



Jacqui Sinnott-Lacey BA(Hons) PGDipWL
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Wednesday, 20 November 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, 28 NOVEMBER 2019** at **7.00 PM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be 'JSL', enclosed in a rectangular box.

Jacqui Sinnott-Lacey
Chief Operating Officer

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** 413 - 414
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** 415 - 418
To receive as a correct record the minutes of the meeting held on the 17 October 2019.
- 7. PLANNING APPLICATIONS** 419 - 434
To consider the report of the Corporate Director of Place and Community.
- 7a 2019/0069/OUT - Land to the East of Firswood Road, Lathom** 435 - 454
To consider the report of the Corporate Director of Place and Community.
- 7b 2019/0184/FUL - Station House, Red Cat Lane, Burscough, Ormskirk, L40 ORA** 455 - 464
To consider the report of the Corporate Director of Place and Community.
- 7c 2019/0185/LBC - Station House, Red Cat Lane, Burscough, Ormskirk, L40 ORA** 465 - 470
To consider the report of the Corporate Director of Place and Community.
- 7d 2019/0487/FUL - Sports Pavilion and Memorial Playing Field, Halsall Road, Halsall** 471 - 478
To consider the report of the Corporate Director of Place and Community.
- 7e 2019/0990/FUL - 28 The Green, Hesketh Bank, Preston, PR4 6SB** 479 - 482
To consider the report of the Corporate Director of Place and Community.

- 7f** **2019/0731/FUL - Cast North West Eco Centre, Cobbs Brow Lane, Newburgh, WN8 7SF** 483 - 492
To consider the report of the Corporate Director of Place and Community.
- 7g** **2019/0371/OUT - Land to the West of Todds Lane, Todds Lane, Banks** 493 - 504
To consider the report of the Corporate Director of Place and Community.
- 7h** **2019/0121/FUL - St. Elizabeth's Parish Centre, 10 Hall Road, Scarisbrick, L40 9QE** 505 - 514
To consider the report of the Corporate Director of Place and Community.
- 7i** **2019/0392/FUL - Land on the South Side of Jacksmere Lane, Scarisbrick** 515 - 522
To consider the report of the Corporate Director of Place and Community.
- 7j** **2019/0803/FUL - Blackhurst Barn, 396 Blackgate Lane, Tarleton, Preston, PR4 6JJ** 523 - 530
To consider the report of the Corporate Director of Place and Community.

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

FIRE EVACUATION PROCEDURE: Please see attached sheet.

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

For further information, please contact:-

Jill Ryan on 01695 585017

Or email jill.ryan@westlancs.gov.uk

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

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

IF YOU DISCOVER A FIRE

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

ON HEARING THE FIRE ALARM

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

NOTES:

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

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

CHECKLIST FOR PERSON IN CHARGE

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

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

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

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

NOTE:

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

CHECKLIST FOR ZONE WARDEN

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

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

INSTRUCTIONS FOR DOOR WARDENS

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

Agenda Item 4

MEMBERS INTERESTS 2012

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

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

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

Please tick relevant boxes

Notes

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

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

Interest

Employment, office, trade, profession or vocation

Sponsorship

Prescribed description

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

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

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

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

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

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

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

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

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

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

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

'a connected person' means

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

'body exercising functions of a public nature' means

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

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

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

Agenda Item 6

PLANNING COMMITTEE

HELD: Thursday, 17 October 2019

Start: 7.00 p.m.

Finish: 9.10 p.m.

PRESENT:

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

Councillors: I Ashcroft S Evans
Mrs P Baybutt J Finch
A Blundell D O' Toole
C Coughlin N Pryce Roberts
V Cummins E Pope
N Delaney J Thompson
C Dereli Mrs M Westley
D Evans Mrs J Witter

In attendance: Councillor I Moran (Leader of the Council) (from Item 7b)
Councillor D West (Skelmersdale South Ward)
Councillor T Blane (North Meols Ward)
Councillor I Rigby (Bickerstaffe Ward)
Peter Richards, Strategic Planning & Implementation Manager

Officers: John Harrison, Director of Development & Regeneration
Catherine Thomas, Head of Development Management
Matthew Jones, Deputy Borough Solicitor
Mark Loughran, Principal Planning Officer
Jill Ryan, Member Services/Civic Officer

51 APOLOGIES

There were no apologies for absence received.

As this was the Director of Development and Regeneration's last Planning Committee, the Chairman took the opportunity to thank Mr. Harrison for all his hard work and dedication to the Council during the past 41 years of service. The Chairman also invited past Planning Portfolio Holders who were also present, to contribute to the sentiments expressed, this was supported by all of the Planning Committee and Officers present.

52 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillor Devine and the appointment of Councillor Pryce-Roberts for this meeting only, thereby giving effect to the wishes of the Political Groups.

53 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

54 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

55 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

56 MINUTES

RESOLVED: That the minutes of the meeting held on the 5 September 2019 be approved as a correct record and signed by the Chairman.

57 PLANNING APPLICATIONS

The Director of Development and Regeneration submitted a report on planning applications (all prefixed 2019 unless otherwise stated) as contained on pages 329 to 403 of the Book of Reports and on pages 405 to 409 of the Late Information Report.

Notes

1. Councillor D West spoke in connection with planning application 0211/FUL relating to the Former Playing Fields, Barnes Road, Skelmersdale and left the Chamber at the conclusion of this application.
2. Councillor T Blane spoke in connection with planning application 0155/FUL relating to Land to the Rear of 44 to 50 Church Road, Banks and left the Chamber at the conclusion of this application.
3. Councillor I Moran as Leader of the Council spoke in connection with planning application 0069/OUT, Land to the East of Firwood Road, Lathom.
4. Two objectors spoke in connection with planning application 0211/FUL relating to the Former Playing Fields, Barnes Road, Skelmersdale.
5. An objector spoke in connection with Land to the Rear of 44 to 50 Church Road, Banks.
6. The Parish Clerk to Newburgh Parish Council spoke in connection with planning application 0670/FUL relating to Hughes Mushroom Farm, Course Lane, Newburgh.
7. The Parish Clerk to South Lathom Parish Council spoke in connection with planning application 0069/OUT relating to Land to the East of Firwood Road, Lathom.
8. The Agent spoke in relation to planning application 0069/OUT relating to Land to the East of Firwood Road, Lathom.

58 2019/0595/FUL - RAMSAY TIMBER AND BUILDING SUPPLIES, SKULL HOUSE LANE, APPLEY BRIDGE, WIGAN

RESOLVED: That planning application 0595/FUL relating to Ramsay Timber and Building Supplies, Skull House Lane, Appley Bridge, Wigan be approved subject to the conditions as set out on pages 334 to 336 of the Book of Reports.

59 **2019/0211/FUL - FORMER PLAYING FIELDS, BARNES ROAD, SKELMERSDALE**

RESOLVED: That planning application 0211/FUL relating to Former Playing Fields, Barnes Road, Skelmersdale be deferred for one cycle to allow for further negotiations to take place regarding vehicular and pedestrian access to the site.

60 **2019/0794/WL3 - 17 BEECH AVENUE, PARBOLD, WIGAN, LANCASHIRE**

RESOLVED: That planning application 0794/WL3 relating to 17 Beech Avenue, Parbold, Wigan be approved subject to the conditions as set out on page 357 of the Book of Reports.

61 **2019/0796/WL3 - 40 BEECH AVENUE, PARBOLD, WIGAN, LANCASHIRE**

RESOLVED: That planning application 0796/WL3 relating to 40 Beech Avenue, Parbold, Wigan be approved subject to the conditions as set out on page 361 of the Book of Reports.

62 **2019/0155/COU - LAND TO THE REAR OF 44 TO 50 CHURCH ROAD, BANKS**

RESOLVED: That planning application 0155/COU relating to Land to the Rear of 44 to 50 Church Road, Banks be approved subject to the conditions as set out on pages 369 to 370 of the Book of Reports.

63 **2019/0670/FUL - HUGHES MUSHROOM FARM, COURSE LANE, NEWBURGH, WIGAN**

RESOLVED: That planning application 0670/FUL relating to Hughes Mushroom Farm, Course Lane, Newburgh be approved subject to the conditions as set out on page 374 of the Book of Reports.

64 **2018/1291/FUL - LAND AT THE SOUTH-EASTERN END OF THE CAMPUS EDGE HILL UNIVERSITY, ST. HELENS ROAD, ORMSKIRK**

RESOLVED: To note that planning application 2018/1291/FUL relating to Land at the South-Eastern end of the Campus, Edge Hill University, St. Helens Road, Ormskirk had been withdrawn by the Applicant.

65 **2019/0069/OUT - LAND TO THE EAST OF FIRSWOOD ROAD, LATHOM**

RESOLVED: That planning application 0069/OUT relating to Land to the East of Firswood Road, Lathom be deferred for officers to provide, in conjunction with the Highway Authority, a more detailed evaluation of the access arrangements.

66 PLANNING COMMITTEE - TIMING OF FUTURE MEETINGS

RESOLVED: That in future Planning Committee be scheduled to commence at 7.00pm

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Chairman



Report of: Development, Heritage & Environment Manager

Contact: Mrs. C. Thomas (Extn.5134)
Email: catherine.thomas@westlancs.gov.uk

SUBJECT: PLANNING APPLICATIONS

Background Papers

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

Equality Impact Assessment

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

CONTENT SHEET

<u>Report No</u>	<u>Ward</u>	<u>Appn No</u>	<u>Site Location & Proposal</u>	<u>Recommendation</u>
1	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>	<p>The decision to grant planning permission be delegated to the Corporate Director of Place and Community in consultation with the Chairman or Vice Chairman of the Planning Committee subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 being entered into.</p>
2	Burscough West	2019/0184/FUL	<p>Station House Red Cat Lane Burscough Ormskirk Lancashire L40 0RA</p> <p>Conversion of Grade 2 Listed Building from dwelling to offices including new glass roof over existing uncovered courtyard and removal of brick chimney extensions and reinstatement of chimney pots at a lower height. Replacement of damaged windows with like for like and internal alterations.</p>	<p>Planning permission be granted.</p>
3	Burscough West	2019/0185/LBC	<p>Station House Red Cat Lane Burscough Ormskirk Lancashire L40 0RA</p> <p>Listed Building Consent - Conversion of Grade 2 Listed Building from dwelling to offices including new glass roof over existing uncovered courtyard and removal of brick chimney extensions and reinstatement of chimney pots at a lower height. Replacement of damaged windows with like for like and internal alterations.</p>	<p>Listed Building Consent be granted.</p>

4	Halsall	2019/0487/FUL	Sports Pavilion And Memorial Playing Field Halsall Road Halsall Lancashire Extension of existing play area and installation of new play equipment and fences	Planning permission be granted.
5	Hesketh-with-Becconsall	2019/0990/FUL	28 The Green Hesketh Bank Preston Lancashire PR4 6SB Erection of a rear garden fence approximately 1.8m high using timber posts and closed board cladding.	Planning permission be granted.
6	Newburgh	2019/0731/FUL	Cast North West Eco Centre Cobbs Brow Lane Newburgh Wigan Lancashire WN8 7SF Relocation of café, shop, cycle storage and repair. Alteration to the elevations and addition of porch to main ECO centre building and provision of outdoor seating. Revised siting and alteration to the elevations and size of the community angling building. Revised siting of the respite lodges including the addition of timber decking areas. Use of store as mixed use office and store. Bird of prey building/control cabin, open hay store and amenity cabin. Installation of 3 No. CCTV poles and cameras. (Retrospective).	Planning permission be granted.
7	North Meols	2019/0371/OUT	Land To The West Of Todds Lane Todds Lane Banks Lancashire Outline - Erection of 1no. detached 2-storey dwelling with off-street car parking and private amenity space, including details of access, appearance and scale. All other matters reserved.	Outline Planning permission be granted.

8	Scarisbrick	2019/0121/FUL	<p>St Elizabeths Parish Centre 10 Hall Road Scarisbrick Ormskirk Lancashire L40 9QE</p> <p>Proposed conversion of the former / vacant parish centre into 4 apartments, with associated external alterations and demolition of outbuildings</p>	Planning permission be granted.
9	Scarisbrick	2019/0392/FUL	<p>Land On The South Side Of Jacksmere Lane Scarisbrick Lancashire</p> <p>Use of 6.6 acre field for dog walkers business including the raising of existing stock fencing to 1.6m (high); hardstanding area for parking and use of field shelter as dog walkers shelter.</p>	Planning permission be granted.
10	Tarleton	2019/0803/FUL	<p>Blackhurst Barn 396 Blackgate Lane Tarleton Preston Lancashire PR4 6JJ</p> <p>Construction of a replacement portal frame building for B1/B8 uses under the use classes order and change of use of land in part for B1/B8 uses under the use classes order.</p>	Planning permission be granted.



PLANNING COMMITTEE

28 November 2019

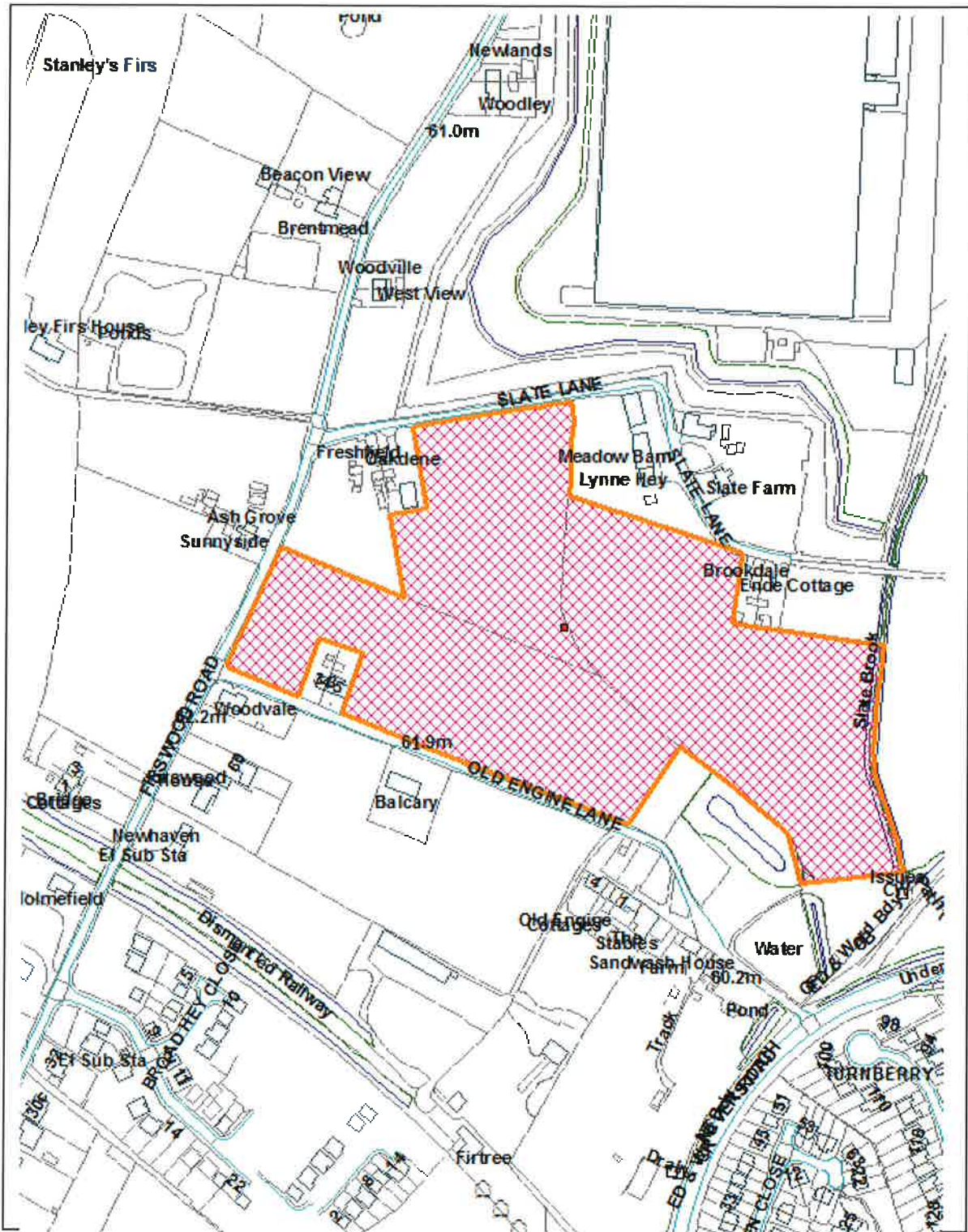
(Agenda Item 7)

PLANNING APPLICATION ITEMS

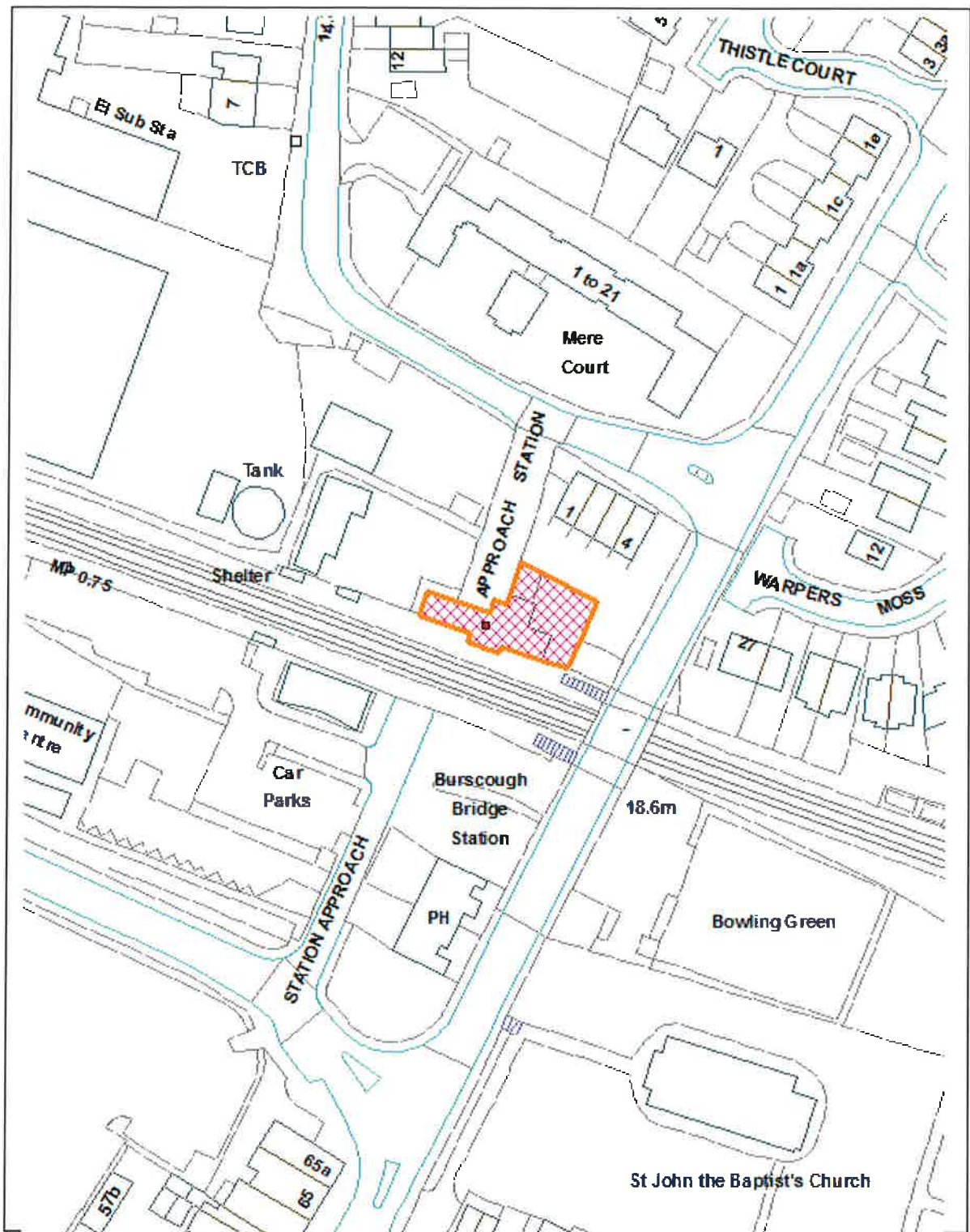
LOCATION PLANS

Report 1 : 2019/0069/OUT

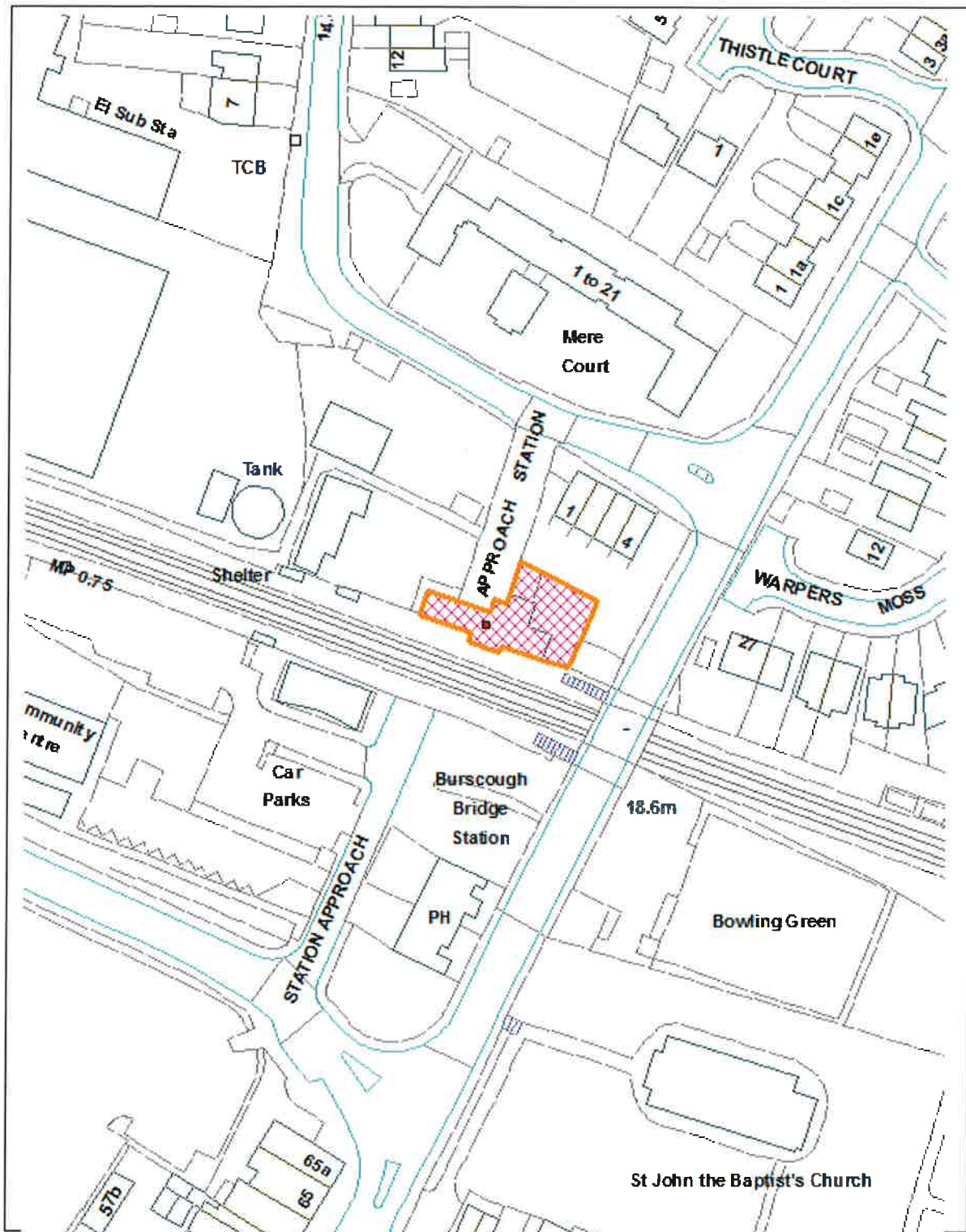
Land To The East Of, Firswood Road, Lathom, WN8 8UY.



