



Jacqui Sinnott-Lacey  
Chief Operating Officer

52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

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Tuesday, 9 June 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 virtual meeting of the **PLANNING COMMITTEE** will take place on **THURSDAY, 18 JUNE 2020 at 7.00 PM** at which your attendance is requested. A Skype meeting request will be sent to individual Members of the Planning Committee. The meeting will also be available to view for members of the public via Webcast on the Council's website.

Yours faithfully

A handwritten signature in black ink, appearing to be 'JS', 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** 1067 -  
 1068  
 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** 1069 -  
 1072  
 To receive as a correct record the minutes of the meeting held on the 21 May 2020.
- 7. PLANNING APPLICATIONS** 1073 -  
 1082  
 To consider the report of the Corporate Director of Place and Community.
- 7a 2019/0980/FUL - 67 GAW HILL LANE, AUGHTON, LANCASHIRE** 1083 -  
 1094  
 To consider the report of the Corporate Director of Place and Community.
- 7b 2019/0892/FUL - LAND TO THE SOUTH OF STOPGATE LANE, SIMONSWOOD, LANCASHIRE** 1095 -  
 1110  
 To consider the report of the Corporate Director of Place and Community.
- 7c 2019/0991/FUL - FINE JANE'S FARM, MOSS ROAD, HALSALL, SOUTHPORT, LANCASHIRE** 1111 -  
 1126  
 To consider the report of the Corporate Director of Place and Community.
- 7d 2019/0867/FUL - 31 BECCONSALL LANE, HESKETH BANK, PRESTON, LANCASHIRE** 1127 -  
 1140  
 To consider the report of the Corporate Director of Place and Community.

- 7e      **2020/0214/FUL - NEWLYN, COURSE LANE, NEWBURGH, LANCASHIRE**      1141 - 1148  
To consider the report of the Corporate Director of Place and Community.
8.      **CHANGE OF DATE AND ADDITIONAL PLANNING COMMITTEE**  
To note an additional date of 9 July and a revised date of 30 July for future Planning Committees.

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

**REMOTE MEETINGS GUIDANCE – Please see Guidance included**  
**MOBILE PHONES: These should be switched off or to ‘silent’ at all meetings.**

For further information, please contact:-  
Jill Ryan on 01695 585017  
Or email [jill.ryan@westlancs.gov.uk](mailto:jill.ryan@westlancs.gov.uk)





## **REMOTE MEETINGS – GUIDANCE**

**This guidance is designed to assist members when attending remote meetings.**

**The guidance should be read in conjunction with the Council's Remote Meetings Protocol and Procedures Rules**

### **General**

1. If members wish to speak on a particular item it will assist the smooth running of the remote meeting if they indicate to the Chairman their wish to speak in advance of the meeting.
2. Please join the meeting no later than 15 minutes before the start of the meeting to ensure that the technology is working correctly.
3. It is a requirement of the remote meetings regulations that any member participating in a remote meeting must be able to be heard (and if practicable also be seen) by all other members, officers and public speakers participating in the meeting and, in turn, be able to hear (and if practicable see) those persons.
4. It is also a requirement that the meeting be live broadcast and so any camera (video-feed) should show a non-descript background and members should take care to ensure that no exempt or confidential papers can be seen in the video-feed.
5. At the start of the meeting please ensure that your microphone is muted and your video feed (if available on your device) is paused. Please remember to unmute your microphone (and unpauses your video feed if available) when invited to speak by the Chairman!
6. At the start of the meeting the Member Services Officer will read out which Members and Officers are present. The attendance of members will be recorded.

7. Please remember to mute your mic/pause your video feed when you're not talking.
8. Only speak when invited to by the Chair.
9. Please state your name before you make an address.
10. If you're referring to a specific page or slide mention the page or slide number.
11. In the event of failure of the live broadcast then the Chairman will immediately adjourn the meeting until such time as the live broadcast is restored.
12. In the event that a member's individual remote connection should fail, the Chairman will call a short adjournment to determine whether the connection can be re-established (either by video technology or telephone connection). If connection cannot be restored after a reasonable period of time then the presumption is that the meeting should continue, providing the meeting remains quorate.
13. If connection to a member is lost during discussion of an item of business at a regulatory meeting (planning and licensing committees) that member will not be able to vote on that item (unless that part of the discussion during which connection was lost is, in the view of the Chairman, capable of being repeated for the benefit of the member concerned).

