including any vehicle recovery vehicle shall enter or leave the site and no vehicle movements shall take place on site outside the hours of 0900 to 1800 Mondays to Friday and 0900 to 1300 Saturdays, nor any time on Sundays, Bank or Public Holidays
4. No works to any vehicles including servicing, repairs and MOT activities shall take place on the site other than inside the garage building.
5. No power tools or machinery shall be operated within the garage unless the roller shutter doors are closed.
6. No additional power tools or machinery shall be used at the premises (other than those the details of which have been submitted as part of this application) without the express consent of the Local Planning Authority. For the avoidance of doubt the permitted tools or machinery include a power wrench, a hand held grinding tool and a Fina compressor.
7. Within 2 months of this permission details of sound attenuation measures to the Fina compressor, including means of enclosure/attenuation and mounting shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved sound attenuation measure within one month of approval and thereafter permanently retained
8. Within 2 months of this permission details of sound attenuation measures to the garage building, including the roller shutter shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented within one month of approval and thereafter be permanently retained and ensure that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 45db(A)LAeq, 1hr on any day as measured or calculated at the boundary of any nearby residential dwelling, as determined in accordance with BS4142:2014
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no hard surface shall be provided/installed on the site or existing hardsurface altered/upgraded without the approval in writing from the local planning authority

## **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 safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document
3. To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document
4. To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document
5. To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document
6. To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document
7. To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document

8. To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document
9. To reduce surface water run off and the risk of flooding in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

### **Reason for Approval**

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

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy EC1 - The Economy and Employment Land

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

# Agenda Item 7f

<b>No.6</b>	<b>APPLICATION NO.</b>	2019/0670/FUL
	<b>LOCATION</b>	Hughes Mushroom Farm Course Lane Newburgh Wigan Lancashire WN8 7UB
	<b>PROPOSAL</b>	Application for the construction of vehicle and pedestrian gates on previously approved access road.
	<b>APPLICANT</b>	Mr Woodman
	<b>WARD</b>	Newburgh
	<b>PARISH</b>	Newburgh
	<b>TARGET DATE</b>	24th September 2019

---

## **1.0** REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Pope has requested it be referred to Committee to consider the impact on the village environment and openness of the Green Belt.

## **2.0** SUMMARY

- 2.1 This is an application for the construction of vehicle and pedestrian access gates for a residential development which is currently under construction. The proposed gates are located within the settlement of Newburgh and have been sympathetically designed as railings to allow glimpses of the development beyond. Given the gates are set back from Course Lane by 42m, I am satisfied the proposal would not cause any significant harm to the character and appearance of the existing street scene to warrant refusal of the application, and is therefore compliant with Policy GN3 of the Local Plan and the Council's SPD Design Guide. In addition there will be no adverse impact upon the openness of the adjoining green belt or highway safety.

## **3.0** RECOMMENDATION: APPROVE with conditions

## **4.0** THE SITE

- 4.1 The site is located on the south side of Course Lane in Newburgh, behind a row of houses. The site is currently under construction for seven detached dwellings. The site is located in the Green Belt.

## **5.0** THE PROPOSAL

- 5.1 This application seeks planning permission for the construction of vehicle and pedestrian access gates. The gates will be located on a private access road leading to the site approx.42m from Course Lane. The gates will be 1.8m high and constructed from black powder coated mild-steel bars and will be attached to adjoining 1.8m high brick pillars and brick walls.

## **6.0** PREVIOUS RELEVANT DECISIONS

- 6.1 2018/1356 REFUSED (APPEAL DISMISSED) - Variation of Condition No. 2 of planning permission 2018/0728/FUL to refer to the following plans: - Plan reference 201 Rev F, 202 Rev F, 203 Rev F, 204 Rev F, 205 Rev F, 206 Rev G, 207 Rev F received by the Local Planning Authority on 02 January 2019 and Plan reference Proposed Site Plan 200 Rev F & 211 Rev B received by the Local Planning Authority on 02 January 2019 to accommodate the inclusion of dormers to each dwelling.

- 6.2 2018/1160/CON Approval of Details Reserved by Condition No. 4 of planning permission 2018/0728/FUL relating to surface water drainage strategy and detail.
- 6.3 2018/0728/FUL GRANTED Construction of seven residential dwellings following the demolition of the existing commercial premises and a single dwelling.
- 6.4 2016/0497/OUT GRANTED Outline - Construction of seven dwellings following the demolition of the existing commercial premises, including the creation of a new highway access following the demolition of an existing dwelling (including details of access, layout and scale).

## **7.0 OBSERVATIONS OF CONSULTEES**

I have received one letter of objection from a neighbouring property who raises the following concerns:

Large imposing gates to the new development are totally unnecessary and out of keeping with the area

There is no precedent for vehicle and pedestrian gates in Newburgh or for that matter, in the surrounding areas. They would be 'out of keeping' with the area and draw attention to the new estate rather than allowing it to blend into its surroundings.

Aesthetically the gates would look ugly and imposing. Newburgh is a beautiful, semi-rural village that has previously won Lancashire's 'Best Kept Village' competition and also includes a 'Conservation Area'. To build large steel gates, would be 'blot on the landscape' and be completely at odds with its surroundings.

Building large gates effectively separates the new estate from the village rather than incorporating it into the community. Newburgh has a low crime rate and incidents of anti-social behaviour are rare, so why would the new development need 'protecting' from the outside world by large and imposing gates?

Some creative landscaping using natural materials would look far better and welcoming at the entrance to the site rather than large steel gates.

Concern over possible traffic congestion problems that could be caused by these gates. At the peak times, numerous cars and vehicles will wait to enter / leave the estate. This in turn could back-out onto the already very busy main road and cause a traffic hazard.

## **8.0 OTHER REPRESENTATIONS**

- 8.1 Newburgh Parish Council (28.08.19) Objects; its appearance is very much out of character with the immediate surrounding area and with the nature of the village as a whole.

## **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 location of the proposed gates is located within the rural settlement of Newburgh as designated in the West Lancashire Local Plan 2012-2027 DPD

### **West Lancashire Local Plan 2012-2027 DPD**

GN3 Criteria for Sustainable Development  
IF2 – Enhancing Sustainable Transport Choice

## Supplementary Planning Advice

SPD – Design Guide (January 2008)

### 10.0 **OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

#### Impact on the Green Belt

- 10.1 Whilst the residential development site is sited in the green belt, the access road and proposed gates are sited in the rural settlement of Newburgh. Given the gates will be sandwiched between the existing and proposed residential development I am of the view that they will not have an adverse impact upon openness of the Green Belt.

#### Design and Appearance

- 10.2 Policy GN3 of the West Lancashire Local Plan DPD 2012-2027 states that proposals for development should be of high quality design and have regard to visual amenity and complement or enhance any attractive attributes and/or local distinctiveness within its surroundings through sensitive design, including appropriate boundary treatment.
- 10.3 The application site is located in a semi-rural location and Course Lane is characterised by a combination of boundary treatments including hedgerows, low brick walls and vegetation. Low black iron railing gates are evident in the street scene and black steel post and rail fencing and gates have recently been erected directly opposite the site entrance at the former Strawberry Farm. The proposed gates have been sympathetically designed as railings to allow glimpses of the development beyond. Given the gates are significantly set back from Course Lane, I am satisfied the proposal would not cause any significant harm to the character and appearance of the existing street scene to warrant refusal of the application, and is therefore compliant with Policy GN3 of the Local Plan and the Council's SPD Design Guide.

#### Highways

- 10.4 The vehicular and pedestrian access gates will be set back from the road by 42m, which will enable multiple vehicles to park clear of the highway if the gates are closed and whilst the gates are opening. The highways department have been consulted and concur that gate is sufficiently set back from the highway. Therefore, I do not consider the proposed gates and posts would have a significant adverse impact on highway safety. The applicant has confirmed that the gates will be electric and will be operated by the residents and managed and maintained by a management company.

#### Trees / Landscaping

- 10.5 A landscaping scheme has been submitted showing a hedgerow proposed along either side of the access road which will soften the entrance to the development. A couple of native trees will also be planted at the entrance to the site. The Council's Tree and Landscape Officer has been consulted and raises no objection to the landscaping scheme.

#### Summary

- 10.6 I consider the proposal satisfactorily meets the requirements of Policies GN1, GN3 and IF2 of the West Lancashire Local Plan 2012-2027 DPD and should be 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 Location Plan and Proposed Entrance Gates Location B Plan ref 301 received by the Local Planning Authority on 3rd July 2019  
Plan reference North Elevation Entrance Gates ref 303, Proposed Entrance Gates Location B Elevations ref 302 Rev A and Landscaping Plan 001 C received by the Local Planning Authority on 10th September 2019.
3. The gates shall be constructed from black powder coated steel railings as shown in drawing number North Elevation Entrance gates ref 303 received by the Local Planning Authority on 10th September 2019.
4. All hard and soft landscape works shall be carried out in accordance with the approved details shown on Landscape General Arrangement Plan ref 001 C. The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within 7 years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

### **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 satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

### **Reason for Approval**

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

GN3 Criteria for Sustainable Development  
IF2 - Enhancing Sustainable Transport Choice

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



# Agenda Item 7g

<b>No.7</b>	<b>APPLICATION NO.</b>	2018/1291/FUL
	<b>LOCATION</b>	Land At The South-Eastern End Of The Campus Edge Hill University St Helens Road Ormskirk Lancashire
	<b>PROPOSAL</b>	Use of land as overflow car parking for c. 500 car parking spaces and provision of new/upgraded access routes within the University campus (retrospective).
	<b>APPLICANT</b>	Edge Hill University
	<b>WARD</b>	Derby
	<b>PARISH</b>	Unparished - Ormskirk
	<b>TARGET DATE</b>	1st February 2019

---

## 1.0 SUMMARY

- 1.1 This is a full application for the permanent use of an area of approximately 3.5 hectares in the north-eastern part of the campus as an overflow car park, the retention of a trim trail as a tarmac vehicular access to the overflow car park along with other resurfaced areas of trim trail and retention of a new bound gravel pedestrian route from the overflow car park to the main campus. By virtue of the loss of openness and conflict with one of the reasons for including land in the Green Belt (encroachment) the proposed development constitutes an inappropriate form of development in the Green Belt giving rise to harm to it. This harm must be attributed substantial weight. In addition, the development will give rise to an adverse impact on the character and visual quality of the locality and therefore conflict with Policies GN1, GN3 and EN2 in the West Lancashire Local Plan (WLLP). The Council recognises the economic importance to the local and wider economy of the university and the fact that the overflow car park could legitimately be used on a temporary basis as part of the approved Car Park Management Strategy; however, this does not, in my view, amount to very special circumstances that outweigh the identified harm. On this basis, I consider the scheme to be unacceptable and in conflict with policies GN1, GN3 and EN2 of the Local Plan and the application is therefore recommended for refusal.

