



Jacqui Sinnott-Lacey  
Chief Operating Officer

52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

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Wednesday, 11 March 2020

**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 MRS 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, 19 MARCH 2020** 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** 843 - 844  
If a member requires advice on Declarations of Interest, he/she is advised to contact the Legal and Democratic Services Manager 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** 845 - 850  
To receive as a correct record the minutes of the meeting held on the 20 February 2020.
- 7. PLANNING APPLICATIONS** 851 - 862  
To consider the report of the Corporate Director of Place and Community.
- 7a 2019/1080/FUL - 9 MERE BROW LANE, TARLETON** 863 - 874  
To consider the report of the Corporate Director of Place and Community.
- 7b 2019/0757/FUL - LAND OPPOSITE 16-32 BRIERFIELD, DIGMOOR, SKELMERSDALE** 875 - 884  
To consider the report of the Corporate Director of Place and Community.
- 7c 2019/0936/ARM - LAND TO THE REAR OF 38 NEWARTH LANE, HESKETH BANK** 885 - 896  
To consider the report of the Corporate Director of Place and Community.
- 7d 2019/1207/FUL - CHAPEL COURT, CHAPEL MEWS, ORMSKIRK** 897 - 904  
To consider the report of the Corporate Director of Place and Community.
- 7e 2019/1093/FUL - SITE OF THE FORMER YEW TREE FARM, LIVERPOOL ROAD SOUTH, BURSCOUGH** 905 - 924  
To consider the report of the Corporate Director of Place and Community.

- 7f      **2019/0719/FUL - LAND TO THE SOUTH OF NORTHFIELD,  
SKELMERSDALE**      925 - 936  
To consider the report of the Corporate Director of Place and  
Community.
8.      **OBJECTION TO A TREE PRESERVATION ORDER (TPO) PRIOR  
TO CONFIRMATION - PINE TREE AT 6 WINIFRED LANE  
AUGHTON**      937 - 964  
To consider the report of the Corporate Director of Place and  
Community.
9.      **DATES OF FUTURE PLANNING MEETINGS**  
To be noted:-  
23 April 2020  
21 May 2020  
18 June 2020  
23 July 2020  
10 September 2020  
15 October 2020  
3 December 2020  
14 January 2021  
11 February 2021  
18 March 2021  
22 April 2021  
20 May 2021

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

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

### Interest

Employment, office, trade, profession or vocation

Sponsorship

### Prescribed description

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

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

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

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

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

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

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

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

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

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

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

**'a connected person'** means

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

**'body exercising functions of a public nature'** means

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

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

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



# Agenda Item 6

## PLANNING COMMITTEE

**HELD:** Thursday, 20 February 2020

Start: 7.00pm

Finish: 9.55pm

### PRESENT:

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

Councillors: 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  
Mrs J Witter

In attendance: Councillor Mills (Halsall Ward)  
Councillor Marshall (Scarisbrick Ward)

Officers: Ian Gill, Head of Growth and Development Services  
Catherine Thomas, Development, Heritage & Environment Manager  
Peter Richards, Strategic Planning, Regeneration & Implementation Manager  
Peter Morrison, Service Improvement and Special Projects Manager  
Mark Loughran, Senior Planning Officer  
Judith Williams, Assistant Solicitor  
Adam Spicer, Assistant Solicitor  
Martin Klabou, Planning Officer  
Jill Ryan, Member Services/Civic Officer

### 97 APOLOGIES

There were no apologies for absence received.

### 98 MEMBERSHIP OF THE COMMITTEE

There were no changes to the membership of the Committee.

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

There were no items of urgent business.

### 100 DECLARATIONS OF INTEREST

Councillor O'Toole declared a non-pecuniary interest in relation to Agenda Item 9 – Notification of intention to carry out works to trees in a Conservation Area as the trees in questions were on his own property.

101 **DECLARATIONS OF PARTY WHIP**

There were no Declarations of Party Whip.

102 **MINUTES**

RESOLVED: That the minutes of the meeting held on the 9 January 2020 be approved as a correct record and signed by the Chairman.

103 **PLANNING APPLICATIONS**

The Corporate Director of Place and Community submitted a report on planning applications (all prefixed 2019 unless otherwise stated) as contained on pages 657 to 754 of the Book of Reports and on pages 833 to 838 of the Late Information Report.

Notes:-

1. Aughton Parish Clerk spoke in connection with planning application 0896/FUL relating to 69 Town Green Lane, Aughton.
2. The Applicant spoke in connection with planning application 0896/FUL relating to 69 Town Green Lane, Aughton.
3. An Objector and the Agent spoke in connection with planning application 0792/FUL relating to Land to the North-east of Fairstead, Birch Green, Skelmersdale.
4. An Objector and the Agent spoke in connection with Eskbank Day Nursery, 42A Eskbank, Skelmersdale.
5. Halsall Parish Council spoke in connection with planning application 1257/FUL relating to 72 New Cut Lane, Halsall along with 2 Objectors and the Agent.
6. Councillor Mills spoke in connection with planning application 1257/FUL relating to 72 New Cut Lane, Halsall and left the Chamber at the conclusion of this application.
7. Councillor Marshall left the meeting at the conclusion of planning application 1257/FUL relating to 72 New Cut Lane, Halsall and was not present for the remainder of the meeting.

104 **2019/0896/FUL - 69 TOWN GREEN LANE, AUGHTON, ORMSKIRK, LANCASHIRE**

RESOLVED: That planning application 0896/FUL relating to 69 Town Green Lane, Aughton be approved subject to the conditions as set out on pages 663 to 665 of the Book of Reports.

**105 2019/0792/FUL - LAND TO THE NORTH-EAST OF FAIRSTEAD, BIRCH GREEN, SKELMERSDALE, LANCASHIRE**

RESOLVED That in respect of planning application 0792/FUL relating to Land to the North-East of Fairstead, Birch Green, Skelmersdale:-

- (i) That 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 the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 to require:

The terms and conditions of the affordable housing;

- (ii) That any planning permission granted by the Corporate Director of Place and Community be pursuant to the conditions as set out on pages 673 to 678 of the Book of Reports.

**106 2019/1118//FUL - LAND BOUNDED BY LIVERPOOL ROAD SOUTH, ABBEY LANE, BURSCOUGH, LANCASHIRE**

RESOLVED: That in respect of planning application 1118/FUL relating to Land bounded by Liverpool Road South, Abbey Lane, Burscough:

- (i) That the decision to grant planning permission be delegated to the Corporate Director of Place and Community subject to a Deed of Variation under the Town and Country Planning Act 1990 being entered into to secure the provision of:

A viable level of affordable housing;

A Management Scheme for the use and long term maintenance of the BHS as on-site Public Open Space;

Any necessary biodiversity mitigation/compensation;

Payment of a commuted sum for sustainable transport measures/improvements in the locality in the form of a linear park. In the event that the linear park is not provided within a period of 7 years, the funding shall be used for enhancement and provision of open space within the vicinity of the site.

- (ii) That any planning permission granted by the Corporate Director of Place and Community be pursuant to the conditions as set out on pages 685 to 689 of the Book of Reports and with the re-wording of Condition 11 as set out on page 834 of the Late Information Report.

**107 2019/1119/FUL - LAND BOUNDED BY LIVERPOOL ROAD SOUTH, ABBEY LANE, BURSCOUGH, LANCASHIRE**

RESOLVED: That planning application 1119/FUL relating to Land bounded by Liverpool Road South, Abbey Lane, Burscough be approved subject to the conditions as set out on pages 695 to 697 of the Book of Reports.

**108 2019/0712/FUL - ESKBANK DAY NURSERY, 42A ESKBANK, TANHOUSE, SKELMERSDALE, LANCASHIRE**

RESOLVED: That in respect of planning application 0712/FUL relating to Eskbank Nursery, 42A Eskbank, Tanhouse, Skelmersdale:

- (i) That 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 the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 to require:

The terms and conditions of affordable housing

- (ii) That any planning permission granted by the Corporate Director of Place and Community be pursuant to the conditions as set out on pages 703 to 706 of the Book of Reports.

**109 2019/1257/FUL - 72 NEW CUT LANE, HALSALL**

RESOLVED: That planning application 1257/FUL relating to 72 New Cut Lane, Halsall be approved subject to the conditions as set out on pages 716 to 719 of the Book of Reports.

**110 2019/1123/FUL - 3 HATTERSLEY WAY, THE HATTERSLEY CENTRE, ORMSKIRK, LANCASHIRE**

RESOLVED: That planning application 1123/FUL relating to 3 Hattersley Way, The Hattersley Centre, Ormskirk be approved subject to the conditions as set out on pages 728 to 730 of the Book of Reports.

**111 2019/1071/WL3 - LAND AT WESTERN END OF TINTAGEL, SKELMERSDALE, LANCASHIRE**

RESOLVED: That planning application 1071/WL3 relating to Land at Western End of Tintagel, Skelmersdale be approved subject to the conditions as set out on page 735 of the Book of Reports.

**112 2018/1190/FUL - THE BAY LEAF, LIVERPOOL ROAD, TARLETON, LANCASHIRE**

RESOLVED: That planning application 2018/1190/FUL relating to the Bay Leaf, Liverpool Road, Tarleton be approved subject to the conditions as set out on pages 749 to 754 of the Book of Reports.

**113 DRAFT STATEMENT OF COMMUNITY INVOLVEMENT 2020**

Consideration was given to the report of the Corporate Director of Place and Community as set out on pages 755 to 758 of the Book of Reports on the draft new Statement of Community Involvement, the purpose of which was to seek approval to consult on a draft new Statement of Community Involvement.

Members of the Committee were asked for any agreed comments to be referred back to the Corporate Director of Place and Community.

RESOLVED: That the contents of the report be noted and that no agreed comments be referred to the Corporate Director of Place and Community.

**114 NOTIFICATION OF INTENTION TO CARRY OUT WORKS TO TREES IN A CONSERVATION AREA.**

Consideration was given to the report of the Corporate Director of Place and Community as set out on pages 819 to 821 of the Book of Reports. The report set out to advise members of a notification of intention to carry out works to trees in a Conservation Area made, by, a Councillor of West Lancashire Borough Council and to consider if the trees concerned should be protected by a Tree Preservation Order (TPO).

- RESOLVED: (A) That the Council does not object to the proposed works.
- (B) That the trees are not made subject to a TPO.
- (C) That replacement planting is not sought from the applicant.

(Note: Councillor O'Toole had declared a non-pecuniary interest in respect of Agenda Item 9 – Notification of intention to carry out works to trees in a Conservation Area and therefore left the Chamber during consideration of this item).

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- CHAIRMAN -





**PLANNING COMMITTEE**  
**19 MARCH 2020**

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**Report of:** Corporate Director of Place and Community

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

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**SUBJECT: PLANNING APPLICATIONS**

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### **Background Papers**

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

### **Equality Impact Assessment**

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

### **Human Rights**

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

## CONTENT SHEET

<u>Report No</u>	<u>Ward</u>	<u>Appn No</u>	<u>Site Location &amp; Proposal</u>	<u>Recommendation</u>
1	Tarleton	2019/1080/FUL	9 Mere Brow Lane Tarleton Preston Lancashire PR4 6JP  Proposed erection of 2no. detached dwelling houses (2 storey).	<b>Planning permission be granted.</b>
2	Moorside	2019/0757/FUL	Land Opposite 16 - 32 Brierfield Digmaor Skelmersdale Lancashire  Erection of a two-storey block to provide 8 residential units (6 x 1 bed, 2 x 2 bed). Erection of 9 dwellings (3 x 2 bed, 6 x 3 bed) with associated access road, car parking and landscaping.	<b>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.</b>
3	Hesketh-with-Becconsall	2019/0936/ARM	Land To The Rear Of 38 Newarth Lane Hesketh Bank Preston Lancashire PR4 6RS  Approval of Reserved Matters - Erection of 10 no. affordable dwellings including details of access, appearance, landscaping, layout and scale. Approval of details on outline permission condition nos. 8, 13, 14, 15, 16, 20 and 24 (in part). Amend areas of the S106 agreement through a Deed of Variation.	<b>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.</b>



4	Derby	2019/1207/FUL	<p>Chapel Court Chapel Mews Ormskirk Lancashire L39 4XB</p> <p>Installation of two 1000mm wide automatic external doors, one to the existing bin store external door opening and one to a current window opening within a corridor area outside the existing ground floor W.C.'s. To include associated structural and electrical alterations to accommodate the new automatic door openings and external pad post for fob access to the corridor area opening. Both the current corridor area and bin store will become mobility scooter store areas. Erection of new timber fence bin store area externally to the far end of the front car park.</p>	<b>Planning permission be granted.</b>
5	Burscough West	2019/1093/FUL	<p>Site Of Former Yew Tree Farm Liverpool Road South Burscough Lancashire</p> <p>Variation of Condition No. 12 imposed on planning permission 2015/0171/OUT to read: The road linking the A59 Liverpool Road South and Tollgate Road as approved in full under planning permission ref 2018/0525/HYB shall be implemented in accordance with S38 and S278 Agreements prior to the occupation of the 150th dwelling or the 1st January 2021 whichever is the soonest. Variation of Condition No. 36 imposed on planning permission to vary trigger points for monitoring and implementation of junction improvements at Liverpool Road South/Square Lane.</p>	<b>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.</b>

6	Ashurst	2019/0719/FUL	<p>Land To The South Of Northfield Skelmersdale Lancashire</p> <p>Erection of 27 dwellings with associated access, parking and landscaping.</p>	<p><b>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.</b></p>



## **PLANNING COMMITTEE**

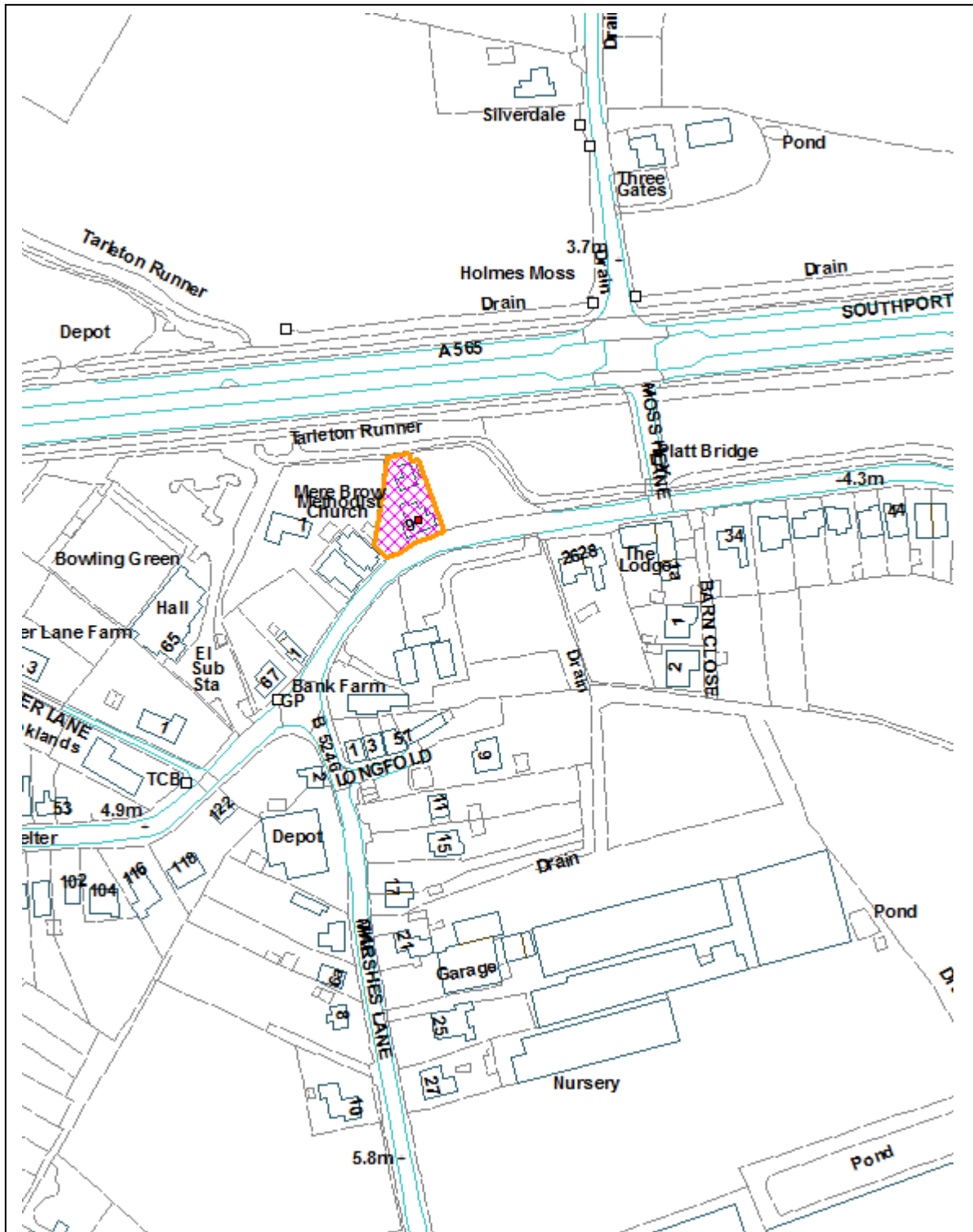
**19 March 2020**

**(Agenda Item 7)**

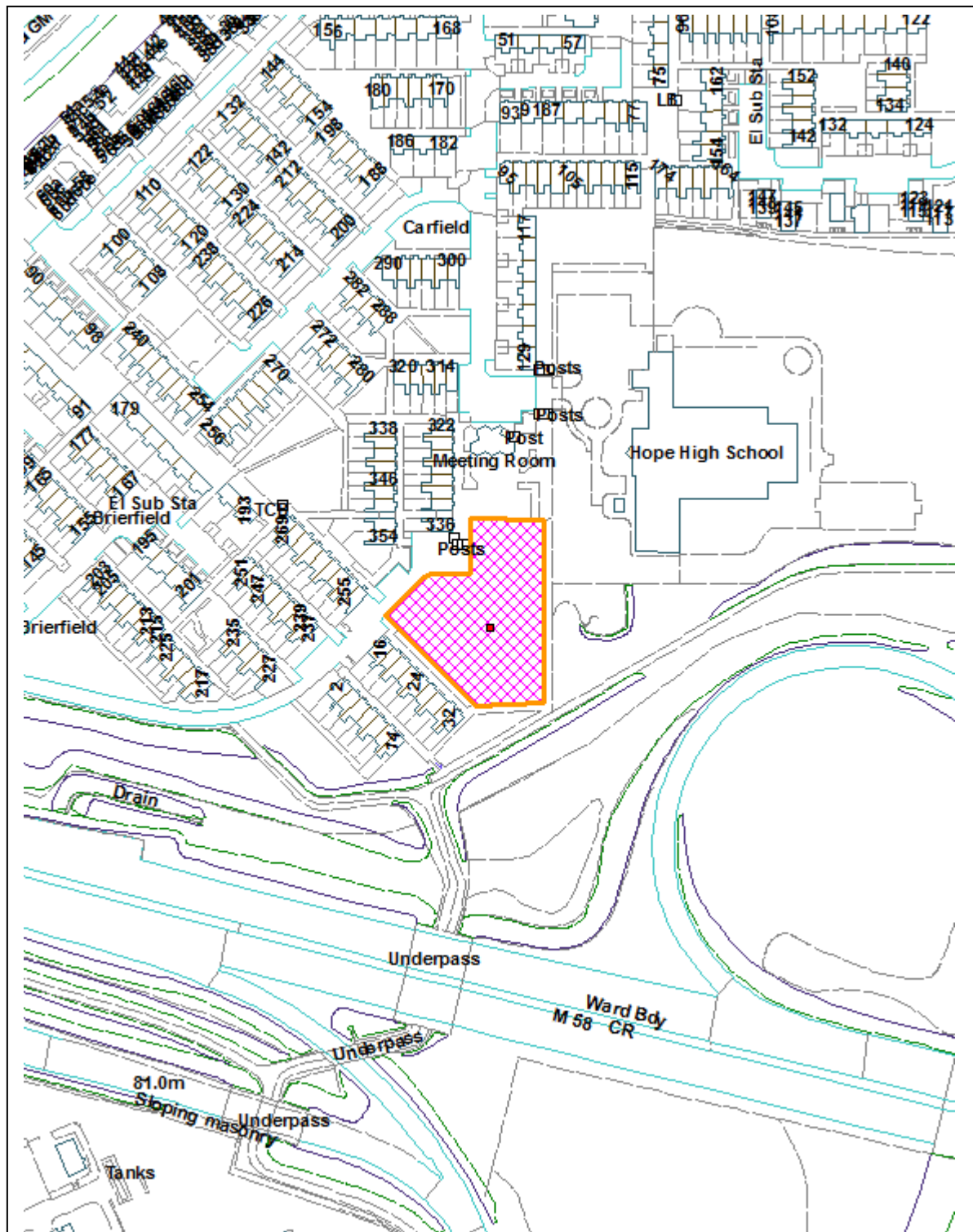
### **PLANNING APPLICATION ITEMS**

#### **LOCATION PLANS**

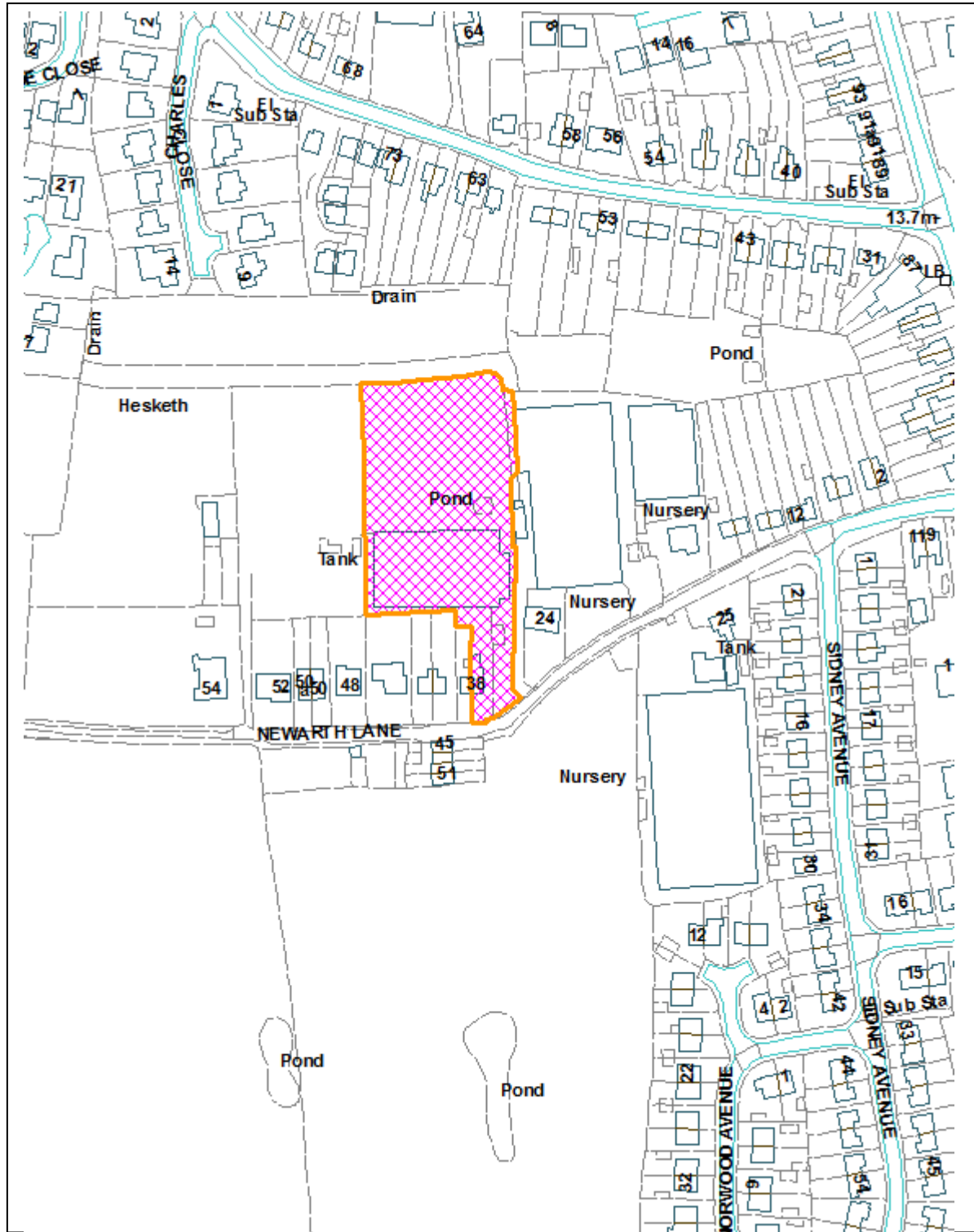
9 Mere Brow Lane, Tarleton, PR4 6JP.