### **Public speaking**

14. Any member of the public participating in a meeting remotely in exercise of their right to speak must be able to be heard (and if practicable also be seen) by members, officers and public speakers participating in the same item of business and, in turn, be able to hear (and if practicable see) those persons.
15. The Member Services Officer will mute the member of the public once they have spoken and remove them from the remote meeting on the instruction of the Chairman once the relevant item of business has been dealt with. Note: members of the public will be able to view/listen to the remainder of the meeting via the live broadcast.

## **Voting**

16. Unless a recorded vote is called by a member, the method of voting will be, at the discretion of the Chairman, by:
  - General assent by the meeting (where there is no dissent); or
  - By the Member Services Officer calling out the name of each member present with members stating "for", "against" or "abstain" to indicate their vote when their name is called. The Member Services Officer will then clearly state the result of the vote (to be confirmed by the Chairman)
17. Details of how members voted will not be minuted, unless a recorded vote is called for prior to the vote taking place.

## **Declarations of Interest**

18. Any member participating in a remote meeting who declares a disclosable pecuniary interest, or pecuniary interest that would normally require them to leave the room in which the meeting is taking place must leave the remote meeting. Their departure will be confirmed by the Member Services Officer who will invite the relevant member to re-join the meeting at the appropriate time.

## **Exclusion of the Press and Public**

19. There are times when council meetings are not open to the public when confidential, or "exempt" items (as defined in Schedule 12A of the Local Government Act 1972) are under consideration. The Member Services Officer will ensure that there are no members of the public in remote attendance and the live broadcast is ended, once the exclusion has been agreed by the meeting for that item(s).
20. Every Member in remote attendance must ensure there are no other persons present in their remote location who are able to hear, see or record the proceedings (unless those such persons are also entitled to be so present). Members must declare to the meeting, if at any point during discussion of the item, this requirement is not met.





# 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, 21 May 2020

Start: 7.00 p.m.

Finish: 7.30 p.m.

### PRESENT:

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

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

Officers: Ian Gill, Head of Growth and Development  
Catherine Thomas, Development, Heritage and Environment Manager  
Jacky Denning, Democratic Services Manager  
Judith Williams, Assistant Solicitor  
Jill Ryan, Member Services/Civic Officer

### 139 APOLOGIES

There were no apologies for absence received.

### 140 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillors Mrs P Baybutt and Mrs M Westley and the appointments of Councillors D Westley and J Cairns for this meeting only, thereby giving effect to the wishes of the Political Groups.

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

The Chairman informed the Committee that the meeting would pause for one minute at 8.00pm to observe the "Clap for Carers" showing appreciation for all key workers.

### 142 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

### 143 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

144 **MINUTES**

RESOLVED: That the minutes of the meeting held on the 23 April 2020 be approved as a correct record and signed by the Chairman.

145 **PLANNING APPLICATIONS**

That the Corporate Director of Place and Community submitted a report on planning applications (all prefixed 2020 unless otherwise stated) as contained on pages 1029 to 1063 of the Book of Reports and on pages 1065 to 1066 of the Late Information Report.

146 **2019/1182/ARM - SITE OF FORMER YEW TREE FARM, LIVERPOOL ROAD SOUTH, BURSCOUGH**

RESOLVED: Application number 2019/1182/ARM relating to Reserved Matters at the Site of Former Yew Tree Farm, Liverpool Road South, Burscough was withdrawn from the agenda by officers to allow for further consideration.

147 **2020/0013/WL3 - LAND TO THE EAST OF 12 ALEXANDRA ROAD, BURSCOUGH**

RESOLVED: That planning application 0013/WL3 relating to Land to the East of 12 Alexandra Road, Burscough be approved subject to the conditions as set out on page 1052 of the Book of Reports.

148 **2020/0178/FUL - 34 AINSCOUGH DRIVE, BURSCOUGH**

RESOLVED: That planning application 0178/FUL relating to 34 Ainscough Drive, Burscough be delegated to the Corporate Director of Place and Community to grant planning permission subject to appropriate conditions.

The conditions are as follows:

Condition 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.

Condition 2.

The development hereby approved shall be carried out in accordance with details shown on the following plans:

Plan reference OS Site Layout Plan and Drawing No:GS-P-02A Proposed Plans and Elevations received by the Local Planning

Authority on 26th February 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.

Reason for Approval:

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  
IF2 - Ensuring Sustainable Transport Choice  
together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations.

**149 2019/1164/WL3 - TAWD VALLEY ALLOTMENTS, MANFIELD, SKELMERSDALE**

**RESOLVED:** That planning application 2019/1164/WL3 relating to Tawd Valley Allotments, Manfield, Skelmersdale be approved subject to the conditions as set out on pages 1062 to 1063 of the Book of Reports.