## 2.0 RECOMMENDATION: REFUSE

## 3.0 THE SITE

- 3.1 The application site is a 3.5 hectare parcel of land within the south-east corner of the university campus, adjacent to Scarth Hill Lane. It is currently used as a temporary overspill car park although the land and area immediately to the west predominantly forms the outdoor sporting facilities and associated surface infrastructure and landscaping. To the immediate north lies The Woodlands, a residential property with a meadowland area of the campus and Ruff Lane beyond. To the south lies Delph House, a residential property, along with a small group of other dwellings at the junction of Scarth Hill Lane and St Helens Road. To the east there are six further residential properties along Scarth Hill Lane with open fields beyond. To the west is the main university campus.
- 3.2 The application also includes parts of a trim trail that have been widened and re-surfaced to form a vehicular access to the overspill car park (mainly along the north-eastern edge of the campus alongside Ruff Lane) and retention of a new pedestrian path leading from the car park to the athletics track to connect with existing paths.
- 3.3 The site is located in the Green Belt, which is also allocated as Green Infrastructure/Open Recreational Space and a Mineral Safeguarding Area in the West Lancashire Local Plan (2012-2027). The site straddles two natural area types and the south-eastern limit of the

site is within an area of Landscape History Importance of local significance.

#### **4.0 THE PROPOSAL**

- 4.1 The proposed development is comprised of four elements:
- 4.2 Retention of the overflow car park adjacent to Scarth Hill Lane, with a capacity of approximately 500 spaces, to be used on a permanent basis. The surfacing comprises of matting and netting for the parking spaces and rubber grass mats for the vehicle routes within the car park. Access to this area is gained from the existing trim trail route but has been widened to 6m and is surfaced with gravel-filled cellular paving on a stone base.
- 4.3 Retention of widened and re-surfaced (tarmac) trim trail around the edge of the campus. This leads off an existing vehicular access track at the northern end of the campus and runs approximately 800m adjacent to Ruff Lane to the overspill car park to the south. It measures approximately 3m wide and also includes a number of passing bays and timber fencing.
- 4.4 Retention of a resurfaced (tarmac) and widened (2.2m) pedestrian path leading from the overspill car park for a further 250m adjacent to St Helens Road before joining up with an existing pedestrian gravel track south of the athletics track.
- 4.5 Retention of a new 1.8m wide bound gravel pedestrian path running between sports pitches from the overspill car park to link up with existing paths adjacent to the sports building.

#### **5.0 PREVIOUS RELEVANT DECISIONS**

- 5.1 2017/0579/CON – Approval of Details Reserved by Condition 14 of Planning Permission 2013/1325/FUL relating to car park management strategy. DETAILS APPROVED
- 5.2 2015/0842/CON – Approval of Details Reserved by Condition No's. 20 and 21 of Planning Permission 2013/1325/FUL relating to a management and maintenance plans and details of indoor and outdoor sports facilities. DETAILS APPROVED
- 5.3 2014/1066/FUL – Installation of Underground Drainage System. APPROVED
- 5.4 2014/0815/CON – Approval of Details Reserved by Condition 3 of Planning Permission 2013/1325/FUL relating to material details. DETAILS APPROVED
- 5.5 2013/1325/FUL – Variation of Condition No.2 imposed on planning permission 2013/0799/FUL to vary the plans relating to the sports building and consequential variation of Conditions 3,5,6,7,17,20,21,28 and 31 regarding phasing. APPROVED
- 5.6 2013/0799/CON – Variation of Condition No's 2,3,5,6,7,17,20,21,28 and 31 imposed on planning permission 2012/0692/FUL. APPROVED
- 5.7 2013/0840/CON – Approval of Details Reserved by Condition No's. 16, 22 and 30 of planning permission 2012/0692/FUL relating to a delivery, collections and servicing strategy, cycle infrastructure strategy and travel plan. DETAILS APPROVED
- 5.8 2012/1093/CON – Approval of Details Reserved by Condition No's. 5,6,7,17,19,20,21,28 and 31 of Planning Permission 2012/0692/FUL relating to landscaping, foul and surface water drainage, archaeology, ground conditions, pitch specification, outdoor sports facilities, sports development programme, community use agreement, biodiversity

management plan and fencing. DETAILS APPROVED

- 5.9 2012/0692/FUL – Variation of condition 2 imposed on planning permission 2011/0504/FUL to vary phasing of development and consequential variation of condition nos. 3,5,17,18,19,20,21,22,28 and 31. Variation of condition nos. 14 (car parking management strategy) and 27 (use of new access) imposed on planning permission 2011/0504/FUL. APPROVED
- 5.10 2012/1010/CON – Approval of Details Reserved by Condition No's. 7 and 28 of Planning Permission 2011/0504/FUL relating to archaeology and biodiversity management plan. DETAILS APPROVED
- 5.11 2012/1002/CON – Approval of Details Reserved by Condition Bo's. 5,17,19,20,21 and 22 of Planning Permission 2011/0504/FUL relating to landscaping scheme, ground condition assessment, pitch specification, indoor and outdoor sport facility details, sports development programme, community use agreement, cycle and cycle route signage. DETAILS APPROVED
- 5.12 2012/0683/CON – Approval of Details Reserved by Condition No's. 14, 15 and 26 of planning permission 2011/0504/FUL relating to car park management strategy, construction plan and construction environmental management plan. DETAILS APPROVED
- 5.13 2012/0437/CON - Approval of Details Reserved by Condition No. 6 of planning permission 2011/0504/FUL relating to a scheme for the disposal of foul and surface water and for the installation of oil and petrol separators. DETAILS APPROVED
- 5.14 2012/0431/CON - Approval of Details Reserved by Condition No. 10 of planning permission 2011/0504/FUL relating to a scheme for the construction of the site access. DETAILS APPROVED
- 5.15 2012/0378/CON - Approval of Details Reserved by Condition Nos. 4,5,7 and 14 of planning permission 2011/0504/FUL relating to tree protection method statement, landscaping, archaeology and traffic and parking management strategy 11/12. DETAILS APPROVED
- 5.16 2011/0504/FUL – Provision of new sports and recreation complex incorporating: erection of sports building and outdoor sports facilities, pitches and games courts, associated landscaping, lighting and boundary treatments. Formation of new signal-controlled junction with the A570 St Helens Road and internal access road to serve as the principal entrance to the whole campus. The provision of permanent car parking (708 from temporary to permanent and 230 new permanent spaces) and associated lighting and landscaping. Creation of woodland planting, wetland pond and trim trail. Engineering works to re-profile the site and to facilitate the development. APPROVED

## **6.0 OBSERVATIONS OF CONSULTEES**

- 6.1 DIRECTOR LEISURE AND ENVIRONMENT (26/09/19 and 05/07/19) – Following the receipt of a noise assessment and subsequent technical note, raise no objections subject to hours restriction to 8am to 6pm Monday to Friday only.
- 6.2 LEAD LOCAL FLOOD AUTHORITY (25/07/19) – No comments to make.
- 6.3 WLBC DRAINAGE ENGINEER (17/06/19) – Do not anticipate the proposals would result in an unacceptable level of flood risk or drainage problems; however, given the number of

car parking spaces I have reservations regarding the potential contamination of the ground and request further information in this respect.

- 6.4 SPORT ENGLAND (17/04/19) – No objection.
- 6.5 UNITED UTILITIES (23/01/19) – No objection subject to conditions.
- 6.6 LCC HIGHWAYS (09/01/19) – No objections.
- 6.7 CADENT GAS (21/01/19 and 04/01/19)) – High pressure gas main crosses the site, recommend informatives.
- 6.8 HEALTH AND SAFETY EXECUTIVE (03/01/19) – Do not advise, on safety grounds, against the granting of planning permission.

## **7.0 OTHER REPRESENTATIONS**

- 7.1 12 Letters from neighbouring residents objecting on the grounds of:

Impact on Green Belt

Parking 500 cars weekdays for up to 9 months a year does not preserve the openness of the Green Belt

9 months is not a limited period

Application is based on demand without any justification

Student numbers have decreased 10,433 between 2010/11 and 2017/18

On-site accommodation has increased by 1300 so no need for more spaces

Increased fumes

Increased litter

Increased soil contamination

Loss of wildlife

Impact on plant growth

Harmful impact on this area of landscape history

Increased flooding on Scarth Hill Lane

Car parking is not managed effectively by the university and no evidence that taking Green Belt land will rectify this

No serious research has been undertaken by the University into viable alternatives

Loss of wild flower meadow

Increased traffic chaos in the area

Increased vehicle emissions close to properties

Increased noise

Temporary matting is dangerous in windy weather if not secured and this has already caused an incident

Adjacent pond is devoid of wildlife

Ugly car park

A park and ride scheme should be used

Car park is used at night and weekends and even overnight

Loss of safe and secure area

Eyesore

There are times when nobody uses the car park, so it is not needed on a permanent basis

Noise report is inaccurate

Drainage will be affected by compacting soil

Maximum number of cars parked between February and April never exceeded 300

- 7.2 One letter of support from a neighbouring resident who states that the provision of car parking is necessary to help alleviate other parking problems along St Helens Road. The

car park is not used every day or from June to September and the use of the car park is a sensible strategy as the issue of parking will not go away.