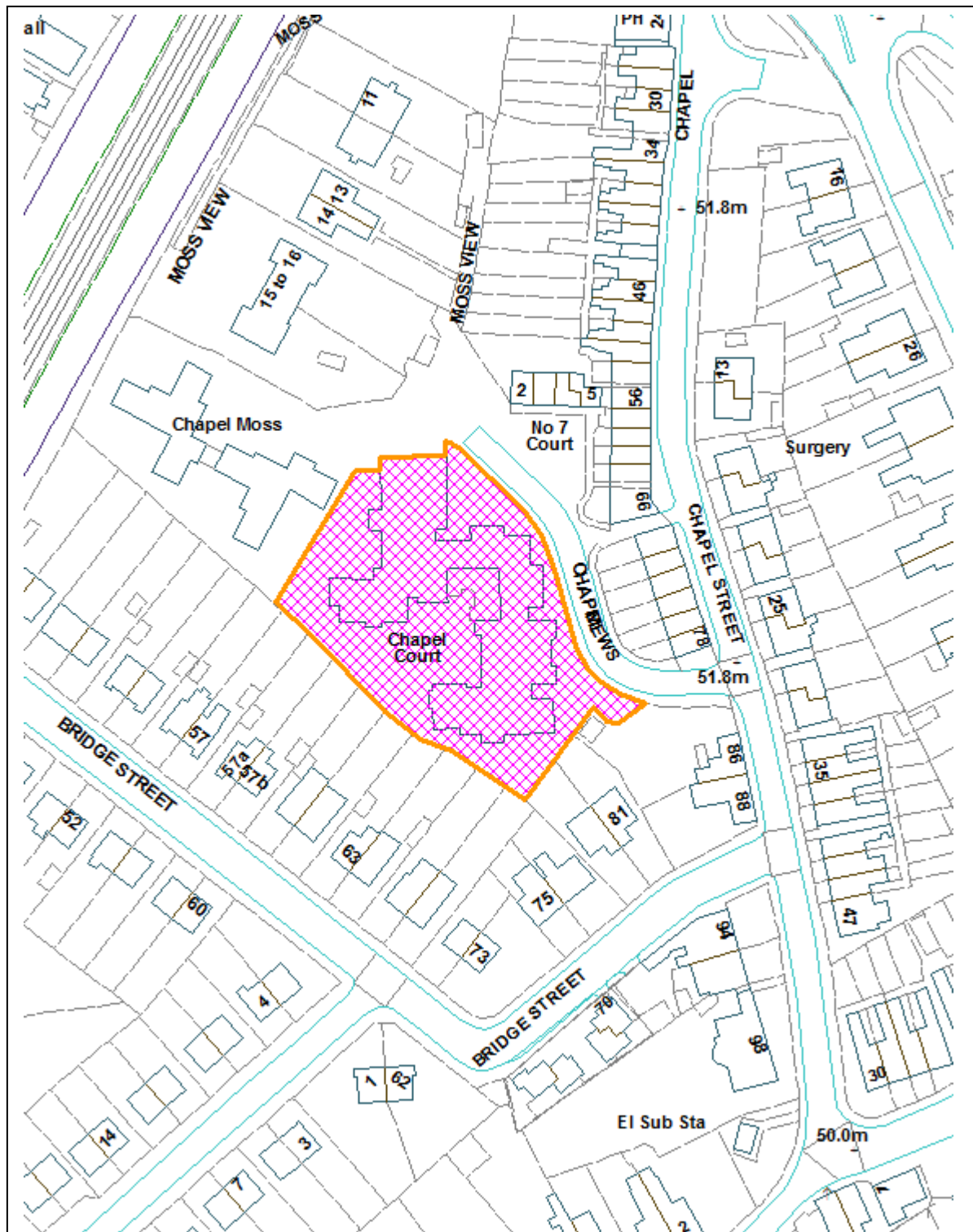
Land Opposite, 16 - 32 Brierfield, Digmoor, WN8 9JD



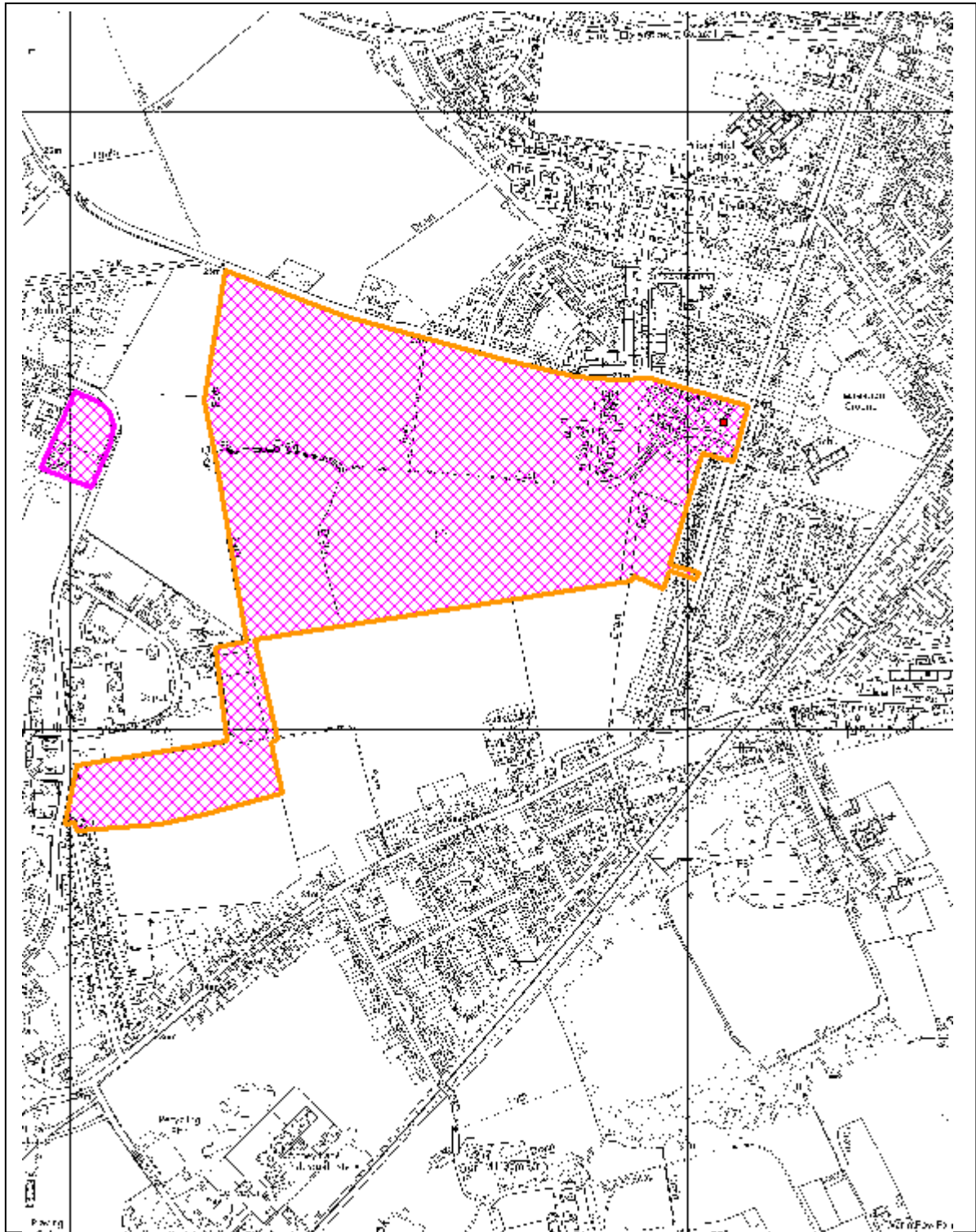
Land To The Rear Of 38 Newarth Lane, Hesketh Bank, PR4 6RS.



Chapel Court, Chapel Mews, Ormskirk, L39 4XB.

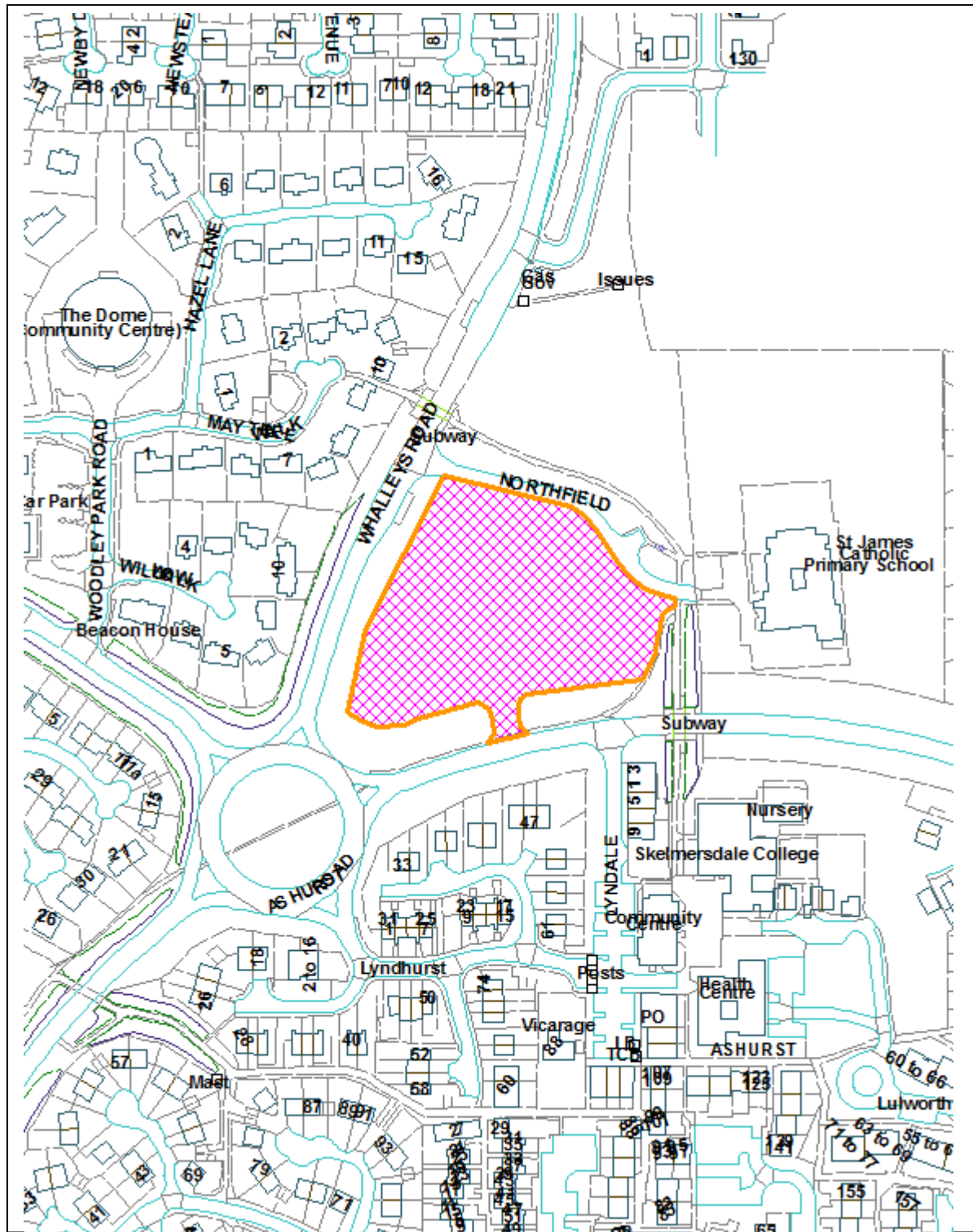


Site Of Former Yew Tree Farm, Liverpool Road South,  
Burscough, L40 7RE.





Land To The South Of, Northfield, Skelmersdale, WN8 6TN.





# Agenda Item 7a

<b>No.1</b>	<b>APPLICATION NO.</b>	2019/1080/FUL
	<b>LOCATION</b>	9 Mere Brow Lane Tarleton Preston Lancashire PR4 6JP
	<b>PROPOSAL</b>	Proposed erection of 2no. detached dwelling houses (2 storey)
	<b>APPLICANT</b>	Mr David Tomlinson
	<b>WARD</b>	Tarleton
	<b>PARISH</b>	Tarleton
	<b>TARGET DATE</b>	2nd January 2020

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

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Mee has requested it be referred to Committee to consider the loss of light to the adjacent Methodist Chapel and impact on highway safety.

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

- 2.1 The proposed development is for the erection of two detached residential dwellings following the demolition of the existing detached bungalow. Both dwellings would face onto Mere Brow Lane and be two storey in height. The houses would have four bedrooms and integral garages.
- 2.2 It is considered that the proposal is acceptable in design/appearance terms and will not have any significant impact on neighbouring land uses or highway safety. The proposed development is therefore considered compliant with the NPPF and Policies SP1, GN1, GN3, GN5, RS1, EN2, EN4, and IF2 of the West Lancashire Local Plan 2012-2027 DPD.

## **3.0** **RECOMMENDATION - APPROVE with conditions**

## **4.0** **SITE DESCRIPTION**

- 4.1 The application site is located to the north-eastern corner of the wider Mere Brow settlement, with the A565 to the rear of the application site. The site contains a detached single storey dwelling and a large late 20th century single-storey timber workshop to the rear. The site is located on the northern side of Mere Brow Lane, between the village's Methodist Chapel to the west and two modern detached houses under construction to the east. The surrounding street scene has a village character in which both traditional and modern buildings stand side-by-side.

## **5.0** **PROPOSAL**

- 5.1 The application seeks planning permission for the erection of two detached dwellings following the demolition of the existing bungalow.

## **6.0** **PREVIOUS RELEVANT DECISIONS**

- 6.1 2019/0066/FUL Proposed relocation of drop kerb & associated crossover to existing residential bungalow GRANTED 05.04.2019.

## **7.0** **OBSERVATION OF CONSULTEES**

- 7.1 MEAS has no objection in principle subject to clarification as to whether further bat surveys are required based on the ecologist's report (11.12.2019 and 14.02.2020)

- 7.2 Historic England has no objection (22.01.2020)
- 7.3 LCC Historic Environment Team has no objection (22.01.2020)
- 7.4 Council's Scientific Officer has no objection (05.12.2019)
- 7.5 Council's Drainage Officer has no objection (04.12.2019)
- 7.6 Council's Environmental Health Officer has no objection (04.12.2019)
- 7.7 United Utilities has no objection (03.12.2019)
- 7.8 Council's Arboricultural Officer has no objection (29.11.2019)
- 7.9 LCC Highway has no objection (19.11.2019)
- 7.10 Environment Agency has no objection (28.10.2019, 18.11.2019, 25.11.2019)

## **8.0 OTHER REPRESENTATIONS**

- 8.1 The Council has received nine letters objecting to the proposed development on the following grounds:

Increased traffic congestion;  
Influx of development in the village;  
Number of vehicles parked along the bend;  
Insufficient parking for new dwellings;  
Loss of privacy / light to the Chapel;  
Parking issues;  
Road safety;  
Noise / disturbance;  
Property deeds states that a right of light was granted when the land was transferred from the Lilford Estate to the Chapel Trustees; and  
Close proximity to the main river.

- 8.2 Tarleton Parish Council has objected (10.12.2019) and can be summarised as follows:

Over development of the site;  
Overshadowing; and  
Parking problems.

## **9.0 SUPPORTING INFORMATION**

- 9.1 Site Specific Flood Risk Assessment, Design & Access Statement, Ecological Appraisal, Inspection & Assessment in relation to Bats, Heritage Assessment, Bat, Barn Owl & Nesting Bird Survey, Additional Ecological comments, and email from agent received by the Local Planning Authority on 28.10.2019, 20.12.2019, 13.01.2020, 29.01.2020, 20.02.2020, 05.03.2020.

## **10.0 RELEVANT PLANNING POLICIES**

- 10.1 The application site is located within the Rural Sustainable Village of Mere Brow as designated within the West Lancashire Local Plan 2012-2027.

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

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

## 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  
GN5 - Sequential Tests  
RS1 - Residential Development  
EN2 - Preserving and Enhancing West Lancashire's Natural Environment  
EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets  
IF2 - Enhancing Sustainable Transport Choice

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

Design Guide (January 2008)

## 11.0 **OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

### ***Assessment***

#### 11.1 The main considerations for this application are:

Principle of development  
Design and external appearance  
Heritage Value  
Impact upon neighbouring properties  
Highway Impacts / Parking  
Ecology (Protected species)  
Drainage / Flood Risk  
Impact on trees

### ***Principle of development***

11.2 At the core of the National Planning Policy Framework is the presumption in favour of sustainable development and this is reflected in Policy SP1 of the Local Plan. This policy advises that developments in rural settlements will be focused on Key and Rural Sustainable Villages.

11.3 Policy GN1 in the Local Plan goes on to confirm that within settlement boundaries, development on brownfield land will be encouraged, subject to other relevant Local Plan policies being satisfied.

11.4 On the basis of the above, I can confirm that the principle of residential development is acceptable on this site subject to its compliance with all other relevant planning policy, as discussed below.

### ***Design and external appearance***

- 11.5 Policy GN3 of the Local Plan states that new development should add to the distinctive character and visual amenity of the area. Proposals should consider the scale of new development and ensure that the height and massing is appropriate in relation to the neighbouring properties and the surrounding environment, and that the importance of spaces between buildings is recognised.
- 11.6 Guidance DP5 within the Council's SPD Design Guide states that new development should be of an overall scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that a building's height, scale and form including roofline do not disrupt the visual amenities of the street scene and impact on any significant wider landscape views. Policy GN3 allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of neighbouring and proposed properties.
- 11.7 The Council's SPD Design Guide states that the minimum garden depth will be 10 metres, I note that both dwellings will each have a garden length which will meet this minimum requirement.
- 11.8 The external appearance, layout, scale and design of the proposed dwellings is acceptable and will harmonise with the recently approved dwellings to the east of the application site. There is a mix of differing styles and types of properties on Mere Brow Lane, and the addition of a pair of two storey detached dwellings constructed from red brick with a gable feature to the front would appear acceptable in the street scene. I consider that the proposed development will be in accordance with Policy GN3 of the Local Plan and the Council's SPD Design Guide as referred to above.

### ***Heritage Value***

- 11.9 The existing building can be seen on historic maps from as far back as 1848 and given the history of the site is considered to be a non-designated asset. The submission has been accompanied by a Heritage Statement which assesses the significance of the building.
- 11.10 Where heritage assets are undesignated, Paragraph 197 of the NPPF requires a balanced judgment which has regard to the scale of harm or loss and the significance of the asset. In this case, the proposal would result in the total loss of the application building. The submitted Heritage Statement demonstrates that although the property may have earlier origins, its appearance and character now derives overwhelmingly from alterations undertaken in the 1980s and consequently its significance is low. Given these circumstances, it is considered that the loss of the application building is not inappropriate. For these reasons, it is judged that the proposal meets the test established by national guidance.
- 11.11 LCC Historic Environment Team has assessed the submission and considers that the building has no historical interest and no further archaeological recording of the building is considered necessary. LCC Historic Environment Team has raised no objection to the proposal. I consider that the proposal is in accordance with Policy EN4 of the WLLP and the NPPF.

### ***Impact on neighbouring properties***

- 11.12 Policy GN3 of the Local Plan 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.

- 11.13 The nearest dwellings to the proposed development are to the east, and are under the same ownership as the application site. It is noted that the proposed dwellings are to be built to a similar design as the recently constructed dwellings along Mere Brow Lane under the approved scheme 2019/0409/FUL. It is noted that the adjacent dwelling has a ground floor window that serves the W/C. This being the case, I am of the opinion that the proposal would not have any significant detrimental impact upon future occupants of the recently constructed dwelling through the loss of light and poor outlook.
- 11.14 I note the letters of objections from local residents in relation to the impacts upon Mere Brow Methodist Church and surrounding area including increased traffic movement, loss of light / privacy to the Methodist Chapel, noise / disturbance, and road safety.
- 11.15 I am satisfied that the physical presence of the proposed dwellings would not result in a significant loss of light or privacy to the adjacent building (Mere Brow Methodist Church) owing to their scale, offset position, and existing vegetation along the common boundary. It should be noted that the Methodist Church is not a residential property and therefore is less sensitive to development in terms of amenity impacts. I am therefore satisfied that the proposal complies with Policy GN3 of the WLLP and the Council's SPD Design Guide, in respect of impact on neighbouring properties.

#### ***Impact on parking and highway safety***

- 11.16 There have been several local resident representations made against the application in relation to parking, road safety and increased levels of traffic movement. Both dwellings would be served by their own driveway from Mere Brow Lane, and have an integral garage. Policy IF2 of the WLLP recommends properties with four bedrooms should have three off-street parking spaces per dwelling. I am satisfied that both dwellings can accommodate the required parking spaces. On consultation with LCC Highways, no objections to the scheme on highway grounds have been raised. The proposed sight lines at the access points are acceptable and the proposed parking provision is also acceptable. It is considered overall that the proposed development would have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site.
- 11.17 I consider that the proposed development is acceptable in terms of parking and highway, impact and that the proposal is in accordance with Policy IF2 of the WLLP.

#### ***Ecology (Protected species)***

- 11.18 Policy EN2 of the WLLP states that where there is reason to suspect that there may be a priority species, or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, making provision for their needs. This allows the LPA to screen the project against the Habitats Regulations and relevant national and local policy.
- 11.19 Since the original submission, the applicant has submitted a bat survey as MEAS raised concerns over the existing buildings and trees on-site having the potential to support roosting bats.
- 11.20 The applicant has confirmed there was no evidence of bats roosting in the building but there remains the possibility of opportunistic use by low numbers of bats at some times of the year. The applicant indicates that the level of use is not considered likely to be significant and with the creation of new bat roosting opportunities in the new buildings and precautionary mitigation, a significant disturbance and / or the loss of roost sites is unlikely to occur.

- 11.21 MEAS have advised that ideally an assessment of low bat roost potential would require a single emergence / re-entry survey which has not been undertaken. However the applicant has subsequently provided further information on the condition of the bungalow and due to the sealed condition of the walls and eaves and the lack of an ingress of egress points within the roof void, I am satisfied that the scheme is unlikely to have a detrimental impact on bats subject to conditions requiring appropriate mitigation.
- 11.22 There is no evidence of past use of the buildings by barn owls for roosting or nesting. There was also no evidence of birds currently nesting. I consider that the proposed development is acceptable in terms of biodiversity provided that appropriate planning conditions are attached to any approval granted, in accordance with Policy EN2 of the WLLP.

### ***Drainage / Flood Risk***

- 11.23 The application site lies within Flood Zone 3 (high probability of flooding) and Flood Zone 2 (medium probability of flooding) on the Environment Agency Flood Map for Planning and the proposal is for residential development, which is a 'more vulnerable' land use in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance (PPG): Flood Risk and Coastal Change.
- 11.24 Part 3 of Policy GN3 addresses how the Council will ensure that development will not result in unacceptable flood risk or drainage problems, with criterion ii) and iii) being of most relevance in this instance. Criterion ii) requires development to be located away from Flood Zones 2 and 3 wherever possible (with certain exceptions) and criterion iii) requires development in Flood Zones 2 and 3 on non-allocated sites in the Local Plan to satisfy the sequential, and if necessary the exception test.
- 11.25 Paragraphs 155 – 165 of the NPPF deal with flood risk. Paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 158 confirms the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should 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. A sequential approach should be used in areas known to be at risk from any form of flooding.
- 11.26 It is for the LPA to determine whether or not the proposals satisfy the Sequential Test as defined in Paragraph 158 of the NPPF and, where necessary, the requirements of the Exception Test as set out in Paragraph 160. The Environment Agency will consider whether or not the proposals satisfy the requirements of the second part of the exception test.
- 11.27 The sequential search submitted is the same as the search that was undertaken during the assessment of planning application 2018/0646/OUT, and I am satisfied that it is comprehensive in its search and covers sites from the SHELAA. From the information that has been provided I am satisfied that the sequential test has been met overall, and that at the present time, there are no suitable or available sites in the area of search that are at a lower risk of flooding.
- 11.28 In addition to the sequential test, an exception test, is required because the proposal is for a more vulnerable use which is predominantly located in flood zone 3. This requirement is



established in Policy GN3 Part 3 (iii) and paragraphs 159 to 161 of the NPPF, with paragraph 160 requiring demonstration that:

- A. the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- B. 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.

11.29 In October 2018 the Council published a Preliminary Strategic Flood Risk Assessment Level 2 which contains a framework for undertaking an assessment in relation to criterion a) of the exception test. Although the applicant has not specifically used this framework in this instance, the applicant does identify wider sustainability benefits from the development including:

- To protect 'water assets' and ensure an adequate supply of water and means of disposing of wastewater;
- To preserve and enhance the Borough's land resources;
- To contribute towards an efficient, equitable, and environmentally 'sustainable' transport system / network;
- To encourage sustainable economic growth; and
- To seek to meet the housing needs of all sections of society.

11.30 It is considered that the proposal would have the potential to meet some of the objectives identified by the West Lancashire Sustainability Appraisal. On that basis, I consider that criterion a) of the exception test has been satisfied.

11.31 In relation to criterion b) the Environment Agency (EA) have responded to the planning application and raise no objections. They are satisfied the FRA demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. The EA advise that the proposed development must proceed in strict accordance with the submitted FRA and the mitigation measures identified, in particular the mitigation measures included in the FRA which requires finished floor levels to be set no lower than 4.9m above Ordnance Datum. This will be subject to a planning condition on any approval. On this basis I consider the development to also meet criterion b).

11.32 The applicant has stated on their application form that foul water will drain to the public sewer and surface water will drain in the most sustainable way according to the hierarchical approach. The Council's Drainage Officer has no objections subject to a condition for a formal drainage strategy. Subject to a condition requiring details of foul and surface water drainage, the proposals are considered to be acceptable and compliant with Policy GN3 of the WLLP and the NPPF.