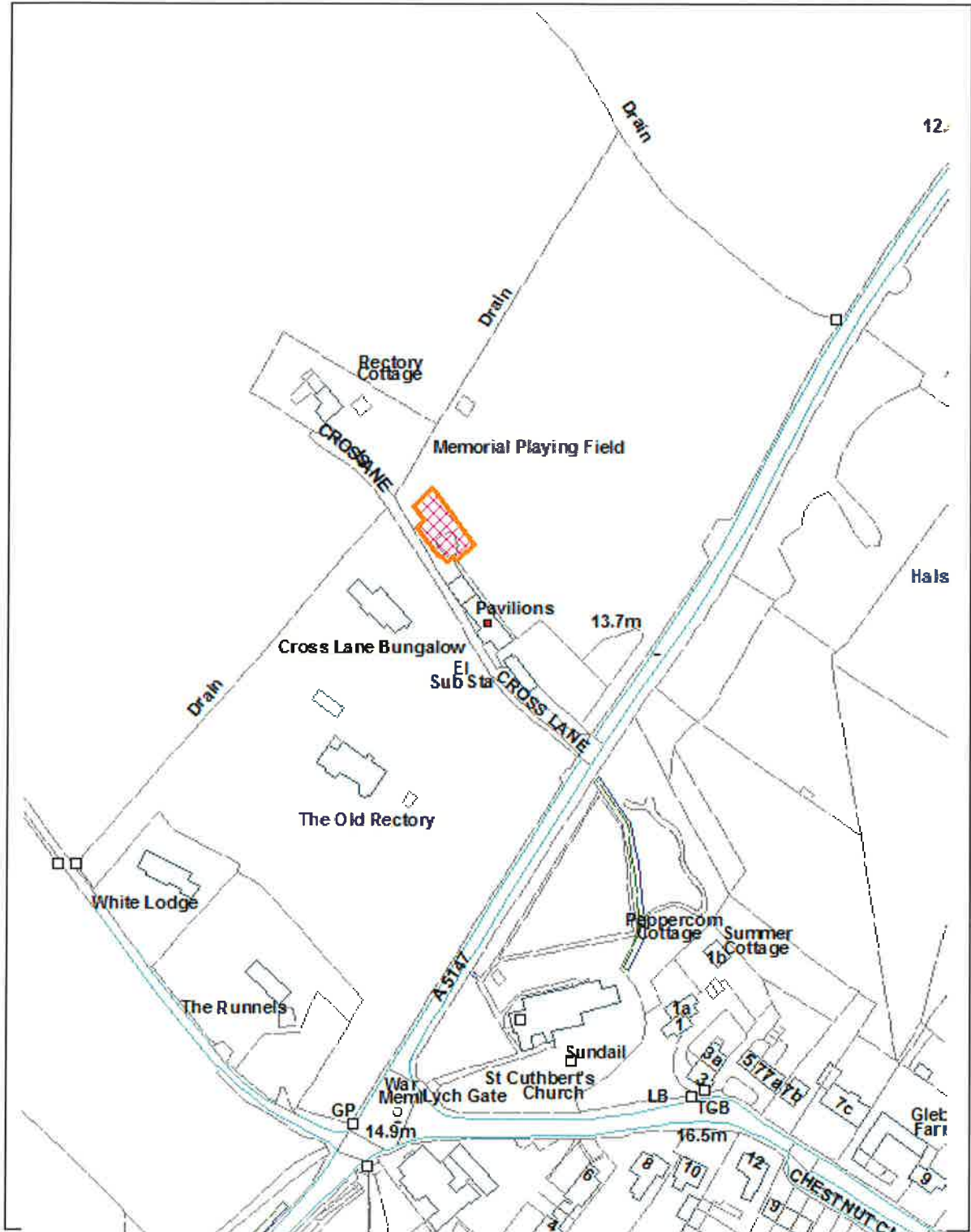
Station House, Red Cat Lane, Burscough, L40 0RA.



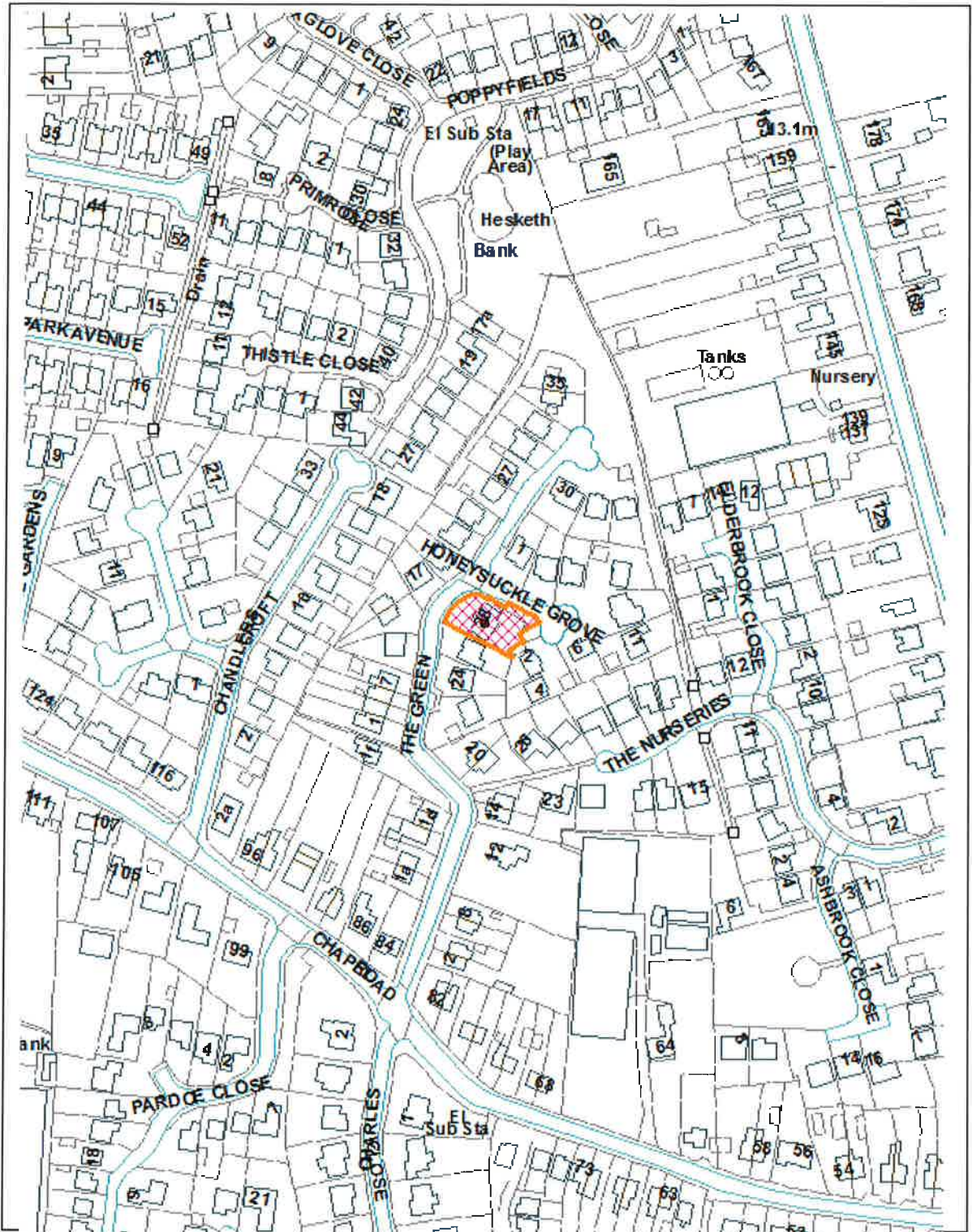
Station House, Red Cat Lane, Burscough, L40 0RA.



Sports Pavilion And Memorial Playing Field, Halsall Road, Halsall, L39 8RN

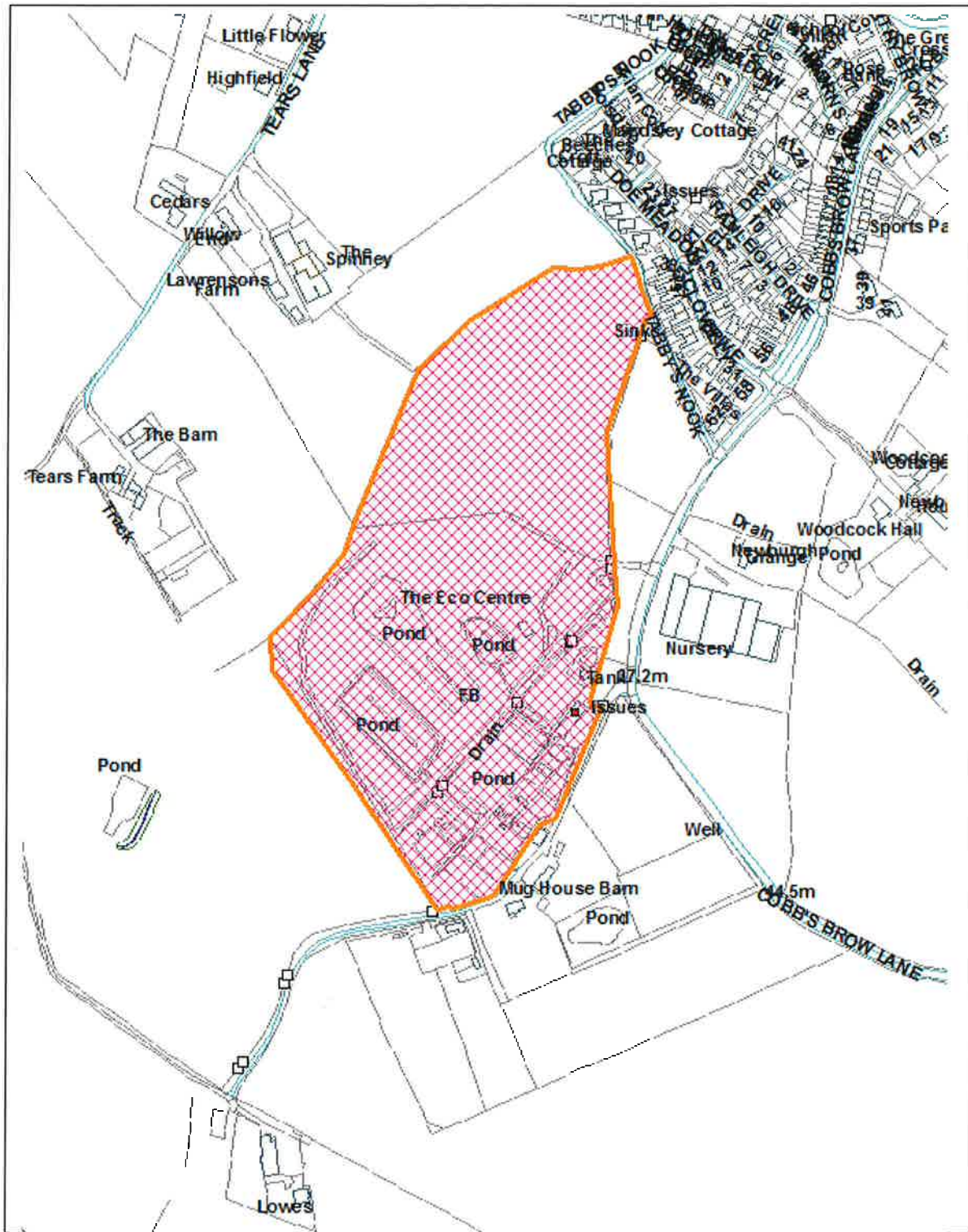


28 The Green, Hesketh Bank, PR4 6SB.

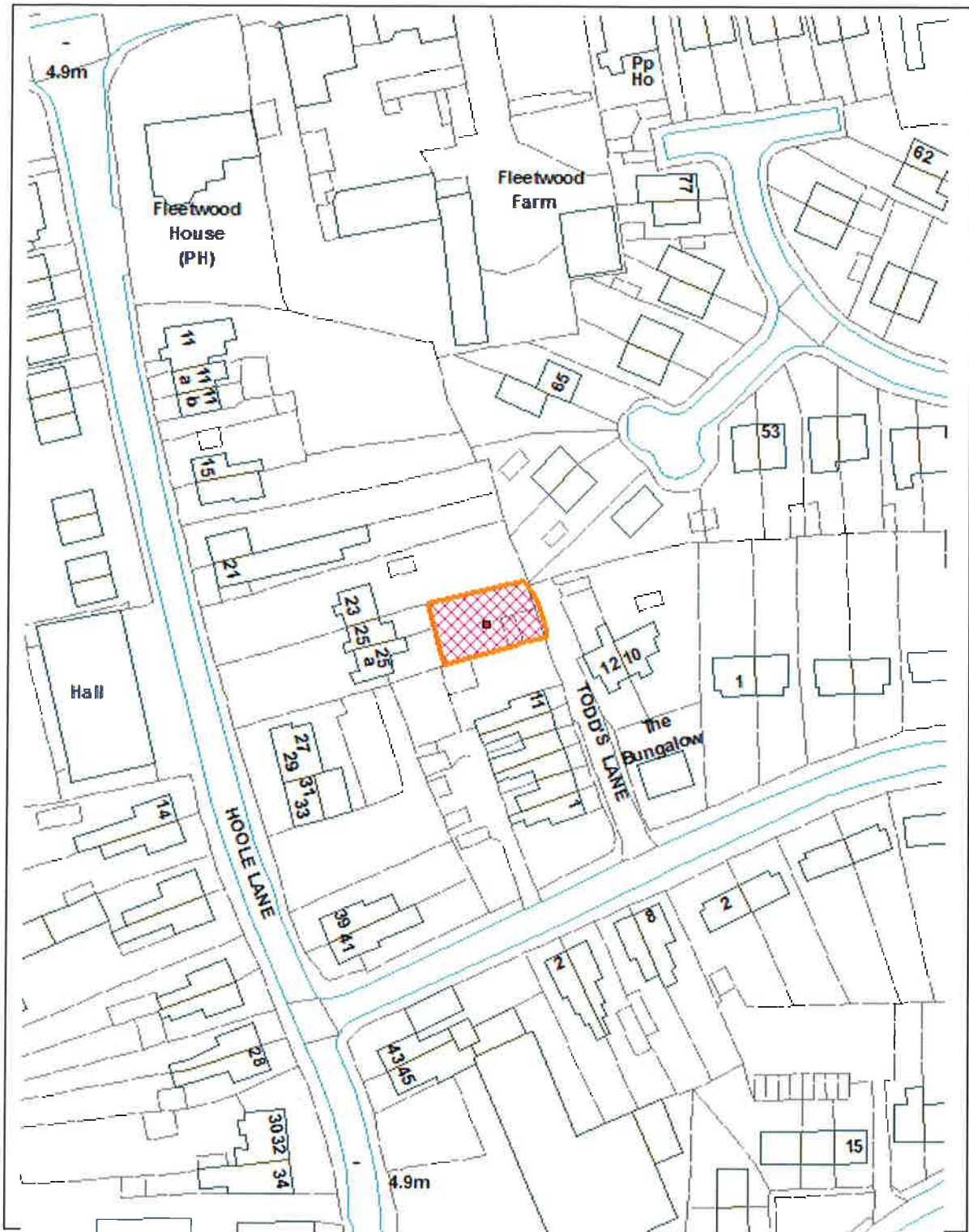


Report 6 : 2019/0731/FUL

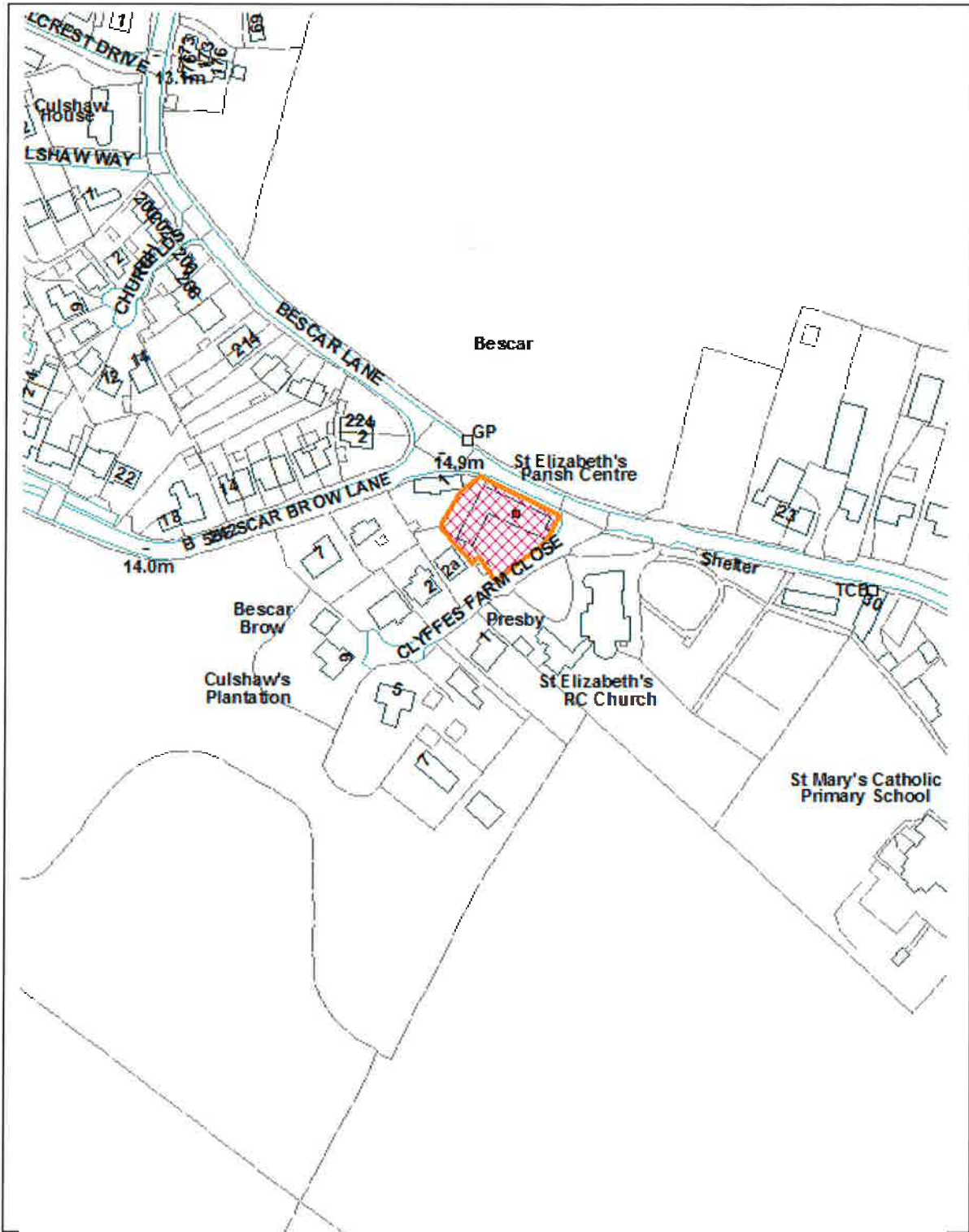
Cast North West Eco Centre, Cobbs Brow Lane,
Newburgh, WN8 7SF.



Land To The West Of Todds Lane, Todds Lane, Banks, PR9 8BE

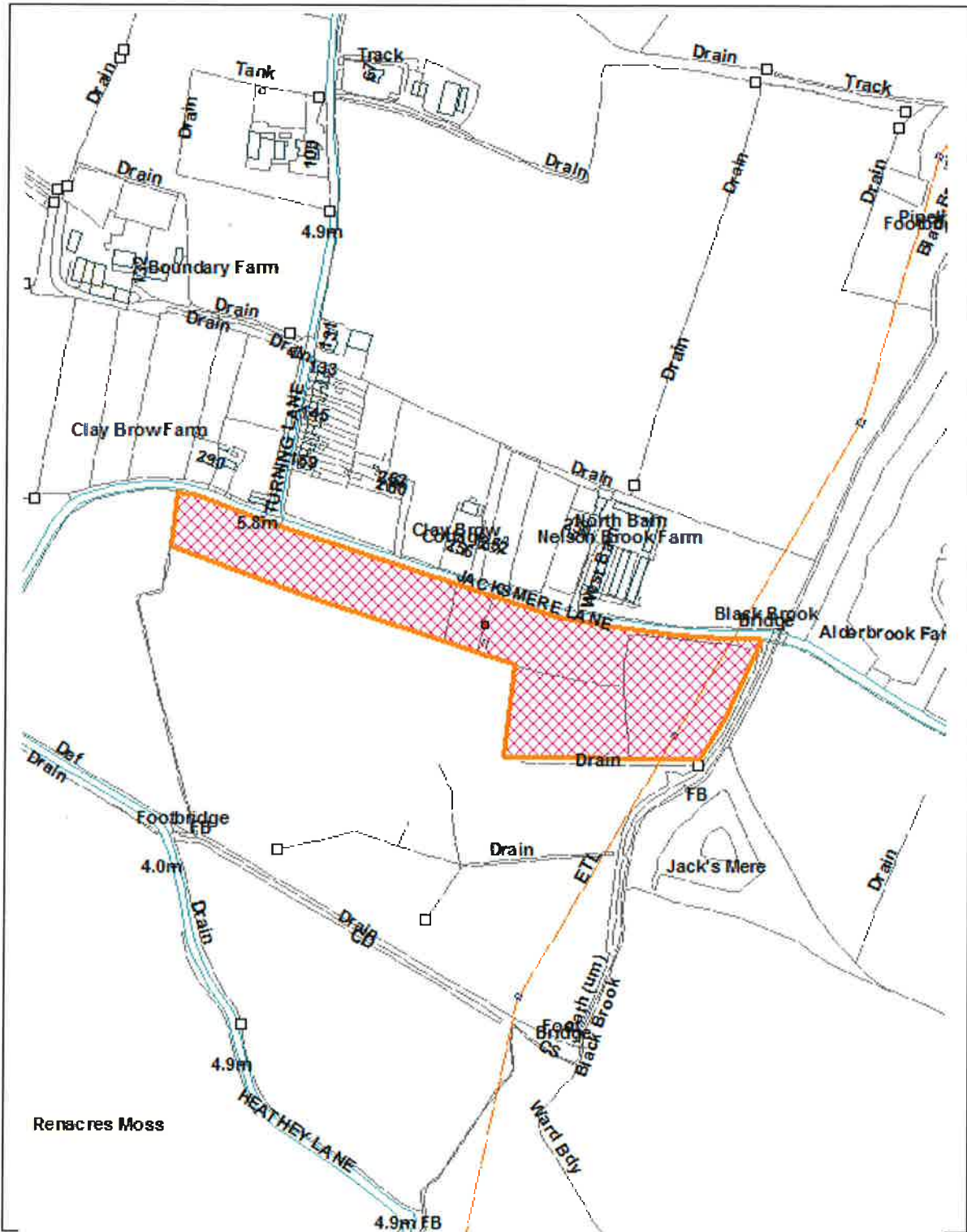


St Elizabeths Parish Centre, 10 Hall Road, Scarisbrick, L40 9QE.