- 7.3 **Lathom South Parish Council** (14/01/19 and 14/06/19) – Objects on the following grounds:  
Interferes with the purpose of including the land as Green Belt, separating the settlement of Scarth Hill from Ormskirk.  
500 cars results in loss of openness  
Screening would not make the development acceptable  
Approval of Condition 14 of original permission should not have happened  
Number of students has reduced since 2011 and number of campus accommodation has increased so no justification  
The university has a record of gaining temporary permission and then having them turned into permanent spaces as soon as possible afterwards  
Increased car parking is not essential to the university's success, and there are other ways of controlling demand for spaces or providing spaces without taking Green Belt land  
The agent seeks to by-pass the planning process by claiming that to issue a new travel plan constitutes the grant of planning consent without public consultation  
Once parked, people are not likely to move their vehicle once an authorised space becomes available  
This Green Belt boundary was set in 2013 following detailed discussion between the Inspector and WLBC  
Dispute agent's contention that the land is not proper Green Belt land because it is not farmland  
Trim trail is supposed to be part of the sports development and for use by the local community and designed to be separated from regular vehicle movements. The current proposals would effectively sentence the trail to obscurity and be-spoil the openness of the Green Belt.
- 7.4 **New Ormskirk Residents Group** (17/08/19, 08/07/19 and 15/01/19) – Object on the following grounds:  
Noise report only refers to a 3 hour morning period in March with only 86 cars parked, indicating a lack of demand for the facility  
No need for parking in Green Belt when additional storey above or below existing main car park could be provided  
Network of roads in the Green Belt created  
Many users of the university do not wish to queue for car parks when they have already queued to get to the campus and park on the roadside even though car parks not full  
Charging for parking could deter users  
Land away from the campus should be used for parking from which a shuttle bus could operate  
Loss of a safe pedestrian route through the campus, which discourages fitness  
Loss of community facility  
More permits issued by the university than spaces so why despoil the Green Belt when there will still not be enough spaces  
Too much unauthorised use of existing car parks.
- 7.5 **South Lathom Residents' Association** (04/01/19 and 26/06/19) – Object on the following grounds:  
The TPMS Addendum provides for temporary car parking for peak overflow for valid permit holders only. This was approved prior to the 2017 Travel Plan Review, which advised a larger review of the TPMS would be undertaken.  
There is a question of what can justifiably be described as temporary, which cannot be attached to use at particular time of the day or up to 9 months of every year.  
Application is based on demand with insufficient justification.

Total number of parking spaces justified by students travelling to the campus has reduced by at least 832 spaces since the base year of 2010/11.

The total of 1809 spaces in the 2011 application was considered reasonable, based upon student and staff numbers so it cannot be claimed that car parking should be increased, in spite of the interim reduction in student numbers.

Impact on Green Belt – does not preserve openness.

Loss of green infrastructure and open recreation space

Increased contamination

Loss of grassland and wildflower meadow

Does not maintain the visual quality of this area of landscape history

The very special circumstances put forward could be used by any university so are not special

Dispute contention that this land is not really Green Belt – it is and has been developed for sport. Car parking is not one of the exceptions listed

The university can manipulate demand and further car parking provision would move the demand upwards and create another set of very special circumstances

The main car park was allowed in the then Green Belt and part of the case made was to remove the need for overflow parking on tennis courts, the case for more parking is hard to understand now with fewer students and more on-campus accommodation

The university's encroachment into Green Belt has been progressive with temporary development becoming permanent

Impact on air quality in the area.

## **8.0 SUPPORTING INFORMATION**

8.1 The application is supported by the following information:

Transport Assessment

Planning Statement

Noise Assessment Report and Acoustic Technical Note

Drainage Strategy

## **9.0 RELEVANT PLANNING POLICIES**

9.1 National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and the West Lancashire Local Plan 2012-2027 DPD (WLLP) provide the policy framework against which the development proposals will be assessed. The site is located within the Green Belt and is allocated as an area of Green Infrastructure/Open Recreation Space, an Area of Landscape History Importance of local significance and a Mineral Safeguarding Area.

9.2 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

9.3 West Lancashire Local Plan (2012-2027) DPD

SP1 – A Sustainable Development Framework for West Lancashire

GN1 – Settlement Boundaries  
GN3 – Criteria for Sustainable Development  
EC4 – Edge Hill University  
IF2 – Enhancing Sustainable Transport Choice  
IF3 – Service Accessibility and Infrastructure for Growth  
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment  
EN3 – Provision of Green Infrastructure and Open Recreation Space

SPD – Design Guide  
SPG – Natural Areas of Landscape Character

## **10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

### **Background**

- 10.1 Planning permission was granted in February 2012 for a new sport and recreation complex, a new signalised entrance and permanent parking facilities at Edge Hill University (2011/0504/FUL). Various minor amendments were made to the substantive permission as the work on site began as can be seen in Section 5 above. The development has now been implemented in full. However, in 2015 a former field entrance along Scarth Hill Lane was opened up, matting laid on the grass and an area of approximately 50m x 40m used as an overflow car park by the university. This use was initially limited as permitted development for 28 days in any calendar year. However, due to severe highway issues along Scarth Hill Lane, more recent access to the overspill car park has been from the main St Helens Road access, through an existing internal vehicular access road and along the former trim trail previously granted planning permission as part of application 2011/0504/FUL.
- 10.2 This unauthorised use of the trim trail was regularised for temporary use through Approval of Details application 2017/0579/CON (approval of details reserved by condition 14 on planning permission 2013/1325/FUL relating to car parking management strategy). This application was submitted with supporting information from the university that highlighted peak parking demand outnumbered formal on-site provision and to avoid informal and problematic out-spill on to the surrounding roads the information concluded “*The University will utilise “peak period temporary parking” capacity on the arterial service road, the tennis courts, and on temporary surfaces installed on University land to the west of Scarth Hill Lane. The University will deploy resources to manage and control the access to and egress from these temporary facilities using the established campus road network and the existing parking permit system i.e. only valid permit holders will be able to access and park in these areas.*” This application was ratified by the highway authority and subsequently the details were approved by the Council in July 2017.
- 10.3 During 2017 it became apparent that there was a shift in use of the temporary car parking area and, whereas the matting used to provide a suitable surface would generally be in situ for three to four months (Sep – Dec), it started to become a permanent feature. Although it is not used continuously, the area is now available at any time of the year and is subsequently deemed to be beyond the scope of the temporary facility agreed.
- 10.4 Since November 2017 incremental works have been taking place to resurface an upgrade the access road and trim trial by providing a more robust surface (tarmac), widening lengths and providing 13 passing places. In addition, a new length of track has been provided to the south-west of the residential property, The Woodlands, Scarth Hill Lane, to link the parking area and access track; and the parking area itself excavated and back-filled with hardcore and re-matted to provide a better draining sub-base. A further gravel bound pedestrian path has also been created from the access track/trim trail to the north

of the parking area and which passes between sports pitches to link with an existing pedestrian path close to the athletics track.

- 10.5 These works constitute engineering operations requiring planning permission. The Council issued a s330 Notice under the Town and Country Planning Act 1990 (as amended) on the University as a pre-cursor to the serving of an Enforcement Notice under s172 of the Act on 30<sup>th</sup> November 2018. The University submitted the current application on 6<sup>th</sup> December 2018 (validated on 7<sup>th</sup> December 2018) in order to regularise the situation. The serving of an Enforcement Notice has been held in abeyance pending a decision on the current application.

#### Principle of Development – Green Belt

- 10.6 Policy GN1 in the WLLP states that proposals in the Green Belt will be assessed against national policy and any relevant Local Plan policies. Section 13 of the NPPF sets out the government's policy that great importance is attached to Green Belts. It states 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. Paragraph 146(b) of the NPPF advises that engineering operations and paragraph 146(e) material changes in the use of land, are acceptable in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
- 10.7 Although part of the works undertaken substantially overlies existing surface infrastructure, any extension – the increases in width, provision of passing places, new lengths and the formalising works to the parking area - are hard engineering operations that, by virtue of their very presence will give rise to a loss of openness of the Green Belt. Additionally, the more formal and permanent car park provision and upgrade of the access routes result in incongruous elements that, even in the context of the outdoor sport and recreation facilities, will give rise to incremental encroachment that the NPPF seeks to avoid – this is particularly the case when the parking area is used at or close to capacity.
- 10.8 The development therefore fails to comply with the NPPF and results in harm to the Green Belt by virtue of inappropriateness, loss of openness and conflict with one of the reasons for including land within it. In accordance with Paragraph 144 the LPA must attribute substantial weight to the identified harm.
- 10.9 Paragraph 143 requires that planning permission should not be granted for inappropriate development except in very special circumstances. Such circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.

#### Very Special Circumstances

- 10.10 The applicant has submitted a case for very special circumstances, although the university considers the development is not inappropriate. This is predicated on their view that the development preserves the openness of the Green Belt (because the use of the car park will be for a limited period of time throughout the year and throughout the day and that access routes already exist which are well screened), and that there will be negligible conflict with the Green Belt purpose of safeguarding the countryside from encroachment. The applicant states that the development will make a positive contribution to users of the access route as its re-surfacing will ensure the health and safety of users are not compromised and the development encourages the beneficial use of Green Belt land. As such, the applicant considers the development constitutes appropriate development in the Green Belt. In addition, the applicant considers that because the overspill parking area benefits from approval as part of application 2017/0579/CON to be



used as a temporary overspill car park, this effectively already benefits from permission.