### ***Impact on trees***

11.33 The Council's Arboricultural Officer has reviewed the submitted information and inspected the site. It is mentioned on the submitted supporting statement that the trees located along the northern and western boundaries of the application site would be retained. The Council's Arboricultural Officer has raised no objection to the proposal subject to an appropriate landscaping scheme, I consider that the proposal complies with Policies GN3 and EN2 of the WLLP.

### ***Summary***

11.34 Given the above I consider that the proposal satisfactorily meets the requirements of Policies SP1, GN1, GN3, GN5, RS1, EN2 and IF2 of the West Lancashire Local Plan 2012-2027 DPD and should be recommended for approval.

## **12.0 RECOMMENDATION**

12.1 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.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The materials to be used on the external surfaces of the development (brickwork, lintel / cills and roofing materials along with materials used in any hard surface) shall be as outlined on the following plan: HTA001 rev.A;  
Reason: To ensure that the external appearance of the buildings are satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. The development hereby approved shall be carried out in accordance with details shown on the following plans:  
Plan reference: 001; and 002.  
received by the Local Planning Authority on: 28.10.2019.  
Plan reference: HTA001 rev.A.  
received by the Local Planning Authority on: 07.11.2019.  
Reason: 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. The garages hereby permitted shall not be converted into living accommodation (either in whole or part) and shall be retained for use by the dwellings hereby approved at all times, unless the written permission of the Local Planning Authority has been sought and obtained beforehand.  
Reason: To ensure adequate garaging / off street parking provision is retained and thereby avoid the harm to amenity, safety or convenience caused by on street parking and to comply with Policies GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
5. The parking provision and any hardstanding shown within the curtilage of the dwellings on the approved plans shall be made of 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 curtilage of the dwelling houses in accordance with details which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The parking spaces shall be provided in accordance with the approved details prior to first occupation of the dwellings. The parking provision shall be retained as such thereafter.  
Reason: In the interests of highway and pedestrian safety, to reduce surface water run off in accordance with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
6. 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.  
Reason: In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

7. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials.  
Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.
8. No development shall commence until details of wheel cleaning facilities within the site have been submitted to, and approved in writing by, the local planning authority. The approved facility shall be provided at all times during the site clearance and construction of the development hereby approved, and shall ensure that the wheels of vehicles are cleaned before exiting the site.  
Reason: To prevent stones and mud being carried onto the public highway to the detriment of road safety.
9. No development shall take place until a strategy for the separate foul and surface water drainage of the development, including any necessary attenuation measures, maintenance management proposals and phasing of delivery has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage strategy must take account of the relevant provisions of this Council's Planning Applications - Drainage, Flood Risk and Sustainability guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement standards. The pass forward flow rate to the receiving surface water drainage system must not exceed 3 l/s and no surface water shall be permitted to drain directly or indirectly to the existing public sewer. Finished Floor Levels shall be no lower than 4.9 metres above Ordnance Datum (AOD). Adjacent and surrounding land levels are not to be raised. To aid the checking of calculations the mdx file for the surface water drainage design should be submitted. The drainage scheme shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.  
Reason: 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.  
There is no increase in flood risk on or off the site resulting from the proposed development including the construction period.  
Appropriate and sufficient maintenance mechanisms are put in place for the lifetime of the development to reduce the flood risk to the development as a result of inadequate maintenance.  
Water quality is not detrimentally impacted by the development proposal.  
For further guidance the applicant is strongly advised to use the following link for WLBC guidance notes relating to drainage, flood risk and sustainability:  
<http://www.westlancs.gov.uk/planning.....registrationand-validation.aspx>
10. The foul water drainage system for the development shall be constructed, and retained thereafter for the lifetime of the development, in accordance with the foul water drainage details shown on the Proposed Drainage Layout Ref CFC 19029 001 A1 rev A dated Jan 2020.  
Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.
11. The development shall be carried out in accordance with the submitted flood risk assessment entitled "Full Plans Application for two detached dwellings - Land at No. 9 Mere Brow Lane, Mere Brow, Tarleton, Preston" and the following mitigation measures it details:  
Finished floor levels shall be set no lower than 4.9 metres above Ordnance Datum (mAOD)  
These mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

12. No building shall be occupied / brought into use until details of bird nesting boxes (number, type and location on an appropriately scaled plan) to be installed on the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: The proposed development will result in the loss of bird breeding habitat and as such mitigation is required in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

13. The development shall be implemented in accordance with Section 9 of the Recommendations and Mitigation described in Bat, Barn, Owl & Nesting Bird Survey; prepared by Envirotech; and deposited with the Local Planning Authority on 29.01.2020;

Reason: 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.

14. Notwithstanding the details shown on the approved drawings, no part of the development shall be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority.

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

- Land-levels and gradients resulting in the formation of any banks, terraces or other earthworks

- hard surfaced areas and materials,

- planting plans, specifications and schedules, planting size, species and numbers/densities, trees to be retained and a scheme for the timing / phasing of work.

- existing plants / trees to be retained

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

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

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

Reason: 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.

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: To protect the trees and shrubs and thereby retain the character of the site and the area and to ensure that the development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that order with or without modification, no structure shall be erected within the approved site location boundary, as delineated on the 'Site Layout' drawing (referenced AJ37/001; dated 15 October 2019), without the prior approval, in writing, of the local planning authority.

Reason: To ensure that flood risk is not increased, and to ensure that full access to Tarleton Runner (main river watercourse) is retained

### **Note(s)**

1. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority can carry out these works and therefore before any access works can start you must contact Lancashire County Council's Highway Services for further information.

This can be done either by:

Visiting [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and following the links after searching 'Vehicle Crossings' telephoning Lancashire County Council on 0300 123 6780 writing to the Area Manager South, Lancashire County Council, Cuerden Way, Bamber Bridge, Preston PR5 6BS quoting the planning application number.

2. The applicant should be made aware that in addition to planning permission an Environmental Permit will be required for flood risk activities (this includes any structures, fencing, tree planting, new surface water outfalls) within 8 metres of Tarleton Runner watercourse. Advice to the applicant is provided further below.

Flood warning and emergency response - advice to applicant

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The national PPG states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the PPG.

Flood warning scheme - advice to applicant

The applicant/future occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It should be noted that registration to receive flood warnings is not sufficient on its own to act as an evacuation plan.

Flood resistance and resilience measures - advice to applicant

We recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the PPG.

The following documents may also be useful:

Department for Communities and Local Government: Preparing for floods

<http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>

Department for Communities and Local Government: Improving the flood performance of new buildings

<https://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings>

Environmental permit (flood risk activities) - advice to applicant

The watercourse, Tarleton Runner, adjacent to the application site is a designated main river.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

On or within 8 metres of a main river (16 metres if tidal)

On or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)

On or within 16 metres of a sea defence

Involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert

In a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should contact [CMBLNC-PSO@environment-agency.gov.uk](mailto:CMBLNC-PSO@environment-agency.gov.uk) to discuss permitting requirements for the proposed site. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Where a Flood Risk Activity Permit is required, it is unlikely that our consent will be granted for works that do not allow access for maintenance / repair purposes or that have an unacceptable impact on flood risk or the natural environment.

The following guidance on the rights and responsibilities of riverside ownership is available on the GOV.UK website:

<https://www.gov.uk/government/publications/riverside-ownership-rights-andresponsibilities>

3. No tree felling, scrub clearance, hedgerow removal, vegetation management, or building works to the shed is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.
4. Construction work, which is audible from the boundary of any noise sensitive receptor, shall only take place between the hours of 08:00 - 18:00 on Monday to Friday inclusive, 08:00 - 13:00 hours on Saturdays with no such working on a Sunday or local or national public holiday. The receipt of any materials or equipment for the construction of the site is not allowed outside the said hours, unless otherwise approved in writing by the local planning authority having been given a minimum of two working days' notice of the occurrence of the proposed event. Fixed and mobile plant used within the site during the construction period shall not incorporate 'bleeping' type warning devices that are audible at the boundary of any noise sensitive property unless otherwise approved in writing by the local planning authority.
5. The developer shall have in place control measures to ensure that dust does not travel beyond the site boundary. All identified measures shall be implemented and maintained at all times.

# Agenda Item 7b

<b>No.2</b>	<b>APPLICATION NO.</b>	2019/0757/FUL
	<b>LOCATION</b>	Land Opposite 16 - 32 Brierfield Digmaor Skelmersdale Lancashire
	<b>PROPOSAL</b>	Erection of a two-storey block to provide 8 residential units (6 x 1 bed, 2 x 2 bed). Erection of 9 dwellings (3 x 2 bed, 6 x 3 bed) with associated access road, car parking and landscaping.
	<b>APPLICANT</b>	Tawd Valley Developments
	<b>WARD</b>	Moorside
	<b>PARISH</b>	Unparished - Skelmersdale
	<b>TARGET DATE</b>	23rd October 2019

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## 1.0 **SUMMARY**

1.1 It is considered that the principle of residential development at this site is acceptable. I am satisfied that there will be no significant detrimental impact upon the character of the area, amenity of neighbouring properties, biodiversity, trees or highway implications. The development is considered to be compliant with relevant national and local planning policies and the application is therefore recommended for approval.

2.0 **RECOMMENDATION: APPROVED subject to conditions and the signing of a S106 Agreement.**

## 3.0 **THE SITE**

3.1 The site is located within a housing estate within the Digmaor area of Skelmersdale. The site comprises an area of open space.

3.2 On three sides the site is surrounded by residential development with existing communal parking. To the east is Hope High School - a secondary school.

## 4.0 **THE PROPOSAL**

4.1 Planning permission is sought for the erection of a two-storey block to provide 8 residential units/apartments (6 x 1 bed, 2 x 2 bed) and the erection of 9 dwellings (3 x 2 bed, 6 x 3 bed) with associated access roads, car parking areas and landscaping. All the dwellings would have a private garden area and a communal garden is proposed for the apartments. It is proposed that all the units would be made available for affordable rent.

4.2 The proposal has been amended during the course of the application in that the number of units proposed has been reduced by three and the number of parking spaces increased from 24 to 32.

## 5.0 **PREVIOUS RELEVANT DECISIONS**

5.1 None.

## 6.0 **OBSERVATIONS OF CONSULTEES**

6.1 United Utilities - recommend conditions in respect of drainage.

6.2 Lancashire Constabulary - Advice regarding crime reduction.

- 6.3 LCC School Planning - An education contribution is not required at this stage in regards to this development.
- 6.4 Environmental Health Officer - Scientific Officer (06/09/19) - The findings of the report conclude that in order to establish the level of risk to the development, a Phase 2 intrusive ground investigation is carried out. Until such time that the Phase II investigation is complete I reserve the right to make further comment.
- 6.5 Environmental Health Officer - Scientific Officer (11/10/19) - Some localised contamination of hydrocarbons and asbestos fibres both at shallow depths were encountered. Due to the localised nature of the above it is recommended that the contaminated areas are delineated and all contaminated soils removed from the site. For any soils imported to the site it will be necessary to use certified material with appropriate validation for use in garden areas.  
Limited gas measurements indicate that Carbon Dioxide is in exceedance of recommended levels and that gas protection measures will be required. Before any such gas protection measures are installed they must be agreed with the local authority prior to instalment.
- 6.6 Environmental Health Officer - (12/09/19) - I have no objections to this application in principle. If this application be minded for approval then I recommend conditions requiring Electric Vehicle Charging Points to be provided and details of a scheme to protect the dwelling from noise from the M58 motorway.
- 6.7 Lead Local Flood Authority - No objection to the proposed development subject to the inclusion of a condition regarding surface water drainage.
- 6.8 Sport England - The proposed development does not fall within either our statutory remit or non-statutory remit therefore Sport England has not provided a detailed response in this case.
- 6.9 LCC Highways (12/08/19) - The submitted layout indicates a new shared access serving the majority of the site, this arrangement is acceptable to LCC Highways. The applicant should however be aware that a lighting column will possibly need to be relocated at the client's expense to facilitate the new access.
- 6.10 LCC Highways (09/03/20) - Following on from our previous response (dated 12/08/2019) the internal layout and parking as shown in the latest amended drawing (P1\_S03\_DR\_0004, Rev F) is acceptable to LCC Highways.  
Conditions recommended.

## **7.0 OTHER REPRESENTATIONS**

- 7.1 Representations have been received from neighbouring residents which can be summarised as follows:

Concerns regarding amount of parking being provided and loss of existing spaces;  
Request guarantee that there will be no structural damage to surrounding houses;  
Development would result in loss of green space which is currently used by local people.  
Loss of open space would be contrary to policy;  
Brierfield is in a current state of disrepair. Further traffic will severely impact on this;  
Current residents experience noise impacts from M58. This will affect residents of the new properties;  
Description on application form does not match plans;  
Development should provide electric vehicle charging points;



Concerns regarding loss of light and privacy;  
Development will block existing views;  
Concern regarding loss of drainage / potential flooding;  
Conflicts with existing wildlife which use this space;  
Building works will cause disturbance for residents;  
Density of development would be higher than policy requirements.

## **8.0 SUPPORTING INFORMATION**

- 8.1 Planning Statement
- Design and Access Statement
- Transport Statement
- Affordable Housing Statement
- Ecological Assessment
- Flood Risk Assessment and Drainage Strategy
- Phase I Preliminary Risk Assessment
- Due Diligence Intrusive Site Investigation (Phase II)
- Tree Survey
- Open Space Assessment

## **9.0 RELEVANT PLANNING POLICY**

- 9.1 The site is located within the Regional Town of Skelmersdale with Up Holland as designated in the West Lancashire Local Plan.
- 9.2 **National Planning Policy Framework (2018)**
  - Chapter 5 - Delivering a sufficient supply of homes
  - Chapter 8 - Promoting healthy and safe communities
  - Chapter 11 - Making effective use of land
  - Chapter 12 - Achieving well designed places
- 9.3 **West Lancashire Local Plan (2012-2027) DPD**
  - SP1 - A Sustainable Development Framework for West Lancashire
  - GN1 - Settlement Boundaries
  - GN3 - Criteria for Sustainable Development
  - 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
- 9.4 **Supplementary Planning Document** Design Guide (Jan 2008)

## **10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

### *Principle of Development*

- 10.1 The NPPF supports growth of areas to supply new homes in sustainable locations. Policy SP1 of the Local Plan re-iterates this approach. Policy RS1 of the Local Plan states that within the Regional Town, residential development will be permitted on brownfield sites and on greenfield sites not protected by other policies, subject to the proposals conforming with all other planning policy. Therefore, the principle of a residential

development on the site within the settlement area is acceptable subject to other relevant planning policies.

*Principle of development - Loss of Open Space*

- 10.2 The site is currently an undeveloped open grassed area. It is primarily designated as Green Infrastructure / Open Recreation Space in the Local Plan so Policy EN3 (Provision of Green Infrastructure and Open Recreation Space) is applicable. Criterion 2a of this policy indicates that development resulting in the loss of existing open space or sports and recreation facilities will only be permitted if one of three criteria are met, which are:
- i. The open space has been agreed by the Council as unsuitable for retention because it is underused, poor quality or poorly located;
  - ii. The proposed use would be ancillary to the use of the site as open space...; or
  - iii. Successful mitigation takes place and alternative improved provision is provided in the same locality.

Criterion (ii) is not relevant for this application, and so the application would need to demonstrate that one of criteria (i) and (iii) is met through the proposals.

- 10.3 The applicant has submitted an Open Space Assessment and whilst lacking in some detail, it is considered that there would still be sufficient open space for the community to enjoy and use if the application site were to be developed for residential use. The Chequer Lane Playing Fields site is accessible to the community in Moorside ward via a footbridge across the A577, and this is a very large open area that can be used as playing fields and amenity green space. In addition, there are three amenity green spaces identified by the Council's Open Space Study (2018) that can be considered to serve the southern part of Moorside ward including the remainder of the Brierfield amenity green space which will remain and be useable amenity green space. Belfield amenity green space and Birkrig amenity green space lie just outside the 400m radius however both sites are accessible for the community around Brierfield via established footpaths and the sites scored well for quality and value in the Open Space Study (2018).

- 10.4 Furthermore, there are a number of smaller, undesignated amenity green spaces interspersed with the housing in the Brierfield, Carfield and Castlehey estates which provide opportunity for the community to use as open space. As such, it can be argued that the community in the southern part of Moorside ward would have access to sufficient amenity green space even if the application site was developed for residential.

- 10.5 The applicant's open space assessment incorrectly grades the application site as being a poor quality open space, when the Council's latest Open Space Study (2018) identifies the site is of a sufficient quality and value as to be retained in normal circumstances. For this reason, it cannot be said that part 2(a) of Policy EN3 of the Local Plan has been met, unless "Successful mitigation takes place and alternative, improved provision is provided in the same locality".

- 10.6 In this case the proposed scheme would provide much-needed affordable housing for the borough and there is sufficient access to alternative amenity green space in the southern part of Moorside ward even excluding that provided by the application site as outlined above. I am satisfied that, even if this site is developed for residential use, there would be sufficient other accessible open space sites in a reasonable walking distance that are of a sufficient quality to still ensure that public open space provision in the area remains acceptable. For those reasons, it is my view that the public benefits of the proposal outweigh the policies of the adopted Development Plan in this instance.

*Affordable and Specialist Housing*

- 10.7 The applicant proposes combining this site with a site at Northfield, Skelmersdale in order to deliver the full affordable requirement for the two sites. An application for residential development at the Northfield site has been made simultaneously by Tawd Valley Developments and the report for this application can be found elsewhere on this agenda (Planning Reference 2019/0719/FUL). Policy RS2 of the Local Plan requires that 20% of the dwellings on both this site and the Northfield site should be affordable.
- 10.8 It is proposed that all the required affordable houses (i.e. 20% from the Northfield site (6 units) as well as 20% from Brierfield (4 units)) will be located at Brierfield (totalling 10 affordable dwellings). The proposed development at Brierfield is for 17 affordable dwellings, an over-provision. In order to ensure that both sites are linked in terms of affordable housing delivery, a S106 Agreement will be entered into to ensure the delivery of the houses and, through the phasing of the two sites, that the development at Brierfield is implemented prior to the dwellings on the Northfield site being completed.
- 10.9 For developments of this size Policy RS2 requires 20% of the units to be designed as accommodation for the elderly. There is no specific definition of 'elderly accommodation' and each case is considered on its own merits. In this case, whilst the dwellings themselves will not be constructed for use by the elderly without adaptation, they will be constructed to meet current Building Regulations Part M4(2) with the structure designed to ensure minimal work is required in any future adaptation that may be necessary. The scheme also provides some smaller properties and four dwellings with solely ground floor accommodation within the apartment block. Therefore, I am satisfied that the proposed development complies with Policies RS1 and RS2 in this respect.

*Visual appearance / design / layout*

- 10.10 Policy GN3 of the WLLP together with the Council's SPD Design Guide state 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.
- 10.11 The surrounding development is densely packed and properties are located closely together. The development will have a mix of 2 and 3 bedroom properties with a layout that reflects the patterns of development in the area. The two-storey apartment block would have similar proportions to the proposed dwellings and its design and materials would be in keeping with the local area. Each dwelling benefits from a private amenity area which meets the recommended garden lengths specified in the Council's SPD and a communal garden is provided for the apartment block. Parking would be provided for each dwelling with communal parking areas for the apartment dwellings. Overall I am satisfied that the layout provides a satisfactory residential environment for future occupiers.
- 10.12 The scheme would not result in the loss of any trees of amenity value. The Council's landscape officer has assessed the submission and considers that the landscaping proposals are acceptable.
- 10.13 I am satisfied that the design of the dwellings and the proposed layout is acceptable in accordance with Policy GN3 of the Local Plan.

*Impact upon residential amenity*

- 10.14 The spacing between the dwellings reflects that of the surrounding residential development. In terms of the relationships between the proposed properties and the surrounding residential development, I am satisfied the proposed layout accommodates

the required interface distances and there would be no undue impact of the proposed development from overlooking, overshadowing and creation of poor outlook.

- 10.15 The Council's Environmental Health Officer has noted that the proposed dwellings could potentially be affected by noise from the nearby M58 motorway. It is recommended that a suitable condition is imposed requiring details of measures to protect future residents to be submitted to the Council for approval.

#### *Highways / parking*

- 10.16 I note that concerns were raised in regard to the lack of parking within the layout. The scheme has now been altered to reduce the number of dwellings and to increase the number of car parking spaces. The scheme now generates a requirement for 28 spaces. Car parking would be provided in 32 private and communal parking spaces around the site. The additional provision includes two spaces to compensate for those which will be lost as a result of the creation of access into the apartment parking area and two visitor spaces. I am therefore satisfied that suitable parking is provided within the site in accordance with policy IF2.
- 10.17 Concerns have also been raised regarding the impact on existing parking difficulties within the area and on highway safety in the area. I have consulted the Highway Authority who have raised no objections to the proposal. I am satisfied that the loss of any existing parking spaces in the locality has been mitigated and on that basis the development would not result in a significant impact on highway safety or parking within the local area.

#### *Biodiversity*

- 10.18 The application has been accompanied by an ecological appraisal which concludes that the development is very unlikely to result in negatively impacting non-statutory designated sites or on any local or UK priority habitats. Having regard to the nature of the site the Council agrees with these conclusions. The proposal would therefore comply with the requirements of policy EN2.

#### *Drainage*

- 10.19 The site is located within Flood Zone 1, which indicates that the site is at low risk of flooding. However, a Flood Risk Assessment (FRA) and Drainage Strategy has been submitted to accompany the application. The Council's drainage engineer has no objections to the principle of the drainage proposals for this site and considers the disposal of the foul sewage to the public sewer is preferred and therefore acceptable. However, as recommended by the Lead Local Flood Authority, it is considered that there is insufficient detail to undertake a full assessment of the surface water drainage proposals. A suitably worded condition is recommended requiring full details to be submitted for assessment.

#### *Planning Obligations*

- 10.20 The development of this site will be subject to a S106 Agreement requiring the terms, conditions and delivery of the affordable housing provision.

#### *Conclusion*

- 10.21 In summary, it is considered that the principle of residential development at this site is acceptable. I am satisfied that there will be no significant detrimental impact upon the character of the area, amenity of neighbouring properties, biodiversity, trees or highway

safety. The development is considered to be compliant with relevant planning policies and accords with the NPPF and relevant policies of the Local Plan.

## **11.0 RECOMMENDATION**

- 11.1 That 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 the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 to require:  
The terms and conditions of the affordable housing;
- 11.2 That any planning permission granted by the Corporate Director Of Place And Community pursuant to recommendation 11.1 above be 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.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:  
P1\_S03\_DR\_0001B, P1\_S03\_DR\_0002B, P1\_S03\_DR\_0004F, P1\_S03\_DR\_0005E,  
P1\_S03\_DR\_0006E, P1\_S03\_DR\_0007E, P1\_S03\_DR\_0200F, P1\_S03\_DR\_0201F,  
P1\_S03\_DR\_0204E, P1\_S03\_DR\_0205E, P1\_S03\_DR\_0305I, P1\_S03\_DR\_0307H,  
P1\_S03\_DR\_0325I and P1\_S03\_DR\_0326I.  
UG\_140\_LAN\_GA\_DRW-01 REV P05, UG\_140\_LAN\_HL\_DRW-02 REV P05 and  
UG\_140\_LAN\_SL\_DRW-03 rev P05  
All received by the Local Planning Authority on 31st January 2020.  
Reason: 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. No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme, have been submitted to and approved in writing by the local planning authority, in consultation with the LLFA.  
Those details shall include:
  - a) Final sustainable drainage layout plan appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels in AOD with adjacent ground levels;
  - b) The drainage scheme should demonstrate that the surface water run-off shall not exceed the greenfield runoff rate and volume up to and including 1 in 100 year events. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
  - c) Sustainable drainage flow calculations (1 in 1, 1 in 30 and 1 in 100 + climate change) with 10% allowance for urban creep;
  - d) Plan identifying areas contributing to the drainage network;
  - e) Measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
  - f) A plan to show overland flow routes and flood water exceedance routes and flood extents;
  - g) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
  - h) Details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development. This shall include arrangements for adoption by an appropriate public body or statutory undertaker or management and

maintenance by a Management Company and any means of access for maintenance and easements, where applicable

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

Reason: 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. Prior to any part of the development hereby permitted taking place a scheme showing the areas for a site compound including the siting of office, storage of plant and materials, areas for the parking of construction workers' vehicles and measures to prevent the transfer of mud out of the site shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be implemented while any demolition/construction works are in operation.

Reason: To protect existing road users, to maintain the operation and safety of the local highway network, to minimise the impact of the construction works on the local highway network and ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

5. No development above slab level shall be carried out until a scheme for protecting the proposed dwellings from road traffic noise from the M58 motorway has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are occupied and permanently retained thereafter.

Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

6. No development approved by this permission shall commence until details of gas protection measures to protect the dwellings from Carbon Dioxide have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved measures have been installed in accordance with the agreed scheme.

Reason: These details are required prior to the commencement of development to prevent harm to public health and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

7. No development above slab level shall take place until full details and samples of the external facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

8. No development above slab level shall be carried out until a scheme for the provision of electric vehicle charging points throughout the development and timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the associated electric vehicle charging points has been installed in accordance with the agreed details.