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**Chairman**





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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	Aughton Park	2019/0980/FUL	67 Gaw Hill Lane Aughton Ormskirk Lancashire L39 7HA  Demolition of existing farm buildings and erection of 7 detached dwellings.	<b>Planning permission be granted.</b>
2	Bickerstaffe	2019/0892/FUL	Land To The South Of Stopgate Lane Simonswood Lancashire  Development comprising of a HGV trailer park, Training Building (D1), Storage Building (B8) with link extension and associated mounded earthworks, landscaping and ecology park.	<b>Planning permission be granted.</b>
3	Halsall	2019/0991/FUL	Fine Janes Farm Moss Road Halsall Southport Lancashire PR8 4JG  Demolition of existing structures and erection of residential development comprising 83 units (Use Class C3) and related development including improvement of existing access to the site, internal access roads, amenity open space, landscaping, parking and pumping station	<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	Hesketh-with-Becconsall	2019/0867/FUL	31 Becconsall Lane Hesketh Bank Preston Lancashire PR4 6RR  Construction of 10 residential units.	<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>
5	Newburgh	2020/0214/FUL	Newlyn Course Lane Newburgh Wigan Lancashire WN8 7LA  Proposed new 1.5 storey dwelling and detached garage. Alterations and extensions to existing dwelling and associated external works.	<b>Planning permission be granted.</b>