- 10.11 Notwithstanding the above, the applicant has put forward a number of special circumstances to justify the development. Firstly, the university state that are proud of their ranking amongst other universities in both student and staff experiences. The operational part of the university, including the ability to park close to or on the campus, plays a role on the overall experience of staff and students. Whilst progress has been made in terms of a commitment by the university to reduce demand for parking such as car sharing, provision of train passes and a parking permit system, demand is still high during peak periods. Therefore, the university claim that the temporary overspill parking area, which has already been approved via a Traffic and Parking Management Strategy in 2017, is still required in order to ensure the operational efficiency and car parking capacity is maintained.
- 10.12 Secondly, it is put forward that the university is one of the biggest employers in the Borough and generates around £100 million across the UK economy, the majority of which is contained in the NW region and particularly West Lancashire. The university state that the overflow car park is essential to maintain efficiency which in turn enhances the student/staff experience and subsequently this sustains the university's strong economic performance. Any operational deficiencies that may compromise this will subsequently have an impact on the university's economic success.
- 10.13 Thirdly, the university considers that without the overflow car park and associated routes, there would be a severe adverse impact on the surrounding highway network and local community whereby staff and students would have little alternative but to park illegally along St Helens Road, Scarth Hill Lane and Ruff Lane. This would pose a risk to the health and safety of road users and local residents. The university states that provision of the overflow car park safeguards the welfare of all campus users through ensuring all vehicular movement does not pose a danger to individuals. It is contended that the overflow parking will alleviate pressure on surrounding roads and as such, the implications of not providing the parking area should be afforded considerable weight as a very special circumstance.
- 10.14 Finally, the university comment that there are no non-Green Belt alternatives options available to them to provide the amount of parking spaces required at peak times. This, they contend, is because the campus is constrained, the main campus is occupied by university buildings and accommodation and the only feasible alternative was to explore land to the east of the campus which is occupied by existing sports pitches and vacant greenfield land and is not of sufficient size to accommodate the parking requirements.

#### Assessment of Very Special Circumstances

- 10.15 Whilst it is acknowledged that the university is hugely successful and one of the main employers and economic contributors to the local economy, there is no evidence to suggest that staff and students would find their "experience" any less acceptable or operationally deficient should there be no overspill car parking area. Lack of on-site parking may result in staff/students having to use alternative means of accessing the campus, which may be less convenient, but are no different to any other employees of businesses in the town or surrounding areas. The proper management of the permit system, together with reductions in student numbers over the last five years (total number 2013 - 18,493; total number 2017 – 15,220 (University's own website)) and increase in student accommodation on campus over the last five years suggests there is no increased demand for overspill parking except on initial enrolment and prior to placements being allocated for students at the start of the academic year.

- 10.16 The case put forward by the university also includes a scenario that additional traffic safety concerns would arise through not allowing the development as increased pressure would be placed on parking within the surrounding road network. There are already traffic regulation orders on some immediate surrounding roads – double yellow lines, and more could be introduced should parking cause safety concerns. This could mean that parking is merely displaced further from the campus on nearby residential roads, some of which are already subject to residents only parking restrictions as a result of the proximity of the hospital. This may disincentivise the use of the car for travelling to the campus if the nearest parking space is in the town centre, where it would be just as easy to catch the bus or train into the town and walk to campus. The fact that parking may occur illegally is not a reason to justify inappropriate development as this can be dealt with through proper policing and enforcement.
- 10.17 The university state that there is a lack of any feasible alternative; however, little or no evidence has been put forward that any realistic alternatives have been considered. No up to date financial evidence has been submitted to demonstrate why alternatives such as park and ride, underground or sensitively designed two storey parking within the main car park is not feasible. Simply charging for car parking would be an alternative, already used by many universities, which would, in turn raise revenue for additional better located parking. I disagree with the applicant's assertion that there is inadequate public transport network facilitating access to the campus – the train station in Ormskirk has a regular service to Liverpool and Preston with a connecting Edge Link bus between the station and the campus.
- 10.18 Having considered the above case, I remain of the view that the very special circumstances presented are not considered to outweigh the harm to the Green Belt by reason of inappropriateness, harm to openness and harm due to the failure to safeguard the countryside from encroachment.

### Design and Appearance

- 10.19 Policy GN3 of the West Lancashire Local Plan states that proposals for development should be of high quality design and have regard to visual amenity and complement or enhance any attractive attributes and/or local distinctiveness within its surroundings through sensitive design. Section 12 and Paragraph 141 of the NPPF seeks to ensure high standards of design and enhancement of landscape and visual amenity. The alterations and extensions to the existing tracks and the formalisation of the car park introduce a heavier engineered form of development that fails to integrate well into the rural context of the site. Previously, the trim trail was finished in a light gravel and was substantially less engineered as it was not designed to accommodate regular traffic. The upgrades and extension present as a tarmac roadway incorporating a large number of passing places with no attempt to assimilate into context.
- 10.20 The character of the wider site has undoubtedly changed significantly since the development of the sports facilities. However, the south-eastern part of the campus is relatively open and comprises natural grass and meadowland with some tree planting around The Woodlands. The Council's SPG-Natural Areas of Landscape Character type 2D for Ormskirk recognises the need to retain existing semi-natural habitat in and around farmland. The topography of this part of the site means that the car park is extremely visible to the south-east, being on a sloping part of the site that overlooks Ormskirk to the north-west. The presence of a large area of parked cars in an isolated and raised position, without screening, results in an incongruous feature to the detriment of the visual amenity of the Green Belt and fails to maintain or enhance the distinctive character and visual quality of the landscape character area and the area generally, particularly the outlook from properties along Scarth Hill Lane. I therefore consider the proposal fails to

meet policies GN3 and EN2 of the Local Plan and Parts 12 and 13 of the NPPF.

#### Loss of Green Infrastructure/Open Recreation Space

- 10.21 The site is allocated as an area of Green Infrastructure/Open Recreational Space in the Local Plan. Policy EN3 affords protection to existing open spaces unless specified criteria are met. In this instance, the development fails to meet any of the specified tests for permitting the loss of open space and results in an adverse impact on the open character of the area, in conflict with Policy EN3. Furthermore, the increased use of the former trim trail by vehicles results in the loss of a safe pedestrian/cycle route through the campus, which was used by members of the local community to facilitate active lifestyles. This former well-used and safe trail has become a hazardous roadway with an emphasis on vehicle priority rather than a safe and attractive pedestrian and cycle route, contrary to Policy GN3 and EN3 of the Local Plan.

#### Impact on Surrounding Land Uses

- 10.22 The overspill car park is located adjacent to The Woodlands, Scarth Hill Lane and Delph House lies in close proximity to the south. Due to the widening of the former trim trail at the entrance to the overspill car park, which is located directly to the rear of The Woodlands, I am concerned that increased noise and disturbance would occur. This would result in loss of amenity for occupiers of surrounding properties, particularly The Woodlands and Delph House. As such, a Noise Report was carried out to predict maximum noise levels. The results of this survey were queried by the Council's Environmental Health Officer and as a consequence, a further technical note was submitted. Whilst the Environmental Health Officer has concerns that intermittent noises such as slamming doors, music, voices, alarms are hard to control, and more likely to give rise to complaints, provided the car park is used during daytime hours only Monday to Friday, no objections are raised.
- 10.23 Due to boundary treatment and some vegetation screening, I consider there would be no loss of privacy as a result of the development and on balance therefore, I consider the scheme accordant with Policy GN3 of the Local Plan, in respect of its impact on residential amenity.

#### Biodiversity and Landscaping

- 10.24 The location of the car park is in an area that was originally set aside as a landscaped area featuring diverse meadowland planting and ponds, the latter associated with wider management of surface water on the site. The presence of the parking area has depleted the meadowland planting as originally approved. Whilst the principle of a temporary parking area has been approved as part of a discharge of condition application, neither the current scheme for the permanent nature of the overspill parking area nor the upgraded access track provide any replacement planting to offset the loss of meadowland. Whereas the scheme approved as part of the condition application was for a rubber matting car park area, the current development is a more engineered form incorporating a wide tarmac access adjacent to a pond. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by *inter alia* minimising impacts on and providing net gains for biodiversity. In the absence of mitigation to compensate for the loss of meadowland within the parking and access routes, I consider the scheme to be contrary to Policy EN2 of the Local Plan and Paragraph 170 of the NPPF.

#### Surface Water, Drainage and Flood Risk

10.25 It is a requirement of Policy GN3 that development does not result in unacceptable flood risk or drainage problems. The site is located within Flood Zone 1, the least susceptible to flood risk. A drainage strategy has been submitted and I am satisfied that details of foul and surface water drainage will not result in additional flood risk on or off the site. However, full details of how contaminants from vehicles will be prevented from entering the surface water system or ground water have yet to be provided. As such, there is insufficient information to demonstrate that the risk from pollutants is minimised, in conflict with Policy GN3 of the Local Plan.

### Summary

10.26 By virtue of the loss of openness and conflict with one of the reasons for including land in the Green Belt (encroachment) I consider the proposal constitutes an inappropriate form of development in the Green Belt giving rise to harm to it. This harm must be attributed substantial weight. In addition, the development gives rise to an adverse impact on the character and visual quality of the locality and therefore conflicts with Policies GN3 and EN2 in the Local Plan. The development also conflicts with Policy EN2 and Paragraph 170 of the NPPF in that no mitigation is proposed for the loss in meadowland and consequential loss in biodiversity. In addition, the development results in the loss of a safe and attractive pedestrian and cycle route contrary to Policies GN3 and EN3 of the Local Plan. Furthermore, insufficient information has been put forward to demonstrate that the car parking area will not result in pollution to ground water, contrary to Policy GN3 of the Local Plan. Very special circumstances have been put forward; however, in my view these do not outweigh the substantial harm to Green Belt by reason of inappropriateness, harm to openness and harm due to the failure to safeguard the countryside from encroachment. As such, I recommend the application is refused.