Reason: In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

9. Prior to the first occupation of the hereby approved apartment block, unless required for purposes as an escape window(s), the first floor windows marked as 'translucent glazing' on the floor plan ref: P1\_S03\_DR\_0201F shall be fitted with obscure glass (Pilkington level 4 or equivalent) and be non-opening and shall remain so fitted at all times thereafter for the duration of the development. If required for escape purposes the window(s) shall be fitted with obscure glass (Pilkington level 4 or equivalent) and shall include a restrictor mechanism to prevent the window(s) from opening more than 50mm during normal

use/non-emergency situations and shall remain so fitted at all times thereafter for the duration of the development.

Reason: 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.

10. The development hereby approved shall not be occupied until all the highway works including the off-site highway improvements as agreed in the S278 agreement with Lancashire County Council Highways has been constructed in accordance with the approved plans.

Reason: To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document

#### **Note(s)**

1. The applicant is advised that the new highway works including the new site access and off site highway works will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Environment Directorate before works begin on site. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for "278 agreement".

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





<b>No.3</b>	<b>APPLICATION NO.</b>	2019/0936/ARM
	<b>LOCATION</b>	Land To The Rear Of 38 Newarth Lane Hesketh Bank Preston Lancashire PR4 6RS
	<b>PROPOSAL</b>	Approval of Reserved Matters - Erection of 10 no. affordable dwellings including details of access, appearance, landscaping, layout and scale. Approval of details on outline permission condition nos. 8, 13, 14, 15, 16, 20 and 24 (in part). Amend areas of the S106 agreement through a Deed of Variation.
	<b>APPLICANT</b>	Adactus Housing Association Limited
	<b>WARD</b>	Hesketh-with-Becconsall
	<b>PARISH</b>	Hesketh-with-Becconsall
	<b>TARGET DATE</b>	23rd December 2019

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## **1.0** REFERRAL

1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Ashcroft has requested it be referred to Committee to consider localised flooding matters.

## **2.0** SUMMARY

2.1 This application is a reserved matters application for the erection of 10 no. affordable dwellings and approval of detail of conditions attached to outline planning permission 2014/0786/OUT. The proposed design, layout and appearance is considered to be acceptable. The development will not have a detrimental impact on highway safety and adequate parking has been provided. Satisfactory interface distances have been achieved in order to protect neighbouring residential amenity. I consider the proposal complies with the relevant policies of the Local Plan and is acceptable in principle.

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

## **4.0** THE SITE

4.1 The site is located to the north of Newarth Lane and comprises of a rough rectangular area of land located to the rear of 38-46 Newarth Lane of approximately 0.65 hectares. The site is bounded by residential properties to the south, horticultural uses to the east, open land/residential properties to the north and agricultural uses to the west. The site was previously used for market gardening purposes. Access to the site is provided by a strip of land along the eastern boundary of 38 Newarth Lane.

4.2 The site is identified as Protected Land in the Local Plan. The site is immediately bounded by other areas of Protected Land. Further to the north and east is the wider settlement area of Hesketh Bank whilst further to the south and west is Green Belt.

## **5.0** THE PROPOSAL

5.1 This application is a reserved matters application for the erection of 10 affordable dwellings including details of access, appearance, landscaping, layout and scale.

5.2 This application also seeks approval on outline permission condition no.s 8, 13, 14, 15, 16, 20 and 24 (in part) and to amend the s106 agreement through a Deed of Variation.

## **6.0 PREVIOUS RELEVANT DECISIONS**

- 6.1 2014/0786/OUT - Outline - Erection of up to 10 affordable dwellings (all matters reserved).  
Granted 18.05.2017
- 6.2 2013/0610/OUT – WITHDRAWN (12.08.2013) Outline - Erection of 10 dwellings (all matters reserved).
- 6.3 8/74/595 – REFUSED (03.10.1974) Outline – Three detached and eight semi-detached houses

## **7.0 CONSULTEE RESPONSES**

- 7.1 MEAS (12/12/2019) - Advise that the revised site plan and updated documents are acceptable from an ecological perspective.
- 7.2 Lancashire County Council (Highways) (06/12/2019) – No objections recommends planning conditions.
- 7.3 Lead Local Flood Authority (20/11/2019) – No objections.
- 7.4 Environmental Health Scientific Officer (05/12/2019) - The phase 1 and 2 reports have been accepted and can be seen as complying with the relevant planning condition. Recommends planning conditions.
- 7.5 United Utilities (28/10/2019) - United Utilities has no objection to conditions 14, 15 & 16 being discharged.

## **8.0 OTHER REPRESENTATIONS**

- 8.1 Representations have been received from 7 local addresses, object on the grounds of:  
  
Newarth Lane after no.22 is narrow so that only one car can use it at once – heavy machinery for agricultural / horticultural and equestrian vehicles use lane;  
No footpath after no.22 and inadequate street lighting;  
Road floods;  
Drainage concerns;  
Drainage implications on businesses;  
Potential congestion problems;  
Do we need more houses – work at Altys, affordable housing being built there;  
Impact of removing a large amount of trees;  
Wildlife concerns;  
Impact on infrastructure;  
Health and safety.

## **9.0 SUPPORTING INFORMATION**

- 9.1 Drainage Strategy and Flood Risk Assessment (August 2019)
- 9.2 Phase II Interpretative Ground Assessment (September 2019)
- 9.3 Phase I Preliminary Risk Assessment (April 2019)
- 9.4 Habitat Management Plan and Mitigation Strategy for Great Crested Newt (August 2019)

- 9.5 Ecological Assessment Report (August 2019 and December 2019)
- 9.6 Design and Access Statement (August 2019)
- 9.7 Arboricultural Method Statement (August 2019)
- 9.8 Habitat Management Plan and Mitigation Strategy for Great Crested Newt (December 2019)

## **10.0 RELEVANT PLANNING POLICIES**

- 10.1 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.
- 10.2 The site is designated as Protected Land in the West Lancashire Local Plan DPD (2012-2027)

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

GN1 Settlement Boundaries  
 GN3 Criteria for sustainable development  
 GN5 Sequential Tests  
 RS1 Residential development  
 IF2 Enhancing sustainable transport choice  
 EN2 Preserving and enhancing West Lancashire's natural environment

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

## **11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

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

Principle of development  
 Scale, Design and Layout  
 Impact upon residential amenity  
 Highways  
 Ecological considerations  
 Trees and Landscaping  
 Drainage and Flooding

### ***Principle of Development***

- 11.2 The principle of development has been established by the granting of outline planning permission (2014/0786/OUT) as detailed above. That permission remains valid and relevant to this reserved matters application.

### ***Scale, Design and Layout***

- 11.3 Policy GN3 of the adopted WLLP requires that proposals for development should be of a high quality design and be in keeping with the West Lancashire Design Guide SPD. 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.

- 11.4 The site is sandwiched between residential properties facing onto Newarth Lane and those which front onto Chapel Road to the north. Whilst it is recognised that the site lies within an area of protected land, the provision of limited affordable housing is acceptable at this site and is considered to be appropriate for such provision given its proximity to nearby settlement areas.
- 11.5 The proposed dwellings are bungalows and their design and scale is considered to be sympathetic to the general character of area. The application is accessed from Newarth Lane along which there is a mix of dwelling types. The proposed bungalows proposed on this backland site would have a subordinate appearance to the frontage dwellings.
- 11.6 The layout submitted follows the principles and interface distances recommended with the Council's Design Guide SPD. In some cases there is a shortfall in garden depths but as the dwellings would be bungalows the gardens tend to be quite wide and the reduction in garden depths do not appear to have an associated detrimental impact on the amenities of occupiers of neighbouring dwellings (i.e. no overlooking implications).
- 11.7 Therefore I am satisfied that the development is in compliance with Policy GN3 of the WLLP.

### ***Impact upon residential amenity***

- 11.8 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.
- 11.9 The submitted plans show a layout that meets with interface distances shown between the proposed dwellings and those which surround it, as per the Council's SPD Design Guide, with any impact further impact minimised by the limited height of the proposed dwellings (single storey bungalows).
- 11.10 The impact of the movement of vehicles to and from the site via the proposed access is minimised by the presence of fencing/landscaping along the southern boundary. The impact of the resulting vehicular movements over and above those associated with the existing access track on the amenities of neighbouring residents is not considered to be so significant as to warrant a refusal of planning permission.

### ***Highways***

- 11.11 Policy GN3 of the West Lancashire Local Plan DPD (2012-2027) states that all new development should incorporate suitable and safe access and road layout design.
- 11.12 The development will be accessed via an access track from Newarth Lane. On consultation with the Highway Authority initial concerns were raised in terms of the visibility splays in that they cross third party land (not fully within the 'red edge' ownership boundaries and / or the adopted highway) and that sightlines cannot be protected.
- 11.13 The applicant's agent advises that the visibility splay crosses the original landowner's on-going land holding, in order to ensure that the site is developable as part of the land transaction there is a caveat on the land that falls within the visibility splay that it must remain free from anything that could obstruct a driver's view. The Highway Authority raise no objection to this and a planning condition will be attached to any permission to ensure the sightlines remain for the duration of the development.

- 11.14 Concerns have also been raised by the Highway Authority in relation to the swept path drawing which initially only showed vehicles exiting the site and also a conflict with the existing hedge on Newarth Lane. Consequently further swept path assessments have been submitted which demonstrate vehicles can enter and leave the site safely and that vehicles would not cause any damage to the existing hedgerow.
- 11.15 The concerns of local residents on the matter of highway safety have been noted. I am aware of the narrowness of the road adjacent to the proposed access point and the use of the road by slow moving agricultural/horticultural/equestrian traffic. However, it is considered that the applicant has satisfactorily evidenced that the principle of a suitable and safe access to the proposed development site could be provided. Onsite parking provision is also in accordance with the requirements of Policy IF2 of the WLLP.
- 11.16 Overall given that no objections have been raised by LCC Highways, subject to planning conditions, I consider that the development would be in accordance with the requirements of policies GN3 and IF2 in the WLLP.

### ***Ecological considerations***

- 11.17 Policy EN2 in the WLLP seeks to protect biodiversity by resisting development, which would destroy or adversely affect important wildlife habitats.
- 11.18 The Amphibian survey undertaken in 2014 in support of the outline application (2014/0786/OUT) confirmed that ponds within a 250m radius of the application site support a great crested newt metapopulation. The updated 2019 survey 'Habitat Management Plan and Mitigation Strategy for Great Crested Newt' confirmed that the great crested newt population is still present.
- 11.19 Due to initial concerns raised by MEAS in terms of the land on the site that would be retained as great crested newt habitat, amendments to the layout of the scheme have been submitted to include a greater area of great crested newt terrestrial habitat in the northern and western part of the site. In addition to providing a greater area of habitat within the site, the amended layout will result in improved connectivity between retained habitats on the site and great crested newt habitat to the west.
- 11.20 Developments affecting European protected species must be assessed by the Local Planning Authority against three tests set out in the Habitats Regulations as follows:

Test 1: Regulation 55(1)(e): *“preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”*

It is acknowledged though the Local Plan (Chapter 7 and in particular Policy RS2) that West Lancashire has an acute need for more affordable housing. The proposals for this site will assist in meeting the pressing demand for affordable housing in the Borough. This test has been met.

Test 2: Regulation 55(9)(a): *“that there is no satisfactory alternative”*

The application site comprises a semi-derelict, overgrown area of land that was previously used for market gardening purposes. The proposed development would assist in the regeneration of Hesketh Bank and would bring into use a parcel of land which has been unmanaged and semi-derelict for a number of years. Policy RS2 of the West Lancashire Local Plan advises that small scale affordable housing may be permitted on non-green belt land outside settlements, provided that a sequential search for sites has been

undertaken. This search was undertaken by the applicant at the outline planning stage and failed to find a more sustainable and viable site within the settlement boundary of Hesketh Bank. This test has been met.

Test 3: Regulation 55(9)(b): *“that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”*

The applicant has submitted a Habitat Mitigation Plan and Great Crested Newt Mitigation Strategy which is acceptable. The proposed mitigation involves the provision of a dedicated area of great crested newt terrestrial habitat within the application site which will include the creation of hibernacula and hedgerow planting along the northern and eastern boundaries. In addition to this, the existing on-site pond will be enhanced for great crested newts. Following the implementation of the mitigation scheme, the site will be able to support great crested newts during their terrestrial phase at similar levels to which they may be currently present on the site for the lifetime of the development. This test has been met.

- 11.21 Overall I am satisfied that, subject to the imposition of suitable conditions as suggested by MEAS, the proposed development is compliant with Policy EN2 in the WLLP.

### ***Trees and Landscaping***

- 11.22 Along the northern boundary of the site are a number of trees that are subject to a Tree Preservation Order. An Arboricultural Method Statement (August 2019) accompanies the planning application. It is proposed to remove 12 lower grade trees and 4 moderate grade trees. There is also some tree removal associated with G1 in relation to ecological aspects.

- 11.23 On consultation with the Councils Arboricultural Officer no overall objections have been raised and he does not anticipate any conflict. The site plan does refer to hedge planting and shows the positioning of new trees – however there are no landscaping details (i.e. details of species, sizes, planting specification and maintenance). This will be subject to planning condition on any approval notice. Overall it is therefore considered that the development would comply with Policy EN2 of the WLLP.

### ***Drainage and Flooding***

- 11.24 A separate drainage system is to be installed. It is proposed to discharge the foul water to a 150mm diameter combined public sewer located in Newarth Lane which is a satisfactory means of disposal.

- 11.25 Surface water will be discharged in a sustainable fashion via a new surface outlet to an existing (unchartered) surface water drain. I note that planning condition 15 of the outline planning permission requested that the rate of surface water discharge shall not exceed 5 litres per second (l/s). Current WLBC guidance now requests for 3 l/s discharge. Negotiations with the applicant's drainage engineer now demonstrate that the surface water discharge has been reduced to a maximum of 2.2 l/s. On consultation with the Councils Drainage Engineer it is considered that the existing flooding in Newarth Lane would not be exacerbated and the applicant has also provided satisfactory maintenance information for the surface water drainage system for the lifetime of the development (page 9, Drainage Strategy & Flood Risk Assessment; Report Reference: LRD30373 Issue: 02 Date: August 2019). No objections have been raised by the Lead Local Flood Authority.

## ***Planning conditions***

- 11.26 The applicant also seeks to discharge conditions 8, 13, 14, 15, 16, 20 and 24 (in part) of outline planning permission 2014/0786/OUT.
- 11.27 Condition 8 in relation to a detailed habitat management plan for great crested newt mitigation areas- can be discharged as detailed in Habitat Management Plan and Mitigation Strategy for Great Crested Newt (*Tyler Grange, 2 December 2019, 12168\_R01b\_JD\_LP*).
- 11.28 Condition 13 in relation to the proposed screen walls and / or fences can be discharged as shown on drawing 1278-104 Rev A.
- 11.29 Condition 14 in relation to details of foul drainage scheme - a separate drainage system is to be installed. With regards to the foul sewage the proposed connection to a combined public sewer is a satisfactory means of disposal.
- 11.30 Condition 15 in relation to details of surface water drainage scheme this can be discharged – the applicant has agreed to reduce the peak surface water discharge to 2.2 l/s and the LLFA have no objection.
- 11.31 Condition 16 in relation to any existing surface water connection to the public sewer from the existing site has been disconnected from the public sewer – the Councils Drainage Engineer can see no evidence of the surface water drainage being connected to the public sewer system and has therefore recommended that this condition be discharged.
- 11.32 Condition 20 in relation to the layout of the development to enable vehicles to enter and leave the highway in a forward gear - the details provided are acceptable to LCC Highways.
- 11.33 Condition 24 in relation to a contaminated land survey - The phase 1 and 2 reports have been accepted and can be seen as complying with the relevant planning condition. The councils Environmental Health Officer confirms that there is outstanding works required following upon the findings of the Phase 2 report will require action in the remediation works stage and as such can be conditioned separately awaiting approval from the local authority.
- 11.34 Permission is also sought for variation to the section 106 agreement through a Deed of Variation. The applicant is Adatcus Housing Association who propose that the scheme will be for 100% affordable rent tenure. Minor variations to the terms and conditions of the affordable housing are proposed and have been agreed in principle with the Council's Housing Strategy Manager.

## **12.0 RECOMMENDATION**

- 12.1 That 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 the applicant entering into a Deed of Variation (planning obligation) under S106 of the Town and Country Planning Act 1990 to secure:-
- (a) The terms and conditions of the affordable housing
- 12.2 That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation 11.1 above be subject to the following conditions:

## Condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:  
Plan reference 1278-109; 1278-108; 1278-107; 1278-106; 1278-105 and 1278-110 received by the Local Planning Authority on 16/09/2019.  
Plan reference 1278-101 received by the Local Planning Authority on 02/12/2019.  
Plan reference 1278-104 received by the Local Planning Authority on 17/01/2020.  
Reason: 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. Notwithstanding any description of materials in the application, 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 and should be reflective of those within the surrounding area, unless otherwise agreed in writing by the Local Planning Authority.  
The development shall be carried out only in accordance with the agreed schedule of materials and method of construction.  
Reason: 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. Notwithstanding the details shown on the approved drawings, no part of the development shall be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority.  
The details shall relate to all land surfaces not built upon and shall include:
  - Land-levels and gradients resulting in the formation of any banks, terraces or other earthworks
  - hard surfaced areas and materials,
  - planting plans, specifications and schedules, planting size, species and numbers/densities, trees to be retained and a scheme for the timing / phasing of work.
  - existing plants / trees to be retained
  - A detailed regime for the ongoing and longer term maintenance of all soft landscaping is also required to be submitted for approval.The approved landscaping works shall be implemented and completed prior to the occupation of the dwelling to which it relates unless otherwise agreed in writing by the Local Planning Authority.  
Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 7 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.  
Reason: To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 and EN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
5. No site clearance, preparatory work or development shall take place until a Method Statement detailing measures to be taken during construction to protect the health of the existing trees has been submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved Method Statement shall be fully implemented during construction.  
Reason: To protect the existing trees on site and thereby retain the character of the site and the area and to ensure the development complies with the provisions of Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.



6. 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.  
Reason: In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
7. The undertaking of the great crested newt mitigation and habitat management works (in perpetuity) as set out in the Habitat Management Plan and Mitigation Strategy for Great Crested Newt (Tyler Grange, 2 December 2019, 12168\_R01b\_JD\_LP) shall be implemented for the duration of the development.  
Reason: To ensure that the proposed development has no detrimental impact upon protected species or their habitats and is in accordance with Policy EN2 of the West Lancashire Local Plan.
8. No development shall take place until the Local Planning Authority has been provided with a copy of a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified development to go ahead or evidence that the site has been registered under the great crested newt low impact class licence.  
Reason: To ensure that the proposed development has no detrimental impact upon protected species or their habitats and is in accordance with Policy EN2 of the West Lancashire Local Plan.
9. No part of the proposed development hereby permitted shall be commenced until details of the proposed ground and floor levels of all parts of the site, including the finished floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a number of sections across the site, which shall indicate existing and proposed ground levels, together with the finished floor levels of any proposed dwellings/buildings through which the sections run and shall extend beyond the site boundaries to include any surrounding adjacent properties. The development shall thereafter be implemented in accordance with the approved details and method of construction.  
Reason: These details are required prior to the commencement of development 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.
10. 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 rear southern elevation of Plots 1, 2 and 3 until details of the positioning, size and design have been submitted to and approved in writing by the Local Planning Authority  
Reason: 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.
11. The proposed screen walls and / or fences shall be that as detailed drawing 1278 104 Rev A received by the Local Planning Authority on 17/01/2020. The boundary treatment shall be implemented in accordance with the approved details prior to the occupation of the first dwelling house.  
Reason: 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.
12. The foul and surface water drainage scheme shall be implemented as detailed on:  
Preliminary Drainage Layout, reference 30373-620, revision P3;  
Plan Indicating Flood Routing, reference 30373-6020, revision P1;  
Plan Indicating Drained Areas, reference 30373-6021, revision P1; and

Drainage Strategy and Flood Risk Assessment, dated August 2019 (Rev 003)  
received by the Local Planning Authority on 26/02/2020

The drainage scheme shall be implemented in accordance with the approved details prior to the occupation of the first dwelling house.

Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

13. All 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.

Reason: 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 West Lancashire Local Plan 2012-2027 Development Plan Document.

14. As per the approved plans, before the access is used for vehicular purposes the visibility splays measuring 2.4m by 17m in both directions should be provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Newarth Lane. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metres in height above the height of the centre line of the adjacent carriageway. For the avoidance of doubt the developer is advised that the development must be completed in accordance with the approved details to fully meet the requirements of the Condition.

Reason: To ensure adequate visibility at the site access in the interests of highway safety and in order to comply with Policy GN3 in the West Lancashire Local Plan Development Plan Document.

15. The parking provision shown within the curtilage of each dwelling on the approved plans ref 1278-101 shall be provided prior to first occupation of the dwelling to which it relates. The parking area shall be hardsurfaced and shall be made available for its intended use at all times thereafter.

Reason: 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.

16. No development shall take place 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. Thereafter the proposed streets shall be managed and maintained in accordance with the approved details.

Reason: In the interest of highway safety and in order to comply with Policy GN3 in the West Lancashire Local Plan Development Plan Document.

17. No development shall take place until an investigation and risk assessment (in addition to the Phase I and Phase II reports provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place. The submitted report shall include:

a) a survey of the extent, scale and nature of contamination

b) an assessment of the potential risks to:

i. human health,

ii. property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,

iii. adjoining land,

iv. groundwaters and surface waters,

v. ecological systems,

vi. archaeological sites and ancient monuments;

c) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the building(s) hereby approved are first occupied.

Reason: 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.

### **Note(s)**

1. The applicant is advised that the new access onto Newarth Lane will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Lancashire Highways by e-mailing [highways@lancashire.gov.uk](mailto:highways@lancashire.gov.uk).
2. For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse and, once planning permission has been obtained, it does not mean that land drainage consent will be given.  
The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Further information regarding the application process can be found at <https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/>

### **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  
GN5 Sequential Tests  
RS1 Residential development  
IF2 Enhancing sustainable transport choice  
EN2 Preserving and enhancing West Lancashire's natural environment  
together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.



# Agenda Item 7d

<b>No.4</b>	<b>APPLICATION NO.</b>	2019/1207/FUL
	<b>LOCATION</b>	Chapel Court Chapel Mews Ormskirk Lancashire L39 4XB
	<b>PROPOSAL</b>	Installation of two 1000mm wide automatic external doors, one to the existing bin store external door opening and one to a current window opening within a corridor area outside the existing ground floor W.C.'s. To include associated structural and electrical alterations to accommodate the new automatic door openings and external pad post for fob access to the corridor area opening. Both the current corridor area and bin store will become mobility scooter store areas. Erection of new timber fence bin store area externally to the far end of the front car park.
	<b>APPLICANT</b>	The Riverside Group Limited
	<b>WARD</b>	Derby
	<b>PARISH</b>	Unparished - Ormskirk
	<b>TARGET DATE</b>	7th February 2020

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## 1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme, however Councillor Owens has requested it be referred to the Planning Committee due to concerns relating to the loss of amenity for residents.

## 2.0 SUMMARY

- 2.1 The proposed changes to external fenestrations and creation of an external enclosed bin store are acceptable in principle. The proposals are not considered to create any significant harm to the character and appearance of the Conservation Area nor on balance to the residential amenity of occupants of Chapel Court or surrounding properties. The proposal would not significantly impact upon highway safety and capacity. The proposed development is therefore considered compliant with the NPPF and Policies GN1, GN3, EN4 and IF2 of the West Lancashire Local Plan 2012-2027 DPD.

## 3.0 RECOMMENDATION- APPROVE with conditions.

## 4.0 SITE DESCRIPTION

- 4.1 The application site, Chapel Court is sheltered accommodation located on Chapel Mews, a cul-de-sac off Chapel Lane in Ormskirk. The site is located within the Ruff Lane Conservation Area. The relatively modern building is situated over three storeys and is divided into self-contained independent living flats. The front elevation of the building is positioned close to the public footpath/ highway with small dispersed areas of green landscaping to the front and designated residential car parking bays located at either end of the building to the north and south east of the site.

## 5.0 PROPOSAL

- 5.1 The application proposes the following development work as part of a scheduled programme of refurbishment and improvements to the scheme:

Installation of two 1000mm wide automatic external doors (1No to existing bin store and 1No to current window opening);  
Associated structural and electrical alterations for door access;

Existing corridor and internal bin store changed to mobility scooter store;  
Erection of new external bin storage area within existing car park.