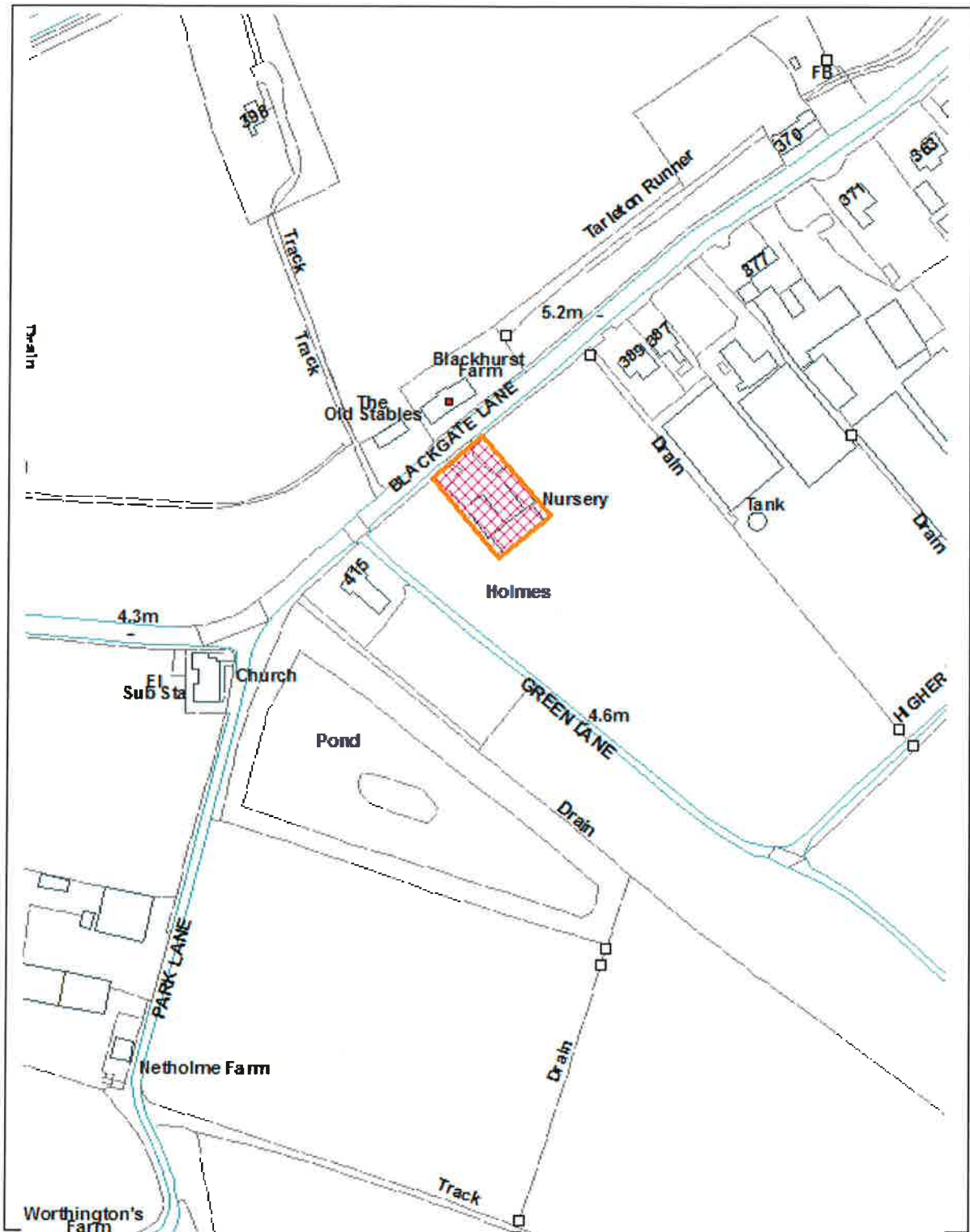


Report 9 : 2019/0392/FUL

Land On The South Side Of, Jacksmere Lane, Scarisbrick, PR8 5JB



Blackhurst Barn, 396 Blackgate Lane, Tarleton, PR4 6JJ.



No.1	APPLICATION NO.	2019/0069/OUT
	LOCATION	Land To The East Of Firswood Road Lathom Lancashire
	PROPOSAL	Outline - Residential development including details of access (all other matters reserved).
	APPLICANT	Wainhomes (North West) Limited And Jacton Properties Ltd
	WARD	Bickerstaffe
	PARISH	Lathom South
	TARGET DATE	29th April 2019

1.0 DEFERRAL

1.1 This application was deferred at the October Planning Committee meeting in order for officers to seek further clarification on highway matters and land ownership issues. In this regard, the Council has held further discussions with the Highway Authority and the applicant has sought and submitted Counsel's opinion on the application. In addition to this, a representation has been received from the South Lathom Residents' Association which questions the ability of the applicant to secure a foul water drainage solution which requires the use of third party land. I will deal with each of the matters in turn below.

Highway matters

1.2 Planning Committee requested the Highway Authority confirm they remain satisfied with the proposed development in terms of highway safety and highway capacity, and that the submitted Traffic Assessment has taken account of all relevant junctions.

1.3 Further discussion with the Highway Authority has confirmed that they remain satisfied with the proposal in highway terms and are of the opinion that the scope of the junction assessments in the Traffic Assessment is acceptable, including the decision not to include the junction of Spa Lane/Firswood Road in the assessment.

1.4 In addition to taking into account the considered view of the Highway Authority Officer, the Local Planning Authority has commissioned expert independent highway consultants (Sanderson Associates) to critically analyse the highways information submitted as part of the application and the response from the Highway Authority, and to provide additional advice to the Local Planning Authority in respect of the same. Sanderson Associates have reviewed the scheme and consider the approach adopted in the Traffic Assessment to be acceptable.

1.5 Following the deferral of the application at the October meeting the applicants appointed Counsel to review the application. The applicants have now submitted their Counsel's opinion which concludes that the Local Planning Authority has effectively scrutinised the impact of the development on highway safety and there is no professional or technical evidence that robustly supports a conclusion that the highway impacts of the scheme would be unacceptable.

1.6 I remain satisfied that the highway information submitted with the application has been properly assessed and 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 by the proposed development.

Foul Water Drainage

- 1.7 The South Lathom Residents' Association have questioned how a recommendation for approval can be made when the connection to a public sewer would require crossing third party land.
- 1.8 The Flood Risk Assessment with the application indicates a potential connection to the sewer off Statham Road to the north of the site. Since submission of the application United Utilities has responded to the pre-development enquiry made by Ironside Farrar on behalf of Wainhomes. United Utilities has confirmed that it has a preferred connection point off Neverstitch Road. This would also involve third party land. There are therefore two potential sewer connection points.
- 1.9 Notwithstanding this, whichever option is selected, if there is land between a site and a sewer owned by a third party and they chose to deny access to the land, a sewer would be provided by way of a sewer requisition. The developer would formally request a public sewer and this would be installed by United Utilities. The validity of this process has been verified by the Council's Principal Engineer.
- 1.10 The South Lathom Residents' Association consider that as the approval is sought for access as part of this outline application, this must include all access points (including those for foul water). This is incorrect; access in the context of an outline application relates to accessibility for vehicles, cycles and pedestrians.

Land ownership

- 1.11 Planning Committee asked the applicant to further investigate land ownership in the context of providing an alternative vehicular access point to the site from Neverstitch Road, in connection with the feasibility of compulsory purchase of the land in question. The Council has undertaken a Land Registry search on the piece of land to the east of the waterbody that lies where Old Engine Lane joins Neverstitch Road, which Wainhomes would be reliant upon for a connection directly onto Neverstitch Road. The Land Registry search has shown that the parcel of land is unregistered, therefore there are no ownership details recorded.
- 1.12 The applicant has submitted further information which states that the company that had previous possessory title to that third party land was dissolved and title passed to the Crown. The applicant has provided the Council with a copy of an Advice prepared by their Counsel which advises that they have been furnished with copies of the title information that demonstrates that possessory title to that land is held by the Crown.
- 1.13 Section 226 of the Town and Country Planning Act 1990 (TCPA) permits a Local Authority to compulsorily acquire land where it will facilitate the carrying out of development or improvement of land in their area, subject to authorisation from the Secretary of State. However, pursuant to Section 226 (2A), the Secretary of State may not authorise the acquisition of an interest in Crown Land held by or on behalf of the Crown, unless the appropriate authority for the Crown has consented to the acquisition.
- 1.14 Counsel also advises that, in any event, in order to justify the compulsory acquisition of land, the Council would need to demonstrate that it was necessary and proportionate to interfere with the owner's property rights pursuant the Article 1 Protocol of the European Convention of Human Rights, and that this could not be demonstrated in these circumstances where the evidence is that the application can be brought forward for development consistent with the aims and objectives of the development plan without interfering with those rights.

- 1.15 It is therefore considered that the Council does not have the power to compulsorily acquire the Crown's title to the land pursuant to Section 226 of the TCPA and notwithstanding any issues as to title, that the Council would not be in a position to justify the compulsory acquisition of the land.

PLANNING COMMITTEE REPORT

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 and 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 19th 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 OBSERVATIONS OF THE DIRECTOR OF PLACE AND COMMUNITY

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 Firwood 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 Firswood 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 connection to a mains sewer will be made.
- 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 20th 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 Firswood Road. Firswood 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. Firswood 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 Firswood 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 Firswood 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 Firswood 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 Firwood Road, as the volume of pedestrian movement on Old Engine Lane is predicted to be higher than on Firwood 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 Firwood Road at the Firwood 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 not 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 Firwood 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 Director of Place and Community 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 Place and Community pursuant to the recommendation above be subject to the following conditions:

Condition(s)

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 Neverstitch 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.

Reason(s)

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.

Note(s)

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).

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:
SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
RS1 - Residential Development
RS2 - Affordable and Specialist Housing
IF2 - Enhancing Sustainable Transport Choice
IF3 - Service Accessibility and Infrastructure for Growth
IF4 - Developer Contributions
EN1 - Low Carbon Development and Energy Infrastructure
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN3 - Provision of Green Infrastructure and Open Recreation Space
EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets
together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.

Agenda Item 7b

No.2	APPLICATION NO.	2019/0184/FUL
	LOCATION	Station House Red Cat Lane Burscough Ormskirk Lancashire L40 0RA
	PROPOSAL	Conversion of Grade 2 Listed Building from dwelling to offices including new glass roof over existing uncovered courtyard and removal of brick chimney extensions and reinstatement of chimney pots at a lower height. Replacement of damaged windows with like for like and internal alterations.
	APPLICANT	Mr David Travis
	WARD	Burscough West
	PARISH	Burscough
	TARGET DATE	27th May 2019

1.0 REFERAL

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Dereli has requested that it be referred to Planning Committee to consider the parking provision and impact on highway safety.

2.0 SUMMARY

- 2.1 The proposed conversion of this Grade 2 Listed Building from dwelling to offices including external and internal alterations is acceptable in principle on this Significant Employment Site. The development is considered to preserve the special interest of the Listed Building, which includes its setting in accordance with national and local heritage policies. The proposal would not have a significant impact upon amenity, ecology or the character and appearance of the local area. There is an under provision of car parking facilities within the curtilage of the site. However significant off site provision and the sustainable location of the site in respect of proximity to public transport is considered to mitigate adverse impact on highway capacity and safety. I consider the proposal is acceptable and accords with the principles of Policies IF2/GN3 of the Local Plan. Subject to suitable conditions the proposed development is therefore considered compliant with relevant policies and is therefore recommended for approval.

3.0 RECOMMENDATION- APPROVE with conditions

4.0 SITE DESCRIPTION

- 4.1 The proposal relates to the former Station House which is located on the northern side of the Southport to Manchester railway line. The site is located at the end of a private road (Station Approach) off Red Cat Lane which is situated just north of the village centre of Burscough. The Station House is two storey, built in an Elizabethan style and faced in stone with a slate roof which dates from 1855-60. An enclosed garden area associated with the station lies to the east with a larger area of fenced land to the west. The Station House is a Grade 2 listed building
- 4.2 The Station House closed to the travelling public in 2005 with the building of an Interchange on the opposite side of the track, and was subsequently converted to residential use but has now been vacant from some time.

5.0 PROPOSAL

- 5.1 The application proposes the conversion of the former Station House from a residential dwelling to office accommodation.
- 5.2 The most recent use for the Station House was C3 residential accommodation however the building has been vacant for some time with the submission indicating this has not proved sustainable. The proposal is for a change of use of the building to an office complex (B1) creating a total of 8 offices across the ground and first floors. It is anticipated there would be 23 full time staff employed within the building.
- 5.3 The proposed alterations to the listed building will include new glass roof over an existing uncovered courtyard, removal of brick chimney extensions and reinstatement of chimney pots at a lower height, replacement of damaged windows with like for like and internal alterations.
- 5.4 It is noted that the site edge red has been amended during the course of the application showing the designated car parking provision.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2001/0197. Internal alterations and conversion into a dwelling GRANTED

7.0 OBSERVATION OF CONSULTEES

- 7.1 Merseyside and West Lancashire Bat Group. (10th April 2019)

A Preliminary Bat Roost Assessment (PRA) should be undertaken prior to determination of this application in accordance with EN2 of the Local Plan based on the location and condition of the application site. (Report now received)

- 7.2 Merseyside Environmental Advisory Service (4th October 2019)

No objections subject to relevant bat mitigation condition

- 7.3 Network Rail (12th April 2019)

The proposal area may be subject to a demarcation agreement to be agreed with Network Rail. All access ways shall remain open. Agreement may be required with Network rail for scaffolding. Mitigation measures regarding existing noise are the responsibility of the developer.

- 7.4 Highways Department. Lancashire County Council. (23rd April 2019)

No objection in principle subject to suitable conditions relating to Public Right of Way and provision of relevant disabled parking spaces and cycling provision.

- 7.5 Lancashire Archaeology Service (26th April 2019)

No objections raised and no recommendation of conditions to be applied to the consent.

- 7.6 Conservation Area Advisory Panel (3rd May 2019)

No objections- fully support the proposal to provide a new commercial use for the building

- 7.7 Environmental Health (16th May 2019)

No objections in principle subject to relevant condition relating to electric vehicle charging infrastructure and construction phase informatives

8.0 OTHER REPRESENTATIONS

8.1 None received.

9.0 RELEVANT PLANNING POLICIES

9.1 The National Planning Policy Framework (NPPF), the West Lancashire Local Plan 2012-2027 Development Plan Document and the Burscough Parish Neighbourhood Plan (2017-2027) provide the policy framework against which the development proposals will be assessed.

9.2 **National Planning Policy Framework – (NPPF)**
Requiring Good Design
Conserving and Enhancing the Historic Environment

9.3 **P(LBCA) Act 1990**
Listed Buildings- Section 66 (1)

9.4 **West Lancashire Local Plan (2012-2027) DPD – (Local Plan)**
GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
IF1 – Maintaining Vibrant Town and Local Centres
IF2 – Enhancing Sustainable Transport Choices
EN2 – Preserving and Enhancing West Lancashire's Natural Environment
EN4 – Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

Supplementary Planning Document – (SPD) Design Guide (Jan 2008)

9.5 **Burscough Parish Neighbourhood Plan (2017-2027)**
is a material consideration in assessment of the application and the following policies are relevant:

BDP1: Design and Accessibility Principles
BPD2: Detailed Design Elements

10.0 OBSERVATIONS OF DIRECTOR OF PLACE AND COMMUNITY

10.1 The main considerations for this application are

Principle of Development
Design/ Impact on the Listed Building
Parking Provision
Impact on surrounding land uses
Ecology

Principle of Development

10.2 The National Planning Policy Framework (NPPF), the West Lancashire Local Plan 2012-2027 Development Plan Document and the Burscough Parish Neighbourhood Plan (2017-2027) provide the policy framework against which the development proposals will be assessed.

- 10.3 The site is in an Other Significant Employment Site as set out in Policy EC1. 2 b) ix of the Local Plan where B1 (Business), B2 (Industrial) and B8 (Storage and Distribution) uses are permitted.
- 10.4 By virtue of it's siting within Burscough Centre and directly adjacent to the Manchester to Southport Railway Line and Bus Interchange the site has a sustainable location with easy access by both public transport and within walking distance of the town centre.
- 10.5 On the basis of the above I consider the change of use acceptable on this Significant Employment Site and in accordance with Policy EC1 of the Local Plan.

Design/ Impact on the Listed Building

- 10.6 The NPPF and Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD together with the Councils Supplementary Planning Document on Design require that development should be of a high quality design, integrate well with its surroundings, promote sustainable development and respect its setting.
- 10.7 Policy EN4 of the West Lancashire Local Plan 2012-2027 is also relevant and states that there will be a presumption in favour of the conservation of designated heritage assets. Development will not be permitted that will adversely affect a listed building and should seek to preserve its features of special interest.
- 10.8 The Planning (Listed Building and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving listed buildings or their setting (s.66). Recent High Court judgements identify the need to give considerable weight and importance to that duty.
- 10.9 Under National Planning Guidance (NPPF) the Council is required to give great weight to the preservation of listed buildings and needs to place importance on the desirability of securing a viable and sustainable new use for the building given the statutory duty is to preserve. The benefits of securing a long term future for the building cannot be overlooked and significant weight needs to be given to this benefit in consideration of the application.
- 10.10 The Station House was converted into a single dwelling in 2001 with a modern station being built on the other side of the tracks in 2006/07. The building however has lain empty for some time and is in a deteriorating condition. The proposal for the change of use would include some external and internal alterations to repair and refurbish the fabric of the building making it fit for purpose as office accommodation. As the majority of the work is principally focused internally it would not create any significant alteration to its appearance and historic character of the building.
- 10.11 Externally the proposed works are fairly minimal. In principle I have no objection to the reduction in height of the existing chimneys nor is the removal of the more recent brickwork considered harmful to the historic character of the existing Station House. The proposed works additionally include a new glass roof over the enclosed yard to the east of the building. The existing yard is surrounded by a tall stone wall and as such visually the new roof will be largely unseen.
- 10.12 Internally the proposed layout generally follows the existing floor plan of the building, with the biggest change at the eastern end of the building (Office 1) which involves the removal of a small section of wall. This has been illustrated on a demolition plan and internal sections. Whilst it is acknowledged that overall the work may result in a small loss of fabric of the building internally, it will have little or no impact on the significance of the former Station House and overall will not harm its character.

10.13 The NPPF identifies that where proposals lead to 'less than substantial harm' to a listed building, the harm should be weighed against the benefits of retaining the building and securing a viable new use. In this instance the proposed benefits of the repair, refurbishment and re-use of the building outweighs the very limited harm caused by the internal changes proposed. As such the statutory duty to preserve the listed building would be met by the current proposal which is therefore considered accordant with NPPF and Policy EN4 of the Local Plan.

Parking Provision

10.14 Policy GN3 requires that adequate parking provision is made in line with standards set out in Local Plan Policy IF2 and Appendix F. Proposals for provision above or below the recommended parking standards should be supported by evidence detailing the local circumstances that justify a deviation from the policy. Policy IF2 furthermore states that the Council will support development which seeks to encourage the use of public transport for both residential and non-residential development and encouraging sustainable forms of transport is outlined as a key strategic transport priority for West Lancashire.

10.15 The requisite car parking requirements for the proposed office building in line with Appendix F would be provision for 8 car parking bays, 1 disabled space, 1 motorcycle space and cycle provision within the curtilage of the site. The curtilage of the application site itself is however limited with only a modest area of hardstanding directly to the rear of the station house building available for on-site parking provision. Under the submitted proposals on site provision would include 1 disabled bay, cycle storage and an Electric Vehicle Charging Space.

10.16 The justification for this under provision is contained in a supporting Sustainable Transport Statement which has been submitted as part of the application. It is noted that the applicant has completed extensive negotiation with Network Rail in obtaining a 3 year lease on a former Rail Yard (Area A) which lies adjacent to the site. Whilst this has not been secured permanently, it is the applicant's intention to retain the facility on an ongoing basis if possible which would provide 22 off site car parking spaces. Furthermore the applicant indicates an agreement has been reached with the owners of land to the east of the arches on the Station Approach (Area B) formerly approved for contract parking which would provide a further 24 spaces. However these arrangements are not permanent.

10.17 The site is in a sustainable location in close proximity to a range of public transport links. Not only does the site directly abut the Southport- Manchester Railway Line, but the station also has a bus interchange with direct routes serving Ormskirk to Preston. The town additionally benefits from Burscough Junction Rail Station. In order to further support a sustainable transport approach the proposal includes an over provision of on-site facilities for 12 bicycles.

10.18 Even were the suggested parking areas not to be available to the applicant on a permanent basis, given the sustainable location of the site, I consider the proposed use to be acceptable and do not consider the scheme would have a significant impact on highway conditions within the vicinity of the site. The Highway Authority has been consulted on the application and has raised no objection in principle to the proposals. On balance, I consider the proposal is acceptable and accords with the principles of Policies IF2/GN3 of the Local Plan.

Impact on surrounding land uses

- 10.19 Policy GN3 of the Local Plan requires that new development should retain reasonable levels of privacy and amenity for occupiers of the neighbouring properties.
- 10.20 Owing to the location of the Station House and the type and scope of the proposed alterations, I do not consider the proposed development would have any significant adverse impact on surrounding land uses. The proposal therefore complies with Policy GN3 in this respect.

Ecology

- 10.21 Policy EN2, Part 2 of the WLLP states that where there is a 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. This allows for the LPA to screen the projects against the Habitats Regulations and relevant national and local policy.
- 10.22 Due to the nature and location of the application site the submission has been accompanied by an Ecological Inspection and Assessment in relation to Bats and Breeding Birds. Based on the findings, Station House was categorised as a moderate bat roost suitability and therefore mitigation measures in the form of a bat box should be secured by condition.
- 10.23 MEAS have been consulted on the survey and accepted the findings which found no evidence of bat presence. As such they have advised the Council does not need to consider the proposals against the three tests in the Habitat Regulations and the proposal satisfies the requirements of Policy EN2.