## **11.0 RECOMMENDATION**

11.1 That planning permission be REFUSED for the following reasons:

### **Reasons for Refusal**

1. The development conflicts with Section 13 of the NPPF and Policy GN1 in the West Lancashire Local Plan 2012-2027 DPD in that the proposal constitutes inappropriate development resulting in harm to the openness of the Green Belt and conflicts with one of the purposes of including land in the Green Belt (encroachment). Insufficient very special circumstances have been submitted as part of the application to outweigh the identified harm.
2. The development conflicts with Sections 12 and 13 of the NPPF and Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 DPD as the development fails to retain or enhance the landscape and open character of the area and results in an urbanised and discordant appearance to the detriment of visual amenity.
3. The development conflicts with Section 15 of the NPPF and Policies GN3, EN2 and EN3 of the West Lancashire Local Plan 2012 - 2027 DPD in that the scheme fails to provide mitigation or compensatory habitat creation for the loss of open space, meadowland and consequential loss in biodiversity on the site.
4. The development conflicts with Sections 8 and 9 of the NPPF and Policies GN3 and IF2 in the West Lancashire Local Plan 2012-2027 DPD in that the provision of a vehicular access along a previous trim trail results in the loss of a safe and attractive pedestrian and cycle access around the campus to the detriment of achieving healthy lifestyles.
5. The development conflicts with Section 15 of the NPPF and Policy GN3 of the West Lancashire Local Plan DPD (2012-2027) in that the submission fails to provide adequate evidence to demonstrate that there would be no risk of pollution to ground water.

<b>No.8</b>	<b>APPLICATION NO.</b>	2019/0069/OUT
	<b>LOCATION</b>	Land To The East Of Firwood Road Lathom Lancashire
	<b>PROPOSAL</b>	Outline - Residential development including details of access (all other matters reserved).
	<b>APPLICANT</b>	Wainhomes (North West) Limited And Jacton Properties Ltd
	<b>WARD</b>	Bickerstaffe
	<b>PARISH</b>	Lathom South
	<b>TARGET DATE</b>	29th April 2019

---

## **1.0** **SUMMARY**

- 1.1 The application relates to part of the Firwood Road site which has been allocated for housing development in the adopted Local Plan. The proposal is an outline application for residential development with only details of access submitted for approval. The principle of a residential development in this location is acceptable and I am satisfied that a residential development is capable of being designed which does not cause significant harm to residential and visual amenity, and subject to conditions the proposed development is compliant with the Local Plan in respect of drainage, ecology, archaeology. The highway impacts, sustainability of the site and access arrangements have all been assessed and found to be acceptable.

## **2.0** **RECOMMENDATION**

- 2.1 That planning permission be GRANTED subject to conditions and the signing of a Section 106 legal agreement.

## **3.0** **THE SITE**

- 3.1 The site forms part of the main Firwood Road site which has been allocated for housing development in the adopted Local Plan. The Firwood Road site comprises a total of approximately 22ha of formerly safeguarded land which has been released through the Local Plan for residential development. The full site is bordered by residential development to the east, south and south west corner; employment to the north, and open agricultural Green Belt to the west. The existing access to the land is from Neverstitch Road and Firwood Road via Old Engine Lane.
- 3.2 This part of the wider site is approximately 5.01ha in size and is situated to the south-east of Firwood Road. It is bounded by Slate Lane to the north, scrubland to the east, Old Engine Lane to the south and Firwood Road to the west. There are scattered trees and lengths of hedgerow surrounding the site. There is a public footpath (8-1-FP-24) adjacent to the site to the north, and a second public footpath (8-1-FP-26) which runs along Old Engine Lane to the south.
- 3.3 An historic Powder Hut, a 19<sup>th</sup> century decommissioned explosives store for the Lathom Colliery is situated in a central position in the site.
- 3.4 There are residential dwellings adjacent to the site on Old Engine and Slate Lane, and to the south there is a current housing development by Bellway Homes which forms the first phase of the Firwood Road housing allocation development. The Bellway Homes development is for 94no. dwellings, with access taken off Firwood Road.

#### **4.0 PROPOSED DEVELOPMENT**

- 4.1 This application seeks outline planning permission for residential development of the site. Details of access are to be agreed at this stage, with details of layout, scale, appearance and landscape reserved for future approval.
- 4.2 The indicative site layout and associated reports and documents submitted as part of the application, show a residential development of 130 dwellings with vehicular access taken off Firswood Road, at a newly formed junction, approximately 40m north of the junction of Firswood Road and Old Engine Lane. The indicative layout shows a potential vehicular connection onto Old Engine Lane, and a cycle connection on to Slate Lane. It also shows a SuDs pond to the south east of the site and an ecological corridor/swale. Although indicative layout plans have been submitted with the application, they are not for consideration as part of this application.
- 4.3 The historic powder hut is shown for retention, set within a green area, surrounding by dwellings.

#### **5.0 RELEVANT PLANNING HISTORY**

- 5.1 Part of the wider Firswood Road residential development:

2016/1027/FUL – Erection of 94 residential dwellings, associated access, landscaping, public open space, swale, pumping station, sub-station and associated works. GRANTED 20.07.17.

#### **6.0 CONSULTEES**

- 6.1 Environmental Health (15.08.19) – No objection.
- 6.2 United Utilities (23.01.19) – No objection subject to conditions in respect of surface and foul water.
- 6.3 Coal Authority (28.02.19 and 12.09.19) – No objection subject to condition.
- 6.4 Lead Local Flood Authority (12.04.19) – No objection subject to conditions in respect of surface water drainage.
- 6.5 Highways (20.07.19 and 01.05.19) – No objection.
- 6.6 Lancashire County Council School Planning Team (07.01.19) – An education contribution is not required.
- 6.7 Cadent (20.12.18) – No objection.
- 6.8 Lancashire Archaeological Advisory Service (26.03.19) – No objection subject to a condition in respect of a programme of archaeological work.
- 6.9 Merseyside Environmental Advisory Service (08.03.19 and 09.07.19) – No objection subject to conditions.
- 6.10 Merseyside and West Lancashire Bat Group (22.02.19) – Further survey work required.

## **7.0 OTHER REPRESENTATIONS**

- 7.1 Lathom South Parish Council (19.02.19) – The site is not being developed in a complementary way, and goes against the concept that the Council approved. The main access should be taken from Neverstitch Road.
- 7.2 South Lathom Residents' Association (01.03.19 and 27.06.19) – The proposal does not comply with the permission given for the extant Local Plan by the Planning Inspector and the subsequent Development Brief. The indicative layout does not take account of drainage rights or existing mine shafts. Residential amenity has not been taken into account. Firswood Road is not suitable for carrying additional traffic beyond that created by the Bellway development.

Vehicular access from Firswood Road is not acceptable. The Development Brief directs the majority of traffic to a new access off Neverstitch Road. The 94 houses to be built on the Bellway estate will take up all of the spare capacity on Firswood Road, and further accesses to developments north of the railway bridge have never been considered acceptable by the Borough Council and are not allowed under the Development Brief.

During consideration of the Local Plan the landowners made a commitment to the Inspector to work together to deliver the housing on the site. Now that this is not the case it is not feasible to take additional traffic via Firswood Road. Firswood Road is a narrow country lane with several hazardous features – narrow width, poor visibility at the junction with Spa Lane, absence or narrowness of pavements, blind bend, hump-backed bridge, access to the Bellway development. Residential amenity of occupiers of Firswood Road will be further eroded. The Travel Plan has been written as the result of a desk top study rather than observation on the ground.

The delivery of the rest of the site could be prejudiced by the cherry-picking and opportunistic approaches shown so far; leaving the remaining landowners to pick up the costs of providing access to Neverstitch Road and delivering the Neverstitch Road to Firswood Road section of the linear park.

- 7.3 Representations have been received in respect of the application; these can be summarised as:

Highway safety.

The Bellway development takes up vehicle capacity on Firswood Road and any additional vehicles would be contrary to the Development Brief.

Pedestrian, cyclist and horse rider safety.

The original proposed access was Neverstitch Road.

Noise and air pollution.

Police presence in the area has increased since the building of new dwellings.

Old Engine Lane is maintained by residents and not the Council.

Boundary hedge removal should not be permitted.

The housing site should not be a piecemeal development.

The proposal is contrary to the Development Brief

Amendments to the scheme make no substantive difference.

Overlooking to residents on Old Engine Lane.

There is a weight limit on the bridge which would force construction traffic down Firswood Road.

The layout should accommodate the overhead power supply and the water supply which currently run across the site.

How will utilities negotiate the 200+ year old bridge?

Loss of farmland.

Increased noise and disturbance.

Impact on wildlife.

The nearest secondary school is not within walking distance.

The full traffic impact cannot be determined as the Bellway development is not fully occupied.

Impact on visual amenity.

There are six capped mines within the site boundary.

There should be sufficient landscape buffers between existing and new dwellings.

Shops and services are some distance away and so the development is unsuitable for the elderly.

## **8.0 RELEVANT PLANNING POLICIES**

8.1 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.

8.2 The site is located within the Regional Town of Skelmersdale as designated in the West Lancashire Local Plan 2012-2027 DPD.