## **6.0 PREVIOUS RELEVANT DECISIONS**

6.1 None.

## **7.0 OBSERVATION OF CONSULTEES**

7.1 Lancashire County Council Highways Department. No Objections (29.11.2019)

7.2 Environmental Health Officer. No Objections (13.11.2019)

## **8.0 OTHER REPRESENTATIONS**

8.1 A number of neighbour and resident representations have been received in relation to the proposal, a summary of which is outlined below:

Residents may take rubbish out 24/7 which will be noisy;

The fire hazard will be displaced closer to our neighbouring residential property – the bin store will be located next to our timber fence and overhanging trees;

The smell of 42 resident's bins will detract from the enjoyment of our garden;

Loss of two car parking spaces is going to exacerbate already difficult parking;

Two parking bays for cars (filled with petrol) next to a bin store is a fire hazard;

Chapel Court is sheltered scheme for elderly people- some with vulnerabilities and disabilities. The landlord is taking serious risks with health and safety. The bin store in an outside location without lighting would be difficult and hazardous;

I strongly object to this dangerous plan. Chapel Mews is narrow and a busy access route for a number of surrounding properties. The only way 42 elderly tenants will be able to dispose of bins will be via the busy Chapel Mews street. The proposed bin store is on a sharp bend - this combination of factors is extremely dangerous for the public and could cause a road traffic accident;

There could be a number of elderly residents blocking the pavement with their rubbish whilst struggling with the door of the bin store within inches of two way traffic;

None of the tenants have been told about the proposal by Riverside;

It is a long walk to the bin store for older people particularly in winter;

I live on the second floor of the building and would look out onto the bins;

The area could attract vermin – who will keep this area clean;

Myself and my husband suffer from a range of medical conditions and find it difficult to manipulate locks and doors especially in the cold. Whilst we manage with the internal bin room it will be much more difficult externally;

Riverside are completing the work for fire safety reasons- but an internal bin room is the safest place;

A better solution would be to allow the planned external bin store and the first of the two planned scooter stores, with the proviso that they keep the existing internal bin room in use as a second bin room. This would allow storage of all five mobility scooters plus one or two besides, and ample storage for all the wheelie bins residents could possibly need. This would not even incur any additional expense. Drawings have been submitted to demonstrate how this would work;

A large number of residents have mobility problems and serious medical conditions and the relocation of bins will not assist them;

6 additional and surplus wheelie bins have appeared recently in the scheme;

I support the application;

The bins at the moment are too near the building for health and safety and I therefore support the application;

A recent tenants meeting was held about the proposals and only 3 Chapel Court residents were against the application, the rest were for the application;  
Storage for scooters could be created in the rear garden;  
The modified plan submitted by Storm Tempest whilst addressing some initial issues raised by residents means the shed is now smaller and won't have capacity to store as many bins;  
There are currently 19 wheelie bins and 2 large bins scattered around in dangerous places and these all will not be accommodated in the new wooden shed;  
The major refurbishment of the scheme means tenants are required to contribute to the cost of the works- however the works won't make our life easier;  
Riverside should relocate all the flammable building materials they are storing in the bin rooms;  
One of the worst aspects of the proposal is the secrecy that surrounds it;  
The justification about needing storage for scooters and hairdressing salon is incorrect/ misleading.

## **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.

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

Section 7: Requiring Good Design

Section 15. Conserving and Enhancing the Natural Environment

### **Planning (Listed Building and Conservation Areas) Act 1990**

Conservation Areas- Section 72(1)

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

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

EN4- Preserving and Enhancing West Lancashire's Natural Environment

IF2- Enhancing Sustainable Transport Choices

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

Design Guide (Jan 2008)

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

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

## **9.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

9.1 The main considerations for this application are:

Design and Appearance/ Impact upon the Conservation Area

Residential Amenity

Highway Safety

### **Design and Appearance/ Impact upon the Conservation Area**

9.2 Conservation Areas are defined under s.69 of the P(LBCA) Act1990 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 (in this case the Council) consider character and appearance separately and that proposals need to satisfy the test above in both aspects.

- 9.3 Under the statutory duty the Council must give considerable weight to the presumption in favour of the desirability of the preservation of heritage assets (imposed by Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 9.4 Policy EN4 of the WLLP requires development to preserve or enhance the areas 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 184 to 202.
- 9.5 Policy GN3 of the Local Plan provides criteria in relation to design and layout of the development, in particular development should relate well to adjacent buildings, the area generally and natural features of the site in terms of siting, scale, orientation, design, detailing and materials.
- 9.6 The Ruff Lane Conservation Area is subdivided into 3 characteristic areas, one of which is the Chapel Street Area within which the application site is located. Chapel Court was built in 1985 and is therefore a relatively modern building within the area, it is not listed nor noted as having special importance or contribution within the Character Area Appraisal.
- 9.7 The residential court building has a red brickwork exterior and UPVC double glazed windows and doors throughout. The proposal includes the replacement of two existing fenestrations with 1000mm wide automatic external doors facilitating access to newly created internal mobility scooter storage areas. Owing to the modern appearance and materials of the existing building I am satisfied the modifications will not create any significant change in its overall appearance or character. Furthermore given their location on the side elevation of the court which is off set from the street scene and sits behind a landscaped area and parking bays, they would not be unduly prominent when viewed from the street scene.
- 9.8 The newly created external bin store would be located to the far eastern point of the application site replacing two out of the four residential car parking bays in this location. The proposed enclosed structure would contain and conceal a number of waste bins and owing to its siting which is off set from the main building in a corner plot surrounded by mature trees would not appear unduly prominent. Its construction from 1.8m close boarded timber panels would moreover be consistent with the existing boundary treatments of the residential gardens directly adjacent.
- 9.9 It is acknowledged that the creation of high level boundary fencing and walls which result in blank elevations directly fronting a street scene would generally be discouraged. Nevertheless, in this instance, owing to the density and orientation of properties within the immediate locality, directly opposite the site are the rear garden boundaries of properties on Chapel Street which are similarly enclosed by timber fences fronting Chapel Mews, I am satisfied the location, siting and appearance of the bin store would not appear unduly incongruous or create any significant disruption to the visual amenity of the street scene.
- 9.10 I am required to give the duty imposed by s.72(1) considerable weight. In my view the proposal meets the test to 'preserve' as laid down in the P(LBCA) Act 1990, and complies with the guidance contained in the NPPF, Policy EN4 and GN3 and the guidance contained in the West Lancashire Design Guide SPD.

## **Residential Amenity**



- 9.11 Policy GN3 of the Local Plan requires that new development should retain reasonable levels of privacy and amenity for occupiers of neighbouring properties. Additionally the West Lancashire Design Guide in respect of the siting and layout of developments, states that consideration should include ensuring that adequate space is provided for servicing, refuse and bin collection, recycling facilities and storage. Any new development requires careful assessment of its likely impact on the amenities of existing residents and neighbouring properties.
- 9.12 As part of wider refurbishment and remodelling of Chapel Court the proposal seeks to convert an existing internal bin store for use as one of two storage areas for mobility scooters. The applicant indicates that creation of a designated space to store vehicles is required to overcome the problems caused by the parking of scooters in corridors to the detriment of residents' health and safety. Whilst the internal reconfiguration in itself does not require planning permission, this in turn has led to the proposed relocation and creation of an external bin store within the curtilage of the application site.
- 9.13 The proposed siting of the bin store would be set away from the main Chapel Court building which has self-contained flats across three floors. The applicant indicates that provision of a designated and enclosed storage area which is separated from the main residential accommodation, access points and the habitable windows of residents mitigates the otherwise potential harm to amenity created by bins being located directly adjacent to fire exits or within the direct view of occupants.
- 9.14 Riverside Housing Association have indicated that due to constraints of the application site, and in order to mitigate any further loss of parking bays , the proposed bin enclosure has been kept to a modest size. It is acknowledged the new storage facility will not be able to accommodate the number of small size bins currently utilised on site. It is however the applicant's intention following any approval of external store, to achieve the same volume capacity of bins albeit provided through a reduced number of larger bins calculated to fit within the proposed enclosure. On this basis I am satisfied the proposed scale and siting of the bin store would not result in an excess number of bins being stored outside the designated areas to the detriment of residents amenity.
- 9.15 The siting of the bin store is in a corner position adjacent to high level timber fencing and mature trees which forms the common boundary between the existing car parking bays and the rear gardens of No 81, 86 and 88 Chapel Street. I note the neighbour concern relating to the relocation of the bin store resulting in an increased level of noise and disturbance, however given the existing use for car parking I do not consider the change would result in a significant additional harm in this respect. Furthermore any impact would be to some extent mitigated owing to the orientation of the neighbouring properties, the substantial length of the gardens, and the screening provided by the existing boundary treatments and bin enclosure itself
- 9.16 A number of the concerns raised within the Chapel Court resident's representations (outlined in section 7.1) relate specifically to the impact of the relocation of bins in respect of individual support and care needs, management and maintenance of the scheme and decisions regarding the internal reconfiguration and usage of the building. In this respect, such issues are the responsibility of the site operator/ landlord (in this case Riverside Housing Association). However, on balance, I consider the location of the proposed bin store to be acceptable.
- 9.17 On balance, given the above I am satisfied the proposals would not create any significant additional harm to residential amenity to warrant refusal of the application which is therefore accordant with Policy GN3 of the Local Plan in this respect.

## **Highway Safety**

- 9.18 Policy IF2 of the Local Plan provides detailed criteria relating to transport choices in development. It states that proposals for additional parking provision should consider local circumstances to justify a proposal, which includes levels of local car parking provision and any local parking issues.
- 9.19 The proposed new external bin store area would be located to the south east end of the application site in an existing parking area, and as such would result in the reduction of available parking spaces from 14 to 12. The Highway Authority has been consulted on the proposal and advises that the loss of the two car parking spaces is considered to be mitigated to some extent by the sustainable town centre location of the scheme which also has sufficient waiting restrictions in the vicinity of the site to control on road parking.
- 9.20 On that basis, Lancashire County Council Highways are of the opinion that the proposals would not have a severe impact on highway safety or capacity and have no objections to the scheme which is therefore considered accordant with Policy IF2 of the Local Plan

## **10.0 CONCLUSION**

- 10.1 Overall I consider the proposed developments are compliant with the NPPF and the relevant policies in the West Lancashire Local Plan 2012-27 and are recommended for approval

## **11.0 RECOMMENDATION**

- 11.1 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.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:  
Proposed Site Plan Dwg No: 07 Rev A Received by the Local Planning Authority on 24th January 2020  
Fence Elevation Drawing Dwg No: 9 Received by the Local Planning Authority on 13th December 2019  
Proposed Ground Floor Plan Dwg No: 03 Rev B. Received by the Local Planning Authority on 6th December 2019  
Existing and Proposed Elevations Dwg No: 05. Received by the Local Planning Authority on 26th November 2019  
Reason: 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. The materials to be used on the external surfaces of the works hereby permitted shall match those on Dwg 05 Received 26 the November 2019, Dwg 09 Received 13th December 2019, and Section 7 (Materials) of the submitted Application Form received on 26th November 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.

Reason: To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

**Reason for Approval**

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

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

EN4- Preserving and Enhancing West Lancashire's Natural Environment

IF2- Enhancing Sustainable Transport Choices

together with Supplementary Planning Guidance and all relevant material considerations.

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



# Agenda Item 7e

<b>No.5</b>	<b>APPLICATION NO.</b>	2019/1093/FUL
	<b>LOCATION</b>	Site Of Former Yew Tree Farm Liverpool Road South Burscough Lancashire
	<b>PROPOSAL</b>	Variation of Condition No. 12 imposed on planning permission 2015/0171/OUT to read: The road linking the A59 Liverpool Road South and Tollgate Road as approved in full under planning permission ref 2018/0525/HYB shall be implemented in accordance with S38 and S278 Agreements prior to the occupation of the 150th dwelling or the 1st January 2021 whichever is the soonest. Variation of Condition No. 36 imposed on planning permission to vary trigger points for monitoring and implementation of junction improvements at Liverpool Road South/Square Lane.
	<b>APPLICANT</b>	Crompton Property Developments Ltd
	<b>WARD</b>	Burscough West
	<b>PARISH</b>	Burscough
	<b>TARGET DATE</b>	10th March 2020

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## 1.0 SUMMARY

- 1.1 I consider the proposal to replace the requirement to carry out junction improvements at the Square Lane/Liverpool Road South junction prior to the occupation of the 100<sup>th</sup> dwelling with a requirement to complete the road linking the A59 Liverpool Road South with Tollgate Road prior to occupation of the 150th dwelling on the site or by January 2021 to be acceptable. I also consider the reduction in the trigger point at which a monitoring strategy in respect of the operation of the Square Lane/A59 junction is required together with its implementation, as imposed by Condition 36, to be acceptable. I am satisfied that the proposed alterations to the conditions will not have a significant impact on highway safety or highway conditions in the vicinity of the site. On this basis, I am satisfied that the proposal complies with the relevant policies of the Local Plan.

## 2.0 RECOMMENDATION: **APPROVE with conditions and the signing of a Deed of Variation to the S106 Agreement.**

## 3.0 THE SITE

- 3.1 The site comprises approximately 40 hectares of land that lies to the west of Burscough between the Burscough Industrial Estate, Higgins Lane and Liverpool Road South. It is a site allocated for residential, employment, education and other community facilities in the West Lancashire Local Plan. Outline planning permission has been granted for mixed residential and employment development on the site and the first phase of residential development is well underway on the eastern part of the site, a new spine road is under construction through the centre of the site and employment development is under construction on the western part of the site.
- 3.2 The surrounding area is mixed in character. To the north-west of Higgins Lane are agricultural fields within the Green Belt and to the north-east of Higgins Lane lies the residential area of the Truscott Estate. To the east beyond Liverpool Road South is the largely residential built up area of Burscough. To the west of the site is Tollgate Road and the Burscough Industrial Estate. To the south of the site is an agricultural field (forming part of the strategic Yew Tree Farm site but safeguarded for future development), beyond

which are residential properties along Liverpool Road North.

- 3.3 The site and surrounding area is relatively flat and open, although there is a slight fall to the north. There are a number of ditches and hedgerows that cross the site along field boundaries together with groups of trees and a pond. A public right of way (FP74) runs from south-east to the north-west of the site.

#### **4.0 THE PROPOSAL**

- 4.1 This application seeks to vary two conditions on the original outline planning permission (2015/0171/OUT). Condition 12 states:

*The junction improvement at Liverpool Road South/Square Lane shown on Plan Ref:CBO-0054-009 Rev B shall be implemented in accordance with a S278 Agreement prior to the occupation of the 100th dwelling.*

- 4.2 For reasons outlined in my observations below, the applicant now proposes to vary this condition to read:

*The road linking the A59 Liverpool Road South and Tollgate Road as approved in full under planning permission ref 2018/0525/HYB shall be implemented in accordance with S38 and S278 Agreements prior to the occupation of the 150th dwelling or the 1st January 2021 whichever is the soonest.*

- 4.3 Condition 36 states:

*A monitoring strategy in respect of trips from the site, the flows at the A59/A5209 junction (to allow the site trips to be discounted and the background flows derived) shall be submitted to and approved in writing by the Local Planning Authority on or before the Occupation of 400 Dwellings. Such monitoring strategy to include but not be limited to the following:*

*the proposed neutral months to be used for monitoring;*  
*the proposed weeks to be used for monitoring such weeks not being school holidays for the borough or bank holidays and avoiding major roadwork's on the local highway network;*  
*methodology of how the data will be captured;*  
*how and when it will be submitted to the Council;*  
*timetabling of monitoring and submission of data; and*  
*and the approved monitoring strategy shall be carried out at the Owner's expense;*  
*Once approved by the LPA, the monitoring strategy shall be implemented thereafter.*

*Prior to the Occupation of 450 Dwellings the results of such monitoring shall be submitted to the Local Planning Authority in accordance with the programme for reporting set out in the said approved monitoring strategy. If the "no development" flows exceed the flows set out in the TA received by the LPA on 19th February 2015 then mitigation measures shall be submitted to and agreed in writing with the LPA which address the issues raised by the flows exceeding those set out in the 19th February 2015 TA. Such measures (if any are required) shall be implemented prior to occupation of the 451st dwelling.*

- 4.4 For reasons outlined in my observations below, this application now proposes to vary this condition to read:

*A monitoring strategy in respect of trips from the site, the flows at the A59/A5209 junction (to allow the site trips to be discounted and the background flows derived) shall be*

*submitted to and approved in writing by the Local Planning Authority on or before the Occupation of 250 Dwellings or 12 months after the opening of the link road (whichever comes first). Such monitoring strategy to include but not be limited to the following:*

*the proposed neutral months to be used for monitoring;  
the proposed weeks to be used for monitoring such weeks not being school holidays for the borough or bank holidays and avoiding major roadwork's on the local highway network;  
methodology of how the data will be captured;  
how and when it will be submitted to the Council;  
timetabling of monitoring and submission of data; and  
the approved monitoring strategy shall be carried out at the Owner's expense;*

*Once approved by the LPA, the monitoring strategy shall be implemented thereafter.*

*Prior to the Occupation of 300 Dwellings or 24 months after the opening of the link road (whichever comes first) the results of such monitoring shall be submitted to the Local Planning Authority in accordance with the programme for reporting set out in the said approved monitoring strategy. If the "no development" flows exceed the flows set out in the TA received by the LPA on 19th February 2015 then a strategy and timetable for mitigating the impact including if required the junction improvement at Liverpool Road South/Square Lane shown on Plan Ref CBO-0054-009 Rev B (or a similar scheme to be agreed on land within the adopted highway) shall also be submitted to and approved in writing by the Local Planning Authority. Any mitigation shall thereafter be implemented in accordance with the approved strategy and timetable for implementation.*

The differences between the two conditions have been underlined.

- 4.5 In order to link the outline planning permission to this current proposed application and (which in effect would be a new outline permission if it were to be granted) it is proposed to add a condition to make it clear that the reserved matters approved to date and the conditions discharged in relation to those phases will also apply to any new permission. The proposed wording is as follows:

*This outline permission shall be read alongside the original outline planning permission 2015/0171/OUT and the conditions attached to that permission shall apply equally to this new outline planning permission (save for the amendment of conditions 12 and 36 where the new wording shall supersede the previous conditions) and all future reserved matters approvals and approvals of details by condition permissions pursuant to either outline planning permission shall be treated as an approval pursuant to this new planning permission.*

## **5.0 RELEVANT APPLICATIONS**

- 5.1 2019/1316/FUL - The construction of access roads, substations and a pumping station to facilitate the phase 2 residential development within the Yew Tree Farm strategic site. PENDING CONSIDERATION
- 5.2 2019/1182/ARM - Approval of Reserved Matters - Erection of 267 dwellings including details of appearance, landscaping, layout and scale. Discharge of Condition Nos. 5, 8, 14, 16, 18, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 35 from outline planning permission 2015/0171/OUT. PENDING CONSIDERATION
- 5.3 2019/0947/ARM - Proposed re-plan of plots 74-88 and 116-131 of reserved matters

2017/0431/ARM to provide 16 no. detached houses (net loss of 15 dwellings). PENDING CONSIDERATION

- 5.4 2019/0438/FUL - The erection of a building for use as employment (B1, B2 or B8) or leisure (D2), together with the laying of an access road from the existing roundabout at Tollgate Road, and other associated works. APPROVED
- 5.5 2019/0311/ARM – Reserved Matters - Construction of seven employment buildings (falling within use classes B1, B2 & B8) comprising a total of 11,721 sqm (GEA) and associated works pursuant to outline planning permission Ref. 2015/0171/OUT. Including Approval of Details Reserved by Condition 8 (Highways), 16 (Arboricultural Method Statement), 18 (Landscaping), 27 (Foul/Surface Water Drainage Strategy), 28 (Foul Drainage), 29 (surface water regulation system), 31 (Levels) and 35 (Noise). APPROVED
- 5.6 2018/0525/HYB - Hybrid Application - Full planning permission for the construction of a link road between Tollgate Road/Ringtail Road and the Phase 1 residential development of the Yew Tree Farm site including associated drainage and other works; and Outline planning permission for the construction of 31,100 sqm of B1, B2 and/or B8 employment development (all matters reserved except for access positions from the existing/new roads) together with the provision of related infrastructure including the construction of drainage works, services and related utilities. APPROVED
- 5.7 2017/0431/ARM - Approval of Reserved Matters for 146 dwellings with associated car parking and landscaping for phases 1a & 1b (denoted as 1 & 1a on the Outline approved master plan). The reserved matters for which consent is sought on these two phases are appearance & scale, layout and landscaping. Discharge of Condition No. 27 (foul and surface water drainage strategy) and Condition No. 35 (updated noise assessment) of planning permission 2015/0171/OUT. APPROVED
- 5.8 2015/0171/OUT - Demolition of the existing buildings, and outline planning permission (including details of access) for the erection of up to 580 dwellings (C3); Extra Care or Care Accommodation (C2); a Local Centre (comprising up to 500m<sup>2</sup> of A1, A2, A3, A4 and A5 floorspace; and community uses); the construction of 4.6 hectares of Employment Development (up to 13,800m<sup>2</sup> of B1, B2 and B8 floorspace); the provision of open space and associated recreation facilities (including parkland, allotments, play areas, a linear park, cycle and pedestrian facilities); together with the provision of related infrastructure including the construction of drainage works (including sustainable urban drainage systems), roads, services and related utilities; and associated works. APPROVED SUBJECT TO A S106 AGREEMENT
- 5.9 2014/1054/SCO - Scoping Opinion - Residential-led mixed-use development - Development IS EIA development (25.11.2014)

Land to south-west at end of Lordsgate Lane

- 5.10 2016/0406/FUL - Erection of 6 No. (3 pairs of semi-detached) dwellings. APPROVED

## **6.0 CONSULTEE RESPONSES**

- 6.1 LCC HIGHWAYS (03.02.2020 and 05.03.2020) – No objections. The highway authority can support this application with the removal of the 100 dwelling trigger point however the spine road must be open for public use as indicated in the revised planning condition i.e. at 150 dwellings occupied or prior to January 2021. After discussion and amendment to the proposed wording of Condition 36, there is no objection to the revised trigger points of 250 and 300 dwellings, provided any works required within the highway boundary (similar



to that approved by the original permission) that it be delivered by the applicant/developer under a S278 Agreement and the S106 funds be used to support its delivery. Or if an alternative scheme is brought forward beyond the highway boundary, the S106 funds be used to support its delivery. The responsibility to deliver such a scheme is to be agreed but should not place any liability or burden on the highway authority.

## **7.0 OTHER REPRESENTATIONS**

7.1 Burscough Town Council object to the application on the basis that the junction should be upgraded as soon as possible and in accordance with the original plan as WLBC agreed the development regarding the proposed Meadowbrook development with this junction upgrade being in the original plan and there is concern that this may lead to the junction not being upgraded at all.

7.2 I have received four letters of objection from surrounding residents who raise the following concerns:

Square Lane junction already busy with long queues at times and any increase in traffic from Yew Tree Farm will exacerbate the situation;

Developer trying to get out of obligations and the original condition may never be met and even if it is, it could be years off;

When the A59 is connected with Tollgate Road, it will become another main access point for the industrial estate, generating more HGV's and commercial traffic into a central residential area with two major schools in close proximity and an already busy road;

Will the connecting road have weight restrictions placed on it and traffic measures incorporated?;

Concerned if connecting road is signposted to Southport, increasing traffic into a residential area;

Object to any measure which generates more traffic beyond the increase which the YTF development will cause on grounds of increased noise, noise nuisance and vibration damage;

Increased pollution.

## **8.0 SUPPORTING INFORMATION**

8.1 The application is supported by the following information:  
Supporting Letter  
Highway Benefits Statement

## **9.0 RELEVANT PLANNING POLICIES**

9.1 The National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG), West Lancashire Local Plan (2012-2027) (WLLP) and Burscough Parish Neighbourhood Plan provide the policy framework against which the development will be assessed. The site is subject of a Supplementary Planning Document: Yew Tree Farm Masterplan (February 2015) which aims to guide developers and their applicants in their proposals and planning applications for development on the site.

9.2 The majority of the site is allocated as SP3 – Yew Tree Farm, Burscough – A Strategic Development Site. The western part of the site is allocated as a Strategic Employment Site. The site also falls within the Mineral Safeguarding Area as designated under Policy M2 of the Joint Lancashire Minerals and Waste Local Plan.

9.3 The following policies apply:

### National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development

Section 4 Decision making

Section 6 Building a strong, competitive economy

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change

Section 15 Conserving and enhancing the natural environment

Section 17 Facilitating the sustainable use of minerals

### West Lancashire Local Plan (2012-2027) DPD

SP1 – A Sustainable Development Framework for West Lancashire

SP3 – Strategic development Site: Yew Tree Farm

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

EC1 – The Economy and Employment Land

IF2 – Enhancing Sustainable Transport Choice

IF3 – Service Accessibility and Infrastructure for Growth

EN1 – Low Carbon Development and Energy Infrastructure

EN2 – Preserving and Enhancing West Lancashire's Natural Environment

EN3 – Provision of Green Infrastructure and Open Recreation Space

EN4 - Preserving and Enhancing West Lancashire's Built Environment

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

### Burscough Parish Neighbourhood Plan

BPI1: Development and Infrastructure

BPI2: Surface Water Drainage

BPI3: Foul Water Drainage

BPH1: New Residential Development

BPH2: Housing Mix

BPE1: Burscough Industrial Estate

BPT1: Transport and Development

BPT2: Environmental Improvement Corridors

BPD1: Design and Accessibility Principles

BPD2: Detailed Design Elements

BPC1: Community Infrastructure

9.4 The following supplementary planning documents are also relevant:

SPD – Yew Tree Farm Masterplan (Feb 2015)

SPD – Design Guide (Jan 2008)

## **10.0 OBSERVATIONS OF CORPORATE DIRECTOR PLACE AND COMMUNITY**

### Background

10.1 Outline planning permission, with all matters reserved except access, was granted for a mixed-use development on the site (comprising up to 580 dwellings, care accommodation, a local retail centre, community uses, 4.6 hectares of employment development, the provision of open space and associated recreation facilities including a linear park) on 20<sup>th</sup> March 2017 (Ref: 2015/0171/OUT). The outline permission includes 36 conditions and a

- 10.2 The first phase of residential development for 146 dwellings along with the access onto Liverpool Road South and the first part of the spine road was granted planning permission in October 2017 and is well under way. The remainder of the spine road and outline permission for employment purposes along Tollgate Road was granted permission in November 2018 and more recently, reserved matters approval was granted for employment and leisure units accessed off Tollgate Road (July 2019). Work has now commenced on these units. An application for the second phase of residential development (267 dwellings) is currently under consideration.
- 10.3 A number of conditions imposed on the outline planning permission relate to highway matters, which were a significant consideration during assessment of the application. Following detailed discussions and submission and assessment of traffic and transport information an analysis was made of the impact of the proposed development on junction capacity in the surrounding area. One junction that was considered to be significantly impacted at peak travel times was the Liverpool Road South/Square Lane junction. As a result, Conditions 12 and 36 were imposed to assess at what point the junction would approach capacity and junction improvements become necessary. These triggers were set at "prior to occupation of the 100th dwelling" before a signalised junction was necessary (Condition 12) and "prior to occupation of 400 dwellings to submit a monitoring strategy in respect of trips from the site and flows at the junction and, if required, before occupation of the 451st dwelling implement further junction improvements" (Condition 36). Neither of these trigger points have been met to date.
- 10.4 Since these conditions were imposed, planning permission has been granted (in accordance with the Yew Tree Farm Masterplan SPD) for a new spine road linking Liverpool Road South with Tollgate Road, potentially providing an alternative traffic route. As such, the applicant considers the junction improvements no longer need to be delivered prior to occupation of the 100th dwelling but could potentially be delivered at a later date and is proposing to vary the conditions.