11.0 CONCLUSION

- 11.1 The proposed conversion of the former station house dwelling to offices including external and internal alteration, is acceptable in principle on this Significant Employment Site. The development is considered to preserve the special interest of the Listed Building and its setting in accordance with the duty under the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF and Policy EN4 of the Local Plan. The proposal is not considered to have a significant impact upon amenity, ecology or the character and appearance of the local area. There is an under provision of car parking facilities within the curtilage of the site. However significant off site provision and the sustainable location of the site in respect of proximity to public transport is considered to mitigate any adverse impact on highway capacity and safety. I consider the proposal is acceptable and accords with the principles of Policies IF2/GN3 of the Local Plan.
- 11.2 Subject to suitable conditions the proposed development is therefore considered compliant with relevant policies and is therefore recommended for approval.

12.0 RECOMMENDATION

- 12.1 That planning permission be GRANTED subject to the following conditions

Condition(s)

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

Proposed Roof Plan Dwg No: (20) AOO4 received by the Local Planning Authority on 1st March 2019

Proposed Ground Floor Plan Dwg No: (20) A001 Rev B received by the Local Planning Authority on 1st March 2019

Proposed First Floor Plan Dwg No: (20) A002 Received by the Local Planning Authority on 1st March 2019

Proposed Elevations Dwg No: (20) A003 Rev A Received by the Local Planning Authority on 1st April 2019

Building Control Glass Roof Section Dwg No: (21) A003 Received by the Local Planning Authority on 17th June 2019

Demolish Extract Section Received by the Local Planning Authority on 17th June 2019

Demolish Extract Received by the Local Planning Authority on 17th June 2019

Proposed Location Plan, Site Plan Signage Details, Bike Storage and Bin Storage Dwg No: (90) A001 Rev c Received by the Local Planning Authority on 15th October 2019

3. All external brickwork and roofing materials shall be identical to those on the existing building in respect of shape, size, colour and texture and as detailed in Section 9 of the submitted application form received by the Local Planning Authority on 1st April 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.

4. Prior to the commencement of any above ground construction works details of any windows/doors to be formed or altered in connection with the proposed development hereby permitted (including details of all mouldings, transoms, mullions and opening mechanisms) shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out using only the agreed materials and method of construction and shall be retained at all times thereafter.

5. Notwithstanding details shown on Proposed Site Plan (90) A001 RevC no part of the development shall be occupied until full details of the hard and soft landscaping works have been submitted to and approved in writing by the Local Planning

The details shall relate to all land surfaces not built upon and shall include:

- hard surfaced areas and materials
- bike store, bin stores mail boxes and seating,
- signage
- fencing and walling
- 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 hard and soft landscaping works shall be implemented and completed prior to the use as an office to which it relates or to a timetable 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.

6. The office shall not be occupied/brought into uses until details of the number and location of bat boxes to be incorporated into the scheme have been submitted to and approved in writing by the Local Planning Authority. The bat boxes shall be installed in accordance with the approved details prior to the first occupation of the office and shall be retained at all times thereafter.

7. Prior to the office accommodation being brought into use, the electric vehicle charging point shown on drawing no. (90) A001Rev C shall be provided on site.

Reason(s)

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To preserve the special architectural and historic character of a Listed Building and to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To prevent unsightliness and visual intrusion and so ensure that the development complies with the provisions of Policy GN3 and EN4 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document..

Note(s)

1. This consent does not give approval to a connection being made to the County Councils Highway Drainage System
2. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping up or diversion of right of way should be the subject of an Order under the appropriate Act
3. The applicant, their advisors and contractors should be made aware that if any European protected species are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist
4. Network Rail have made the following comments in respect of the proposal:
 1. The proposal area is the former station house; this may be subject to a demarcation agreement (if sold pre-1996).

In this case, the applicant is to submit details of the proposal directly to: PropertyServicesLNW@networkrail.co.uk

Agreement to the works will be required from Network Rail, and this is in addition to any planning consent.

All roads, paths or ways providing access to any part of the railway undertaker's land both temporary and permanent, must remain open and unblocked both during construction works and as a permanent arrangement.

The proposal must not encroach onto any Network Rail access road, paths or ways of access to any part of Network Rail land. This also includes emergency vehicles ability to access and exit Network Rail land.

The applicant is reminded that each Network Rail has a specific right of way and as such any developer is requested to contact the Network Rail Property Services Team to discuss the impact of the proposal upon our access.
 2. The applicant is to submit the attached dev form to: AssetProtectionLNWNorth@networkrail.co.uk

Agreement from Network Rail is required for:

 - Scaffolding which must include a 3m failsafe from Network Rail land
 - Risk assessment and method statement for works within 10m of railway land
 - Rainwater goods must not discharge onto or over the railway boundary; all surface waters must discharge in the direction away from the railway

3. Network Rail is aware that residents of dwellings adjacent to or in close proximity to, or near to the existing operational railway have in the past discovered issues upon occupation of dwellings with noise and vibration. It is therefore a matter for the developer and the council via mitigation measures and conditions to ensure that any existing noise and vibration, and the potential for any future noise and vibration are mitigated appropriately prior to construction.

To note are:

The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running, heavy freight trains, trains run at weekends /bank holidays.

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
IF1 - Maintaining Vibrant Town and Local Centres
IF2 - Enhancing Sustainable Transport Choices
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets
together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.

Agenda Item 7c

No.3	APPLICATION NO.	2019/0185/LBC
	LOCATION	Station House Red Cat Lane Burscough Ormskirk Lancashire L40 0RA
	PROPOSAL	Listed Building Consent - Conversion of Grade 2 Listed Building from dwelling to offices including new glass roof over existing uncovered courtyard and removal of brick chimney extensions and reinstatement of chimney pots at a lower height. Replacement of damaged windows with like for like and internal alterations.
	APPLICANT	Mr David Travis
	WARD	Burscough West
	PARISH	Burscough
	TARGET DATE	27th May 2019

1.0 **SUMMARY**

- 1.1 The proposed conversion of this Grade 2 Listed Building from dwelling to offices including external and internal alterations to the building is considered to preserve the special interest of the Listed Building. Subject to suitable conditions the proposed scheme is considered compliant with relevant policies and the Council's statutory duty in relation to Listed Buildings and is therefore recommended for approval.

2.0 **RECOMMENDATION- APPROVE with conditions**

3.0 **SITE DESCRIPTION**

- 3.1 The proposal relates to the former Station House which is located on the northern side of the Southport to Manchester railway line. The site is located at the end of a private road (Station Approach) off Red Cat Lane which is situated just north of the village centre of Burscough. The Station House is a two storey building built in an Elizabethan style and faced in stone with a slate roof which dates from 1855-60. An enclosed garden area associated with the station lies to the east with a larger area of fenced land to the west. The Station House is a Grade 2 listed building
- 3.2 The Station House closed to the travelling public in 2005 with the building of an Interchange on the opposite side of the track, and was subsequently converted to residential use but has now been vacant from some time.

4.0 **PROPOSAL**

- 4.1 The application proposes the conversion of the Grade 2 Listed Station House from a residential dwelling to office accommodation. The proposed alterations to the building will include new glass roof over an existing uncovered courtyard, removal of brick chimney, extensions and reinstatement of chimney pots at a lower height, replacement of damaged windows with like for like and internal alterations.
- 4.2 It is noted that the site edge red has been amended during the course of the application owing to the designated car parking provision being re-negotiated by the applicant.

5.0 **PREVIOUS RELEVANT DECISIONS**

- 5.1 None.

6.0 OBSERVATION OF CONSULTEES

6.1 Lancashire Archaeology Service (26th April 2019)

No objections raised and no recommendation of conditions to be applied to the consent.

6.2 Conservation Area Advisory Panel (3rd May 2019)

No objections- fully support the proposal to provide a new commercial use for the building.

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)**
Conserving and Enhancing the Historic Environment

8.3 **P(LBCA) Act 1990**
Listed Buildings- Section 66 (1)

8.4 **West Lancashire Local Plan (2012-2027) DPD – (Local Plan)**
GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
EN4 – Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

Supplementary Planning Document – (SPD) Design Guide (Jan 2008)

8.5 **Burscough Parish Neighbourhood Plan (2017-2027)**
is a material consideration in assessment of the application and the following policies are relevant:

BDP1: Design and Accessibility Principles
BPD2: Detailed Design Elements

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

9.0 OBSERVATIONS OF DIRECTOR OF PLACE AND COMMUNITY

9.1 The main considerations for this application are

Design/ Impact on the Listed Building

Design/ Impact on the Listed Building

9.2 The NPPF and Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD together with the Councils Supplementary Planning Document on Design require that development should be of a high quality design, integrate well with its surroundings, promote sustainable development and respect its setting.

- 9.3 Policy EN4 of the West Lancashire Local Plan 2012-2027 is also relevant and states that there will be a presumption in favour of the conservation of designated heritage assets. Development will not be permitted that will adversely affect a listed building and should seek to preserve its features of special interest.
- 9.4 The Planning (Listed Building and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving listed buildings or their setting (s.66). Recent High Court judgements identify the need to give considerable weight and importance to that duty.
- 9.5 Under National Planning Guidance (NPPF) the Council is required to give great weight to the preservation of listed buildings and needs to place importance on the desirability of securing a viable and sustainable new use for the building. Given the statutory duty to preserve the benefits of securing a long term future for the building cannot be overlooked and significant weight needs to be given to this benefit in consideration of the application.
- 9.6 The Station House was converted into a single dwelling in 2001 with a modern station being built on the other side of the tracks in 2006/07. The building however has lain empty for some time and is in a deteriorating condition. The proposal for the change of use would include some external and internal alterations to repair and refurbish the fabric of the building making it fit for purpose as office accommodation. As the majority of the work is principally focused internally it would not create any significant alteration to its appearance and historic character of the building.
- 9.7 Externally the proposed works are fairly minimal. In principle I have no objection to the reduction in height of the existing chimneys nor is the removal of the more recent brickwork considered harmful to the historic character of the existing Station House. The proposed works additionally include a new glass roof over the enclosed yard to the east of the building. The existing yard is surrounded by a tall stone wall and as such visually the new roof will be largely unseen.
- 9.8 The NPPF identified that where proposals lead to 'less than substantial harm' to a listed building, the harm should be weighed against the benefits of retaining the building and securing a viable new use. In this instance the proposed benefits of the repair, refurbishment and re-use of the building outweighs the very limited harm caused by the internal changes proposed. As such the statutory duty to preserve the listed building would be met by the current proposal which is therefore considered accordant with NPPF and Policy EN4 of the Local Plan.

10.0 CONCLUSION

- 10.1 The proposed development is considered to preserve the special interest of the Listed Building and its setting in accordance with the duty under the Planning (LBCA) Act 1990, the NPPF and Policy EN4 of the Local Plan.

11.0 RECOMMENDATION

- 11.1 That Listed Building Consent be GRANTED subject to the following conditions

Condition(s)

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

Proposed Roof Plan Dwg No: (20) AOO4 received by the Local Planning Authority on 1st March 2019

Proposed Ground Floor Plan Dwg No: (20) A001 Rev B received by the Local Planning Authority on 1st March 2019

Proposed First Floor Plan Dwg No: (20) A002 Received by the Local Planning Authority on 1st March 2019

Proposed Elevations Dwg No: (20) A003 Rev A Received by the Local Planning Authority on 1st April 2019

Building Control Glass Roof Section Dwg No: (21) A003 Received by the Local Planning Authority on 17th June 2019

Demolish Extract Section Received by the Local Planning Authority on 17th June 2019

Demolish Extract Received by the Local Planning Authority on 17th June 2019

Proposed Location Plan, Site Plan Signage Details, Bike Storage and Bin Storage Dwg No: (90) A001 Rev c Received by the Local Planning Authority on 15th October 2019

3. All external brickwork and roofing materials shall be identical to those on the existing building in respect of shape, size, colour and texture and as detailed in Section 9 of the submitted application form received by the Local Planning Authority on 1st April 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.

4. Prior to the commencement of any above ground construction works details of any windows/ doors to be formed or altered in conjunction with the proposed development hereby permitted (including details of all mouldings, transforms, mullions and opening mechanisms) shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out using only the agreed materials and method of construction and shall be retained at all times thereafter

5. Notwithstanding details shown on Proposed Site Plan (90) A001 RevC no part of the development shall be occupied until full details of the hard and soft landscaping works have been submitted to and approved in writing by the Local Planning

The details shall relate to all land surfaces not built upon and shall include:

- hard surfaced areas and materials
- bike store, bin stores mail boxes and seating,
- signage
- fencing and walling
- 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 hard and soft landscaping works shall be implemented and completed prior to the use as an office to which it relates or to a timetable 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.

Reason(s)

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. 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 preserve the special architectural and historical character of a Listed Building and to comply with Policy
5. To prevent unsightliness and visual intrusion and so ensure that the development complies with the provisions of Policy GN3 and EN4 of 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
EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.

No.4	APPLICATION NO.	2019/0487/FUL
	LOCATION	Sports Pavilion And Memorial Playing Field Halsall Road Halsall Lancashire
	PROPOSAL	Extension of existing play area and installation of new play equipment and fences
	APPLICANT	Halsall War Memorial Trust
	WARD	Halsall
	PARISH	Halsall
	TARGET DATE	11th July 2019

1.0 **REFERRAL**

- 1.1 The application was to be determined under delegated powers, however, Cllr O'Toole has requested it be considered at Planning Committee to assess the impact of the proposed development on neighbouring amenity.

2.0 **SUMMARY**

- 2.1 The proposal is to extend the existing play area in the western corner of the Sports Pavilion and Memorial Playing field. The proposal is acceptable in Green Belt terms and would not have a detrimental impact upon the character and appearance of the Conservation Area. I am also satisfied it would not result in a detrimental impact on residential amenity. In my opinion the proposal satisfactorily meets the requirements of Policies GN1, GN3 and EN4 of the West Lancashire Local Plan 2012-2027 DPD and should be recommended for approval.

3.0 **RECOMMENDATION: APPROVE WITH CONDITIONS**

4.0 **THE SITE**

- 4.1 The application relates to the memorial playing fields, which are located on the west side of Halsall Road, Halsall. The playing fields are denoted by a hedge/row of trees to the east; pavilions/carpark to the south west; row of trees/drain to the North West; overgrown grass/drain to the north east. The playing fields contain children's play areas in the southern and western corners of the site with the majority of the site being used as a cricket pitch during the summer months. This application relates to the play area in the western corner of the site. The site is within the Green Belt and Conservation Area.

5.0 **THE PROPOSAL**

- 5.1 This planning application is made for the extension of the existing play area and installation of new play equipment and fences.

6.0 **PREVIOUS RELEVANT DECISIONS**

- 6.1 2019/0221/FUL - Proposed new external wooden store. (APPROVED)
- 6.2 2017/1122/FUL - Extension of existing play area and installation of new play equipment and fences (WITHDRAWN)
- 6.3 2008/1157/ADV - Retention of illuminated fascia sign. (APPROVED)

- 6.4 2007/0571/ADV - Display of non-illuminated free standing sign. (APPROVED)
- 6.5 2007/0552/COU - Conversion of part of building to provide community pharmacy (APPROVED).
- 6.6 1991/0042 - Single storey extension at side of existing pavilion to provide scout headquarters (APPROVED)

7.0 OBSERVATIONS OF CONSULTEES

- 7.1 Principal Engineer (10/06/19)
No objection subject to conditions
- 7.2 Environmental Health (09/08/19)
No objection or comment

8.0 OTHER REPRESENTATIONS

- 8.1 The Council has received four letters objecting to the proposal on the following grounds:

Southern play area not shown on plans;
Will the southern play equipment be transferred to new play area;
The existing play area is close to the car park and an ideal location;
Access to the new play area is obstructed;
Play areas for old and young children should be separate;
Loss of residential amenity due to additional noise;
The mature trees along Cross Lane were removed last year;
A 4m high fence is shown parallel and opposite 'The Bungalow';
Proposal would spoil uninterrupted view across playing fields;
The proposal would block open aspect between 'The Bungalow' and Rectory Cottage;
Proposed play area is more secluded and disconnected from car park;
The National Play Space Design Guide advises a 10m buffer zone to separate play space and residential property. The proposal would not meet this guidance;
A 4m high fence is out of character with the Conservation Area;
The boundary between Rectory Cottage and playing fields would not stop children playing in ditch within Rectory Cottage;
A 1.8m high acoustic fence should be erected between the adjacent residential properties and playing fields to prevent noise disturbance to nearby residents;
Inadequate arrangements for foul water and sewerage from the Pavilion;
Report from Howard and McNamara does not address the foul water/ sewerage issues;
The Klargestep septic tank is inadequate for current use at the pavilion;
The overflow from the septic tank is piped into the ditch that belongs to Rectory Cottage. This pollutes the ditch and creates a health hazard.

9.0 SUPPORTING INFORMATION

- 9.1 Design and Access Statement;
- 9.2 Heritage Statement of Significance and Impact;
- 9.3 Drainage statement;
- 9.4 Response to objections.

10.0 RELEVANT PLANNING POLICIES

- 10.1 The application site is located within the Green Belt as designated in the West Lancashire Local Plan Proposal Map. It is also within a Conservation Area.
- 10.2 National Planning Policy Framework (NPPF), and the West Lancashire Local Plan DPD (2012-2027) provide the policy framework against which the development proposals will be assessed.
- 10.3 **West Lancashire Local Plan DPD (2012-2027)**
GN1 Settlement Boundaries
GN3 Criteria for sustainable development
EN2 Preserving and Enhancing West Lancashire's Natural Environment
EN3 Provision of Green Infrastructure and Open Recreation Space
EN4 Preserving and Enhancing West Lancashire's Cultural and Heritage Assets.

Supplementary Planning Document, Design Guide (Jan 2008)
Supplementary Planning Document Development in the Green Belt

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

- 10.4 Lancashire Site Allocation and Development Management Policies Local Plan M2 Mineral Safeguarding Area

11.0 OBSERVATIONS OF DIRECTOR OF PLACE AND COMMUNITY

- 11.1 The main considerations for this application are:

Principle of development - Impact on the Green Belt
Impact on Conservation Area/Design/Layout
Impact on neighbouring properties
Drainage
Impact on mineral resources

Principle of development and Impact on the Green Belt

- 11.2 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.
- 11.3 Paragraph 145 in the National Planning Policy Framework states that "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt." There are 7 exceptions to this rule including "provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation cemeteries, burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it".
- 11.4 The application proposes an extension to an existing children's play area and the erection of protective fencing. The play area would measure 27.8m long x 9.9m wide and would be surrounded by a 900mm high looped railings. The detailed design of the proposed equipment has not been submitted but the supporting statement indicates the provision of swings, climbing frame, see saw, roundabout and outdoor exercise equipment. Full details

of the play equipment can be secured by planning condition. A 900mm high looped railing would be erected around the play area.

- 11.5 As part of the application it is also proposed to erect a length of 4m high ball stop fencing to protect the play area and pavilion from cricket balls. The ball stop fencing would be a light weight open mesh design, powder coated green and is a common form of fencing on cricket grounds.
- 11.6 Given the proposal is for children's play equipment and the 4m high fence is a lightweight structure, necessary to protect the children from stray cricket balls, I am satisfied the proposal is acceptable and would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.

Impact on Conservation Area/Design/Layout

- 11.7 The Council's SPD Design Guide states that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale or roofline.
- 11.8 Conservation Areas are defined under s.69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as being areas of "special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance". There is a need to consider whether the proposal would meet the statutory duty to preserve or enhance the character or appearance of the Conservation Area. In assessing proposals, the P(LBCA) Act requires that decision makers consider character and appearance separately and that proposals need to satisfy the test above in both aspects.
- 11.9 Under the statutory duty considerable weight must be given to the presumption in favour of the desirability of the preservation of heritage assets (imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 11.10 Policy EN4 of the West Lancashire Local Plan requires development to preserve or enhance the area's character or appearance and in particular harmonise with its surroundings in terms of mass, scale, form, use of materials and overall design quality. This view is supported by National Planning Policy Framework (NPPF) paragraphs 131, 132 and 134.
- 11.11 The proposal involves an extension to the existing play area, the erection of new play equipment and the erection of surrounding fences (on 3 sides a 900mm high hooped railing and to the east a 4m high ball stop fence).
- 11.12 Whilst the existing children's play area can be seen from the road site it lies towards the back of the park and is not highly visible. I note there is an existing playground, car park and brick pavilion closer to the road frontage. On this basis I do not feel the new extended area will be overly prominent and will not play a significant part defining the character of the wider area beyond the site. Indeed given its location and the backdrop provided by the existing hedge line its impact is far less than the play area closer to the road side. The proposed ball stop fencing is a lightweight structure set well back into site.
- 11.13 The playing fields do not play a significant role in defining the special character or appearance of Halsall Conservation Area and whilst the site is open (a positive characteristic of the conservation area) I would expect, for the reasons above, that the proposal would have a neutral impact on the areas character and appearance.

11.14 In my view the proposal meets the test to 'preserve' as laid down the P (Listed Building and Conservation Areas) Act 1990, and complies with the guidance contained in the NPPF, Policy EN4 of the Local Plan and the guidance contained in the West Lancashire Design Guide SPD.

Impact on neighbouring properties

11.15 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy and amenity for occupiers of the neighbouring and proposed properties.

11.16 The Council has received objections from residents of 'The Bungalow' and the 'Old Rectory' regarding the impact on residential amenity. Residents have expressed the view that the extended play area would result in an increase in noise nuisance due to its close proximity to the site boundary and the ball stop fencing would be overbearing.

11.17 The proposal would extend the play area to the north, east and south of the existing play area. The nearest property to the application site is "The Bungalow," which is located to the west of the site. Given the site has existing play equipment and the proposed new equipment would be further away from "The Bungalow", I am of the view that the creation of any additional noise and disturbance would not be so significant to warrant a refusal of the planning application. The Council's Environmental Health Officer has reviewed the application and concurs with this view. To provide screening, the submitted plan shows tree planting along the site boundary with Cross Lane. Details will be required by condition and will assist in screening the play area from "The Bungalow".

11.18 Although the play area will extend further to the north west, I am of the opinion that there remains a satisfactory separation distance to "The Old Rectory" to prevent the extended play area causing significant harm to the amenities of its occupants.

11.19 Furthermore, I am satisfied that the ball stop fencing would be at a sufficient distance from neighbouring properties to prevent any significant harm to their outlook. I therefore consider the development would not result in harm to the amenities of nearby residents sufficient to warrant a refusal of planning permission.

Drainage

11.20 Policy GN3 requires that new development does not result in unacceptable flood risk or drainage problems. The proposed development involves the laying of a new playing surface to match the existing. The Council's Principal Engineer is satisfied that the development will not have a detrimental impact on flood risk within the vicinity of the site. Therefore, I am satisfied the proposal is compliant with Policy GN3 in the West Lancashire Local Plan.