### **National Planning Policy Framework (NPPF)**

Building a strong, competitive economy

Delivering a sufficient supply of homes

Promoting sustainable transport

Promoting healthy and safe communities

Achieving well-designed places

Meeting the challenge of climate change, flooding and coastal change

Conserving and enhancing the natural environment

Conserving and enhancing the historic environment

### **West Lancashire Local Plan 2012-2027 DPD**

SP1 – A Sustainable Development Framework for West Lancashire

GN1 – Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 – Residential Development

RS2 – Affordable and Specialist Housing

IF2 – Enhancing Sustainable Transport Choice

IF3 – Service Accessibility and Infrastructure for Growth

IF4 – Developer Contributions

EN1 – Low Carbon Development and Energy Infrastructure

EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

EN3 – Provision of Green Infrastructure and Open Recreation Space

EN4 – Preserving and Enhancing West Lancashire’s Cultural and Heritage Assets

Development Brief – Firwood Road (August 2014)

Supplementary Planning Document – Design Guide (January 2008)

Supplementary Planning Document – Provision of Open Space in New Residential Developments (July 2014)

## **9.0 ASSESSMENT**

### **Principle of Development**



- 9.1 The NPPF supports growth of areas to supply new homes in sustainable locations. Policy SP1 of the Local Plan reiterates this approach and it is considered that the proposed residential development of this site complies with Policy RS1 in the Local Plan as it is an allocated housing site. This policy supports a development which provides up to 400 units on the whole Firswood Road site. The Development Brief for the site sets out a vision and key principles for its development; these include to develop the land in such a way as to complement the existing residential areas and to diversify the choice and range of housing to meet local needs, whilst helping to create a linear park to provide multifunctional recreation spaces. The principle of a residential development in this location is acceptable and is supported by the Development Brief; compliance with relevant planning policies and how the development takes into account the vision and principles of the Development Brief are discussed below.

### **Affordable Housing and Provision of Accommodation for the Elderly**

- 9.2 The requirement for affordable homes and elderly provision originates from policies RS1 and RS2 of the Local Plan. The Development Brief requires 30% of the units within developments on the Firswood Road site to be affordable and 20% to be suitable for elderly residents.
- 9.3 As the application is in outline form, exact dwelling numbers are not known at this stage. Subject to viability, a policy compliant level of affordable housing and specialist accommodation for the elderly can be secured by legal agreement, and further details provided in any subsequent reserved matters application.

### **Provision of Public Open Space**

- 9.4 Policy EN3 of the Local Plan advises that new residential development will either be expected to provide public open space on site (where appropriate) or a financial contribution towards the provision of off-site public open space to meet the demand created by the new development. Policy EN3 goes on to say that all development, where appropriate, should seek to deliver new recreational opportunities, including the proposed linear park between Ormskirk and Skelmersdale. The proposed route of the Ormskirk to Skelmersdale Linear Park follows the former railway line and is outside of the application site but in close proximity to it.
- 9.5 The 'Provision of Public Open Space in New Residential Development' SPD provides further advice as to how public open space is to be delivered in new residential developments. Policy OS1: Provision of On-Site Open Space, advocates that in developments of 40-289 dwellings, developers will be required to provide 13.5 square metres of public open space per bedroom developed, and that this public open space should typically take the form of informal amenity green space.
- 9.6 The application includes a portion of land to the east which is proposed as a SuDS pond and ecological corridor, the Planning Statement advises that this equates to 1.74 acres of open space provision on the site. However, the supporting text to Policy OS1 is clear that in terms of sustainable drainage systems, water features such as attenuation ponds will not count as public open space, unless, for example, they are designed with a specific amenity function in mind.
- 9.7 The proposed Linear Parks referred to in Local Plan Policy EN3 are intended to provide a variety of uses including wildlife corridors for informal recreation facilities, and off-road transport corridors. The proposed Ormskirk to Skelmersdale Linear Park follows the former railway line which closed in the 1960's. The railway line which could form part of the Linear Park is not actually within the application site but is to the south of the site and

the Development Brief advises that the dismantled railway provides a valuable opportunity for the delivery of a key section of the proposed linear park from Skelmersdale to Ormskirk.

- 9.8 The principle of gaining a contribution from each landowner on the Firwood Road site towards the delivery of the Linear Park is established in the Development Brief. As the application is in outline form the financial contribution required towards the Linear Park is unknown at this stage, and so the requirement for delivery/a financial contribution towards the Linear Park will be secured by s106 legal agreement, and will be subject to viability.
- 9.9 As the application is in outline form the siting and size of the public open space and the amount of financial contribution towards the Linear Park is not to be agreed at this stage. Subject to viability, a policy compliant level of public open space can be secured by legal agreement as can the financial contribution required towards the Linear Park. Further details will be provided in any subsequent reserved matters application when layout will be considered.

### **Design/Impact on Visual Amenity**

- 9.10 Policy GN3 of the Local Plan together with the Council's SPD Design Guide states that new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale and roofline.
- 9.11 The proposed development is in outline only with layout, appearance, landscaping and scale reserved for future approval. Any issues in relation to design can be addressed at the time of any future Reserved Matters application.

### **Impact on Residential Amenity**

- 9.12 Policy GN3 of the Local Plan states that development should 'retain reasonable levels of privacy and amenity for occupiers of the neighbouring and proposed properties'.
- 9.13 There are residential properties adjacent and in relatively close proximity to the site. Whilst layout, scale and appearance are reserved matters I am satisfied that it is possible to design an acceptable residential scheme without detriment to existing surrounding neighbours, in accordance with Policy GN3. This matter will be fully assessed at reserved matters stage. Additional vehicular trips on the highway will occur as a result of the development but I am satisfied that these additional vehicular trips would not have such a significant impact on residential amenity to warrant refusal of the application.

### **Drainage**

- 9.14 The application has been accompanied by a Drainage Strategy and Flood Risk Assessment (FRA). With regard to the disposal of foul water, the Strategy indicates that this will discharge to an existing sewer in Statham Road, to the north east of the site.
- 9.15 The site is located within Flood Zone 1, which indicates that the site is at a low risk of flooding. There are currently no public surface water sewers serving the site and the Development Brief advises that on site sustainable urban drainage systems (SuDS) will be required to manage surface water drainage to attenuate to a greenfield land run off rate. The site is currently an arable field, and therefore its development for residential purposes would generate more surface water runoff than that which is currently experienced.

- 9.16 With respect to the surface water drainage, the FRA proposes a SuDS system, comprising oversized underground pipes and a SuDS basin which would ultimately discharge at a controlled rate into the Slate Brook watercourse, which runs along the eastern site boundary. A site investigation has been undertaken and submitted as part of the application, which demonstrates that the ground across the site is predominantly clay and hence ground infiltration techniques would not be considered appropriate.
- 9.17 The Lead Local Flood Authority (LLFA) have been consulted on the proposals and advised that they have no objection to the development. They have however requested that the developer submit an appropriate surface water drainage scheme prior to commencement of development and that this be completed prior to occupation of the dwellings. The scheme should demonstrate that the surface water run-off does not exceed the pre-development greenfield run-off rate and should include details of discharge rates and volumes (both pre and post development), temporary storage facilities and the methods to be employed to delay and control surface water discharge from the site.
- 9.18 The FRA has demonstrated that the development has a low probability of suffering from flooding and will not increase the probability of flood risk in the area in accordance with Policy GN3 of the Local Plan. The information required by the LLFA can be secured by planning condition to be submitted at reserved matters stage.

### **Archaeology**

- 9.19 An Archaeological Desk Based Assessment has been submitted with the application which has been reviewed by the Council's Archaeological Advisor. The report indicates that the proposed development area (PDA) falls within an area of high potential for preserved peat deposits, with the potential to provide data on prehistoric activity in the area as well as paleoenvironmental information. It is noted that Geo-Environmental Investigation work has shown that there are peat deposits in the eastern part of the site, with the report going on to say that find scatters in the site to the north of the PDA and other findspots within the 1km study area suggest that there is a limited potential for Romano-British and Medieval remains to be encountered. The report states there were numerous short-lived buildings within the PDA during the 20<sup>th</sup> century of which the exact nature is unknown, but concludes that it is likely that they were sheds either for storage or animals which were likely to have had shallow foundations and therefore a limited impact on any buried archaeological remains. The Council's Archaeology Advisors have confirmed that they agree with these conclusions and have recommended a programme of archaeological works which can be secured by condition.

### **Ecology**

- 9.20 The application is accompanied by an Ecological Survey and Assessment which includes a desktop study and extended Phase 1 Habitat Survey. The survey includes potential effects on badger, otter, water vole, barn owl, great crested newts and reptiles. These demonstrate that there are no impacts on protected species. The Report suggests various mitigation recommendations which should be adhered to during the course of the development; these will be secured by planning condition.
- 9.21 The Ecological Survey also includes detail on the potential effects on bats. The only building on the site is the single storey brick powder hut, which has a pitched slate covered roof; the proposals include the retention and renovation of this building. An examination of the exterior and interior of the hut was carried out in November 2017 and November 2018, and no evidence of current or previous use by roosting bats was found. The powder hut building was found to have low suitability for use by roosting bats,

particularly crevice roosting bats. At the request of the Council's ecology advisors, one dusk emergence survey was carried out March 2019, and this confirmed that there is no evidence of roosting bats at the building.

- 9.22 I am satisfied that subject to planning conditions to secure implementation of ecological mitigation measures the application is acceptable in terms of ecology in accordance with Policy EN2 of the Local Plan.

### **Trees**

- 9.23 There are two Tree Preservation Orders (TPO) that relate to the site, including a woodland adjoining the application site along its south east corner, and a group of mature TPO Oak trees which are situated within the site, off Slate Lane.
- 9.24 As the application is in outline form, at this stage the potential impacts on trees cannot be fully assessed. Any future Reserved Matters application should include an Arboricultural Impact/Implications Assessment, and this should inform the final layout of the development.
- 9.25 I am satisfied a residential layout is capable of being designed which incorporates existing trees and also appropriate landscaping, in accordance with Policy EN2 of the Local Plan.