#### Highway Implications

- 10.5 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and is a material consideration in planning decisions. It advocates that the purpose of the planning system is to contribute to the achievement of sustainable development, by performing an economic, social and environmental role. Para 103 advises that the planning system should actively manage patterns of growth in support of these objectives. Para 108 states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should ensure that *inter alia* any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 10.6 The main consideration in assessing whether or not the proposed varied conditions are acceptable is the highway impact. The main reason that the variations have been proposed is that the link road through the Yew Tree Farm site, providing access from the A59 to the industrial estates west of Burscough and Ringtail Retail Park, will now be delivered much earlier than originally thought and this has implications for the local highway network. It should be noted that the initial eastern section of link road (450m) and signals with the A59 have been delivered. The middle section of the link road is currently being designed, and once complete, LCC will review and when satisfied, approve the detail. The western end has been designed and approved by LCC. The applicant now intends to deliver the road and it to be open for public use before January 2021.

- 10.7 To assess what early delivery of this link road means in highway terms, it is necessary to consider the local highway network. The A59 runs north/south through West Lancashire and operates as a strategic route between central Lancashire and Liverpool as well as serving local journeys within the borough. LCC Highway advise that there is currently a level of congestion that occurs in and around Burscough during peak periods. These include the junction with A5209 Square Lane, the signalised junction with B5241 Junction Lane and locations around the town centre between the rail and canal bridges. The A5209 runs west/east between A59 and A49 at Standish via Parbold, Wrightington Hospital and M6 junction 27 at Shevington. This again acts as a strategic route taking cars and goods vehicles from West Lancashire and the industrial estates at Burscough to the strategic highway network and the Wigan area. The intersection of these key strategic routes through West Lancashire is at the Liverpool Road South/Square Lane junction currently with priority Give Way control.
- 10.8 The B5242 Pippin Street commences south of Burscough at a roundabout with the A59 and travels in a north-westerly direction to the A570 near Scarisbrick. This provides a highway corridor from the A59 and the industrial estates in Burscough to Southport, avoiding congestion around Ormskirk.
- 10.9 LCC have advised that delay is incurred on the A59 and other connecting corridors which does extend beyond the traditional peaks. Notwithstanding this it is also noted traffic flows during the peaks at key junctions overall have not changed significantly and have not experienced the year on year growth originally predicted upon consideration of the outline planning application at Yew Tree Farm. However what is clear is that there is regular delay and operational difficulties through Burscough and any benefits released from early delivery of highway infrastructure will always be considered having regard to the wider network.
- 10.10 In the original outline application no regard was had to the benefits of early delivery of the link road and the potential influence on traffic redistribution it may bring, as it was originally planned to be delivered as part of a later phase of the development. It is now anticipated that the link road will be delivered and available for public use by January 2021 or by 150 units occupied (whichever is the sooner). With the link road in place, it is the applicant's view that the original trigger for junction improvements at Square Lane could be amended, assuming other triggers are in place to ensure delivery of specific junction improvements when needed.
- 10.11 The applicant's transport consultant, CBO, have undertaken analysis which considered the level of redistribution and which parts of the highway network the link road will influence. In addition, they also reviewed traffic levels between 2012 and 2019 at various locations on the network. Moreover, a number of junctions have been modelled having regard to the complete approved Yew Tree Farm development, other commitments, traffic growth (to 2027) and the impacts of redistribution. The results indicate the following:
- A59 Liverpool Road South/link Road (eastern site access) – Junction operates with spare Practical Reserve Capacity (PRC)
  - Tollgate Road/Site access – (western site access) – Junction operates within practical Ratio of Flow to Capacity (RFC)
  - Pippin Street/Tollgate Road– Junction operates within practical Ratio of Flow to Capacity (RFC)
  - Tollgate Road/Ringtail Road/New Link Road – Junction operates within practical Ratio of Flow to Capacity (RFC)
  - A59 High Lane with Pippin Street – Junction operates within practical Ratio of Flow to Capacity (RFC). However the modelling indicates that with the link road the results are

slightly worse than a no link road option, the residual spare capacity at the junction is much lower especially in the PM peak

- 10.12 LCC Highways have assessed this information and comment that junction models produced by CBO do not replicate current levels of queuing. Therefore absolute results are not supported nor accurate from an operational perspective. Each model is built and operated in isolation, thus excluding influences both up and downstream. LCC are of the view that the theoretical exercise undertaken has limited merit, but is suitable for the purpose as presented. The modelling is not suitable for any other purpose other than a simple test, as it has not been validated.

*Condition 12*

- 10.13 Notwithstanding the above, LCC have discussed the merits of the early delivery of the link road and at what trigger points highway improvements will be necessary with the applicant, having regard to the currently worded planning conditions. As a result of these discussions, LCC Highways have agreed that the proposed highway improvement (signalisation) at the Square Lane/Liverpool Road South junction, required by Condition 12 of the outline permission, no longer has to be delivered before occupation of the 100th dwelling. LCC consider that the early delivery of the link road will offer some network benefit (on the A59 between Ringtail Retail Park and Higgins Lane) as some vehicles will redistribute from current routes and use the link road and Tollgate Road. The key routing changes that could be expected will be to those travelling between the A59 north of Higgins Lane and the employment area around Tollgate Road and those who use Pippin Street as part of a longer journey. These changes in routing will, in LCC's opinion, reduce overall traffic flow at Square Lane. The link road will also provide some early sustainable provision for pedestrians and cyclists along its length and could also provide new opportunities for bus routing. As such, I am satisfied that the proposed rewording of Condition 12 is acceptable.
- 10.14 LCC have been clear that at no point should any highway improvement works that are required as a result of development, place any financial burden or liability on the highway authority. To provide additional comfort, in the event that the link road is not completed prior to January 2021 or before occupation of the 150th dwelling (whichever is soonest), the applicant has proposed a financial commitment of £245,000 to provide the Council with funds to deliver initial changes at the Square Lane junction (i.e. that required at 100 units) should this be necessary. A S106 Agreement has been submitted to ensure that the terms of the funds and delivery of any junction improvements required can be implemented through a S278 Agreement with the applicant/developer and meet the CIL Regulation tests.

*Condition 36*

- 10.15 Condition 36 of current permission requires that prior to occupation of the 400th dwelling on the site (NB the total number of dwellings on the site is up to 580 dwellings) a monitoring strategy in respect of how the Square Lane/Liverpool Road South junction operates, be submitted to the LPA and once agreed, monitoring take place in accordance with the strategy and the results be provided to the LPA prior to occupation of the 450th dwelling on the site. Should the junction be operating beyond the predicted flows set out in the original Transport Assessment (2015) then mitigation (i.e. highway improvements) should be proposed, agreed and implemented prior to the occupation of the 451st dwelling. In effect, if junction improvements are necessary at that point in time, then no more than 450 dwellings could be occupied until those improvements have been implemented.

- 10.16 The applicant originally sought to vary this condition by inserting reference to a specific signalised junction improvement (the same one as was originally proposed through Condition 12) which should be delivered prior to occupation of the 499th dwelling on the site. In effect, although there would be a link road in place to redistribute some traffic, there would be potentially no junction improvement until occupation of the 499th dwelling. The current outline permission requires a junction improvement prior to occupation of the 100th dwelling and then potentially a further improvement and/or sustainable travel measures prior to occupation of the 451st dwelling.
- 10.17 Whilst LCC are content to agree that no initial junction improvement is now necessary, provided the link road is implemented before January 2021, they are not prepared to accept that the potential for any junction improvement has to wait until monitoring takes place until occupation of the 400th dwelling on the site. Therefore, through discussion with the applicant, an agreement has been reached that a reasonable approach is to require monitoring to take place, after agreeing a monitoring strategy on or before the occupation of 250 dwellings or 12 months after the opening of the link road (whichever comes first). This allows time to assess the highway impact on traffic flows at the Square Lane junction of the link road over a 12 month period or once a significant number of dwellings have been occupied (up to 250). Results of such monitoring should be submitted to the LPA before occupation of 300 dwellings (or 24 months after opening of the link road (whoever comes first)). Should the junction be operating beyond the predicted flows set out in the original Transport Assessment (2015) then mitigation (i.e. highway improvements within the existing highway, such as that proposed by the original Condition 12 - signalisation) must be proposed, agreed and implemented. In effect, if junction improvements are necessary at that point in time, then no more than 300 dwellings could be occupied until those improvements have been implemented. LCC do not object to this variation and I concur with this view.
- 10.18 It is also to be recognised that this proposal does not negate the need for the delivery of previously agreed highway improvements such as that at the A59 Liverpool Road South/B5241 Junction Lane (Condition 13 of the outline permission). It should also be noted that LCC Highways remain of the view that in the long term, the full impacts of the whole of the strategic Yew Tree Farm site (i.e. both the allocated and safeguarded land together) are yet unknown and it is likely that the provision of a comprehensive scheme of highway improvements at the Square Lane/Liverpool Road South junction will require 3rd party land to delivery those highway improvements. At the current time however, I am satisfied that the variations to conditions as proposed will not have a detrimental impact on highway conditions in the vicinity of the Yew Tree Farm site and the current application is acceptable in principle.

#### Proposed Additional Condition

- 10.19 In order to link the outline planning permission to this current proposed application (which in effect would be a new outline permission if it were to be granted) it is proposed to include a condition that makes it clear that the reserved matters approved to date and the conditions discharged in relation to existing phases of development will also apply to any new permission. In my view, due to the complexity of procedural requirements when using the S73 mechanism to amend conditions on a phased development, (which has already commenced and some conditions already partially approved) this approach seeks to tie the two permissions together. This will not, as the applicant also states, result in any amendment to the proposed development (other than the two proposed varied conditions 12 and 36 assessed above) but provides procedural clarity.

#### Summary

10.20 I consider the replacement of the current trigger point required by Condition 12 of the outline planning permission (junction improvements at the Square Lane/Liverpool Road South junction prior to occupation of 100 dwellings on the site) with a requirement to complete the road linking the A59 Liverpool Road South with Tollgate Road prior to occupation of the 150th dwelling on the site or by January 2021 to be acceptable as it would not result in any significant increased highway impact over and above that existing under the current outline planning permission. I also consider the reduction in the trigger point at which a monitoring strategy in respect of the operation of the Square Lane/A59 junction is required together with its implementation, as imposed by Condition 36, to be acceptable in highway terms. As a safeguard, a supplementary S106 is proposed to require a financial bond which can be triggered as a mechanism to secure funds to contribute towards a junction improvement scheme at Square Lane if necessary. On this basis, I am satisfied that the proposal complies with the relevant policies of the Local Plan.

## **11.0 RECOMMENDATION**

11.1 That 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 the applicant entering into a Deed of Variation (planning obligation) under S106 of the Town and Country Planning Act 1990 to secure:-

(a) The highway works contribution of £245,000

11.2 That any planning permission granted by the Corporate Director of Place and Community pursuant to recommendation 11.1 above be subject to the following conditions:

### **Condition(s)**

1. An application for approval of the first reserved matter must be made not later than the expiration of five years beginning with the date of this permission with the application for the approval of the final reserved matter being made not later than ten years beginning with the date of this permission. 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.  
Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
2. Before any part of the development hereby approved is commenced approval shall be obtained from the Local Planning Authority for the reserved matters namely the layout, scale and appearance of the building(s); and landscaping of the site.  
Reason: The application is in outline and the matters referred to in the Condition are reserved for subsequent approval by the Local Planning Authority.
3. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the details shown on plan reference 6815\_SP(90)01 (Location Plan - Red Line Boundary) received on 19.02.2015.  
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy SP3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. Development shall not begin until a phasing programme for the whole of the site has been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall identify residential and employment phases, drainage phases, provision of the internal link roads, provision of the public open space, provision of the Linear Park and provision of the retail/community development. Any amendment to the phasing programme should provide evidence to demonstrate that such changes would not be likely to give rise to any significant environmental impacts. In instances where phasing changes may give rise to environmental impacts then the amended phasing programme shall be

accompanied by an Environmental Statement prepared in accordance with the (Environmental Impact Assessment) Regulations 2011 (or as amended).

Reason: To ensure a holistic approach to the phasing of the development and indicate how each phase relates to and supports the next phase, particularly in terms of infrastructure provision in accordance with Policy SP3 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

5. For each phase of development (as set out in the phasing programme) no development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding including decorative displays, where appropriate;
  - v) wheel washing facilities;
  - vi) a management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures;
  - vii) a scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site);
  - viii) a scheme to control noise during the construction phase, and
  - ix) the routing of construction vehicles and deliveries to site.

Reason: To maintain the operation and safety of the local highway network during site preparation and construction and in the interests of residential amenity in accordance with Policy GN3 in the adopted West Lancashire Local plan 2012-2027 Development Plan Document.

6. The estate road for each phase (as set out in the phasing programme) of the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the phase and shall be further extended before any development commences fronting the new estate road.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

7. Car parking and vehicle turning areas within each phase (as set out in the phasing programme) shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the dwellings and other buildings/uses within the phase hereby permitted become operative.

Reason: To allow for the effective use of the parking areas in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

8. No construction works shall commence on each phase of development (as set out in the phasing programme) until a scheme for the construction of the internal access road, cycleway and footway networks for that phase of development has been submitted to, and approved in writing by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved details.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site. Also, in order to provide a safe access to the site and ensure that users of the development have appropriate access to sustainable transport options in accordance with Policy GN3 and Policy SP3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

9. No construction works shall take place on any residential phase until full engineering details of the signalised junction at the main entrance to the site on Liverpool Road South as shown on Plan Ref CBO-0054-001 Rev E have been submitted to and approved in



writing by the Local Planning Authority. No dwellings, other than those adjacent to Lordsgate Lane (as shown in orange on Parameters Plan ref:

6815\_SP(90)22/I) shall be occupied until the new junction has been provided in accordance with the approved details.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

10. The southern roundabout access shown on Plan Ref HC/15820/001 shall be implemented in accordance with a S278 Agreement before any development served from that access is occupied.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

11. The access shown on Plan Ref CBO-0054-004 shall be implemented in accordance with a S278 Agreement before any development served from that access takes place.

Reason: In order that the existing highway network is not undermined and that the scheme is delivered in advance of the completion of the development in accordance with Policy GN3 and Policy SP3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

12. The road linking the A59 Liverpool Road South and Tollgate Road as approved in full under planning permission ref 2018/0525/HYB shall be implemented in accordance with S38 and S278 Agreements prior to the occupation of the 150th dwelling or the 1st January 2021 whichever is the soonest.

Reason: In order that the existing highway network is not undermined and that the scheme is delivered in advance of the completion of development in accordance with Policy GN3 and Policy SP3 in the adopted West Lancashire Local plan 2012-2027 Development Plan Document.

13. The junction improvement at Liverpool Road South/Junction Lane/Trevor Road shown on Plan Ref CBO-0054-010 Rev C shall be implemented in accordance with a S278 Agreement prior to occupation of the first dwelling.

Reason: In order that the existing highway network is not undermined and that the scheme is delivered in advance of the completion of the development in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Reason: In order that the existing highway network is not undermined and that the scheme is delivered in advance of the completion of the development in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

14. Notwithstanding the particulars accompanying the planning application, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development. The Travel Plan shall include objectives, targets, measures and funding mechanism to achieve targets, monitoring, implementation timescales for delivery (which exceeds the build out period) and the provision of a travel plan co-ordinator. The approved plan shall be audited and updated at intervals as approved. The approved plan shall be implemented in accordance with the details as approved.

Reason: To promote sustainable transport in the interests of good planning and to comply with Policy IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

15. There shall not be at any time in connection with the development hereby permitted be planted hedges, trees or shrubs over 1m above the road level within any visibility splay required to maintain safe operation for all users.  
Reason: To ensure adequate visibility splays are maintained at all times in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
16. No development shall take place within a phase until a Method Statement detailing measures to be taken during construction within that phase to protect the health of the existing trees on and adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved Method Statement shall be fully implemented during construction.  
Reason: 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.
17. Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall not be undertaken between the months of March to August inclusive unless the absence of nesting birds has been confirmed by further surveys or inspections. Such surveys shall be carried out by a suitably qualified and experienced ecologist. If nesting birds (or dependent young) are found to be present, works shall be delayed until such time as nesting is complete and the young have fledged.  
Reason: 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.
18. No development shall take place on each phase until a landscaping and detailed habitat creation/landscaping and management plan (to include compensatory planting for loss of trees and length of hedgerow; management details of replacement planting, retained areas of semi-natural vegetation and opportunities for biodiversity enhancement) for that phase has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas. Trees and shrubs planted shall comply with BS. 3936(Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations).  
Within a period of 9 months of each dwelling being occupied the respective landscaping details relating to that plot 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. The landscape management plan shall include details of management responsibilities, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens) in perpetuity.  
The agreed landscape and habitat creation shall be implemented in full, in accordance with timescales indicated in the approved scheme and thereafter the site shall be maintained in accordance with the approved landscape management plan.  
Reason: To enable adequate maintenance and management of landscaped areas and provide compensatory planting so ensure the development complies with Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
19. The existing buildings at Yew Tree Farm shall not be demolished until a copy of the relevant licence/s (if required) from Natural England for the derogation of the protection of European Protected Species under the Habitats Directive is provided to the Local Planning Authority.  
Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and the Habitats Directive.

20. The development hereby approved shall incorporate the bat mitigation measures stated in paragraphs 16.5 to 16.9 of Chapter I of the Environmental Statement 41295/03/SPM dated February 2015 and in the Response to MEAS comments, The Tyrer Partnership, undated unless otherwise agreed in writing by the Local Planning Authority. The structures provided as mitigation should be retained as a bat roost in perpetuity.  
Reason: To safeguard protected species and so ensure compliance with Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
21. The development hereby approved shall incorporate the amphibian mitigation measures stated in paragraph 16.13 of Chapter I of the Environmental Statement 41295/03/SPM dated February 2015 unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To safeguard protected species and so ensure compliance with Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
22. The development hereby approved shall incorporate the brown hare mitigation measures stated in paragraph 16.14 of Chapter I of the Environmental Statement 41295/03/SPM dated February 2015 unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To safeguard protected species and so ensure compliance with Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
23. Immediately prior to construction on each phase, a pre-construction site check for barn owls shall take place and the results of the check shall be submitted to the Local Planning Authority. Should any barn owl nest or roost be found to be present, appropriate mitigation shall be identified and submitted for approval to the Local Planning Authority. Development must proceed in accordance with the agreed mitigation.  
Reason: To safeguard protected species and so ensure compliance with Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
24. No development shall take place on a phase until a construction environment management plan (CEMP) for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in full. The plan shall provide for:
- Details of measures to mitigate impacts on biodiversity including a timetable of mitigation works relative to site investigation, site preparation and site clearance;
  - Updated surveys to be carried out for features of biodiversity value to inform mitigation proposals;
  - Survey for species in schedule 9 of the Wildlife and Countryside Act 1981 (as amended) shall also be undertaken. If any schedule 9 species are found to be present a method statement will be submitted for approval by the Local Planning Authority which includes the following:
    - A plan showing the extent of the plant(s);
    - What method(s) will be used to prevent the plant spreading further, including demarcation; and
    - What method(s) of control will be used, including details of monitoring.
  - A validation report is then required confirming the remediation treatment carried out and that the site has been free of the invasive species for 12 consecutive months for approval in writing by the Local Planning Authority.
- Reason: In the interests of protecting biodiversity and residential amenity so to ensure compliance with Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
25. No construction shall take place on a phase until details of a lighting scheme for that phase designed so as to avoid excessive light spillage onto bat foraging and commuting habitat has been submitted to and approved in writing by the Local Planning Authority. The agreed lighting scheme shall be implemented thereafter.  
Reason: In the interests of protecting biodiversity and residential amenity so to ensure compliance with Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
26. At the same time as the submission of the first Reserved Matters application a Foul and Surface Water Drainage Strategy for the whole site shall be submitted to the Local

Planning Authority for approval. The strategy shall be in accordance with the approved Flood Risk Assessment - Yew Tree Farm Burscough - Crompton Property Developments Ltd dated 16 February 2015 Revision 3 project no 62000610 including the Conceptual Surface Water Drainage Strategy Ref: 0772-D-04 and the Conceptual Foul Water Drainage Strategy Drainage Strategy Ref: 0772-D-05 prepared by WSP.

The strategy shall include the following details as a minimum:

- a. the proposed foul connection points to the existing public sewerage infrastructure for that phase.
- b. the envisaged foul connection points to the existing public sewerage infrastructure for subsequent phases.
- c. works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which may include refurbishment of existing culverts and headwalls where relevant).
- d. any other drainage infrastructure connections (foul and surface water) including the volume of flows between the different phases of the development defined by Condition 4. There shall be no foul and surface water drainage connection between the phases of development other than those approved in writing with the LPA.
- e. details of how surface water from Lordsgate Lane currently entering the combined sewer will be diverted to the surface water drainage system on the application site, including a timetable of when such works will be carried out.
- f. a timetable for delivery of the drainage infrastructure;

Thereafter development should proceed in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning Authority.

Reason: 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.

27. The Reserved Matters application for each phase shall include an updated foul and surface water drainage strategy. No part of the development shall be commenced on any phase of the development hereby permitted until the Drainage Strategy for that phase has been approved in writing by the Local Planning Authority. No housing or other development shall be occupied on a phase until the approved drainage scheme for that phase has been completed in accordance with a timetable to be agreed in writing with the Local Planning Authority.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

28. No development shall take place on a phase until full details of the foul drainage scheme for that phase, including full details of any connections to the foul sewer network and any necessary infrastructure, have been submitted to and approved in writing by the Local Planning Authority. The details for each part or phase must be consistent with the Drainage Strategy submitted and approved pursuant to Condition 26 above and with the principles of the approved Flood Risk Assessment - Yew Tree Farm Burscough - Crompton Property Developments Ltd dated 16 February 2015 Rev 3 Project No 62000610. No housing or other development shall be occupied for that phase until the approved foul drainage scheme for that phase has been completed in accordance with the approved details and written notice of this fact has been sent to the Local Planning Authority.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

29. Prior to the commencement of each phase of the development, full details for a surface water regulation system and means of disposal for that phase based wholly on sustainable drainage principles and evidence of an assessment of the hydrological and hydrogeological context of the development for that phase shall be submitted to and approved by the Local Planning Authority in writing. For the avoidance of doubt no surface

water shall discharge directly or indirectly into the public foul, combined or surface water sewerage systems and the drainage scheme shall demonstrate that the surface water run-off from rainfall events generated up to and including the 1 in 100 year critical storm +30% allowance for climate change will not exceed the run-off to watercourse from the existing undeveloped site and following the corresponding rainfall events. In the 1 in 100 year critical storm +30% allowance for climate change event the approved drainage scheme shall demonstrate any overland flow paths on and off site do not flood dwellings or their associated residential curtilages.

The details for each phase must be consistent with the Drainage Strategy submitted and approved pursuant to condition 26 and 27 above and with the principles of the approved Flood Risk Assessment - Yew Tree Farm Burscough - Crompton Property Developments Ltd dated 16 February 2015 Revision 3 project no 62000610.

The details shall include:

- a. site investigation and test results to confirm infiltration rates;
- b. Information about the design storm period and intensity (1 in 30 and 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, 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;
- c. details of how surface water attenuation and pollution prevention will be managed during each construction phase;

No housing or other development shall be occupied for that phase until the approved surface water drainage scheme for that phase has been completed in accordance with the approved details and written notice of this fact has been sent to the Local Planning Authority.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of the NPPF, NPPG and Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

30. Prior to the commencement of each phase of the development hereby permitted, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing.