11.21 A previous planning application for this site was withdrawn due to concerns that the proposed play equipment would interfere with the existing drainage arrangements for the pavilion. It has been confirmed that this will not be the case. Whilst a local resident has expressed concerns about the adequacy of the existing drainage arrangements for the pavilion, this is not a material consideration in the assessment of this planning application.

Impact on mineral resources

11.22 The Lancashire County Council Minerals and Waste Site Allocation and Development Management Policies DPD was adopted in September 2013. This plan provides policies for minerals and waste planning in Lancashire. Policy M2 of this document identifies the

site as falling within a Minerals Safeguarding Area. Given the nature of the development I am satisfied that it will not have a significant impact on mineral resources.

Summary

11.23 Given the above I consider that the proposal satisfactorily meets the requirements of Policies GN1, GN3 and EN4 of the West Lancashire Local Plan 2012-2027 DPD and the Council's statutory duty in relation to Conservation Areas.

12.0 RECOMMENDATION

That the application should be GRANTED subject to the following conditions:

Condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plans reference 1777/10 received by the Local Planning Authority on 16/05/19 and Plans reference 1777/09G and 1777/01B received by the Local Planning Authority on 09/09/19
3. Prior to commencement of works details of the proposed play equipment and specifications shall be submitted to and approved in writing by the Local Planning Authority. The play equipment shall be provided in accordance with the approved details.
4. No development shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas. Trees and shrubs planted shall comply with BS. 3936 (Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). Within a period of 9 months from the date when any part of the development is brought into use the approved landscaping scheme shall be carried out. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.

Reason(s)

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. 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 assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Note(s)

1. See attached note from Cadent, which identifies apparatus in the vicinity of the application site that may be affected by the by the activities specified.

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:
GN1 Settlement Boundaries
GN3 Criteria for sustainable development

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

No.5	APPLICATION NO.	2019/0990/FUL
	LOCATION	28 The Green Hesketh Bank Preston Lancashire PR4 6SB
	PROPOSAL	Erection of a rear garden fence approximately 1.8m high using timber posts and closed board cladding.
	APPLICANT	Mr Chris Cain
	WARD	Hesketh-with-Becconsall
	PARISH	Hesketh-with-Becconsall
	TARGET DATE	5th December 2019

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Ashcroft has requested that it be referred to Planning Committee to consider sightlines and impact upon visual amenity.

2.0 SUMMARY

- 2.1 The application as submitted addresses the reasons why planning permission was previously refused. The application is compliant with Policy GN3 in the West Lancashire Local Plan DPD (2012-2027) and is recommended for approval.

3.0 RECOMMENDATION: That planning permission be **GRANTED**

4.0 THE SITE

- 4.1 The application site consists a detached house located at the corner of The Green and Honeysuckle Grove. The dwelling house is set back from the highway, forming part of an established building line within this part of The Green. The front is open plan and the side/rear garden is enclosed by an unauthorised close boarded fence.

5.0 THE PROPOSAL

- 5.1 The applicant is seeking planning permission for the "Erection of a rear garden fence approximately 1.8m high using timber posts and closed board cladding."

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2019/0218/FUL – Erection of a rear garden fence approximately 1.8m high using timber posts and closed board cladding. (REFUSED)
- 6.2 2000/0079 – Residential development comprising 3 terraced dwellings; 26 detached dwellings and garages; estate roads; public open space; and highway improvements at the junction of Chapel Road/Station Road, and the junction of Chapel Road/The Green, including new mini-roundabout. (GRANTED)

7.0 CONSULTEE RESPONSES

- 7.1 Lancashire County Council (Highway) (08/11/19) –

A site visit has been carried out and the relocated position of the fence will not have a negative impact on sightlines for users of Honeysuckle Grove. The proposal will have a negligible impact on highway safety.

The existing fence on the site has been located within the adopted service verge and should be removed without delay.

8.0 OTHER REPRESENTATIONS

8.1 The Council has received 3 letters objecting to the proposal on the following grounds.

Dangerous to pedestrian and highway safety;
Original fence line was erected for reason;
Loss of view;
Rear garden untidy;
Loss of trees has resulted in loss of privacy;
Design of fence and quality of wood poor;
Impact on house values in Honeysuckle Grove
Impact on streetscene.

9.0 SUPPORTING INFORMATION

9.1 None

10.0 RELEVANT PLANNING POLICIES

10.1 The application site is located within a Key Sustainable Village as designated within the West Lancashire Local Plan 2012-2027

10.2 National Planning Policy Framework (NPPF)

Achieving well-designed places

10.3 West Lancashire Local Plan 2012-2027 (DPD)

SP1 – A Sustainable Development Framework for West Lancashire
GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development

10.4 Supplementary Planning Document (SPD)

Design Guide (January 2008)

11.0 OBSERVATIONS OF DIRECTOR OF PLACE AND COMMUNITY

Assessment

11.1 This planning application is a resubmission of planning application 2019/0218/FUL, which was refused on the following grounds:

1. The retention of the fence conflicts with Policy GN3 in the West Lancashire Local Plan DPD 2012 to 2027 and advice in the Design Guide SPD 2008 in that by virtue of the height, length, and positioning the fence results in harm to the street scene and visual amenity of the area.

2. The proposal is contrary to Policy GN3 in the West Lancashire Local Plan and Council SPD Design Guide in that the retention of the fence would restrict the visibility of drivers egressing 2 Honeysuckle Grove and result in conflict with pedestrians on the highway, to the detriment of highway safety.

11.2 Therefore the main considerations in determining this planning application are as follows:

Visual appearance/Impact on the street scene
Impact on neighbouring properties
Impact on highway safety.

Visual appearance/Impact on the street scene

11.3 Paragraph 127 in the NPPF states that local planning authorities should ensure development is sympathetic to local character, including the surrounding built environment and landscape setting. 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.

11.4 The existing unauthorized fence will be removed and a new fence will be repositioned, further back from the highway. The submitted plan indicates that the fence will be inset from the carriageway of Honeysuckle Grove by 1.8m from the road at point (c); 2.8m from the road at point (d) and 1.5m from the road at point (e). The applicant proposes to erect a feather board fence which will be pre-treated in a mid-brown stain. There are other examples of similar close boarded fences within the estate. Given the distance from the road, I consider that on balance the proposed fence, with the set back as shown, would be in character with the estate and address the first reason why planning application 2019/0218/FUL was refused. In my opinion the proposal complies with Policy GN3 of the Local Plan and the Council's SPD Design Guide.

Impact on neighbouring properties

11.5 Policy GN3 of the Local Plan states that proposed developments should retain or create reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the proposed and neighbouring properties. The Design Guide SPD, explains that development must have consideration for the amenity of the neighbouring properties in terms of overlooking, overshadowing and overbearing impact.

11.6 Given the size, design and position of the proposed fence, I do not consider that there would be a significant loss of amenity to residents at neighbouring properties through loss of light, poor outlook or being overbearing.

Impact on highway

11.7 Lancashire County Council as Highway Authority has been consulted on this proposal.

11.8 The Highway Authority advise that The Green is a residential cul de sac with a shared surface and a 1.8m service verge.

11.9 The proposed fence line as outlined in the submitted drawing indicates that the fence will be relocated behind the 1.8m wide adopted service verge and in a position which would not have a negative impact on the required sightlines for all users of Honeysuckle Grove.

11.10 Therefore the Highway Authority has no objections to the planning application and is of the opinion that the nature and scale of the proposals should have a negligible impact on highway safety within the immediate vicinity of the site.

11.11 In the circumstances described, I consider that the proposal addresses the second reason for refusal and the proposal is compliant with Policy GN3 of the West Lancashire Local Plan in terms of highway and pedestrian safety.

Summary

11.12 The application as submitted addresses the reasons why planning permission was previously refused. The application is compliant with Policy GN3 in the West Lancashire Local Plan DPD (2012-2027) and is recommended for approval.

12.0 RECOMMENDATION

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

Condition(s)

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

Reason(s)

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

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:
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

No.6	APPLICATION NO.	2019/0731/FUL
	LOCATION	Cast North West Eco Centre Cobbs Brow Lane Newburgh Wigan Lancashire WN8 7SF
	PROPOSAL	Relocation of café, shop, cycle storage and repair. Alteration to the elevations and addition of porch to main ECO centre building and provision of outdoor seating. Revised siting and alteration to the elevations and size of the community angling building. Revised siting of the respite lodges including the addition of timber decking areas. Use of store as mixed use office and store. Bird of prey building/control cabin, open hay store and amenity cabin. Installation of 3 No. CCTV poles and cameras. (Retrospective).
	APPLICANT	Cast North West
	WARD	Newburgh
	PARISH	Newburgh
	TARGET DATE	4th October 2019

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Pope has requested that it be referred to Planning Committee to consider the impact upon the Green Belt.

2.0 SUMMARY

- 2.1 The site is located within the Green Belt. Some of the development amounts to inappropriate development in the Green Belt. However, very special circumstances have been demonstrated to outweigh the total harm to the Green Belt. In my view, the visual impact of the development is considered acceptable, as is the impact on neighbouring residential amenity, highways, ecology and drainage. I am therefore satisfied that the proposal complies with all relevant NPPF and Local Plan policies.

3.0 RECOMMENDATION: APPROVE with conditions.

4.0 THE SITE

- 4.1 The existing Cast Eco Centre is a charitable angling, land based and horticultural training and educational centre for excluded young people and adults with special educational needs and disabilities. It occupies an area of land of approximately 9.5 hectares on the south-western edge of Newburgh within the Green Belt. To the north-east the site is bound by Tabby's Nook with residential development beyond; to the north-west and west is open agricultural land; to the east is Cobbs Brow Lane and to the south is an access track leading to a number of sporadic residential properties within the open countryside.

5.0 THE PROPOSAL

- 5.1 It is proposed to regularise a number of buildings and uses at the site. Essentially, this includes the following:

creating a number of 2m wide gravel paths around the animal keeping areas in lieu of the removal of a number of small paths previously granted permission;
relocating approved cycle path along the western boundary of the site;

relocating parking area within the southern part of the site;
 erection of a 18m x 8m polytunnel adjacent to existing polytunnel;
 enlargement of approved community angling clubhouse (from 7.5m X 10m to 10m x 14m);
 greater gap created between approved respite lodges and provision of terrace area for each;
 repositioning of path across existing ditch through the site;
 erection of 6.5m x 6.5m x 3.5m high amenity cabin for staff breakout and storage purposes within visitor car park;
 erection of 6m x 8m x 3m high open sided hay store to north of site, adjacent animal keeping area;
 erection of 15m x 5m x 2.5m high owl and bird shelter with 2m x 2m control cabin attached to side;
 erection of 2.5m x 1.7m porch to front of Eco Centre building and insertion of two windows to the front elevation and one to the rear;
 installation of 3 poles for CCTV cameras;
 use of Eco Centre building as mixed café, shop and cycle storage/repair area;
 removal of part of parking area in front of Eco Building and replacement with outdoor plant and seating area.

6.0 RELEVANT APPLICATIONS

- 6.1 2018/0213/FUL - Change of use of land to form an Extension to an Eco Centre comprising Horticultural and Animal Husbandry Training and Educational uses, Access Track and use of a separate parcel of land as a construction Training Facility. GRANTED
- 6.2 2017/0350/FUL - Phase 2 extension to the existing CAST facility. Creation of 1 No. additional large fishing lake. Creation of a 31 space hard surfaced car park. A 16 x 30m indoor complex needs angling building. A timber clad 7.5m x 10m community angling clubhouse. Timber Storage Shed (located in phase 1), 2 No. log cabins to form respite holiday accommodation. Informal landscaped areas. Gardens/picnic/ animal area (sensory area). GRANTED
- 6.3 2016/0249/FUL - Demolition of temporary office block and erection of extension of existing building to allow classroom accommodation and associated facilities - GRANTED
- 6.4 2015/0490/FUL - Replacement of the temporary training/staff accommodation with a purpose built facility for training, staff and canteen facility. Cedar cladding to replace the box profile steel sheets on the existing adjoining workshop - REFUSED
- 6.5 2014/1147/FUL - Erection of a glasshouse for training purposes and creation of a fishing pond - GRANTED
- 6.6 2012/0990/FUL - Siting of a free standing portable building for use as staff rest room and canteen and occasional meeting/training room - GRANTED
- 6.7 2011/0111/NMA - Non Material amendment to planning permission 2010/1030/FUL - Alterations to profile/elevation of polytunnel - GRANTED
- 6.8 2010/1030/FUL - Erection of polytunnel - GRANTED
- 6.9 2009/1122/ADV - Display of non-illuminated advertisement board - GRANTED
- 6.10 2009/1121/FUL - Erection of training building and provision of 3 polytunnels - GRANTED

- 6.11 2002/1390 - Application for determination as to whether prior approval of details is required - Three bay blocks of polytunnels – DETAILS NOT REQUIRED

7.0 **CONSULTEE RESPONSES**

- 7.1 Cadent Gas (29/08/2019) – there is apparatus in the vicinity of the site, recommend advisory notes.
- 7.2 United Utilities (04/09/2019) – no objection subject to conditions.
- 7.3 Environmental Health (03/10/2019) – no objection subject to same hours condition as existing.

8.0 **OTHER REPRESENTATIONS**

- 8.1 One letter of objection has been received from a neighbouring resident which can be summarised as follows:

increased traffic and lack of pavement and street lighting to the site;
speed limit along this stretch should be restricted to 30 mph;
potential for increased amount of events that may be put on throughout the year possibly causing increased noise (in to late evening) and increased traffic. Restrictions should be put on to ensure minimum noise and disruption to surrounding properties - possibly a limit to how many they can have and a time restriction as to how late they can have music on and days events.

9.0 **SUPPORTING INFORMATION**

- 9.1 The application is accompanied by the following supporting information:

Supporting statement

10.0 **RELEVANT PLANNING POLICIES**

- 10.1 National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) 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 Green Belt.
- 10.3 Relevant West Lancashire Local Plan policies:

SP1 – A Sustainable Development Framework for West Lancashire
GN1 – Settlement Boundaries
GN3 – Design of Development
IF2 – Enhancing Sustainable Transport Choice
IF3 – Service Accessibility and Infrastructure for Growth
EC2 – The Rural Economy
EN1 – Low Carbon Development and Energy Infrastructure
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
EN3 – Provision of Green Infrastructure and Open Recreation Space
EN4 – Preserving and Enhancing West Lancashire’s Built Environment

In addition the following supplementary documents are a material consideration:

11.0 OBSERVATIONS OF DIRECTOR OF PLACE AND COMMUNITY

Background

- 11.1 The use of the Eco Centre has developed over the years as a training and educational centre for young people which uses horticulture, angling, land based studies and respite to engage “hard to reach” young people. The site is operated by a registered charity. The existing Centre contained several buildings and polytunnels related to angling and horticulture (Phase 1). Phase 2 gained planning permission in 2017 and is almost complete, providing fishing lakes, angling buildings, respite lodges, picnic area, sensory garden, small animal section, cycle and pedestrian path, a new main access off Cobbs Brow Lane and a car park. Phase 3 works gained planning permission earlier this year and have been substantially completed. The works included an extension to the site to provide more space to accommodate animals, together with disabled access for the development of agricultural-based skills. Whilst on the Committee site visit, it became apparent that additional development had taken place on the site. This application has been submitted to regularise the development undertaken thus far without the benefit of planning permission and also to propose a number of new buildings to support the use of the site.

Principle of Development – Green Belt

Retention of access paths and parking area

- 11.2 In my view, the use of the land as a mixed training and educational centre for young people which uses horticulture, angling and land based studies as well as community use remains as existing. However, the creation of access tracks and parking areas constitute engineering operations. A number of paths that were approved as part of the Phase 2 development of the site have not been implemented; however, in lieu of this, paths have been created between the animal pens. A concern has also been raised that some of the existing paths are wider than originally approved. In addition, the route of part of the approved cycle path along the southern boundary of the site has been altered and a previous area of hardstanding used for staff parking has been repositioned and a picnic area created.
- 11.3 Paragraph 146 of the NPPF advises that engineering operations are not inappropriate within the Green Belt, providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Several new paths have been created on the site. In addition, the width of the central path through the site is 200mm wider than originally approved. The paths throughout the site vary in width from 1.5m to 4m and are surfaced in differing materials – smooth gravel on a terram base and rough stone chippings. Some paths are used for simply walking between areas of the site and the wider paths are used by small tractors and disabled buggies.
- 11.4 The creation of the paths and parking area in the Phase 2 and 3 development of the site originally constituted inappropriate development in the Green Belt, due to their form and length; however, the special circumstances put forward by the applicant were considered to outweigh the resultant harm. In my view, the relocated parking area, additional paths and increased width of one path by 200mm now created does not significantly impact on the Green Belt and I consider no material harm is caused to the openness or visual character of the Green Belt above and beyond that which already exists.

Retention of community angling centre and respite lodges

- 11.5 A community angling clubhouse was approved as part of the Phase 2 development of the site. This has now been constructed, but has been built slightly larger than approved. It is approximately 30sqm larger. In my view, this is not a disproportionate addition nor harmful to the Green Belt, particularly as the building is adjacent to a larger angling building. The respite lodges have been sited approximately 9m apart rather than the approved 1m. Whilst this results in a greater spread of development, given the location of the lodges surrounded by various (albeit more open in nature) community uses, I consider limited visual harm is caused.

Retention of owl and bird shelter and control cabin

- 11.6 Paragraph 145 of the NPPF advises that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. A building used for the purposes of housing owls and birds, together with a temperature control cabin, does not fall into one of the exceptions listed within P 145. As such, this building constitutes inappropriate development in the Green Belt.

Retention of plant and seating area

- 11.7 The approved scheme included a staff and disabled parking area in front of the main Eco centre building. Part of this has now been used as a plant display and seating area. Staff parking is now provided to the SE of the site adjacent to a fishing pond, as detailed above. 8 spaces remain for disabled users. In my view, this results in a beneficial impact on the visual character of the site and the Green Belt. The use is ancillary to the main use of the site and provides an outdoor seating area for visitors and users of the site.

Retention of porch to front of Eco Centre building, insertion of windows and retention of use of the building as a mixed cafe, shop and cycle storage/repair area

- 11.8 A small porch measuring 1.7m x 2.5m has been erected at the front of the existing Eco Centre building. In my view, this is not a disproportionate addition and has little impact on the Green Belt. The changes to fenestration and addition of two windows on the front elevation are at ground floor level and have no additional impact upon the Green Belt. In terms of the use of the building, this will be addressed later in the report, although I concur with the applicant that the change in use has no impact upon the openness or character of the Green Belt.

Proposed polytunnel and hay barn

- 11.9 Paragraph 145 of the NPPF advises that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. Exceptions to this are buildings for agriculture and forestry. The proposed polytunnel measures 17.5m x 8m and will be sited adjacent to an existing polytunnel on the eastern boundary of the site. It will be of traditional hooped design and used for growing. The proposed open sided hay barn measures 6m x 8m x 3m high and will be constructed with timber cladding and felt roof. I am satisfied that these forms of development are appropriate in the Green Belt. The proposed polytunnel will be sited adjacent to an existing polytunnel and office/store and is screened by a substantial boundary hedgerow to the west. The proposed hay barn is sited adjacent to the animal paddocks. This area is relatively open at present and the barn would be clearly visible; however, the appearance of a hay barn in open countryside is not unusual and as it

constitutes appropriate development of a size commensurate with the area of the site to be used for the keeping of farm animals, I am satisfied the development is acceptable.

Proposed amenity cabin and CCTV poles

- 11.10 The proposed amenity cabin for staff breakout purposes, the owl and bird shelter, control, cabin and 3no. CCTV poles all constitute inappropriate development in the Green Belt since they do not fall into any of the exceptions listed in Paragraph 145 of the NPPF. Paragraph 143 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 11.11 Taking the overall development as a whole, it is clear that it contains some individual elements that are judged “inappropriate” and some that are “not inappropriate”; however, these do not make the proposed development as a whole appropriate. The Council’s Green Belt SPD advises that development cannot be seen as acceptable in terms of Green Belt policy, merely because part of it is “not inappropriate”. In accordance with the NPPF, it is necessary for the applicant to put forward very special circumstances to prove that the exceptional nature of the proposal outweighs the potential harm to the Green Belt by reason of inappropriateness, and any other harm.

Very Special Circumstances

- 11.12 The applicant claims that a number of considerable benefits would result from the proposals. There are no defined criteria for assessing what constitutes very special circumstances and each case must be judged on its own merits.
- 11.13 The Eco Centre is a registered charity that assists in the development and training of young disadvantaged people and provides them with the skills necessary to gain education, employment and self-esteem. It has been very successful in engaging with social services, local schools, youth offending teams, disability groups and Myerscough College. At present, the charity takes on 245 young people per week – 60 from West Lancashire and 110 from other Lancashire areas. Due to cuts in social service budgets and the closure of a large local charity, the applicant claims that it is important this charity is sustainable. In order to continue to fund the charity, approximately £45,000 is required each month and to obtain this, alternative ways of generating income is found through the café, plant and shop sales, future cycle repair, community angling, community visits and referrals.
- 11.14 The café employs 7 people from the local area along with 6 within the education project. The applicant states that with all the trading arms working in conjunction with the charity, this will ensure quality and sustainability for the future.
- 11.15 In terms of the impact on the Green Belt of the “inappropriate” development, I consider the proposal to result in limited harm. This is due to the location of the proposed development being close to the built up settlement boundary of Newburgh and in addition, a large part of the site would remain in an appropriate agricultural/horticultural/angling use. The owl and birds of prey building is set within a lower part of the site, screened by a mound and vegetation, as will be the amenity cabin within the existing car park. Two of the CCTV poles will be screened somewhat by the existing horticulture buildings on the site, and the one close to the entrance is required for security purposes. Whilst it is acknowledged that

the development on the site has grown significantly over the last 5 years, and continues to grow, in my view, this site is unique in providing a valuable service for the Borough and the County's young people as well as being of benefit to the local community.

- 11.16 It is necessary to weigh the total harm to the Green Belt (including inappropriateness, loss of openness and encroachment) against the considerations put forward in support of the scheme. Given the business model and the need for the charity to operate in a rural area, together with the fact that the design and layout seeks to limit the impact on the character of the area, I consider that the total harm to the Green Belt is clearly outweighed by other considerations as set out above such that very special circumstances exist and inappropriate development in the Green Belt can be justified.