### **Highways**

- 9.26 Policy GN3 of the Local Plan states that suitable and safe access, road layout, design and adequate parking provision are required in new developments. Policy IF2 details parking standards required for residential developments.
- 9.27 Access is to be considered as part of this outline application, and it is proposed that vehicular access to the site is taken from Firwood Road. Firwood Road runs in a north-south direction between Spa Lane to the north and Blaguegate Lane to the south. Both Spa Lane and Blaguegate Lane are classified roads which have been categorised as secondary distributor roads having a speed limit of 40mph. Firwood Road is an unclassified road and is part residential but predominantly rural in nature and has been categorised as a local access road with a speed limit of 30mph fronting the site. The northern length of Firwood Road from its junction with Slate Lane is subject to a 60 mph speed limit, this section is rural in nature without footways or street lighting.
- 9.28 The Firwood Road Development Brief states that the principle vehicular access to the wider site should be from Neverstitch Road, and that the number of residential units served by an access onto Firwood Road should be limited such that no more than 60 extra trips at peak times is generated by the new housing. This proposed development and the permitted development by Bellway Homes (2016/1027/FUL) will clearly mean that vehicular movements will exceed this figure.
- 9.29 A Transport Assessment (TA) has been submitted with the application. The Assessment acknowledges that the Development Brief identified access as being taken from Neverstitch Road, and that neither the approved Bellway scheme nor this application have a frontage to Neverstitch Road and therefore, access is not feasible as it would involve third party land. It must therefore be demonstrated that additional traffic could be safely accommodated on the local network.
- 9.30 The TA includes forecast trip generation from the proposed development. A future assessment year of 2023 has been adopted for this exercise, which is based on an assessment of 5 years post registration of the development. Details of development traffic

associated with the Bellway development were obtained from the TA submitted as part of that application (2016/1027/FUL) and included in the assessments for the TA in respect of this application.

9.31 The TA estimates 2-way trip generation associated with the proposed development (based on 140 houses) at a 2-way total of approximately 81 trips in the AM peak hour and 88 trips in the PM peak hour. Having derived the levels of traffic that would likely occur as a result of the proposed development, the expected changes in traffic that would be experienced on the local highway network has been calculated.

9.32 As with the Transport Assessment for the Bellway residential development, the study area for the TA included the following junctions;

The proposed site access junction;  
A577 Blaguegate Lane/Firswood Road; and,  
A577 Ormskirk Road/A577 Neverstitch Road/Ormskirk Road/Witham Road/B5312 Railway /Road.

The inclusion of these junctions in the assessment is considered acceptable.

9.33 The assessment concluded that all three of the junctions would operate well within practical capacity in the future assessment year of 2023, without significant queuing, and therefore, there is sufficient spare capacity within the existing highway network to accommodate the proposed development. The traffic impact analysis included within the TA has been assessed by Lancashire County Council Highways Department and they agree with the conclusions reached and are satisfied that the TA has sufficiently demonstrated that the proposed development would not have a severe impact on the highway capacity at these junctions and within the immediate vicinity of the site.

9.34 Following discussion with the Highway Authority, the proposed access has been amended since the original planning application submission. The amended access plan shows a 2m footway across the frontage to Firswood Road, together with a traffic management gateway feature to indicate a reduction in the speed limit on Firswood Road to 30mph (to the north of the proposed access). I am satisfied that with these measures in place the proposed vehicular site access is acceptable. Details of lighting and drainage can be agreed at the detailed design stage of the s278 agreement.

9.35 The site has potential to be accessible to a range of local facilities, however, at the present time pedestrian linkages are not ideal, and the walking distances included in the Traffic Impact Assessment within the original planning application were based on using Old Engine Lane and crossing Neverstitch Road. Old Engine Lane is currently a leisure route and unmade/unlit, and therefore an unsuitable route for vulnerable pedestrians at certain times of the day and year. There are also safety concerns regarding pedestrians crossing Neverstitch Road on main desire lines.

9.36 Following discussion with the Highway Authority the applicant has amended the scheme to include an improved connection between Old Engine Lane and Neverstitch Road, which includes bollards at the pedestrian access to Old Engine Lane to prevent cars using this access. The developer has agreed to provide a lit footway within the site, parallel to Old Engine Lane, connecting the pedestrian access to Old Engine Lane with the surfaced section of Old Engine Lane. From this point through to Neverstitch Road lighting would be provided on the length of the surfaced section of Old Engine Lane under the s278 highways agreement for the site access/off site highway works. The amended scheme also includes new pedestrian facilities on Neverstitch Road. The proposals to Neverstitch Road include a dropped kerb crossing with tactile paving across Neverstitch Road to

provide a footway connection between Old Engine Lane and the bus stop on the southern side of Neverstitch Road (and on to Turnberry/School Lane). A pedestrian refuge will be provided as part of this crossing which will involve minimal widening of Neverstitch Road. I am satisfied that these works would improve accessibility on the pedestrian desire line to local services including bus stops and schools, in accordance with Policies GN3 and IF2 of the Local Plan. As a result of the proposed improvements to the pedestrian route to Neverstitch Road via Old Engine Lane, the Highway Authority do not think that it is necessary to seek improvements to Firswood Road, as the volume of pedestrian movement on Old Engine Lane is predicted to be higher than on Firswood Road.

- 9.37 The applicant has submitted a framework Travel Plan, which the Highway Authority consider to be acceptable. An appropriate travel plan can be secured by planning condition.
- 9.38 Off-street car parking will be considered at Reserved Matters stage when layout of the development is considered. I am satisfied that it will be possible to incorporate sufficient off-street car parking in to the development.
- 9.39 It is acknowledged that the Development Brief advised that the majority of vehicles would access the wider site via Neverstitch Road, and that concern has been raised in respect of potential highway safety issues that may arise as a result of this development. For this reason the Council have had the highway aspects of the proposed development including comments provided by the Highway Authority independently reviewed. The Council employed Sanderson Associates (Consulting Engineers) Ltd to undertake this process.
- 9.40 Sanderson Associates consider that a reasonable scope of junction assessments has been undertaken within the submitted TA and that the proposed development would not result in any material capacity related issues at the site access or the nearby junctions. In their conclusion, they recognised that the proposed development would not tend to add pedestrians onto Firswood Road at the Firswood Road/Blaguegate Lane junction on the presumption that Old Engine Lane provides a more expedient route to destinations on foot. Sanderson Associates concur with the Highway Authority that the highway aspects of the scheme are acceptable in principle and would have a significant impact on highway safety.
- 9.41 Taking into account the transport information submitted with the application and the subsequent amendments following negotiation with the Highway Authority, and review of highway issues by independent consultants, I am satisfied that the proposed access arrangements are acceptable and that the impact on the surrounding road network would not be so significant to warrant refusal of planning permission in accordance with Policy GN3 and IF2 of the Local Plan. The Development Brief for the wider site envisaged that there would be an access off Firswood Road, but that the main access to the site would be from Neverstitch Road. Nevertheless, the highway information submitted with the application demonstrates that the existing junctions have capacity to cope with the predicted changes in traffic resulting from the development (in addition to the traffic generated from the Bellway Homes development) and that highway safety would not be compromised. The application also incorporates measures which when delivered would significantly improve pedestrian/cycle connectivity to integrate the site into its surroundings and encourage the use of sustainable modes of transport in accordance with Policies GN3 and IF2 of the Local Plan.
- 9.42 I am satisfied that the proposed development will be acceptable in terms of highway safety and that adequate off road parking could be provided as part of an application for reserved matters.

## **Coal Mining**

- 9.43 The application site falls within the defined Development High Risk Area; therefore the Coal Authority has advised that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the proposed development.
- 9.44 Intrusive site investigations attempted to locate 6no. mine entries recorded to be within the application site boundary. These investigations successfully located 3no. mine entries and the report considers the remaining shaft locations represent miss plotted locations of actual mine entries. The Coal Authority have confirmed that they have no objections to the proposed development provided a planning condition is imposed requiring further intrusive site investigations to be undertaken to locate and assess the condition of the remaining mine entries to formulate a scheme of remediation and to identify an appropriate 'no-build' zone around the shafts.

## **Summary**

- 9.45 In summary, the principle of a residential development on the site is acceptable and in accordance with Policy RS1 of the Local Plan. The proposal is an outline application for residential development with details of access only submitted for approval. The highway impacts, sustainability of the site and access arrangements have all been thoroughly scrutinised and following the submission of amended drawings and appropriate developer mitigation I am satisfied that the proposed access is acceptable and that adequate measures would be taken to improve accessibility and thereby encourage sustainable modes of transport. I am satisfied that a residential development is capable of being designed in accordance with the requirements of Policy GN3 so as not to cause significant harm to the residential amenities of neighbouring and proposed properties and to the character of the area. Subject to conditions, I am satisfied that the proposed development would be acceptable in terms of ecology, drainage and archaeology. Details of public open space and affordable housing will be considered as part of an application for Reserved Matters but I consider that these are capable of being delivered on the site. In principle I consider this scheme should be supported as it will deliver housing on an allocated site in a sustainable location.

## **10.0 RECOMMENDATION**

- 10.1 That the decision to grant planning permission be delegated to the Head of Growth and Development Services in consultation with the Chairman or Vice Chairman of the Planning Committee subject to the applicant entering into a planning obligation under s106 of the Town and Country Planning Act 1990 to secure, subject to viability:

The terms and conditions of the affordable housing units;  
Accommodation suitable for the elderly;  
The terms and conditions of on-site public open space;  
Financial contribution towards the provision of/delivery of part of the Linear Park.