The sustainable drainage management and maintenance plan shall include as a minimum:

- a. consistency with the principles in the Drainage Strategy submitted and approved pursuant to Condition 27 above and with the principles of the approved Flood Risk Assessment dated 16 February 2015;
- b. the arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
- c. 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 ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

31. No construction within a phase (as set out in the phasing programme) shall take place until full details of the finished levels of all parts of the site within that phase, including the floor levels of all buildings, have been submitted to and approved in writing by the Local

Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: 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.

32. Notwithstanding the provisions of Schedule 2, Part 15 Class B(e) to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no substations shall be provided within the site without the prior approval in writing of the LPA of the detailed siting and external appearance of the substations.

Reason: To enable the Local Planning Authority to consider the appearance of substations or other such buildings given the high standard of public realm considerations for the overall layout of the site whereby non-sensitive infrastructure would undermine the achievement of quality public spaces and wider public realm and therefore to comply with Policy GN3 and Policy SP3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

33. Prior to any installation, full details of the siting, design and specification of all external lighting for outdoor open space and recreation facilities within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out except in complete accordance with the agreed details.

Reason: In the interests of protecting biodiversity and residential amenity so to ensure compliance with Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

34. No construction shall take place on that part of the site identified as having potential archaeological value within Chapter J of the ES (Ref 41295/03/SPM) 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.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site in accordance with Policy EN4 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

35. The Reserved Matters application for each phase shall include an updated noise assessment in respect of noise from current and proposed industrial and commercial uses. The results of the noise assessments shall be used to define suitable location and orientation and building fabric design of the business uses and the residential uses in the vicinity, and incorporate any necessary noise mitigation measures.

Reason: To safeguard the occupiers of the surrounding area from excessive noise intrusion and so ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

36. A monitoring strategy in respect of trips from the site, the flows at the A59/A5209 junction (to allow the site trips to be discounted and the background flows derived) shall be submitted to and approved in writing by the Local Planning Authority on or before the Occupation of 250 Dwellings or 12 months after the opening of the link road (whichever comes first). Such monitoring strategy to include but not be limited to the following:

- the proposed neutral months to be used for monitoring;
- the proposed weeks to be used for monitoring such weeks not being school holidays for the borough or bank holidays and avoiding major roadwork's on the local highway network;
- methodology of how the data will be captured;
- how and when it will be submitted to the Council;
- timetabling of monitoring and submission of data; and
- the approved monitoring strategy shall be carried out at the Owner's expense;

Once approved by the LPA, the monitoring strategy shall be implemented thereafter.

Prior to the Occupation of 300 Dwellings or 24 months after the opening of the link road (whichever comes first) the results of such monitoring shall be submitted to the Local

Planning Authority in accordance with the programme for reporting set out in the said approved monitoring strategy. If the "no development" flows exceed the flows set out in the TA received by the LPA on 19th February 2015 then a strategy and timetable for mitigating the impact including if required the junction improvement at Liverpool Road South/Square Lane shown on Plan Ref CBO-0054-009 Rev B (or a similar scheme to be agreed on land within the adopted highway) shall also be submitted to and approved in writing by the Local Planning Authority. Any mitigation shall thereafter be implemented in accordance with the approved strategy and timetable for implementation.

Reason: In order that the highway network is not undermined and that the development continues to comply with Policy GN3 and Policy SP3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

37. This outline permission shall be read alongside the original outline planning permission 2015/0171/OUT and the conditions attached to that permission shall apply equally to this new outline planning permission (save for the amendment of conditions 12 and 36 where the new wording shall supersede the previous conditions) and all future reserved matters approvals and approvals of details by condition permissions pursuant to either outline planning permission shall be treated as an approval pursuant to this new planning permission.

Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy SP3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:  
SP1 - A Sustainable Development Framework for West Lancashire  
SP3 - Strategic development Site: Yew Tree Farm  
GN1 - Settlement Boundaries  
GN3 - Criteria for Sustainable Development  
EC1 - The Economy and Employment Land  
IF2 - Enhancing Sustainable Transport Choice  
IF3 - Service Accessibility and Infrastructure for Growth  
EN1 - Low Carbon Development and Energy Infrastructure  
EN2 - Preserving and Enhancing West Lancashire's Natural Environment  
EN3 - Provision of Green Infrastructure and Open Recreation Space  
EN4 - Preserving and Enhancing West Lancashire's Built Environment  
together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.





<b>No.6</b>	<b>APPLICATION NO.</b>	2019/0719/FUL
	<b>LOCATION</b>	Land To The South Of Northfield Skelmersdale Lancashire
	<b>PROPOSAL</b>	Erection of 27 dwellings with associated access, parking and landscaping.
	<b>APPLICANT</b>	Tawd Valley Developments
	<b>WARD</b>	Ashurst
	<b>PARISH</b>	Unparished - Skelmersdale
	<b>TARGET DATE</b>	15th October 2019

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## **1.0 SUMMARY**

1.1 This application is for the erection of 27 dwellings. The proposed design, layout and appearance is considered to be acceptable. The development will not have a significant detrimental impact on highway safety and adequate parking has been provided. Satisfactory interface distances have been achieved in order to protect neighbouring residential amenity. I consider the proposal complies with the relevant policies of the Local Plan and is acceptable in principle.

## **2.0 RECOMMENDATION: APPROVE WITH CONDITIONS AND S106 AGREEMENT**

## **3.0 THE SITE**

3.1 The site is an undeveloped overgrown field which lies to the east of Whalleys Road, to the north of Ashurst Road and to the south of Northfield, an access road which serves St. James Catholic Primary School which is located to the east of the site. The site is mainly grassed with trees and shrubs.

## **4.0 THE PROPOSAL**

4.1 This application seeks planning permission for the erection of 27 dwellings. The units will comprise of a mix of 2, 3 and 4 bed, detached and semi-detached two storey properties. A new vehicular access is proposed to the south of the site off Ashurst Road.

## **5.0 PREVIOUS RELEVANT DECISIONS**

5.1 None.

## **6.0 OBSERVATIONS OF CONSULTEES**

6.1 LCC School Planning Team (24.07.19) - Contribution towards educational places not required

6.2 LCC Highways (05.08.19 & 28.02.20) – No Objections subject to conditions

6.3 United Utilities (13.08.19) – No objection subject to conditions

6.4 The Coal Authority (05.18.19) - No objection subject to conditions

6.5 MEAS (29.08.19) - No Objection; Suggests conditions

6.6 Lead Local Flood Authority (20.09.19) No Objections subject to conditions

6.7 Environmental Health (11.10.19) – No Objections subject to phase 2 ground investigation condition

6.8 Environmental Health (23/10/19) – No Objections subject to noise assessments

## **7.0 OTHER REPRESENTATIONS**

7.1 I have received a considerable number of objections from local residents in response to the proposal. I have also received a petition containing over 145 signatures. The main points of concern are summarised as follows:

Loss of wildlife – deer, hedgehogs, bats and birds

Loss of mature trees

Loss of amenity area used by dog walkers and children

Loss of open greenspace

Importance of green spaces to mental and emotional wellbeing

Damage to nature conservation

Increase in traffic congestion in an already busy area

Increase in traffic pollution

Highways safety issues – danger to school children entering and leaving the school

Too many new houses being built in the area – five sites currently under construction within 500m of the site – an excess of 1000 new homes

Lack of services for new house owners which include schools, doctors, dentist, buses. The area is being overwhelmed by housing with no regard for the fact that there is only one GP practice, one dental surgery, very few shops and insufficient parking. School availability is inadequate for the increasing population. The infrastructure simply cannot cope.

Public transport is non-existent after 7pm

Lack of parking in the area – existing parking problems with the school next door, this land would be best put to use as a car park for the adjacent school

Believe the school have previously enquired about using this land as a car park but have been turned down

Increase in surface water flooding from increase in hard surface area and flash flooding when surface water is piped to the river.

The subway out of Melbreck has been permanently flooded since before Christmas. Building more houses would not improve the area.

Increase in noise, dust and large vehicles during construction stage

This land was allocated for much needed community facilities, small business units and car parking

This land is not zoned for housing

Existing mines in Ashurst

Surprised this land can be built on due to existing ground conditions and existing problems

## **8.0 SUPPORTING INFORMATION**

8.1 Planning Statement

Design and Access Statement

Affordable Housing Statement

Ecological Survey and Assessment  
Flood Risk Assessment and Drainage Strategy  
Phase 1 preliminary risk assessment - Coal Mining Risk Assessment  
Tree Survey  
Transport Assessment

## **9.0 RELEVANT PLANNING POLICY**

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

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

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

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

### **Supplementary Planning Advice**

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

## **10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

### Principle of Development

- 10.1 The NPPF supports growth of areas to supply new homes in sustainable locations. Policy SP1 of the Local Plan re-iterates this approach. Policy RS1 of the Local Plan states that within the Regional Town, residential development will be permitted on brownfield sites and on greenfield sites not protected by other policies, subject to the proposals conforming with all other planning policy. This site is located within the settlement area of Skelmersdale and is not allocated for a specific use. Therefore, the principle of a residential development on the site is acceptable subject to other relevant planning policies.

### Affordable and Specialist Housing

- 10.2 The applicant proposes combining this site with a site at Brierfield, Skelmersdale in order to deliver the full affordable requirement for the two sites. An application for residential development at the Brierfield site has been made simultaneously by Tawd Valley Developments and the report for this application can be found elsewhere on this agenda

(Planning Reference 2019/0757/FUL). Policy RS2 of the Local Plan requires that 20% of the dwellings on both this site and the Brierfield site should be affordable.

- 10.3 It is proposed that all the affordable houses (i.e. 20% from the Northfield site (6 units) as well as 20% from Brierfield (4 units)) will be located at Brierfield (totalling 10 affordable dwellings). The proposed development at Brierfield is for 17 affordable dwellings, an over-provision. In order to ensure that both sites are linked in terms of affordable housing delivery, a S106 Agreement will be entered into to ensure, through the phasing of the two sites, that the development at Brierfield is implemented prior to the dwellings on the Northfield site being completed.
- 10.4 For developments of this size Policy RS2 requires 20% of the units to be designed as accommodation for the elderly. There is no specific definition of 'elderly accommodation' and each case is considered on its own merits. In this case, whilst the dwellings themselves will not be constructed for use by the elderly without adaptation, they will be constructed to meet current Building Regulations Part M4(2) with the structure designed to ensure minimal work is required in any future adaptation that may be necessary. The scheme also provides some smaller properties. Therefore, I am satisfied that the proposed development complies with Policies RS1 and RS2 in this respect.

#### Siting, Layout and Design

- 10.5 The layout of the site allows for a main spine road to be taken directly off Ashurst Road. The majority of the dwellings front the spine road which splits into a fork shape with the exception of four dwellings which front onto Northfield, but are still accessed by the spine road. The layout has been designed to ensure that there would be dwellings fronting onto Northfield, Whalleys Road and Ashurst Road. This ensures an active frontage onto these roads whilst avoiding a layout which is overtly inward looking and thereby meeting a key policy aim.
- 10.6 The residential units would be two storey in height and there would be a mix of detached and semi-detached properties which is considered to be appropriate and in keeping with the surrounding area. In terms of the level of amenity afforded to residents of the development, I am satisfied that the private rear gardens accord with the standards advised in the Council's Design Guide SPD. The proposed development would provide adequate interface distances between the dwellings.
- 10.7 Details of an appropriate soft and hard landscaping have been submitted with the scheme. 1.2m high railings will run around the western, southern and eastern boundary of the site. A 1.8m high brick wall with trellis above will be provided to the plot boundaries along the northern aspect of the site which runs alongside Northfield. This brick wall boundary will be set back from the footpath and will be softened by appropriate landscaping.

#### Impact on Residential Amenity

- 10.8 In terms of the relationships between the proposed dwellings, I am satisfied that the proposed layout accommodates the required interface distances. The application has been subject to a number of revisions to ensure that the interface distances are met and has resulted in the reduction of number of dwellings proposed on the site.
- 10.9 There is potential for the proposed properties to be affected by road traffic noise from both Whalleys Road and Ashurst Road and a landscaping buffer along the periphery of the site is proposed to help mitigate against this. Environmental Health consider a noise assessment is required which should inform whether any mitigation is required to both the internal and external areas of the properties to meet guideline values. This survey and

mitigation can be secured by planning condition.

### Highways

- 10.10 A new vehicular access to the site is provided from Ashurst Road and a principal spine road will run through the site with a 5m carriageway. A 2m wide footway is provided along Northfield to allow a safe pedestrian access to the school and dwellings and also connects to the existing network of footpaths to the north east of the site and to the bus stop close to the north west corner of the site. A new footpath will also be provided to the south east of the site with a pedestrian crossing over Ashurst Road to Lyndale. Footpaths have been limited within the site and access throughout the site is over a series of linked shared surfaces connected to the surrounding pedestrian and cycle network. The shared surfaces all have a minimum 2m wide grassed service strip except where crossovers are required.
- 10.11 In terms of car parking Policy IF2 and Appendix F in the Local Plan provide details of parking requirements. The proposed layout meets the required standards.
- 10.12 I have consulted the Highway Authority who have raised no objections to the proposal. On that basis the development would not result in a significant impact on highway safety or parking within the local area.

### Ecology

- 10.13 An Ecological Assessment has been submitted with the application and Merseyside Environmental Advisory Service (MEAS) have advised that the conclusions are acceptable. The young trees present within the site were considered to provide negligible opportunities for roosting bats. However, habitats adjacent to the site are considered to be suitable for bat foraging and commuting. Lighting for the development may affect the use of these areas so a lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto the adjacent habitats in line with NPPF. This can be secured by condition. In order to mitigate for the loss of bird breeding habitat, bird nesting boxes should be erected within the site. Details can be secured by planning condition.
- 10.14 An Environmental Management Plan (CEMP) to manage and mitigate the main environmental effects during the construction phases of the proposed development will be required by condition and will ensure that the development complies with Policy EN2 in the Local Plan.

### Trees

- 10.15 All existing trees on the site would be removed to accommodate the proposed layout. It appears that most or all of the tree cover has developed from self-set trees as a result of natural generation, due to the land being fallow for many years. The site consists of predominately Goat Willow and Birch which are pioneer species associated with natural regeneration. I have sought the advice of the Council's Tree and Landscape Officer who has no objections to the proposal. The submitted landscaping scheme proposes replacement tree planting and is considered to be acceptable in principle.

### Drainage

- 10.16 The site is located within Flood Zone 1, which indicates that the site is at low risk of flooding. A Flood Risk Assessment (FRA) and Drainage Strategy have been submitted to accompany the application. The application form states that foul water from the dwellings

is to be connected to the existing main sewers. In terms of surface water drainage, it is unlikely that infiltration will work in this location and there are no nearby watercourses so it is likely that surface water runoff will be disposed into the public sewer. Both the Lead Local Planning Authority and the Council's drainage officer have been consulted and have raised no objections to the proposal subject to planning conditions requiring the submission of a full surface water drainage strategy details.

#### Coal Working Area / Ground Investigations

- 10.17 The application site falls within the defined Development High Risk Area which means that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority records indicate probable unrecorded coal mine workings at shallow depth beneath the application site.
- 10.18 A Coal Mining Risk Assessment Report has been submitted which identifies that shallow mine workings present a risk to the proposed development and recommends intrusive site investigations to confirm the risk posed. The Coal Authority have been consulted and concur with the conclusions and recommendations of the Coal Mining Risk Assessment Report. The Coal Authority recommends that a planning condition should be imposed requiring these site investigation works prior to commencement of development on the site.
- 10.19 A phase 1 preliminary risk assessment report has been submitted and although the report deems the site to present a low risk to end users it concludes that a phase 2 intrusive site investigation is undertaken. Environmental Health have been consulted and concur with this conclusion but recommend that gas monitoring should be carried out. This can be secured by planning condition with the results submitted to the Local Authority for agreement before works commence on site.

#### Planning Obligations

- 10.20 The development of this site will be subject to a S106 Agreement to ensure the terms and conditions and the delivery of the required level of affordable housing on the Brierfield site (ref 2019/ 0757/FUL).

#### Summary

- 10.21 In summary, it is considered that the principle of residential development at this site is acceptable. I am satisfied that there will be no significant detrimental impact upon the character of the area, amenity of neighbouring properties, biodiversity, trees or highway safety. The development is considered to be compliant with relevant planning policies and accords with the NPPF and relevant policies of the Local Plan.

### **11.0 RECOMMENDATION**

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

The terms and conditions and delivery of the affordable housing units.

- 11.2 That any planning permission granted by the Corporate Director of Place and Community be 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.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:  
Plan reference Site Location Plan 0001 Rev B, Existing Site layout 0002 Rev A, 0315 Rev A T4 Plans, 0366 T6 Elev, 0365 T6 Plans, 0376 T8 Elev, 0375 T8 Plans, 0386 T1 Elev, 0385 T1 Plans, 0301 Rev E T1 Elev, 0300 Rev E T1 Plans received by the Local Planning Authority on 3rd February 2020  
Plan reference 0004 Rev D Site Layout Plan, Proposed Roof Plan 0005 Rev C, 0361 Rev C T5 Elev, 0360 Rev C T5 Plans, 0321 Rev G T1 Elev, 0320 Rev G T1, 0331 Rev F T3 Elev, 0330 Rev F T3 Plans, 0316 Rev B T4 Elev received by the Local Planning Authority on 5th March 2020  
Plan reference General Arrangement L01 Rev P04, Fencing and Furniture L03 Rev P04, Soft Landscape L04 Rev P04, Hard Landscape L02 Rev P04 received by the Local Planning Authority received by the Local Planning Authority on 6th March 2020  
Reason: 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. Notwithstanding any description of materials in the application, 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 and should be reflective of those within the surrounding area, unless otherwise agreed in writing by the Local Planning Authority.  
The development shall be carried out only in accordance with the agreed schedule of materials and method of construction.  
Reason: 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. No development on the construction phase shall commence until details of the design of the surface water drainage system, based on sustainable drainage principles, have been submitted to and approved in writing by the Local Planning Authority. Those details should include:
  - a) A drainage strategy confirming the proposed means of surface water disposal together with a SuDS management and maintenance plan, if applicable;
  - b) Evidence of the existing site topography to include any existing surface water flow routes, drains, sewers and watercourses in a readable 3D Autocad .drawing format;
  - c) Evidence of site investigation, test results to confirm soil infiltrations rates and calculations to indicate existing SW runoff rates and volumes;
  - d) Demonstration that SW run-off will not exceed pre-development run-off rates and volumes and, for formerly developed land, that the requisite reduction in runoff will be achieved;
  - e) Demonstration that existing natural land drainage water (e.g. spring water, ground water or surface runoff) from surrounding areas that enters the site is managed in such a way to have no material impact by leaving the site in terms of nuisance (e.g. exacerbation of existing flooding) or damage;
  - f) Design calculations using relevant storm periods and intensities (e.g. 1 in 30 and 1 in 100 year + agreed allowance for climate change), runoff discharge rates and volumes (both pre and post development), facilities for temporary storage, the methods employed to delay and control SW discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in metres AOD;

- g) Evidence that flood flows will be effectively managed within the site during the lifetime of the development including the construction period, will have no material impact by leaving the site in terms of nuisance or damage, or increase watercourse flows during periods of river flooding;
- h) In addition to the normal printed input/output files supporting calculations for existing discharge rates (if applicable) and drainage proposals are to be submitted in an electronic format suitable for use in MicroDrainage software (e.g. mdx file format). Any flow control details should be modelled using the Depth/ Flow Relationship for the Control Type for MicroDrainage version 2015 or earlier;
- i) Existing and proposed 3D level data submitted in a suitable format i.e. CSV or Autocad .drawing; and
- j) Existing and proposed catchment areas in a suitable format i.e. Autocad drawing.

The scheme shall be implemented in full in accordance with the approved details prior to first occupation of the first new dwelling, or completion of the development, whichever is the sooner.

Before any dwelling is occupied / the building is first brought into use, a validation report (that demonstrates that the drainage scheme has been carried out in accordance with the approved plan) must be submitted to the Local Planning Authority.

The approved drainage system shall be retained, managed and maintained in accordance with the approved details at all times for the duration of the development.

Reason: 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. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

- 6. Notwithstanding the submitted Phase 1 Preliminary Risk Assessment Report no development approved by this permission shall be commenced until a phase 2 intrusive ground investigation is undertaken

As part of the Phase 2 works it is the intention to carry out ground gas monitoring. It would be expected that a minimum of 3 months' worth of monitoring data, incorporating 6 monitoring visits, one of which will be undertaken during falling barometric pressure will be undertaken.

a. A further site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with current guidance and best practice. The identity of the person shall be notified to and be approved by the Local Planning Authority prior to the site investigations commencing. This further site investigation should more clearly identify the types and levels of contaminants present on site

b. The report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any remediation works taking place. The Local Authority must have approved such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless any identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

c. Any approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance in accordance with a detail to be first agreed in writing by the Local Planning Authority. A suitably qualified person as first agreed in writing by the Local Planning Authority shall be present on site to supervise investigation and remediation works when such works are taking place. If during the works contamination is



encountered which has not previously been identified then the Local Planning Authority shall be notified immediately and all works shall cease pending the submission of additional information on the nature of the contamination and proposals as to how the contamination shall be fully dealt with and an appropriate remediation scheme shall be agreed in writing with the Local Planning Authority and carried in accordance with agreed timescales.

d. Prior to the first occupation of the building on site a closure and validation report shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: These details are required prior to the commencement of development to prevent harm to public health, to prevent pollution of the water environment and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

7. No development shall commence until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall propose measures to mitigate environmental biodiversity effects during the construction phases of the proposed development. With regard to ecology the EMP should include:

Reasonable Avoidance Measures for protected and notable species (including common toad, hedgehog, badger, brown hare and breeding birds);

Details of proposed lighting for the scheme designed to protect ecology and does not result in excessive light spill

Details of construction lighting, designed so to avoid light spillage into retained woodland habitats

Measures to avoid harm to breeding birds

Details of mitigation measures for bats and breeding birds such as bat and bird boxes

Fencing to be set off the ground to provide gaps for hedgehogs

Measures to prevent transfer of construction related pollutants into adjacent habitats

The development shall be implemented in accordance with the approved details.

Reason: These details are required prior to the commencement of development to as the proposed development may result in the loss of ecological habitat and as such precautions are required during the construction phase in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

8. No development above slab level shall be carried out until a scheme for the protection of the proposed dwellings and gardens from noise from Whalleys Road and Ashurst Road has been submitted to and approved in writing by the Local Planning Authority. Works which form part of the approved scheme shall be completed for each affected dwelling before that dwelling is first occupied and permanently retained thereafter.

Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

9. No development above slab level shall be carried out until a scheme for the provision of electric vehicle charging points throughout the development and timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the associated electric vehicle charging points has been installed in accordance with the agreed details.

Reason: In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

10. All hard and soft landscape works shall be carried out in accordance with the approved details shown on plan reference UG\_141\_LAN\_SL\_DRW\_L04 Rev P03. 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.

Reason: 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

11. The development hereby approved shall not be occupied until all the highway works including the off-site highway improvements as agreed in the S278 agreement with Lancashire County Council Highways have been constructed in accordance with the approved plans.

Reason: To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document

12. No development shall commence on site until intrusive coal mining site investigation works are undertaken to establish the exact situation regarding coal mining legacy issues on the site. The results of these investigations shall be submitted to and approved in writing by the Local planning Authority in consultation with the Coal Authority. The submission of a report of findings arising from the intrusive site investigations shall include details of any remedial works necessary for approval. The remedial works identified shall be carried out in accordance with the approved details and timescales agreed.

Reason: These details are required prior to the commencement of development 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.

13. Prior to any part of the development hereby permitted taking place a scheme showing the areas for a site compound including the siting of office, storage of plant and materials, areas for the parking of construction workers' vehicles and measures to prevent the transfer of mud out of the site shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be implemented while any demolition/construction works are in operation.

Reason: To protect existing road users, to maintain the operation and safety of the local highway network, to minimise the impact of the construction works on the local highway network and ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Note(s)**

1. The applicant is advised that the new highway works including the new site access and off site highway works will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Environment Directorate before works begin on site. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for "278 agreement".

### **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.





**PLANNING COMMITTEE:**

**DATE 19<sup>th</sup> March 2020.**

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**Report of: Corporate Director of Place & Community**

**Contact for further information: David Thornber (Extn. 5114)  
(E-mail: dave.thornber@westlancs.gov.uk )**

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**SUBJECT: OBJECTION TO A TREE PRESERVATION ORDER (TPO) PRIOR TO CONFIRMATION – PINE TREE AT 6 WINIFRED LANE AUGHTON .**

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Wards affected: Aughton and Downholland Ward.

## **1.0 PURPOSE OF THE REPORT**

1.1 To consider objections to a Tree Preservation Order (TPO) No 06, 2019 (The Order) from the owner, consultant arboriculturist and neighbouring residents.

## **2.0 RECOMMENDATIONS TO COMMITTEE**

2.1 That the TPO No 06, 2019 be confirmed without modification.

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## **3.0 BACKGROUND**

3.1 It was considered expedient in the interests of amenity to make a single Scots Pine tree subject to a TPO, Which was made on 17<sup>th</sup> October 2019 in response to possible facilitation for the construction of a building extension to the existing property.

3.2 The Scots Pine is early mature, in good condition, typical of the species with a potential useful life of many years.