Principle of development – use of building as a cafe/shop/cycle repair

- 11.17 The Eco Centre building was originally erected in 2015 as a replacement training facility, staff offices and canteen. Over the last few years the canteen area has been used for visitors to the site and has grown as a popular cafe to support the charity. Referrals to the site are trained in some aspects of the catering business and as such, the cafe has remained as an ancillary part of the overall charitable business as a source of income to sustain the business. However, the cafe has now been relocated to the eastern half of the building, which provides more space. The western part of the building is now used as a training kitchen and a shop selling goods either made or grown on the premises as well as gift items brought in. The cafe/shop has therefore grown in size and has also incorporated a small cycle storage and repair element due to the increasing number of cyclists visiting the site.
- 11.18 The NPPF, at paragraphs 83 and 84, supports a prosperous rural economy and specifically states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings, the development and diversification of agricultural and other land-based rural businesses and sustainable rural tourism and leisure developments which respect the character of the countryside and the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship. Furthermore, the NPPF recognises that sites to meet local businesses and community needs in rural areas may have to be found adjacent to or beyond existing settlements. Paragraph 88 of the NPPF also advises that the sequential approach to retail development should not be applied to applications for small scale rural development. In my view, the proposed use of the building as a cafe and ancillary shop, along with the community use of many of the facilities on the site, is consistent with the aims of the NPPF.

Design and Appearance

- 11.19 Policy GN3 of the WLLP states that proposals for development should have regard to visual amenity and complement or enhance any attractive attributes and / or local distinctiveness within their surroundings through sensitive design. The Council's SPD Design Guide requires that new development, regardless of location, should be a focus to promote high quality design in order to enhance the overall quality of the built environment, both aesthetically and functionally.
- 11.20 With regards the elements of the development comprising new/retained buildings, these are all of timber single storey construction and are therefore in keeping with the rural character of the area. The design of the alterations to the Eco Centre building harmonise with the building and the access tracks are surfaced in materials to match other approved

paths at the site. The site is screened from the wider area and neighbours to the east and south by existing mature vegetation. As such, the proposal assimilates well into the surrounding countryside and I consider the proposal to be acceptable and in compliance with Policy GN3.

Highways and parking

- 11.21 The proposed site access and parking to the site is off an existing access from Cobbs Brow Lane approximately 100m south of Tabby's Nook. This leads to a large car park of suitable size to accommodate the additional vehicles anticipated to be required as a result of the proposed development. A condition imposed on the Phase 2 development was to provide an adopted footway along Cobbs Brow Road from Tabbys Nook to the site. I can confirm that the relevant Agreement has been submitted to LCC Highways in order to undertake the works along the highway as soon as possible. This will ensure a safe and sustainable access to the site can be provided from Newburgh. I therefore consider the proposal to be acceptable and in accordance with Policy GN3 of the Local Plan.

Surface Water, Drainage and Flood Risk

- 11.22 No change is proposed to the current foul or surface water system already operating at the site. Surface water discharges to the watercourse through the site and into the various ponds. In my opinion, the development continues to be implemented in accordance with the approved FRA for the site. United Utilities has confirmed that they have no objection to the development. On that basis, I am satisfied that the proposed development demonstrates compliance in principle with the NPPF and Local Plan Policy regarding drainage and flood risk.

Ecology/Trees and Landscaping

- 11.23 Policy EN2 in the Local Plan requires that development proposals must seek to avoid impacts on significant ecological assets and protect and improve the biodiversity value of sites. If significant impacts on biodiversity are unavoidable, then mitigation or as a last resort, compensation, is required to fully offset impacts. No trees or hedgerows are proposed to be removed as part of the development and as the proposals fall within the confines of the existing site, I consider that a detailed Habitats Regulations Assessment is not required.
- 11.24 Having regard to the above, I am satisfied that the proposed development complies with Policy EN2 of the Local Plan.

Mineral Safeguarding Area

- 11.25 The Lancashire County Council Minerals and Waste Site Allocation and Development Management Policies DPD was adopted in September 2013. This plan provides policies for minerals and waste planning in Lancashire. Policy M2 of this document identifies the site as falling within a Minerals Safeguarding Area. However, as the development now proposed to be retained or to be erected lies within the confines of the existing mixed use site, there is no need for the applicant to justify the temporary sterilisation of the potential mineral resource on the site.

Impact on Neighbouring Land Uses

- 11.26 Policy GN3 of the Local Plan states that development should retain or create reasonable levels of privacy and amenity for occupiers of neighbouring properties. The nearest residential properties to the site are along Doe Meadow and the access road to the south

containing Mug House Barn and Mug House Farm. A substantial tree and hedgerow line exists between the site and the existing dwellings and due to this, and the distance between the development and residential properties I consider no undue impact upon residential amenity will occur. The additional windows in the Eco Centre building are at ground floor level and do not directly face any residential property. The hours of use of the premises will remain as existing (08.00 to 20.00 on any day). I am therefore satisfied that the proposed development would not cause any significant harm to neighbouring residential amenity through loss of privacy, noise or disturbance in accordance with Policy GN3.

Conclusion

11.27 The site is located within the Green Belt. Some of the development to be retained (owl and bird building) along with some that is proposed (amenity cabin and CCTV poles) to be built/erected amount to inappropriate development in the Green Belt. However, very special circumstances have been demonstrated to outweigh the total harm to the Green Belt. In my view, the visual impact of the development is considered acceptable, as is the impact on neighbouring residential amenity, highways, ecology and drainage. I am therefore satisfied that the proposal complies with all relevant NPPF and Local Plan policies.

12.0 RECOMMENDATION

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

Condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference 3460-19-78 B received by the Local Planning Authority on 7th August 2019;
Plan reference 3460-19-79 received by the Local Planning Authority on 7th August 2019;
Plan reference 3460-19-80 received by the Local Planning Authority on 7th August 2019;
Plan reference 3460-19-74 B received by the Local Planning Authority on 7th August 2019;
Plan reference 3460-19-76 B received by the Local Planning Authority on 7th August 2019;
Plan reference 3460-19-75 A received by the Local Planning Authority on 17th July 2019;
Plan reference 3460-19-77 received by the Local Planning Authority on 17th July 2019;
3. All external materials shall be as specified on the approved plans unless otherwise agreed in writing by the Local Planning Authority.
4. The use of the site hereby permitted shall only take place between the hours of 08.00 and 20.00 on any day.
5. The respite lodges shall be used for the provision of short term respite care only and for no other purpose (including any other purpose in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order). The lodges shall be removed from the site once they cease being used for the provision of respite care.
6. The development shall be implemented in accordance with the Flood Risk Assessment Ref: 2018.192 received by the Local Planning Authority on 14th March 2019
7. This site must be drained using a total separate drainage system in full accordance with the FRA referred to in Condition 6. For the avoidance of doubt, no surface water flows generated from the site will be allowed to connect with the public sewerage system via direct and or indirect means.

Reason(s)

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document
5. The character and location of the property are such that the Local Planning Authority wishes to exercise maximum control over future development to protect the openness of the Green Belt in order to comply with the provisions of Policy GN1(b) in the West Lancashire Local Plan 2012-2027 Development Plan Document and the NPPF
6. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To reduce the risk of flooding to the proposed development and future occupants in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:
SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Design of Development
IF2 - Enhancing Sustainable Transport Choice
IF3 - Service Accessibility and Infrastructure for Growth
EC2 - The Rural Economy
EN1 - Low Carbon Development and Energy Infrastructure
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN3 - Provision of Green Infrastructure and Open Recreation Space
EN4 - Preserving and Enhancing West Lancashire's Built Environment
together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.

Agenda Item 7g

No.7	APPLICATION NO.	2019/0371/OUT
	LOCATION	Land To The West Of Todds Lane Todds Lane Banks Lancashire
	PROPOSAL	Outline - Erection of 1 no. detached 2-storey dwelling with off-street car parking and private amenity space, including details of access, appearance and scale. All other matters reserved.
	APPLICANT	Mr F Bone
	WARD	North Meols
	PARISH	North Meols
	TARGET DATE	7th June 2019

1.0 REFERRAL

1.1 The application has been called in for consideration at Planning Committee by Councillor Blane who raises concerns in respect of impact on neighbours and access. The application relates to an outline application for 1 no. detached 2-storey dwelling with off-street car parking and private amenity space.

2.0 SUMMARY

2.1 I consider the principle of one dwelling house to be acceptable both in respect to its location within the settlement area of Banks and in meeting the Sequential and Exception Tests for development in Flood Zone 3. I consider that the access and parking arrangements, residential impacts, design, trees and ecology considerations to be acceptable and meet national and local planning policies.

3.0 RECOMMENDATION APPROVE with conditions

4.0 THE SITE

4.1 The site relates to land at the rear of 25/25A Hoole Lane, Banks, but which fronts onto Todd's Lane. The land is partly overgrown with some recent clearance which now contains the spoil from 2 recently demolished outbuildings. The site measures approximately 20.4m x 13m.

4.2 The site is surrounded by residential properties within the settlement of Banks.

4.3 The site is accessed via Todd's Lane – a private unadopted road which currently serves 9 dwellings.

5.0 PROPOSAL

5.1 The proposal is Outline - Erection of 1 no. detached 2-storey dwelling (including details of access, appearance and scale) with off-street car parking and private amenity space. All other matters reserved.

6.0 SUPPORTING INFORMATION

6.1 The application has the following accompanying documents

Design and Access Statement.
Flood Risk Scoping Exercise
Preliminary Ecological Appraisal

6.2 The applicant has responded to some of the issues raised by objectors

The applicant believes he has a legal right to continue to use Todd's Lane to access this site;

The applicant believes he owns the redline area as it stands, so the future parking/ access arrangements to the garage at no 10 will actually be no worse than existing arrangements. Offers a legal agreement ensuring unimpeded right of way/ access for the owner of the garage;

The applicant planted the trees (on the eastern boundary) approx. 25 years ago;

The interfaces distances comply with WLBC planning guidance;

The applicant has submitted a Flood Risk assessment.

7.0 CONSULTEE RESPONSE

7.1 LCC Highways (16.05.19) No objection

7.2 North Meols Parish Council (17.05.19) - Todd's Lane is unadopted and maintained by residents. The lane is narrow, residents park in front of their houses and therefore access to the site (especially for building traffic) is limited. There are also issues regarding the site boundary and ownership of "G1" trees. Previous application 1993/1182 was refused due to overlooking neighbouring properties and substandard access. We ask that this application is refused.

7.3 United Utilities (01.05.19) - 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.

7.4 Technical Services- Drainage (23.05.19) No objection subject to condition to ensure flood mitigation measures.

7.5 Environment Agency (13.06.19).In the absence of an acceptable flood risk assessment (FRA) object to application and recommend application is refused.

7.6 Environment Agency (25.10.19) Withdraw our Objection. Reviewed submitted FRA and now satisfied that the development would be safe without exacerbating flood risk elsewhere if proposed flood risk measures are implemented.

8.0 OTHER REPRESENTATIONS

8.1 6 objections received from neighbouring residential properties raising the following concerns:

Access and traffic

Increase in traffic Todds Lane/Hesketh Avenue extra traffic and parking a safety issue;
Increase in traffic on unmade/unadopted road already turning, parking and access issues;
Increase in traffic will cause deterioration of road;
Measurement of access width inaccurate;
Difficult to get out of garage to no 10 currently will be made worse;
Access for construction disruptive.

Privacy and overlooking

2 storey windows 9m away overlooking kitchen, dining room and garden loss of privacy;

Obscure glazing will not reduce overlooking/privacy issues.

Trees

Loss of trees;
Trees not planted by owner.

Drainage

Ongoing drainage problem in the area of Todds Lane/ Hesketh Avenue/ Hoole Lane, with United Utilities' having to attend to sewer problems on a regular and frequent basis.

Ownership

Dispute extent of land fronting Todds Lane and ownership. Trees not in ownership of applicant.

9.0 RECENT RELEVANT HISTORY

- 9.1 1993/1182 Outline-Detached dwelling including details of siting, design and means of access (Refused 03/03/94) on 2 grounds; overlooking of adjoining residential properties and substandard width of access road.

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 The site is located within a Large Village Centre of Banks as designated in the West Lancashire Local Plan.

10.3 National Planning Policy Framework

Delivering a sufficient supply of homes
Promoting sustainable transport
Meeting the challenge of climate change, flooding and coastal change
Achieving well-designed places

10.4 West Lancashire Local Plan (2012-2027) DPD

Policy GN1 – Settlement Boundaries
Policy GN3 – Criteria for Sustainable Development
Policy RS1 - Residential Development
Policy IF2 – Enhancing Sustainable Transport Choice
EN2 – Preserving and Enhancing West Lancashire's Natural Environment

- 10.5 **Supplementary Planning Documents:** Design Guide (Jan 2008)

11.0 OBSERVATIONS OF DIRECTOR OF PLACE AND COMMUNITY

- 11.1 The main considerations for this proposal are as follows:

Principle of residential development
Principle of Development in Flood Zone 3
Highways and Access

Impact on neighbouring properties
Design and character of area
Trees
Ecology

The principle of residential development

- 11.2 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.
- 11.3 The site lies within the settlement area of Banks and within a Large Village Centre as designated in the West Lancashire Local Plan. On that basis I consider the principle of residential development comprising one dwelling house would be acceptable on the site, subject to compliance with other policy and site considerations.

The principle of development in Flood Zone 3

- 11.4 The site, as is most of the land within the settlement of Banks, is in Flood Zone 3 where properties are defined as having a high probability of flooding in the National Planning Practice Guidance. (Para155-163). This site is within an area which benefits from flood risk defences.
- 11.5 Paragraph 155 in the NPPF advises: " Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 11.6 Any residential development in Flood Zone 3 needs to carry out Sequential and Exception tests. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development will not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test.
- 11.7 If, following application of the Sequential Test, it is not possible; consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and

a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The Sequential Test

- 11.8 The applicant has undertaken Sequential and Exceptions tests. In respect of the Sequential Test Policy GN5 sets out the expectations placed upon applicants to achieve a satisfactory test:
- i) Area of search;
 - ii) Comprehensiveness of search;

- iii) Availability / viability / deliverability; and
- iv) Suitability

- 11.9 The applicants have carried out a sequential test. Policy GN5 considers that the area of search will usually be the settlement, ward or parish in which the proposed development lies. The applicants have now considered the whole of the Northern Parishes and have reviewed Sites allocated in the Local Plan for housing, SHELAA sites, Consented Housing Developments and Sites on the open market for sale. They have concluded that there are no alternative sequentially preferable sites which can be delivered.
- 11.10 In my view the applicant has undertaken a satisfactory sequential test which now complies with the NPPF and policy GN5 of the Local Plan in this regard.

The Exception Test

- 11.11 The applicants have undertaken a Flood Risk Scoping Exercise which examines flood risk in the context of the undefended and defended flood risk scenarios. Given the initial objection from the Environmental Agency the applicants have carried a Flood Risk Assessment.
- 11.12 Consultations with the Environment Agency have been undertaken and confirm the primary flood risk to the site is from tidal sources. The Environment Agency have provided predicted top water levels for a range of return period events, in both the undefended and defended modelled scenario based on the Tidal ABD Study (dated 2014). During the undefended modelled scenario, the site remains flood free, with the exception of the 1 in 200-year plus Climate Change and the 1 in 1000-year events.
- 11.13 There is a requirement to ensure development remains safe for its lifetime and mitigation is to be included to provide resilience from any residual sources of flooding at the site. The primary mitigation for residential development is to raise the proposed finished floor level above the top water levels in the design event. The minimum finished floor level on site, has therefore been set based on discussion with the Environment Agency. They have advised that finished floor levels should be set 600mm above the existing ground levels, giving a minimum finished floor level of 5.47mAOD.
- 11.14 The Environmental Agency are now satisfied that the development would be safe without exacerbating flood risk elsewhere if proposed flood risk measures are implemented. Subject to a condition, I consider, that the second part of the Exception Test has been satisfied.
- 11.15 The applicant has proposed proportionate sustainable benefits which include measures to reduce energy demand, over and above current building standards namely: enhanced building design through insulation and reduced heat loss, reduced water consumption including rain water harvesting and energy efficiency through ventilation and low energy lighting.
- 11.16 Given the location of the proposed development within the sustainable settlement of Banks and the limited flood risk I consider these enhanced energy saving measures, controlled by condition, to be a proportionate benefit to satisfy the requirements of the first part of the Exception Test.
- 11.17 I consider that the principle of development in Flood Zone 3 is acceptable as the proposal meets the Sequential and Exception Tests set out in the NPPF and Policies GN3 and GN5 of the Local Plan.

Highways and Access

- 11.18 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.
- 11.19 Todds Lane has been categorised as a local access road with a 20mph speed limit. Todds Lane runs approximately 70m in an easterly direction from the junction with Hoole Lane. At this point Todds Lane joins with Hesketh Avenue where Todds Lane then turns in a northerly direction for approx. 60m. This section of Todds Lane is privately maintained and unadopted.
- 10.20 The site is located at the end, roughly 50m, off the privately maintained unadopted section of Todds Lane. 2 parking spaces are to be provided on site.
- 11.21 The Highway Authority has no objection in principle to this application and is of the opinion that the proposed development should have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site. They have provided comments on the parking and manoeuvring of vehicles which they consider adequate.
- 11.22 The 2 parking spaces proposed meet the Council's standard set out in IF2. The Highway Authority do not consider that the development would affect public highways. As the lane is unadopted I consider access arrangements are largely a private arrangement between the parties involved and it is not appropriate or reasonable to secure this by a legal agreement. However access for an additional property would make little difference in relation to traffic levels on this access lane. The parking and manoeuvring arrangements are tight but access to the garage of no 10 will be marginally improved due to the removal of the existing trees along Todds Lane. I consider the access and parking arrangements meet the requirements of policies GN3 and IF2.

Impact upon neighbouring properties

- 11.23 Policy GN3 of the Local Plan states that new development must retain or create reasonable levels of privacy and amenity for occupiers of the proposed and neighbouring properties.
- 11.24 Whilst the application has been submitted in outline, details have been submitted of layout, floor plans and elevations in order to fully understand the proposed relationship to surrounding residential properties and their gardens. The main principle habitable room windows at both ground and first floor of the proposed 2 storey dwelling are to the rear (west). This shows a separation distance of 21m between windows in rear main/original elevations to no 25a/25 Hoole Lane with a minimum garden depth of 10m. The front (east) elevations facing across the lane (to no 12) have a stair and bathroom window (obscure glazed) at first floor. The only windows in the flank (north and south) elevations are 2 small ground floor windows. I consider that the proposed dwelling has to been designed to prevent any adverse impact on the amenity or living conditions of surrounding residential properties and complies with GN3 in this respect.

Design and character of the area

- 11.25 Local Plan Policy GN3 and SPD Design Guide states that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale or roofline. The applicant has submitted elevations and massing drawings.

11.26 Todds Lane is characterized by a mix of dwelling types including a 2 storey terrace of 6, a pair of semis and a detached bungalow. The proposed dwelling follows the building line established by the existing terraced properties on the west side of Todds Lane. In this context I consider the development of a traditionally designed detached 2 storey dwelling with a pitched ridged roof to be of an acceptable scale, massing and design and would add to the character of the streetscene and would thereby comply with Policy GN3 of the Local Plan.

Trees

11.27 Policy EN2 seeks to protect trees of significant amenity, screening, wildlife or historical value. The applicant has submitted Tree survey information showing the proposed tree removal on the site plan. The plans also show some compensatory planting for those trees to be lost.

11.28 The Councils Arboricultural Officer has inspected the site at pre application and application stages and considered the proposal with regard to tree and landscape matters. It appears some trees within the site have been recently removed. To fully meet with the requirements of the above planning policy EN2 it is usual to submit an Arboricultural Impact Assessment.

11.29 Nevertheless the Councils Arboricultural Officer has undertaken an assessment of the proposed tree loss. On the east side of the site, adjacent to the access lane are several trees consisting of Portuguese Laurels, Swedish White Beams and a Holly. Within the site a mature Elderberry has been removed. These frontage trees are crowded and of limited long term amenity value and I consider the loss of these trees will not result in a significant loss of amenity. However along the boundary with 23 Hoole Lane is a row of mature Hawthorns.

11.30 The Hawthorns form a significant feature, and with pruning could be incorporated into the development with a suitable dwelling layout. The Hawthorns could provide an attractive screen, adding maturity to the plot. The Councils Arboricultural Officer considers it desirable to retain most or all of the Hawthorns with any future proposals. I consider the development could be suitably conditioned to ensure submission of an arboricultural impact assessment that retains the majority of the hawthorne trees/hedging and provides for compensatory planting for those trees lost. Subject to these conditions I consider the proposal would comply with Policy EN2.

Ecology

11.31 Policy EN2 also seeks to avoid impacts on significant ecological assets and protect and improve the biodiversity value of sites. If significant impacts on biodiversity are unavoidable, then mitigation or as a last resort, compensation, is required to fully offset impacts.

11.32 The applicants undertook a Preliminary Ecological appraisal in November 2018 to establish whether the demolition of the existing outbuilding and clearance of the site to facilitate a new residential dwelling would have any ecological implications. Inspection of the building revealed that the structure was in a highly dilapidated state, entirely open and illuminated and consequently was assessed as having 'negligible' bat roost suitability. This structure has subsequently been demolished. Similarly, all trees throughout the extent of the survey area were assessed as possessing negligible bat roost suitability. I consider the proposed development would not adversely affect protected species specifically bats and birds. The Preliminary Ecological Appraisal puts forward a series of recommendations

in relation to lighting, retention of hedgerow and landscaping and as an enhancement measure, provisions for roosting bats and nesting boxes for birds. Subject to conditions to reflect these recommendations I consider the proposed development, would comply with policy EN2.

12.0 SUMMARY

12.1 The site lies within the settlement area of Banks and I consider the principle of residential development comprising one dwelling house would be acceptable on the site. I consider that the principle of development in Flood Zone 3 is acceptable as the proposal meets the Sequential and Exception Tests set out in the NPPF and Policies GN3 and GN5 of the Local Plan, I consider that the access and parking arrangements are acceptable and will have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site. I consider the proposed dwelling has been designed to prevent any adverse impact on the amenity or living conditions of surrounding residential properties and is a suitable scale and massing. The proposal complies with Policy GN3 in respect of trees and ecology.

13.0 RECOMMENDATION

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

Condition(s)

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Before any part of the development hereby granted permission is commenced, approval shall be obtained from the Local Planning Authority with respect to the reserved matters, namely (the layout 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:-
Existing Site and Location Plan shown on Dwg 829 101B
Proposed Site Plan Dwg 829 103B
Proposed Site Plan Dwg 829 102B
Proposed GA Plans and Elevations Dwg 829 104A
Proposed Streetscene Dwg 829 108A
Highway Diagrams 109B
received by the Local Planning Authority on 9.10.19
4. No development shall take place until a strategy for the separate foul and surface water drainage of the development, including confirmation of which flood mitigation measures discussed in the Residential Development Design & Access Statement (APR 2019 Ref. 829) and accompanying Flood Risk Assessment (Ref: HYD298_TODDS.LANE.BANKS_FRS Revision 1 received by the Local Planning Authority on 9.10.19) are to be employed, has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage strategy must take account of the relevant provisions of this Councils Planning Applications - Drainage, Flood Risk and Sustainability guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement standards. The drainage scheme shall be completed in accordance with the approved details prior to occupation of the dwelling.
5. The parking spaces shown on Proposed Site Plan Dwg 829 102B received by the Local Planning Authority on 9.10.19 shall be provided prior to first occupation of the dwelling

hereby approved. The parking area shall be hardsurfaced and shall be made available for its intended use at all times thereafter.