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

### **Conditions**

1. The development to which this permission relates must be begun not later than whichever is the later of the following dates:
  - a) Five years from the date of this permission; or

b) the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Application for the approval of the reserved matters must be made not later than three years from the date of this permission.

2. Before any part of the development hereby granted permission is commenced, approval shall be obtained from the Local Planning Authority with respect to the reserved matters, namely (the layout, scale, appearance, and landscaping including details of landscape management and maintenance (hereinafter called "the reserved matters")).
3. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan reference 'WH/FR/LP/01 – Location Plan' received by the Local Planning Authority on 25.01.19.  
Plan reference 'Proposed access arrangement & section 278 works and visibility splays – SCP/17348/F01 Rev D' received by the Local Planning Authority on 23/07/19.  
Plan reference 'Proposed Neverstitch Road Pedestrian Crossing – SCP/17384/SK02 Rev A' received by the Local Planning Authority on 02/07/19.
4. No part of the development shall be occupied until the new site access junction to Firswood Road (and off site highway works including 30mph gateway feature on Firswood Road, new footways and pedestrian refuge island on Neverstitch Road, and street lighting on Old Engine Lane between Neverstich Road and the pedestrian site access to Old Engine Lane) shown on plan SCP/17348/F01 have been constructed in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority.
5. No part of the development shall be occupied until the new internal lit footway connecting the pedestrian access to Old Engine Lane with the surfaced section of Old Engine Lane, has been constructed in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority.
6. The new estate roads/access shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.
7. No construction shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.
8. Prior to commencement of any part of the development hereby approved, including site clearance, ground preparation, or drainage works, a facility shall be provided by which the wheels of all vehicles leaving the site can be cleaned. The wheels of all vehicles leaving the site during all stages of implementation shall be cleaned so that they do not carry any mud, soil, grit or other such materials onto the public highway.
9. No development shall commence until the developer together with a member of staff from the Highway Authority completes an inspection of the local highway network (full length of Firswood Road) to establish the structural integrity of the highway. This survey shall be submitted to and approved in writing by the Local Planning Authority. A similar survey shall be carried out within one month of the completion of the last house, and the developer shall make good any damage to the road to return it to the pre-construction situation.
10. The travel planning Action Plan included in the submitted Travel Plan must be implemented in full in accordance with the timetable within it.
11. As part of any reserved matters application and prior to the commencement of construction, the following details shall be submitted to, and approved in writing by, the local planning authority.

Surface water drainage scheme which as a minimum shall include:



a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change - see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;

b) The drainage scheme should demonstrate that the surface water run-off must not exceed the existing greenfield rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;

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

d) A timetable for implementation, including phasing where applicable;

e) Details of water quality controls, where applicable.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

12. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority which, as a minimum, shall include:

a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company

b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

i. on-going inspections relating to performance and asset condition assessments

ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

c) Means of access for maintenance and easements where applicable.

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

13. No above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall be carried out only in accordance with the agreed schedule of materials and method of construction.

14. No above ground construction works shall take place until samples and / or full specification of materials to be used externally on all hard surfaces within the development site have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall be carried out using only the agreed materials

15. The reserved matters submission in respect of the siting of the proposed dwellings shall include sections across the site. The sections shall indicate existing and proposed ground levels together with finished floor levels of any dwellings through which the sections run and shall extend beyond the site boundaries to include any surrounding adjacent properties.

The development shall thereafter be implemented in accordance with the approved details and method of construction.

16. No above ground construction works shall take place until a plan indicating the positions, height, design, materials and type of all means of enclosure/boundary treatment(s)

(including walls, fences and gates) to be erected has been submitted to and approved in writing by the Local Planning Authority.

The boundary treatment(s) means of enclosure shall be completed as approved before the development is occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority

17. An updated bat survey of the Powder Hut building shall be undertaken if works to the structure have not commenced by 1 May 2020.
18. The development shall be implemented in accordance with the mitigation strategy described in Section 5 of the Ecological Appraisal Report, prepared by ERAP Consultant Ecologists and deposited with the Local Planning Authority on 28th January 2019.
19. Details of the number and location of bird nesting boxes to be incorporated into the scheme shall be submitted to and approved in writing by the Local Planning Authority. The bird boxes shall be installed in accordance with the approved details prior to the first occupation of the dwellings and shall be retained at all times thereafter.
20. Any application for approval of "reserved matters" in respect of siting and/or landscaping shall include a Tree Survey, Impact Study and Method Statement. The Arboricultural Impact Study shall include details of any likely impact to the retained trees and/or hedges due to alterations in existing ground levels, position and depth of any proposed excavations, location of any proposed buildings, roads, driveways, walls, services or any other development works on or adjacent the site. The Method Statement shall include details of all protective measures required to retain the health and stability of all retained trees and/or hedges on or adjacent the site including; fencing, designated washing and mixing areas, designated site cabin areas, access in and out the site, special surfaces and site supervision.  
All works identified in the tree survey shall be in accordance with British Standard documents No's 3998:2010 and 5837:2012. No part of the development, or works to trees, shall be carried out except in accordance with a relevant approval of reserved matters covering the above items.
21. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within 7 years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.
22. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.
23. Prior to construction of any dwelling a scheme for the provision of electric vehicle charging points throughout the development and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until an electric vehicle charging point has been installed in accordance with the agreed details.
24. Reserved matters should include:
  - \* the submission of a scheme of intrusive site investigations for the remaining recorded mine entries for approval;
  - \* a report of findings arising from the intrusive site investigations;
  - \* a layout plan which identifies appropriate 'no build' zones informed by mine entries locations on site and their zone of influence,
  - \* a scheme of treatment for the mine entries on site for approval;
  - \* a scheme of remedial works for the shallow coal workings for approval.All remedial and treatment works identified shall be implemented prior to commencement of development.

The development shall be carried out in accordance with the approved scheme.

### **Reasons**

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline form only and the matters referred to in the condition are reserved for subsequent approval by the Local Planning Authority.
3. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To 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
5. 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
6. To ensure that satisfactory access is provided to the site to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.
7. To ensure future management and maintenance of the proposed streets is secured.
8. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To maintain the condition of the local highway network in the interest of highway safety.
10. To reduce car travel to and from the site in and to promote sustainable transport having regard to Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
11. These details are required prior to the commencement of development to ensure adequate drainage for the proposed development and to ensure that there is no flood risk on- or off-the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. To ensure adequate drainage for the proposed development and to ensure that there is no flood risk on- or off-the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
13. 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
14. To ensure that the external appearance of the site is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
15. To ensure the satisfactory visual appearance of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
16. To safeguard and enhance the character of the area and to protect residential amenity in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
17. To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
18. To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

19. In the interests of biodiversity conservation and to comply with Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
20. To enable the Local Planning Authority to consider the details of the proposed development in relation to the existing trees and to ensure compliance with Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
21. 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 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
22. These details are required to be approved before the commencement of development to ensure any remains on site are properly recorded in accordance with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
23. In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
24. As the site is in a coal mining high risk area and in order to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

## **Notes**

### 1. Highway Notes

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact LCC Highways at Cuerden Mill Depot, Cuerden Way, Bamber Bridge, Preston PR5 6BJ in the first instance to ascertain the details of such an agreement and the information to be provided.

2. The applicant is advised that to discharge the condition relating to future management and maintenance of the proposed streets, the Local Planning Authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980, or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

3. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.

4. This consent does not give approval to a connection being made to the County Council's highway drainage system. The applicant is further advised that highway surface water drainage system must not be used for the storage of any flood waters from the adoptable United Utility surface water system, or any private surface water drainage system.

5. This consent involves large scale construction adjacent to the highway and the transport of construction equipment and building materials to the site. Under Section 59 "Recovery of expenses due to extraordinary traffic" of the Highways 1980, the Highway Authority has the right to claim compensation from the site owner for any damage caused to the structure of the highway as a result of their operations.

### 2. Lead Local Flood Authority Notes

1. The Flood Risk Assessment (FRA) attached to this application (ref. 30357/SRG, dated December 2018) identifies the Qbar greenfield discharge rate of 26.6 l/s for the total site size of 4.38 ha. The LLFA would expect for the site discharge rate to be pro-rated down to be consistent with the impermeable contributing area once the final layout is agreed. This is to be in line with section 24.2.2. of the SuDS manual.

2. 10% urban creep allowance should be used in the final drainage design calculations.

3. The LLFA notes that the afore mentioned FRA recommends surface water attenuation for the site to be in the form of oversized underground pipes together with an on-line SuDS basin. The LLFA recommends that where possible other potential SuDS features

should also be explored. The multifunctional potential of sustainable drainage systems (SuDS) should be exploited to maximise their benefit. Early design consideration is advised to build SuDS into multi-functional spaces and build up a network of SuDS that manage runoff close to its source to avoid the need for large storage areas.

4. The LLFA accepts the reason for not using infiltrating on this site.

5. The FRA in section 5.1 makes reference to a drainage ditch running through the site and advises this ditch should be investigated and may need to be diverted or replaced with land drainage if there is an inlet from outside the site. The LLFA expects the investigation results will be available with any future drainage information submitted for this site. If any works are proposed as the result of the investigations, the applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here: <https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/>

6. As stated in the FRA provided with this application, Slate Brook is classified as Main River. As such, any development within 8m of the bank top or connection of surface water discharge to the Brook will require consent from the Environment Agency.

3. **Archaeology Note**

The programme of field investigation should include an initial phase of trial trenching. This should then be followed by such subsequent work as required to investigate and record any remains encountered. This work should be carried out by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists ([www.archaeologists.net](http://www.archaeologists.net)).

**Reason for Approval**

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

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 - Residential Development

RS2 - Affordable and Specialist Housing

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

IF4 - Developer Contributions

EN1 - Low Carbon Development and Energy Infrastructure

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN3 - Provision of Green Infrastructure and Open Recreation Space

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

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