3.3 Planning permission was granted on 28 October 2019 for a single storey side extension to be used to utility room, double storey rear and side extension to provide two additional bedrooms. Replacement of existing windows with new UPVC windows to front and rear of property. Replacement of existing roof tiles with new grey tiles and white external render applied to exterior of building. (Ref: 2019/0886/FUL). The extension to the house is nearing completion.

3.4 At the time this application was being considered, Policy EN2 of the West Lancashire Local Plan (2012-2027) DPD was relevant and this states that all development should maintain new and existing trees in accordance with

BS.5837:2012 – Trees in relation to design, demolition and development and that sufficient information should be submitted alongside any proposals. An Arboricultural Impact Assessment was submitted with the application.

- 3.5 The Arboricultural Officer considered the submitted Arboricultural Impact Assessment (AIA) with regard to possible impacts on surrounding trees, and in particular T1 Scots Pine. The encroachment into the root protection areas to enable construction of the proposed extension was considered minimal as detailed in the AIA. As such, provided the tree protection measures were undertaken as detailed in the AIA, then it was agreed that the health of the trees could be adequately protected and secured. A condition to adhere to the tree protection measures, (which includes fencing and ground protection) was included with approval of the application.
- 3.6 Work commenced on the extension soon after planning permission was granted and the tree protection measures put in place. However, due to the close proximity of the Scotts pine to the extension, the Arboricultural Officer had concerns that the tree may be removed during or following construction. As such, a TPO was made.

#### **4.0 CURRENT POSITION**

- 4.1 The Council has received letters of objection from the owner and an Arboricultural consultant acting on behalf of the owner, three neighbouring residents including the Cockbeck Bowling Club and the Co-op Store.
- 4.2 The owner's objections include.
- Concerns about the size and potential damage to our and other property, persons and vehicles due to possible storm damage/falling branches.
  - Roots on the surface causing an uneven surface that can create a trip hazard to elderly relatives.
  - Pine cones and needles present a hazard to our dogs and cat.
  - This directly impacts on our quality of life.
  - The general public can only get a limited view of the tree from public footpaths.

The Arboricultural Consultants objections include.

- The Tree Evaluation Method for Preservation Orders. (TEMPO) assessment is subjective.
- Close to conflicting with the existing building.
- Concerns about possible future conflict from roots.
- Concerns about nuisance from needles and cones.
- The tree provides little individual impact due to the presence of other trees.

Objections from the Cockbeck Bowling Club include.

- The tree drops needles and cones that cause a great deal of mess to the grounds and fall on to the sheds, potentially damaging our sheds.
- Cost of removing, cleaning up.
- The tree shades the grounds affecting our grass on the (bowling) green.

Objections from Co-op store include.

- Causes a nuisance and have had several complaints.

Other Objections from neighbours include.

- Too large for a domestic garden.
- Unsightly
- Concerns about safety.

4.3 The Council has received 10 letters of support for the retention of the tree and includes the following.

- Preserve the local environment in the interests of other residents.
- Stands silhouetted against the sky and is beautiful.
- It can be seen from many public places and significantly adds to life's enjoyment.
- Amenity value/visual enjoyment, this tree is in a highly visible location, seen daily by lots of people in the carpark and on the much used pathway from the train-station and bus stop up the side of the co-op.
- Carbon sequestration value: a mature tree like this one will have locked up significant carbon.
- This tree is important to the setting of the nearby Granville Park Conservation Area.
- There are no designated parking spaces directly below the tree. Also it does not overhang the bowling green.
- Wildlife connectivity and value it has great visual amenity and is part of the pine tree linkage that goes right through to the Holt Green Conservation Area.
- This tree is a native evergreen and is especially welcome visually in the winter when many of the local trees lose their leaves. The low winter sun lights up its trunk making it glow rust coloured and glorious.
- This is valuable habitat for a number of species in the area. It is also good for drainage from heavy rain, and it gives a lot of pleasure for the general public to look at.
- Pine seeds are an important part of a squirrels diet.
- We need all the trees we can possibly have in these challenging times for the climate.
- I really feel that the felling of this mature tree would be an environmental mistake and would be detrimental to the visual appearance of the area.
- We need to preserve trees not cut them down and each tree makes a difference to our CO2 production. The climate change emergency should make tree preservation a vital priority as trees sequester carbon.

4.4 Aughton Parish Council were advised of the objections to the TPO and the matter was raised at a Parish Council Meeting. Subsequently the Clerk to the Parish Council has commented that (the parish) 'members felt they were not qualified to comment on the Order'.

## **5.0 RESPONSE TO OBJECTIONS**

5.1 The Arboricultural Consultant states that the tree is in good physiological and structure condition and the tree is considered to meet acceptable safety

standards. Periodic inspections can ensure the tree is maintained to an acceptable standard of safety as required.

Remedial works to top dress the surface where roots are protruding could potentially offer a suitable solution.

It is recognised that the tree is a large and is a dominating feature of this part of the garden. The tree is situated in the north east corner of the garden and therefore will not cause excessive shading or light obstruction to the house.

Cones and needles can be a common nuisance that will require a level of maintenance appropriate to the type of surface to be maintained, under and around the canopy of the tree.

The clearing of cones and needles is not considered to be an unduly burdensome nuisance for this type of property or the neighbouring properties where the canopy overhangs.

## **6.0 COMMENTS**

6.1 The tree is visible between buildings from the surrounding area on Winifred Lane, Town Green Lane and Granville Park.

6.2 There is potential to prune the tree to remove several lower branches if these are deemed to be a nuisance. Such works would need to be approved (as delegated to the Corporate Director of Place & Community) with a TPO application for works.

## **7.0 SUSTAINABILITY IMPLICATIONS**

7.1 By encouraging and promoting appropriate management of trees and woodland the Council can influence the benefits that trees may provide which include:-

- Enhancement and maintaining the environment through nature conservation by providing wildlife habitats.
- Reduction of the 'Greenhouse' effect by fixing atmospheric carbon from the air and the release of oxygen.
- Improving and maintaining air quality by filtering out particulates from the atmosphere.
- Visual enhancement by acting as screening between the built environments.
- Reducing noise pollution particularly along roads.

7.2 The removal of the tree would lead to a notable loss visual amenity and some loss of the benefits associated with biodiversity.

## **8.0 FINANCIAL AND RESOURCE IMPLICATIONS**

8.1 None.

## **9.0 RISK ASSESSMENT**



9.1 The actions referred to in this report are covered by the scheme of delegation to Officers and any necessary changes have been made in the relevant risk registers.

**10.0 CONCLUSIONS**

10.1 It is considered that retention of the tree would not prevent the reasonable enjoyment of the property.

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**Background Documents**

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

<u>Date</u>	<u>Document</u>	<u>File Ref</u>
28 Oct 2019 2019/0886/FUL		Planning application
November 2019 6/2019	6 letters of objection to the TPO	TPO
January/February 2020 6/2019	5 letters of support to the TPO	TPO
The Tree Evaluation Method for Preservation Orders. (TEMPO). 6/2019		TPO
Guidance on assessment of trees.		

**Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

**Appendices**

1. Schedule and Plan.
2. Completed form for the Tree Evaluation Method for Preservation Orders. (TEMPO).
3. The Tree Evaluation Method for Preservation Orders. (TEMPO).  
Guidance on assessment of trees.
4. Photographs of the Scots Pine tree.



**SCHEDULE 1**

**SPECIFICATION OF TREES**

**LOCATION: 6 WINIFRED LANE, AUGHTON,**

**ORMSKIRK, L39 5DJ**

**Trees Specified Individually**

(encircled in black on the plans)

<b>Reference on Map</b>	<b>Description</b>	<b>Situation</b>
<b>T1</b>	<b>T1 Scots Pine</b>	<b>Rear Garden, East Side of Property</b>

**Trees specified by reference to an area**

(within a dotted black line on the plans)

<b>Reference on map</b>	<b>Description</b>	<b>Situation</b>
<b>None</b>		

**Groups of Trees**

(within a broken line on the plan)

<b>Reference on map</b>	<b>Description</b>	<b>Situation</b>
<b>None</b>		

**Woodlands**

(within a continuous black line on the plans)

<b>Reference on map</b>	<b>Description</b>	<b>Situation</b>
<b>None</b>		



**West Lancashire Borough Council**  
Tree Preservation Order no. 6 2019.  
6 Winifred Lane,  
Aughton

7

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 17/10/19	Surveyor: JET
Tree details	
TPO Ref (if applicable):	Tree/Group No:
Owner (if known): 6 WINIFRED LANE AUGHTON	Location: T1
	Species: SCOTS PINE

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

### Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous\* Unsuitable

\* Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes
5

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10\* Unsuitable

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes
4

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees
- 4) Large trees, or medium trees clearly visible to the public
- 3) Medium trees, or large trees with limited view only
- 2) Young, small, or medium/large trees visible only with difficulty
- 1) Trees not visible to the public, regardless of size

- Highly suitable
- Suitable
- Suitable
- Barely suitable
- Probably unsuitable

Score & Notes
4

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)

Score & Notes
2

### Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes
5

### Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

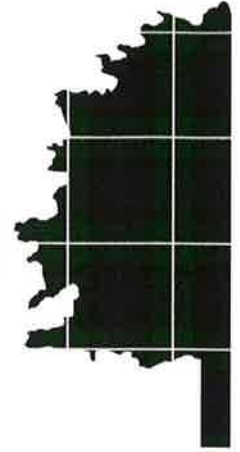
Add Scores for Total:
20

Decision:
PS



- Planning
- TPO
- Safety Inspection
- Subsidence
- Expert Witness
- Design

# Forbes- Laird Arboricultural Consultancy



Principal Consultant:  
**Julian Forbes-Laird**  
BA(Hons), MICFor, MEWI, M.Arbor.A, Dip.Arb.(RFS)

## TEMPO

### Tree Evaluation Method for Preservation Orders

A systematised assessment tool for TPO suitability

### GUIDANCE NOTE FOR USERS

**November 2009**



*To be read in conjunction with TEMPO pro forma,  
included at the end of this document*

## **Introduction**

### **Background**

The impetus to take a fresh look at existing TPO suitability evaluation methods grew out of the preparation for a local authority of a detailed Method Statement for reviewing Tree Preservation Orders (TPOs) in 2002. The client wanted the Method Statement to include a reliable means of assessing trees for TPO suitability, and asked for a bespoke system.

Having looked closely at what was already available, JFL decided that there was considerable room for improvement, as each of the better-known existing methods has disadvantages.

Accordingly, TEMPO was developed by JFL (whilst working as a Senior Consultant at CBA Trees) as a direct response to the apparent continuing uncertainty about what attributes a tree should have in order to merit statutory protection by TPO.

### **Overview**

TEMPO is designed as a field guide to decision-making, and is presented on a single side of A4 as an easily completed pro forma. As such, it stands as a record that a systematic assessment has been undertaken.

TEMPO considers all of the relevant factors in the TPO decision-making chain. In this connection, it is helpful to revisit the wording of central government advice<sup>1</sup>:

‘Although a tree may merit protection on amenity grounds it may not be expedient to make it the subject of a TPO’

From this, it becomes apparent that most existing methods are inadequate, seeking as they do solely to consider the tree rather than any known threats to its retention. TEMPO corrects this omission by including an expediency assessment within the framework of the method.

Excluding the first section, which is simply the survey record and is thus self-explanatory, TEMPO is a three-part system:

- Part 1 is the Amenity Assessment
- Part 2 is the Expediency Assessment
- Part 3 is the Decision Guide

These parts are set out and function as follows:



## **Part 1: Amenity Assessment**

This part of TEMPO is broken down into four sections, each of which are related to suitability for TPO:

- a) Condition
- b) Retention span
- c) Relative public visibility
- d) Other factors

The first three sections form an initial assessment, with trees that 'pass' this going on to the fourth section. Looking at the sections in more detail:

### **a) Condition**

This is expressed by five terms, which are defined as follows:

GOOD	Trees that are generally free of defects, showing good health and likely to reach normal longevity and size for species, or they may already have done so
FAIR	Trees which have defects that are likely to adversely affect their prospects; their health is satisfactory, though intervention is likely to be required. It is not expected that such trees will reach their full age and size potential or, if they have already done so, their condition is likely to decline shortly, or may already have done so. However, they can be retained for the time being without disproportionate expenditure of resources or foreseeable risk of collapse
POOR	Trees in obvious decline, or with significant structural defects requiring major intervention to allow their retention, though with the outcome of this uncertain. Health and/or structural integrity are significantly impaired, and are likely to deteriorate. Life expectancy is curtailed and retention is difficult
DEAD	Tree with no indication of life
DYING/ DANGEROUS	Trees showing very little signs of life or remaining vitality, or with severe, irremediable structural defects, including advanced decay and insecure rothold. Death or catastrophic structural failure likely in the immediate future, retention therefore impossible as something worthy of protection

The scores are weighted towards trees in good condition. It is accepted that trees in fair and poor condition should also get credit, though for the latter this is limited to only one point. Dead, dying or dangerous trees should not be placed under a TPO, hence the zero score for these categories, due to exemptions within the primary legislation.

For trees in good or fair condition that have poor form deduct one point.

A note on the pro forma emphasizes that 'dangerous' should only be selected in relation to the tree's existing context: a future danger arising, for example, as a result of development, would not apply. Thus, a tree can be in a state of collapse but not be dangerous due to the absence of targets at risk.

Where a group of trees is being assessed under this section, it is important to score the condition of those principle trees without which the group would lose its aerodynamic or visual cohesion. If the group cannot be 'split' in this way, then its average condition should be considered.

Each of the condition categories is related to TPO suitability.

## b) Retention span

The reason that this is included as a separate category to 'condition' is chiefly to mitigate the difficulty of justifying TPO protection for veteran trees. For example, it is necessary to award a low score for trees in 'poor condition', though many veteran trees that could be so described might have several decades' potential retention span.

This factor has been divided into ranges, which are designed to reflect two considerations:

- It has long been established good practice that trees incapable of retention for more than ten years are not worthy of a TPO (hence the zero score for this category); this also ties in with the R category criteria set out in Table 1 of BS5837:2005
- The further ahead one looks into the future, the more difficult it becomes to predict tree condition: hence the width of the bands increases over time

Scores are weighted towards the two higher longevities (40-100 and 100+), which follow the two higher ranges given by Helliwell<sup>2</sup>.

The Arboricultural Association (AA) publishes a guide<sup>3</sup> to the life expectancy of common trees, which includes the following data:

300 years or more	Yew
200-300	Common [pedunculate] oak, sweet chestnut, London plane, sycamore, limes
150-200	Cedar of Lebanon, Scots pine, hornbeam, beech, tulip tree, Norway maple
100-150	Common ash, Norway spruce, walnut, red oak, horse chestnut, field maple, monkey puzzle, mulberry, pear
70-100	Rowan, whitebeam, apple, wild cherry, Catalpa, Robinia, tree of heaven
50-70	Most poplars, willows, cherries, alders and birches

The above should be considered neither prescriptive nor exclusive, and it is certainly not comprehensive, though it should assist with determining the theoretical overall lifespan of most trees. However, TEMPO considers 'retention span', which is a more practical assessment based on the tree's current age, health and context as found on inspection.

It is important to note that this assessment should be made based on the assumption that the tree or trees concerned will be maintained in accordance with good practice, and will not, for example, be subjected to construction damage or inappropriate pruning. This is because if the subject tree is 'successful' under TEMPO, it will shortly enjoy TPO protection (assuming that it doesn't already).

If a group of trees is being assessed, then the mean retention span of the feature as a whole should be evaluated. It would not be acceptable, for example, to score a group of mature birches based on the presence of a single young pedunculate oak.

A note on the pro forma identifies for inclusion in the less than ten years band trees which are assessed being an existing or near future nuisance, including those clearly outgrowing their context, or which are having an adverse effect on adjacent trees of better quality.

The nuisance element is introduced to cover situations where, for example, a Section 211 Notice has been received by the LPA for removal of a tree causing subsidence damage. In relation to outgrowing context, some common sense is needed here: if the trees are being considered for TPO protection prior to development, and if it is apparent that demolition of existing structures will be a component of this process, then a tree should not be marked down simply because it is standing hard up against one of the existing structures.

As with condition, the chosen category is related to a summary of TPO suitability.

### **c) Relative public visibility**

The first thing to note in this section is the prompt, which reminds the surveyor to consider the 'realistic potential for future visibility with changed land use'. This is designed to address the commonplace circumstance where trees that are currently difficult to see are located on sites for future development, with this likely to result in enhanced visibility. The common situation of backland development is one such example.

The categories each contain two considerations: size of tree and degree of visibility. I have not attempted to be too prescriptive here, as TEMPO is supposed to function as a guide and not as a substitute for the surveyor's judgement. However, I have found that reference to the square metre crown size guide within the Helliwell System<sup>4</sup> can be helpful in reaching a decision.

Reference is made to 'young' trees: this is intended to refer to juvenile trees with a stem diameter less than 75mm at 1.5m above ground level. The reasoning behind this is twofold: this size threshold mirrors that given for trees in Conservation Areas, and trees up to (and indeed beyond) this size may readily be replaced by new planting.

In general, it is important to note that, when choosing the appropriate category, the assessment in each case should be based on the minimum criterion.

Whilst the scores are obviously weighted towards greater visibility, we take the view that it is reasonable to give some credit to trees that are not visible (and/or whose visibility is not expected to change: it is accepted that, in exceptional circumstances, such trees may justify TPO protection<sup>5</sup>).

Where groups of trees are being assessed, the size category chosen should be one category higher than the size of the individual trees or the degree of visibility, whichever is the lesser. Thus a group of medium trees would rate four points (rather than three for individuals) if clearly visible, or three points (rather than two) if visible only with difficulty.

Once again, the categories relate to a summary of TPO suitability.

### **Sub-total 1**

At this point, there is a pause within the decision-making process: as the prompt under 'other factors' states, trees only qualify for consideration within that section providing that they have accrued at least seven points. Additionally, they must not have collected any zero scores.

The total of seven has been arrived at by combining various possible outcomes from sections a-c.

The scores from the first three sections should be added together, before proceeding to section d, or to part 3 as appropriate (i.e. depending on the accrued score). Under the latter scenario, there are two possible outcomes:

- 'Any 0' equating to 'do not apply TPO'
- '1-6' equating to 'TPO indefensible'

#### **d) Other factors**

Assuming that the tree or group qualifies for consideration under this section, further points are available for four sets of criteria, however only one score should be applied per tree (or group):

- 'Principle components of arboricultural features, or veteran trees' – The latter is hopefully self-explanatory (if not, refer to Read 2000<sup>6</sup>). The former is designed to refer to trees within parklands, avenues, collections, and formal screens, and may equally apply to individuals and groups
- 'Members of groups of trees that are important for their cohesion' – This should also be self-explanatory, though it is stressed that 'cohesion' may equally refer either to visual or to aerodynamic contribution. Included within this definition are informal screens. In all relevant cases, trees may be assessed either as individuals or as groups
- 'Trees with significant historical or commemorative importance' – The term 'significant' has been added to weed out trivia, but we would stress that significance may apply to even one person's perspective. For example, the author knows of one tree placed under a TPO for little other reason than it was planted to commemorate the life of the tree planter's dead child. Thus whilst it is likely that this category will be used infrequently, its inclusion is nevertheless important. Once again, individual or group assessment may apply
- 'Trees of particularly good form, especially if rare or unusual' – 'Good form' is designed to identify trees that are fine examples of their kind and should not be used unless this description can be justified. However, trees which do not merit this description should not, by implication, be assumed to have poor form (see below). The wording of the second part of this has been kept deliberately vague: 'rare or unusual' may apply equally to the form of the tree or to its species. This recognises that certain trees may merit protection precisely because they have 'poor' form, where this gives the tree an interesting and perhaps unique character. Clearly, rare species merit additional points, hence the inclusion of this criterion. As with the other categories in this section, either individual or group assessment may apply. With groups, however, it should be the case either that the group has a good overall form, or that the principle individuals are good examples of their species

Where none of the above apply, the tree still scores one point, in order to avoid a zero score disqualification (under part 3).

#### **Sub-total 2**

This completes the amenity assessment and, once again, there is a pause in the method: the scores should be added up to determine whether or not the tree (or group) has sufficient amenity to merit the expediency assessment.

The threshold for this is nine points, arrived at via a minimum qualification calculated simply from the seven-point threshold under sections a-c, plus at least two extra points under section d. Thus trees that only just scrape through to qualify for the 'other factor' score, need to genuinely improve in this section in order to rate an expediency assessment. This recognises two important functions of TPOs:

- TPOs can serve as a useful control on overall tree losses by securing and protecting replacement planting
- Where trees of minimal (though, it must be stressed, adequate) amenity are under threat, typically on development sites, it may be appropriate to protect them allowing the widest range of options for negotiated tree retention

### **Part 2: Expediency assessment**

This section is designed to award points based on three levels of identified threat to the trees concerned. Examples and notes for each category are:

- 'Immediate threat to tree' – for example, Tree Officer receives Conservation Area notification to fell
- 'Foreseeable threat to tree' – for example, planning department receives application for outline planning consent on the site where the tree stands
- 'Perceived threat to tree' – for example, survey identifies tree standing on a potential infill plot

However, central government advice<sup>7</sup> is clear that, even where there is no expedient reason to make a TPO, this is still an option. Accordingly, and in order to avoid a disqualifying zero score, 'precautionary only' still scores one point. This latter category might apply, rarely for example, to a garden tree under good management.

Clearly, other reasons apply that might prevent/usually obviate the need for the making of a TPO. However, it is not felt necessary to incorporate such considerations into the method, as it is chiefly intended for field use: these other considerations are most suitably addressed as part of a desk study.

As a final note on this point, it should be stressed that the method is not prescriptive except in relation to zero scores: TEMPO merely recommends a course of action. Thus a tree scoring, say, 16, and so 'definitely meriting' a TPO, might not be included for protection for reasons unconnected with its attributes.

### **Part 3: Decision Guide**

This section is based on the accumulated scores derived in Parts 1 & 2, and identifies four outcomes, as follows:

- Any 0 Do not apply TPO

Where a tree has attracted a zero score, there is a clearly identifiable reason not to protect it, and indeed to seek to do so is simply bad practice

- 1-6 TPO indefensible  
This covers trees that have failed to score enough points in sections 1a-c to qualify for an 'other factors' score under 1d. Such trees have little to offer their locality and should not be protected
- 7-11 Does not merit TPO  
This covers trees which *have* qualified for a 1d score, though they may not have qualified for Part 2. However, even if they have made it to Part 2, they have failed to pick up significant additional points. This would apply, for example, to a borderline tree in amenity terms that also lacked the protection imperative of a clear threat to its retention
- 12-15 Possibly merits TPO  
This applies to trees that have qualified under all sections, but have failed to do so convincingly. For these trees, the issue of applying a TPO is likely to devolve to other considerations, such as public pressure, resources and 'gut feeling'
- 16+ Definitely merits TPO  
Trees scoring 16 or more are those that have passed both the amenity and expediency assessments, where the application of a TPO is fully justified based on the field assessment exercise

#### Notation boxes

Throughout the method, notation space is provided to record relevant observations under each section. For local authorities using TEMPO, it may even be helpful to include a copy of the TEMPO assessment in with the TPO decision letter to relevant parties, as this will serve to underline the transparency of the decision-making process.

## **Conclusion**

TEMPO is a quick and easy means of systematically assessing tree or group suitability for statutory protection. It may be used either for new TPOs or for TPO re-survey, especially where Area TPOs are being reviewed.

From the consultants' perspective, it is also an effective way of testing the suitability of newly applied TPOs, to see whether they have been misapplied, or it can be used to support a request to make a TPO in respect of trees at risk, for example from adjacent development.

TEMPO does not seek to attach any monetary significance to the derived score: the author recommends the use of the Helliwell System where this is the objective.

CBA Trees owns the copyright for TEMPO, however the method is freely available, including via internet download through the FLAC website ([www.flac.uk.com](http://www.flac.uk.com)) and the Arboricultural Information Exchange [www.aie.org.uk](http://www.aie.org.uk)

TEMPO has undergone a number of minor revisions since its inception, many of which are due to helpful comments received from users. Any feedback on the method is gratefully received by the author.

**JFL**

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## *References*

- 1 'Tree Preservation Orders: A Guide to the Law and Good Practice', DETR 2000
- 2 'Visual Amenity Valuation of Trees and Woodlands', DR Helliwell, Arboricultural Association 2003 [the Helliwell System]
- 3 'Tree Management', Leaflet No. 4, Arboricultural Association 1991
- 4 Helliwell op. cit.
- 5 DETR 2000 op. cit. at para. 3.3 (1)
- 6 'Veteran Trees: A Guide to Good Management', Helen Read, English Nature 2000
- 7 DETR 2000 op. cit. at para. 3.5

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date:	Surveyor:
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<b>Tree details</b>		
TPO Ref (if applicable):	Tree/Group No:	Species:
Owner (if known):	Location:	

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

**Part 1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b>
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*\* Relates to existing context and is intended to apply to severe irremediable defects only*

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b>
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*\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality*

**c) Relative public visibility & suitability for TPO**

*Consider realistic potential for future visibility with changed land use*

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

<b>Score &amp; Notes</b>
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**d) Other factors**

*Trees must have accrued 7 or more points (with no zero score) to qualify*

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b>
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**Part 2: Expediency assessment**

*Trees must have accrued 10 or more points to qualify*

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b>
--------------------------

**Part 3: Decision guide**

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

<b>Add Scores for Total:</b>
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<b>Decision:</b>
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