6. No part of the development hereby permitted shall be used or occupied until the proposed first floor windows on the front (east) elevation, shown on Dwg 829 104A received by the Local Planning Authority on 9.10.19, have been glazed with obscure glass to a degree sufficient to conceal or hide the features of all physical objects from view (Pilkington level 4). The window shall be fixed shut/ top hung/ bottom hung/ side hung and shall be retained as such with level 4 obscure glazing at all times thereafter
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no window or openings shall be added to the property, in the front (east) elevation, until details of the positioning, size and design have been submitted to and approved in writing by the Local Planning Authority.
8. No development on the construction phase shall take place until details and or full specification of the Sustainable Benefits of the scheme (set out in the applicants Design and Access Statement (Aug 2019) Appendix 11 - FRA Exception Test) at Design-stage SAP&EPC showing 15% improvement on current Building Regulations, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details and method of construction
9. 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, including replacement and compensatory tree planting, have been submitted to and approved in writing by the Local Planning Authority as part of the reserve matter approval.
The details shall relate to all land surfaces not built upon and shall include:
 - 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 retainedA detailed regime for the ongoing and long-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 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 10 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.
10. Notwithstanding the Tree survey information shown on Proposed Site Plan 102B received by the Local Planning Authority on 9.10.19 an Arboricultural Impact Assessment with Arboricultural Method Statement in respect of the hawthorne trees/ hedge on the sites northern boundary shall be submitted as part of the Reserve Matters application.
The Arboricultural Impact Study shall be approved in writing by the Local Planning Authority prior to the commencement of any development.
The Arboricultural Impact Study shall include the following particulars:
 - a) the precise location of each existing tree and/or hedge on or near the sites northern boundary showing which trees are to be retained and the accurate crown spread of each tree/hedges measured at four points (N, E, S and W), and allocating a reference number to each tree and/or hedge;
 - b) details of the species, diameter (measured at 1.5m), approximate height and assessment of the general health and stability of each existing tree and/or hedge and an assessment of their desirability to retain as detailed in British Standard 5837 Guide for Trees in relation to construction 2012
 - c) details of any proposed pruning of any tree and/or hedge to be retained either within or adjacent to the site;

d) 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

e) 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.

The Arboricultural Method Statement shall include full details of the following:

a) Specification, Implementation, Supervision and Monitoring of the approved Tree and/or Hedge Protection Scheme

b) Specification, Implementation, Supervision and Monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree and/or Hedge Protection Scheme

c) Timing and phasing of all arboricultural works in relation to the approved development. All works identified in the Arboricultural Impact Study shall be in accordance with British Standard documents No's. 3998:2010 and 5837:2012.

No part of the development, or works to trees/hedges, shall be carried out except in accordance with a relevant approval of this condition.

11. The dwelling shall not be occupied/brought into uses until details of the number and location of bird nesting boxes and bat boxes to be incorporated into the scheme have been submitted to and approved in writing by the Local Planning Authority. The bird and bat boxes shall be installed in accordance with the approved details prior to the first occupation of the dwelling and shall be retained at all times thereafter.
12. Prior to construction of the dwelling hereby approved and as part of any reserve matters approval a scheme for the provision of an electric vehicle charging point shall be submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until an electric vehicle charging point has been installed in accordance with the agreed details.

Reason(s)

1. Required to be imposed pursuant to 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. 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.
5. 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
6. To protect the privacy and amenity of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To protect the privacy and amenity of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. To ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and the requirements of the Exception Test set out in para 160 of the National Planning Policy Framework

9. To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 and EN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
10. These details are required prior to the commencement of development to ensure that the proper protection of trees has been carried out and to ensure compensatory tree planting in the interests of visual amenity and to comply with Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document
11. In the interests of biodiversity and conservation and to comply with Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document
12. In the interests of sustainability and air quality in accordance 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:
Policy GN1 - Settlement Boundaries
Policy GN3 - Criteria for Sustainable Development
Policy RS1 - Residential Development
Policy IF2 - Enhancing Sustainable Transport Choice
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.

No.8	APPLICATION NO.	2019/0121/FUL
	LOCATION	St Elizabeths Parish Centre 10 Hall Road Scarisbrick Ormskirk Lancashire L40 9QE
	PROPOSAL	Proposed conversion of the former / vacant parish centre into 4 apartments, with associated external alterations and demolition of outbuildings
	APPLICANT	Father Godric n/a
	WARD	Scarisbrick
	PARISH	Scarisbrick
	TARGET DATE	5th November 2019

1.0 REFERRAL/DEFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Marshall has requested it be referred to Committee to consider whether the development represents over intensification of the site and the impact on highway safety.

2.0 SUMMARY

- 2.1 This is a detailed application for the conversion of the former / vacant parish centre to 4 apartments. The proposed use, layout and design is considered to be acceptable. The development will not have a detrimental impact on highway safety and adequate parking has been provided. It is also considered that the development would not have an impact upon the character of the Conservation Area or setting of the adjacent Listed Building. Subject to conditions I am satisfied that the proposal complies with the relevant policies of the Local Plan.

3.0 RECOMMENDATION: APPROVE subject to conditions.

4.0 THE SITE

- 4.1 The application site relates to the vacant Parish Centre for St Elizabeth's Church which is located to the south of Hall Road and is accessed via Clyffes Farm Close. The building was previously used as a privately run children's centre. The building is part of the nearby church and is operated and maintained by the church. The application site is located within a small rural village (settlement boundary) of Scarisbrick and also within the Scarisbrick Park Conservation Area. The application site is also an important building in the setting to two Grade II Listed Buildings which are adjacent to the site at St Elizabeth's RC Church and 1 Bescar Brow Lane.

5.0 THE PROPOSAL

- 5.1 This application seeks planning permission to convert the vacant Parish Centre for St Elizabeths Church into four apartments. Two units will comprise of three bedrooms and two units will comprise of two bedrooms. Parking will be provided within an existing hard surfaced courtyard.
- 5.2 It is worth noting that since first submission of the scheme the residential units proposed at this site have been reduced from 5 to 4.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2018/0651/FUL - Conversion of the vacant Parish Centre for St Elizabeth's Church into five two and three bedroom flats. Refused 02.11.2018.

7.0 CONSULTEE RESPONSES

- 7.1 LCC Highway Authority (16/10/2019) – No objections recommends planning conditions.
- 7.2 Environmental Health (24/04/2019) – The application site is situated extremely close to the road. Despite being classified as a 'B' road it is very busy, with significant agricultural, commercial and heavy vehicle use. The sharp corner, nearby junction and narrowness of the road also contribute to there being a considerable amount of road traffic noise. Recommends planning conditions in relation to noise survey and electric charging points.

8.0 OTHER REPRESENTATIONS

- 8.1 West Lancashire Conservation Area Panel (28/03/2019) - No objections in principle. Panel remain concerned over the proposed treatment of the windows and in particular the window on the western gable end (see comments made on the previous application 2018/0651/FUL dated 25 October 2018). Panel wish to see details of the window treatment to ensure the appearance of the building is not harmed by the proposed conversion.

- 8.2 Scarisbrick Parish Council
(05/04/2019) – No objections.
(11/10/2019) - Object to this application. In principle the Council is in favour of developing this building, however, the applicant has not adequately addressed the parking of occupant's vehicles, bin storage or flooding issues within the application. Parking and obstruction of the pavements are particular issues regularly highlighted to the Parish Council, the applicant should ensure that this proposal does not create more issues.

- 8.3 Four neighbour representations have been received, commenting:

Over intensification of the use of the building

Lack of amenity space

Access congestion

Health and safety

Bin store for 5 bins is inadequate – each property will require 3 wheelie bins as a minimum, which will compromise amenity space.

No provision of garage space

For the purposes of this application the proposed conversion should be termed as houses and not apartments

Parking concerns

Floor layout plans do not include details of existing cellar area

No pre application neighbour consultation

Over intensification of the use as residential may lead to anti-social behaviour, trespass and security issues in the neighbourhood

9.0 SUPPORTING INFORMATION

- 9.1 Planning Statement (Feb 2019)
- 9.2 Heritage Statement
- 9.3 Design and Access Statement (May 2018)

9.4 Preliminary Ecological Assessment (September 2018)

10.0 RELEVANT PLANNING POLICIES

10.1 National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the West Lancashire Local Plan (WLLP) provide the policy framework against which the development proposals will be assessed. The application site is located within a small rural village (settlement boundary) as designated in the West Lancashire Local Plan Proposal Map. The following policies are therefore relevant:

10.2 West Lancashire Local Plan 2012-2027 DPD

Policy SP1- A sustainable development framework for West Lancashire

Policy RS1 – Residential development

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

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

Policy IF2 – Enhancing Sustainable Transport Choice

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

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

IF3 – Service Accessibility and Infrastructure for Growth

Supplementary Planning Document – Design Guide (January 2008)

11.0 OBSERVATIONS OF DIRECTOR OF PLACE AND COMMUNITY

Assessment

11.1 The main areas for consideration in determining an application are:

Principle of Development

Design and appearance of the development (including impact upon Conservation Area and setting of adjacent Listed Buildings)

Highways

Impact upon neighbouring properties

Drainage

Trees and biodiversity

Principle of Development

Policy RS1 - Residential Development

11.2 The site is located within a small rural village as designed in the WLLP. Policy SP1 states that *development in the Small Rural Villages will only be permitted where it involves like for like redevelopment of an existing property, the appropriate re-use of an existing building or infill development (in line with Policy RS1).*

11.3 Within small rural villages, Policy RS1 allows *the appropriate re-use of an existing building.*

11.4 As the development is for the conversion of the existing building to residential use, which is an appropriate use within settlement areas, I consider that the principle of the proposed use is acceptable. As the site is protected by other policies, in considering the principle of the development, as the building has a community use being a Parish Centre for the Church, Policy IF3 is also relevant.

Policy IF3 'Service Accessibility and Infrastructure for Growth'

- 11.5 In terms of the loss of a community facility, Policy IF3 'Service Accessibility and Infrastructure for Growth' of the WLLP states that the loss of any community facility should be resisted unless it can be demonstrated that the facility is no longer needed or can be relocated elsewhere in a location that is equally accessible to the community.
- 11.6 One of the reasons for the refusal of planning application 2018/0651/FUL was that "The proposed development conflicts with Policy IF3 of the West Lancashire Local Plan in that it has not been demonstrated that the community facility is no longer needed or can be relocated elsewhere in a location that is equally accessible by the community".
- 11.7 A planning statement has been provided with the current planning application. It is advised that the building has not performed a community function since July 2015 when the use of the building terminated.
- 11.8 The building is in a poor state of repair and is not fit for purpose for community uses and it is estimated that the repair works to the premises would cost at least £50,000. It is advised that the Parish do not have the level of finance and even if it did – it would not be a viable commercial judgement to spend that on repairs to accommodate community users.
- 11.9 It is confirmed that the previous users of the building, a nursery and taekwondo club, on closure of the building, re-located to St Marys Primary School which is located on Hall Road, Scarisbrick. It is advised that moving these facilities to the school has also helped to sustain the village school.
- 11.10 It is also advised that it is the intention to spend part of the proceeds of the sale of the site on the refurbishment and extension of the presbytery to deliver a new community meeting venue.
- 11.11 Therefore, from the information provided, I consider that it has been demonstrated that the community facilities that were previously provided within the Parish Centre have been relocated to a location that is equally accessible to the community. The development therefore complies with IF3 of the WLLP.

Design and appearance of the development (including impact upon Conservation Area and setting of adjacent Listed Buildings)

- 11.12 In terms of design and the external appearance of the development, Policy GN3 of the WLLP together with the Council's SPD Design Guide states that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale or roofline.
- 11.13 LPA's should in coming to decisions have "special regard to the desirability of preserving listed buildings or their setting" as in section 66(1) and the need to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area under section 72. Recent High Court judgements identify the need to give considerable weight and importance to the duty imposed and to the presumption in favour of the desirability of the preservation of heritage assets, including their setting.
- 11.14 One of the reasons for the refusal of planning application 2018/0651/FUL was that "*By virtue of the limited information provided the applicant has not demonstrated that the*

development would preserve or enhance the character and appearance of the Scarisbrick Park Conservation Area or the setting of no. 1 Bescar Brow Lane – a grade II Listed Building and therefore conflicts with the requirements of Policies GN3 and EN4 of the West Lancashire Local Plan".

- 11.15 The current building is located on a prominent location with the north elevation fronting onto Hall Road. The L-shaped linked buildings are dated 1888 and are identified as being important unlisted buildings in the Scarisbrick Park Conservation Area Appraisal 2001. The building is also within the setting of Listed Buildings, at 1 Bescar Brow Lane of St Elizabeths RC Church.
- 11.16 Additional information and amendments have been made to the scheme since refusal notice 2018/0651/FUL.
- 11.17 In terms of the proposed roof lights, these have been reduced significantly, particularly on the northern side (front elevation) and are now predominately located on the courtyard side, which, at the rear of the property, is considered not to play a major role in the appearance of the building within the street scene. All proposed roof lights will be of conservation style and new doors and windows will be painted timber.
- 11.18 In terms of boundary treatment this has been confirmed that the existing brick dwarf wall with existing cast iron railing will be retained to the frontage. The dwarf wall and cast iron railing will be extended to either side of the frontage to match that of the existing which is acceptable.
- 11.19 Details of the treatment of the western gothic style window have been provided, to show how the mezzanine floor will be inserted across the window. These are acceptable and it is considered that the proposed conversion works will not have a significant impact on the appearance of the building.
- 11.20 Subject to appropriate planning conditions, in relation to materials and the position of bathroom vents, it is considered that the development would not result to any harm to the character or appearance of the Conservation Area or the setting of the adjacent Listed Building. The development is considered to comply with Policy EN4 of the WLLP.
- 11.21 In terms of amenity space, the Councils Design Guide is relevant and states that the minimum rear garden depth will generally be 10m unless the particular merits of the case, in terms of the character of the setting, warrant a reduction in this requirement. Due to initial Officer concerns in terms of amenity space to each unit, the number of units proposed has been reduced from 5 to 4 and a re-configuration of the amenity areas has now taken place.
- 11.22 Although the garden areas to each of the properties falls short of the 10m depth recommended by the SPD Design Guide, I consider the external amenity space to be provided is acceptable. The SPD indicates that the character of the setting can warrant a reduction in this requirement. The building plays a significant role in the setting of the adjacent listed building and it is important that it is brought back into viable use and in this context I consider the level of amenity space to be provided is acceptable.
- 11.23 A wheelie bin provision has been made on the site for storage for 14 bins, which is sufficient for the properties proposed.
- 11.24 In terms of any impact upon the adjacent Listed Buildings, I feel the proposed re-use retains the visual and historic relationship and will not harm the setting of Grade 2 St Elizabeth's Church or adjacent listed cottage, 1 Bescar Brow Lane and the proposal

therefore complies with Policy EN4 in the Local Plan, the NPPF and the Council's statutory duty..

Highways

- 11.25 The site is accessed by an existing vehicular access off Clyffes Farm Close which is off Hall Road. Clyffes Farm Close is an unclassified road which has been categorised as a local access road with a 30mph speed limit fronting the site.
- 11.26 The proposal is for 2 No 2 bedroom flats and 2 No 3 bedroom flats with car parking for 8 cars including provision for 1 disabled parking space. Based on the recommended parking provision within the West Lancashire Local Plan as contained within Policy IF2, I consider that adequate car parking has been provided. The Highway Authority have been consulted and raised no objection to the development and consider that the proposed development should have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site.

Impact upon neighbouring properties

- 11.27 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring and proposed properties.
- 11.28 One of the reasons for the refusal of planning application 2018/0651/FUL was that the *"The proposed development conflicts with Policy GN3 of the West Lancashire Local Plan and Supplementary Planning Document 'Design Guide' (Jan 2008) in that the development due to the location of first floor roof lights would result in overlooking to the rear garden area of no. 1 Bescar Brow Lane to the significant detriment of the residential amenity of occupiers of that property"*.
- 11.29 No. 1 Bescar Brow Lane lies to the west of the application site. Further to the refusal notice, the number of rooflights on the western side elevation have been reduced, with just one rooflight proposed to the most southern plot. It is confirmed that this rooflight will be located closer to the ridge at a minimum of 2.2m above the floor level of the room in which is it installed to prevent any overlooking to the garden area of no.1 Bescar Lane.
- 11.30 To the south west of the site is no.2a Clyffes Farm Close. I note that in the unit which would directly face no.2a to the southern elevation, a window exists which would serve a ground floor living room and first floor bathroom. The plans indicate that this window will be obscurely glazed at first floor level to prevent any overlooking implications to the occupants of no.2a.
- 11.31 Policy GN3 of the WLLP also seeks to protect the amenity of proposed properties. The application site is situated extremely close to the road. Despite being classified as a 'B' road it is very busy, with significant agricultural, commercial and heavy vehicle use. The sharp corner, nearby junction and narrowness of the road also contribute to there being a considerable amount of road traffic noise. Therefore to protect the amenity of the proposed occupiers of the properties a planning condition is recommended to require the submission of a noise survey and any related mitigation.

Drainage

- 11.32 It is indicated that foul sewage and surface water is to be disposed of via mains drainage within the submitted planning application form. Full drainage details have not been submitted with the application. However there is a net reduction in hardsurfacing as a

result of the development. A planning condition is recommended which would require the developer to submit full details of both foul and surface water drainage for approval prior to the commencement of development.

Trees and Biodiversity

11.33 There are existing trees within the site which are shown for retention on the submitted plans. A condition is recommended to ensure that these trees are protected during construction.

11.34 The scheme represents net gains for biodiversity as additional areas of the site are to be grassed and landscaped. Details of the proposed landscaping scheme will be required by condition. I am therefore satisfied that the proposed development complies with policy EN2 in the Local Plan.

12.0 CONCLUSION

12.1 The principle of the proposed development is acceptable and the scheme complies with the relevant policies in the Local Plan, the NPPF and the Council's statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990.

13.0 RECOMMENDATION

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

Condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference PA-AX-72-001; A132; A139; A118 and A-AX-76-002 received by the Local Planning Authority on 30/10/2019.
3. No development shall take place until a scheme for the separate foul and surface water drainage of the site, including any necessary attenuation measures, has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation of the building/s and maintained as such at all times for the duration of the development.
4. 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.
5. The proposed hardstanding areas shall be made of a porous materials or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the site boundaries.
6. Within three months of commencement of development a landscaping scheme shall be submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas. Trees and shrubs planted shall comply with BS. 3936(Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). Within a period of 9 months from the date when any part of the development is brought into use the approved landscaping scheme shall be carried out. All planting shall be maintained and dead or

dying material shall be replaced for a period of seven years from the agreed date of planting.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development and General Development Procedure) Orders 1995 or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no window or rooflight shall be added to the property until details of the positioning, size and design have been submitted to and approved in writing by the Local Planning Authority.
8. Unless otherwise agreed in writing with the Local Planning Authority all windows and doors shall be painted timber; rainwater goods shall be cast iron or aluminium ogee; and, rooflights shall be 'conservation grade' flush fitting rooflights.
9. No vents shall be added to the roof of the building until details of the positioning, size and design have been submitted to and approved in writing by the Local Planning Authority.
10. Prior to the commencement of the use of the development hereby approved any part of the bathroom first floor window on the southern elevation below a height of 1.7m above the floor of the room in which the window is installed, shall be fitted with obscure glazing (Pilkington level 3 or equivalent) and shall be non opening and shall remain so fitted at all times thereafter for the duration of the development.
11. No boundary treatment shall be erected on the site until details of the positioning, size and design have been submitted to and approved in writing by the Local Planning Authority.
12. The car parking spaces and manoeuvring areas shall be marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.
13. No part of the development hereby approved shall commence until a scheme for the construction of the new site access (and reinstatement of existing radius access) has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of an appropriate legal agreement, under the Highways Act 1980. The scheme shall be implemented in accordance with the approved details prior to first occupation of the building.
14. Prior to commencement of development, a noise assessment shall be carried out to demonstrate that noise from the B5242 will not adversely affect the occupiers of the proposed residential development. The scheme should be submitted to and approved in writing by the local planning authority. The scheme shall include any details of noise mitigation measures. All works which form part of the scheme shall be completed before the dwellings are occupied and retained thereafter.
15. The existing trees shall be retained and before site works commence they shall be protected with stout fencing constructed to BS5837:2012, to contain the branch spread of the trees. Such fencing shall remain and be adequately maintained for the duration of the development operations. Within this fencing no development operations may take place including the storage or dumping of materials or plant, the lighting of fires, the siting of temporary huts or the raising or lowering of ground levels. All dead or damaged existing trees specified for retention shall be replaced with trees of such size and species approved in writing by the Local Planning Authority.

Reason(s)

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. The character and location of the building such that the Local Planning Authority wish to exercise maximum control over future development in order to comply with the provisions of Policies GN3 and EN4 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. The character and location of the building is such that the Local Planning Authority wish to exercise maximum control over future development in order to comply with the provisions of Policies GN3 and EN4 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. The character and location of the building is such that the Local Planning Authority wish to exercise maximum control over future development in order to comply with the provisions of Policies GN3 and EN4 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To protect the privacy of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. The character and location of the site is such that the Local Planning Authority wish to exercise maximum control over future development in order to comply with the provisions of Policies GN3 and EN4 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. To allow for the effective use of parking areas and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
13. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.
14. To protect the amenity of the future occupiers of the residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
15. To protect the trees and shrubs and thereby retain the character of the site and the area and to ensure that the development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:
 Policy SP1- A sustainable development framework for West Lancashire
 Policy RS1 – Residential development
 Policy GN1 – Settlement Boundaries
 Policy GN3 – Criteria for Sustainable Development
 Policy EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
 Policy IF2 – Enhancing Sustainable Transport Choice
 Policy EN4 – Preserving and Enhancing West Lancshires Cultural and Heritage Assets
 Policy IF3 – Service Accessibility and Infrastructure for Growth
 together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.

Agenda Item 7i

No.9	APPLICATION NO.	2019/0392/FUL
	LOCATION	Land On The South Side Of Jacksmere Lane Scarisbrick Lancashire
	PROPOSAL	Use of 6.6 acre field for dog walkers business including the raising of existing stock fencing to 1.6m (high); hardstanding area for parking and use of field shelter as dog walkers shelter.
	APPLICANT	Mr J McGee
	WARD	Scarisbrick
	PARISH	Scarisbrick
	TARGET DATE	12th August 2019

1.0 REFERRAL

- 1.1 The application was to be determined under delegated powers, however, Councillor J. Marshall has requested it be considered at Planning Committee to consider dog fowling and impact upon agricultural land.

2.0 SUMMARY

- 2.1 The proposed development to change the use of site for use by a dog walkers business and associated development is considered to be acceptable in principle and in compliance with Policy GN1 of the West Lancashire Local Plan. The proposal is considered to be appropriate to the location and will not have a significant impact on the character or appearance of the surrounding area or on the amenity of neighbouring properties. Suitable planning conditions will be added to any approval to ensure a controlled use of the site to safeguard the amenity of the adjacent properties and protect the openness and visual amenity of the Green Belt. The proposed development is considered to be compliant with the NPPF and Policies GN1, GN3 and IF2 of the West Lancashire Local Plan 2012-2027 DPD.

3.0 RECOMMENDATION: **APPROVE subject to conditions.**

4.0 THE SITE

- 4.1 The application site relates to a large area of land (6.6 acres) to the south side of Jacksmere Lane. The land is partially vacant with some areas used for sheep grazing. There is an existing field shelter centrally on the application site. The site is located within the Green Belt.

5.0 THE PROPOSAL

- 5.1 This application seeks planning permission for the use of the 6.6 acre field for a dog walkers business. The proposals will also include the installation of a ground stabilising mesh for car parking (3 parking bays plus one disabled bay), a gate set in 5m to allow vehicles to pull in from road, an increase in stock fencing to 1.6m and use of existing field shelter for the use by dog walkers.
- 5.2 Supporting information advises that customers will book the use of field via a website or by telephone. It is envisaged that there will be two dog walking fields, with the car parking area separating the two fields. Therefore two bookings could use the field at any one time. The dog walking facility will be used between the hours of 0700-2100 and will be used by a maximum of 6 dogs at any one time.

6.0 PREVIOUS RELEVANT DECISIONS

6.1 None.

7.0 CONSULTEE RESPONSES

7.1 Highways (04/07/2019) - No objections to the application and is of the opinion that the proposals should have a negligible impact on highway safety and capacity on the local highway network.

7.2 Environmental Health (15/10/2019) – Some concerns are raised as Environmental Health have had complaints in the past associated with the use of fields for dog training. The issues have been about voices of the trainers, whistles and barking. However a dog walking field, not used for formal training, is not likely to have these issues, except for some potential for barking.

Noise from the vehicle parking is unlikely to be an issue. The noise from the use of the field is very much dependent on the intensity of the use and each user: e.g. one or two users bringing their own dogs for a play is different from a trainer with a class of dogs and owners.

Recommend planning conditions if planning permission is granted in relation to hours of use, number of dogs that use the field at any one time, not using the field for commercial dog training and time of waste collection.

8.0 OTHER REPRESENTATIONS

8.1 Scarisbrick Parish Council
(05/07/2019) – Object on the grounds that:

Site is within the Green Belt;
Dog walkers business would require a change of use a business class;
Land will lose its 'best and most versatile' classification;
Should business cease or move the land will be reclassified as 'brownfield' and opened up to development.

(24/07/2019)-

Change of use from 'agricultural' to 'business'. The proposed use falls outside the definition of 'agriculture' as set out in sec 336 of the Town and County Planning Act 1990. In consequence planning policy EC2 applies in that the "irreversible development of open agricultural land will not be permitted";

Site is within the green belt;

Applicant failed to show that this is a sustainable development;

The business case outlined in the application would fail to return enough income to cover minimum wage requirements, business rates, waste disposal and other charges;

No new jobs will be created;

It should be noted that the Parish Council provide a similar free venue at Millennium Wood and there are multiple free dog walks in the immediate vicinity. It is a major concern to the Parish Council that the proposal is a pre-cursor or staged approach to an application to develop the site for housing;

The applicant has ticked 'No' to question 7 "Waste Storage and Collection". There will be animal waste and litter generated by users. Failing to identify and address this issue is a fundamental flaw within the application;

The applicant has failed to adequately address access within the application. The Parish Council believe that the vehicle access to the site is inappropriate for the proposed use. The entrance is too narrow and does not meet the required standard.

8.2 Three neighbour letters have been received, objecting on the grounds of:

No need for a dog walking business in Jacksmere Lane as there is sufficient dog walking available via public footpaths;

Jacksmere Lane is often used as a rat run for fast driving. The development will bring more cars and complicate the visibility and cause more accidents with cars stopping and moving off;

Not acceptable in the Green Belt – will destroy the openness, character and visual amenity;

Site is Grade 1 agricultural land;

Noise of dog barking and noise of cars stopping and driving;

Removal of land from green belt by giving it a commercial use;

Will fencing need to be higher?

No landscaping proposed.

9.0 SUPPORTING INFORMATION

9.1 None.

10.0 RELEVANT PLANNING POLICIES

10.1 National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the West Lancashire Local Plan (WLLP) provide the policy framework against which the development proposals will be assessed. The application site is located within the Green Belt as designated in the West Lancashire Local Plan Proposal Map. The following policies are therefore relevant:

10.2 West Lancashire Local Plan 2012-2027 DPD
GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
IF2 – Enhancing Sustainable Transport Choice
EC2 – The Rural Economy

Supplementary Planning Document – Design Guide (January 2008)

National Planning Policy Framework (NPPF)

11.0 OBSERVATIONS OF DIRECTOR OF PLACE AND COMMUNITY

11.1 The main areas of consideration in determining this application are:

Principle of development

Location of development and highway consideration

Design and Appearance

Impact upon adjoining land uses including neighbouring properties

Loss of best and most versatile agricultural land

Other Matters

Principle of Development– Change of use of land in the Green Belt

- 11.2 Policy GN1 in the WLLP states that proposals for development in the Green Belt will be assessed against national policy and any relevant Local Plan policies. Under Section 13 of the NPPF the types of appropriate development in the Green Belt are listed. Paragraph 146 permits material changes of land (including use for outdoor recreation) and engineering operations subject to the preservation of the openness and avoidance of conflict with the reasons for including land in the Green Belt.
- 11.3 The use of the land would not, in itself, result in a loss of openness or conflict with reasons for including land in the Green Belt; however, the operational development required to support it (raising of the fence / erection of gate / parking areas) would cause a minor loss of openness. The proposed vehicle parking areas are shown to be formed by the use of a grass reinforcement mesh system which, as an engineering operation, will also result in a small impact on openness. Under the terms of paragraph 144, any harm to the Green Belt must be afforded 'substantial' weight and planning permission should not be granted unless very special circumstances exist and those circumstances outweigh the harm arising.
- 11.4 In assessing the Green Belt planning balance it is noteworthy that Section 13 of the NPPF also provides support for opportunities to provide access, outdoor sport and recreation (para 141); furthermore, para. 83c of the NPPF encourages sustainable leisure developments which respect the character of the countryside. Given this support, the limited harm arising from the grass reinforcement mesh system (which has been reduced significantly since first submission to ensure it is proportionate to the use of the site) and the fact that the fence has been kept of an open rural design common in rural green belt areas, I consider that the proposal would not conflict with the aims of Green Belt policy by keeping land permanently open. I therefore consider there are sufficient very special circumstances to warrant support of the principle of development.

Principle of Development – Flood Zone 3

- 11.5 The site lies partly in a flood zone 3 area however the proposed use of the site is classified as water compatible and therefore no sequential or exceptions tests are required and the principle of development is acceptable under the terms of the NPPG, NPPF and Policy GN3 in the WLLP.

Location of development and highway consideration

- 11.6 The general approach of the NPPF and Policies SP1 and GN3 in the WLLP is to site facilities where they are accessible to their intended users and be reached by sustainable travel means. The proposed development is somewhat remote from its intended dispersed catchment - particularly with respect to accessibility other than by private motor vehicle. The site is not in an easily accessible location and it is unlikely that users will rely on local bus services or be practical to access by cycle or walking.
- 11.7 The site benefits from an established access point on Jacksmere Lane affording good visibility in both directions. The amount of traffic generated is not considered significant and will not materially impact on highway safety or capacity in the locality. Furthermore, sufficient parking for the intended use is provided. The Highway Authority raises no objection to the scheme and is of the opinion that the proposals should have a negligible impact on highway safety and capacity on the local highway network. On that basis the proposal is considered consistent with the requirements of Policies GN3 and IF2 in the WLLP.

Design and Appearance

11.8 The development lies within the open countryside and by use of open bar boundary treatment and grass reinforcement mesh system the development protects the local rural characteristic in accordance with Policy GN3 and guidance in the WLBC Design Guide.

Impact upon adjoining land uses including neighbouring properties

11.9 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains reasonable levels of amenity and avoids conflict with adjacent land uses. I note objections from neighbouring properties which are highlighted in paragraph 8.2.

11.10 The proposals have been assessed by the Councils Environmental Protection team who have expressed concern in relation to issues from voices from trainers, whistles and barking. In this case, whilst the proposal is submitted as a commercial enterprise it is understood that it is not intended to provide commercial dog training – no dog agility equipment is proposed.

11.11 With respect to the noise generated from the use of the field, this is dependent on the intensity of the use. The submissions suggest that the field will be booked out by users via telephone or online bookings thereby avoiding an uncontrolled, intensive use or multiple users. The applicant has confirmed there will be a maximum of 6 dogs using the field at any one time. I consider this is capable of being legitimately controlled by planning condition. Subject to the imposition of suitable conditions, I do not consider the proposed use would result in significant noise and disturbance as the nearest residential properties are a minimum of 35m to the north of the site, on the other side of Jacksmere Lane.

11.12 It is not anticipated that noise from the vehicle parking is likely to be an issue.

11.13 Given the above, I consider that subject to suitable controls over the intensity and times of use, there is unlikely to be any significant impact on surrounding land uses including residential amenity to the properties to the north of the site.

Loss of best and most versatile agricultural land

11.14 Policy EC2 of the WLLP advises that the irreversible development of open, agricultural land will not be permitted where it would result in the loss of the best and most versatile agricultural land. The application site is Grade 1 agricultural land. As no major works are proposed other than a small area of hardstanding to the front of the site I do not consider the development of the site would prevent the land being returned for agricultural purposes in the future. The development would therefore comply with Policy EC2 of the WLLP.

Other Matters

11.15 In terms of animal waste the applicant has confirmed that 2 x 40ltr animal waste bins will be provided on site for a weekly pick up by a professional waste collector. No drainage issues are anticipated due to the provision of grasscrete surfacing for the parking areas.

12.0 CONCLUSION

12.1 Given the above the proposed development is considered to be compliant with the NPPF and Policies GN1, EC2, GN3 and IF2 of the West Lancashire Local Plan 2012-2027 DPD.

13.0 RECOMMENDATION

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

Condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference 'Proposed Parking Plan'; 'Proposed Site Plan' and proposed fence plan received by the Local Planning Authority on 09/09/2019.
3. The application site shall be used only for dog walking and exercising and associated parking and for no other purposes whatsoever including commercial dog training classes.
4. The application site shall not be used for more than six dogs at any one time.
5. Collections of waste from the site shall only take place between the hours of 08:00 and 20:00 Monday to Saturday and at no time on Sunday and Bank Holidays.
6. No lighting shall be installed on the site until details have first been submitted and agreed in writing with the Local Planning Authority.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no means of enclosure other than those shown on the approved plans shall be erected or undertaken without the express written permission of the Local Planning Authority.
8. No jumps, ramps, obstacles or similar items for dog agility training or similar purposes shall be placed on the land at any time.
9. The car parking and manoeuvring areas shall be marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative and permanently maintained thereafter.
10. No part of the development shall be commenced until the section 184 agreement under the Highways Act 1980 has been entered for the dropped crossing within the adopted highway. The dropped crossing to be constructed in accordance with a scheme and time scale that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority as part of a section 184 agreement, under the Highways Act 1980.

Reason(s)

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To safeguard the openness and visual amenity of the Green Belt and rural locality and so comply with the provisions of Policies GN1 and GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

8. To safeguard the openness and visual amenity of the Green Belt and rural locality and so comply with the provisions of Policies GN1 and GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To allow for the effective use of the parking areas and to ensure compliance with Policy GN3 of the West Lancashire Local Plan.
10. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway works are acceptable before work commences on site and to enable all traffic to enter and leave the premises in a safe manner without causing a hazard to other road users or damage to the existing highway.

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:
GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
IF2 – Enhancing Sustainable Transport Choice
together with Supplementary Planning Guidance and all relevant material considerations. Whilst the Local Planning Authority recognises that the proposal does not fully comply with Policy GN1 in the West Lancashire Local Plan 2012-2027 DPD it feels that special circumstances exist, namely not conflict with the aims of Green Belt policy by keeping land permanently open. It is considered that these special circumstances justify approval of the application as set out in the Officer's report. This report can be viewed or a copy provided on request to the Local Planning Authority.

Agenda Item 7j

No.10 APPLICATION NO.	2019/0803/FUL
LOCATION	Blackhurst Barn 396 Blackgate Lane Tarleton Preston Lancashire PR4 6JJ
PROPOSAL	Construction of a replacement portal frame building for B1/B8 uses under the use classes order and change of use of land in part for B1/B8 uses under the use classes order.
APPLICANT	Tarleton Estates Limited
WARD	Tarleton
PARISH	Tarleton
TARGET DATE	1st October 2019

1.0 REFERRAL/DEFERRAL

- 1.1 Councillor Mee has requested the application be called in to Planning Committee to consider the impact on Green Belt and amenity as a result of increased noise and visual impact.

2.0 SUMMARY

- 2.1 The application is for the erection of a building to be used in connection with a B1/B8 use following demolition of existing buildings on site, and the change of use of a portion of the site to B1/B8 use. The principle of the development in this Green Belt location is considered acceptable, and I am satisfied that the proposed development is of an appropriate design and would not cause unacceptable harm to visual or residential amenity or highway safety.

3.0 RECOMMENDATION: APPROVE subject to conditions.

4.0 THE SITE

- 4.1 The site is located to the south of Blackgate Lane. The site contains a barn, portacabin building and two mono-pitched sheds which are arranged in a 'u' shape and set around an area of hardstanding. Access to the site is taken from Blackgate Lane.
- 4.2 To the north, on the opposite side of Blackgate Lane there are barns which have been converted into residential dwellings; to the east, south and west is open land.

5.0 THE PROPOSAL

- 5.1 The application is for the construction of a portal framed building which would be used for class B1/B8 uses, and change of use of the land in part for B1/B8 uses. B1 uses are business uses, for example offices, research and development of products or processes and light industry. B8 uses relate to storage and distribution uses.
- 5.2 The existing structures on the site would be demolished and a new portal framed building would largely sit on the footprint of the existing barn, and would have a floor area of approximately 196.98m, and be approximately 18.761m x 10.51m and be 4.5m to eaves and 5.9m to ridge height. The remainder of the site would be developed for a yard area and hardstanding for car parking, all in connection with use of the land for B1/B8 uses.

- 5.3 It is proposed to change the use of a section of the site (to the south east, on the site of the mono-pitched sheds) to B1/B8 purposes. This part of the site would be used for staff car parking and as a storage area, following demolition of the sheds.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 1992/0779 – Continuation of use as agricultural research laboratory re: planning permission 8/89/559. GRANTED.

7.0 CONSULTEE RESPONSES

- 7.1 Highway Authority (27.08.19) – No objection.
7.2 Principal Engineer (01.11.19) – No objection.

8.0 OTHER REPRESENTATIONS

- 8.1 One letter of objection has been received, the grounds of objection can be summarised as:

The site has always been used for agricultural purposes which does not detract from the surrounding Green Belt and local countryside.
Impact on wildlife and native trees/plants.
Impact on highway safety and condition of local roads.
Increased noise and disturbance.

9.0 SUPPORTING INFORMATION

- 9.1 Planning Supporting Statement
Design and Access Statement
Transport Statement
Drainage Strategy
Ecological Appraisal

10.0 RELEVANT PLANNING POLICIES

- 10.1 The National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the West Lancashire Local Plan 2012-2027 provide the policy framework against which the development proposals will be assessed.
10.2 The site is located within the Green Belt the following policies are therefore relevant:

The National Planning Policy Framework (NPPF)

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

West Lancashire Local Plan

SP1 – A Sustainable Development Framework for West Lancashire
GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development

11.0 OBSERVATIONS OF DIRECTOR OF PLACE AND COMMUNITY

Principle – Green Belt

- 11.1 Policy GN1 of the Local Plan states that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies. Paragraph 133 of the NPPF retains the government’s view that great importance is attached to Green Belts. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 11.2 The NPPF at paragraph 145 indicates that the construction of new buildings in the Green Belt is inappropriate other than for a number of identified exceptions. One of these exceptions is found at paragraph 145(g) and allows for ‘limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development.
- 11.3 The existing barn building (to the south west of the site) and its associated curtilage currently benefits from a B1 (business) and a B8 (storage and distribution) use, and the existing portacabin building (to the north east of the site) currently benefits from a B1 (business) use through the exercising of permitted development rights under Class R, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. It is therefore accepted that this part of the site could be defined as ‘previously developed land’, and as such the principle of allowing development on the site of the existing barn and portacabin buildings (including their associated curtilages) is acceptable in principle provided there is no greater impact on openness than that which currently exists.
- 11.4 The building would be erected following demolition of existing buildings on the site, which includes a barn, porta-cabin office building, and two mono-pitched sheds; the proposed building would be sited largely on the footprint of the existing barn building and would lead to an overall reduction in built development on the site. I consider that the removal of structures to the south and east of the site would have the effect of increasing openness in this Green Belt location and allow greater views across the site.
- 11.5 The application also involves change of use of the land to the south-east of the site (the sheds are currently sited in this location) to be used in connection with the B1/B8 use on site; this portion of land would be used for car parking and storage. Paragraph 146 (e) of the NPPF allows for the material change of use of land within the Green Belt provided it preserves openness and does not conflict with the purposes of including land within it. In this particular case there are currently sheds on the site and these would be demolished to make way for loose gravel hardstanding. I am satisfied that the removal of the sheds and the laying of loose gravel would allow views across the site and improve openness in this location.
- 11.6 I am satisfied that the proposed development is not inappropriate development in the Green Belt and would have the effect of increasing openness across the site.

Design and appearance

- 11.7 The site currently comprises a collection of buildings of various styles and designs, in varying states of repair. The proposed development involves the removal of the existing buildings on site and the erection of 1no. 3-bay portal frame construction building, clad in 40mm thick composite box profile sheeting to the sides. There would be skylights in the roof, a roller shutter door to the eastern elevation and a personnel door to the west and eastern elevation. The proposed building would be sited on the footprint of the existing barn building on site, and would be typical of other commercial buildings in the local area. The development would remove existing unsightly buildings from the site and include some landscaping to the site frontage which would soften the appearance of the site when viewed from the road. The landscaping would be secured by planning condition.
- 11.8 I am satisfied that the proposed development would not have a detrimental impact on visual amenity, in accordance with Policy GN3 of the Local Plan.

Impact on residential amenity

- 11.9 The site has previously been used for the storage and distribution of potatoes and other agricultural produce. The site currently benefits from a B1/B8 use across two buildings on the site, and as a result of this application being approved the site would operate within the B1/B8 use class.
- 11.10 In its former use as a place for the storage and distribution of potatoes the activities and operations on the site would have been unrestricted, the same would be true of a B1/B8 use obtained through the use of permitted development rights. The building and yard area is relatively small for a commercial operation and as such the potential for disturbance from activities on site would be limited, and can be controlled through the imposition of appropriate planning conditions. In terms of potential impact from the building itself, I am satisfied that it would be sufficient distance from the nearest residential dwellings on the opposite side of Blackgate Lane to ensure that there would be no impact from overshadowing or creation of poor outlook.
- 11.11 I am satisfied that the proposed development will be acceptable in terms of impact on residential amenity in accordance with Policy GN3 of the Local Plan.

Drainage

- 11.12 It is proposed that surface water from the new building and associated hardstanding will be collected within a hydraulic sub base storage tank below the tarmac yard area. The attenuated flow would be restricted to 3 l/s before discharging into the existing drainage ditch to the east of the site. This approach has been considered by the Council's Principal Engineer and is considered acceptable in principle.
- 11.13 I am satisfied that the proposed surface water drainage strategy is acceptable and in accordance with Policy GN3 of the Local Plan.

Ecology

- 11.14 An ecological survey including; a Phase 1 Habitat Survey; Preliminary Bat Roost Evaluation; Evaluation on the potential effects on Great Crested Newts; Water Vole Survey; and Breeding and Wintering Bird Evaluation, has been submitted as part of the application. The findings of which are that there would be no significant impact on biodiversity as a result of the development.

11.15 I am satisfied with the findings of the ecological surveys, including potential impacts on protected species, in accordance with Policy EN2 of the Local Plan.

Highways

11.16 The application has been accompanied by a Transport Statement (TS) which concludes that compared to the former use of the site, the proposals would not result in any additional staff on site, and there would be no significant increases in car or HGV trips generated as part of the proposals. The Highway Authority has reviewed the application and is satisfied that the proposed development would have a negligible impact on the local highway network.

Conclusion

11.17 I am satisfied that the principle of the proposed development is acceptable in this Green Belt location, and that the appearance of the development would be appropriate and it would not have a detrimental impact on residential amenity, biodiversity and highway safety. I consider that the proposed development complies with all relevant policies in the Local Plan.

12.0 RECOMMENDATION

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

Condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference 'Site Location Plan', 'Proposed Site Plan – SK/00/01', received by the Local Planning Authority on 02.08.19.
Plan reference 'Plans and Elevations – P6197-01', received by the Local Planning Authority 06.08.19.
3. The development shall be constructed from the materials detailed in question 9 on the planning application form received by the Local Planning Authority 02.08.19.
4. Within 9 months from the date when any part of the development hereby approved is first brought into use the approved landscaping scheme shall be carried out. All trees and shrubs planted shall comply with BS. 3936 (Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.
5. The proposed drainage scheme shall be implemented in accordance with the details provided in the Drainage Strategy received by the Local Planning Authority 02.08.1, prior to the hereby approved building being brought into use.
6. The car park shall be surfaced or paved and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.
7. Prior to commencement of the use of any fixed plant, a scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the rating level of noise from fixed plant shall not exceed 5dB(A) below the existing LA90 background noise level at the boundary of any of the nearby residential premises. All measurements and assessments shall be done in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound.

8. There shall be no loading or unloading of goods vehicles on site and no mobile plant vehicles shall be operated on the external yard outside the hours of 07:30 and 18:00 Monday- Friday and 08:00- 13:00 on Saturdays, nor any time on Sundays, Bank or Public Holidays.
9. No deliveries shall be received or dispatched from the site outside the hours of 07:30 and 18:00 Monday - Friday and 08:00-1300 Saturday, nor at any time on Sundays, Bank or Public Holidays.
10. Prior to its installation, a scheme detailing all the external lighting to be installed on the site shall be submitted to and approved in writing by the local planning authority. All external lighting shall be installed and maintained in accordance with the agreed scheme and as per manufacturer's instructions.
11. The proposed development shall not be operated in a manner which gives rise to noise levels greater than 55dBA LAeq when measured at the boundary of any dwelling in the vicinity of the site.

Reason(s)

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To allow for the effective use of parking areas and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

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

EN2 - Preserving and Enhancing West Lancashire's Natural Environment together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.