# **PLANNING COMMITTEE**

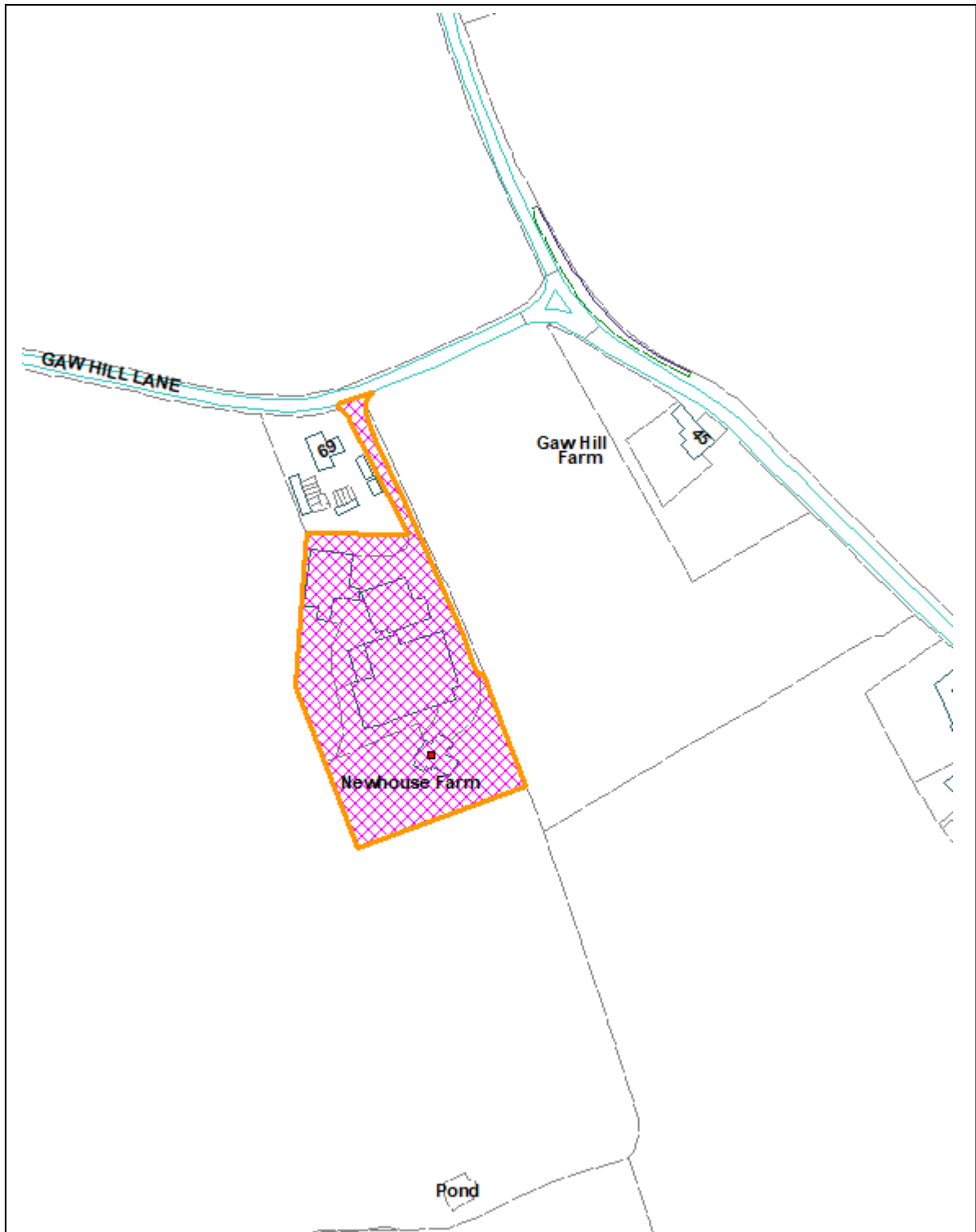
**18 June 2020**

**(Agenda Item 7)**

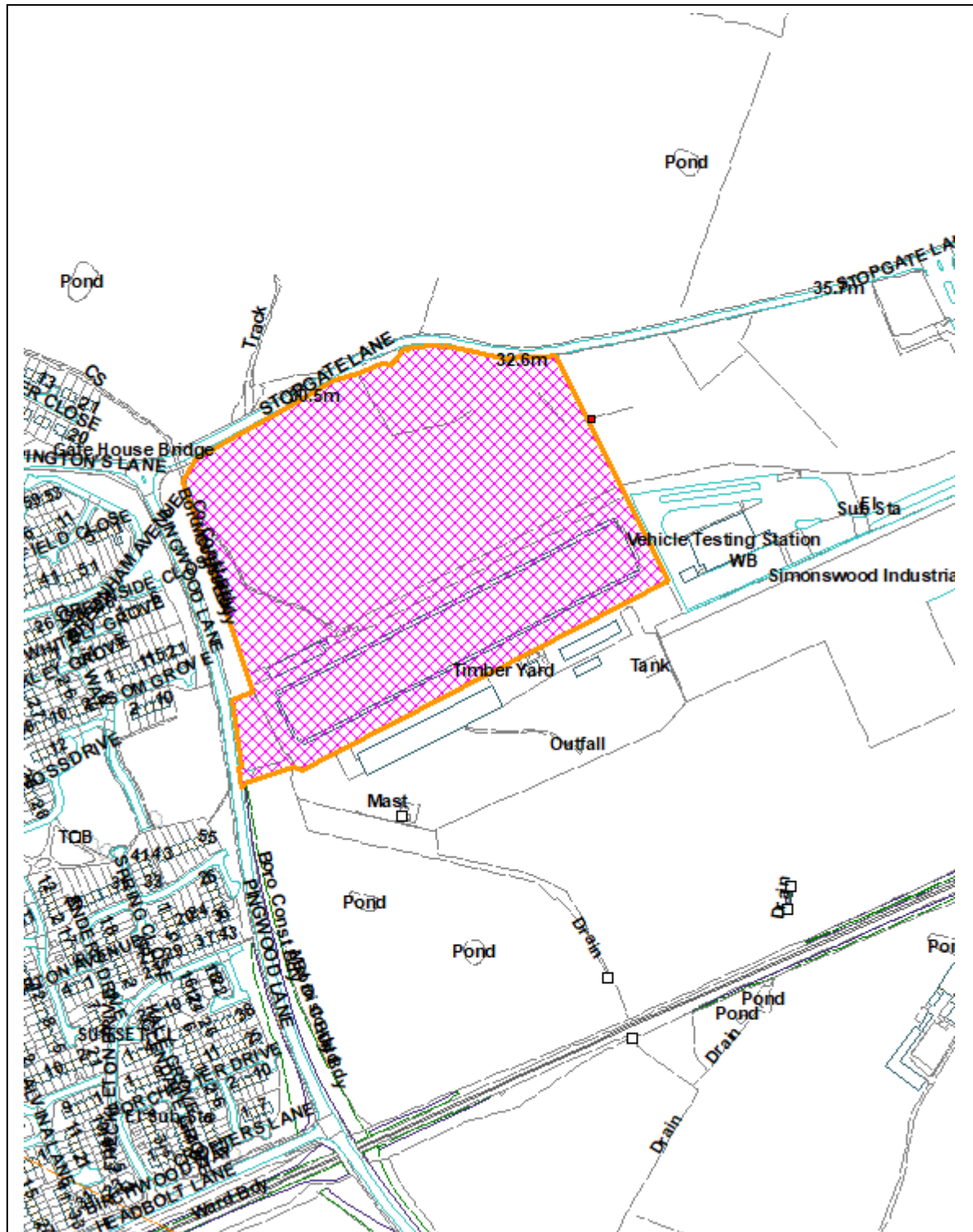
**PLANNING APPLICATION ITEMS**

**LOCATION PLANS**

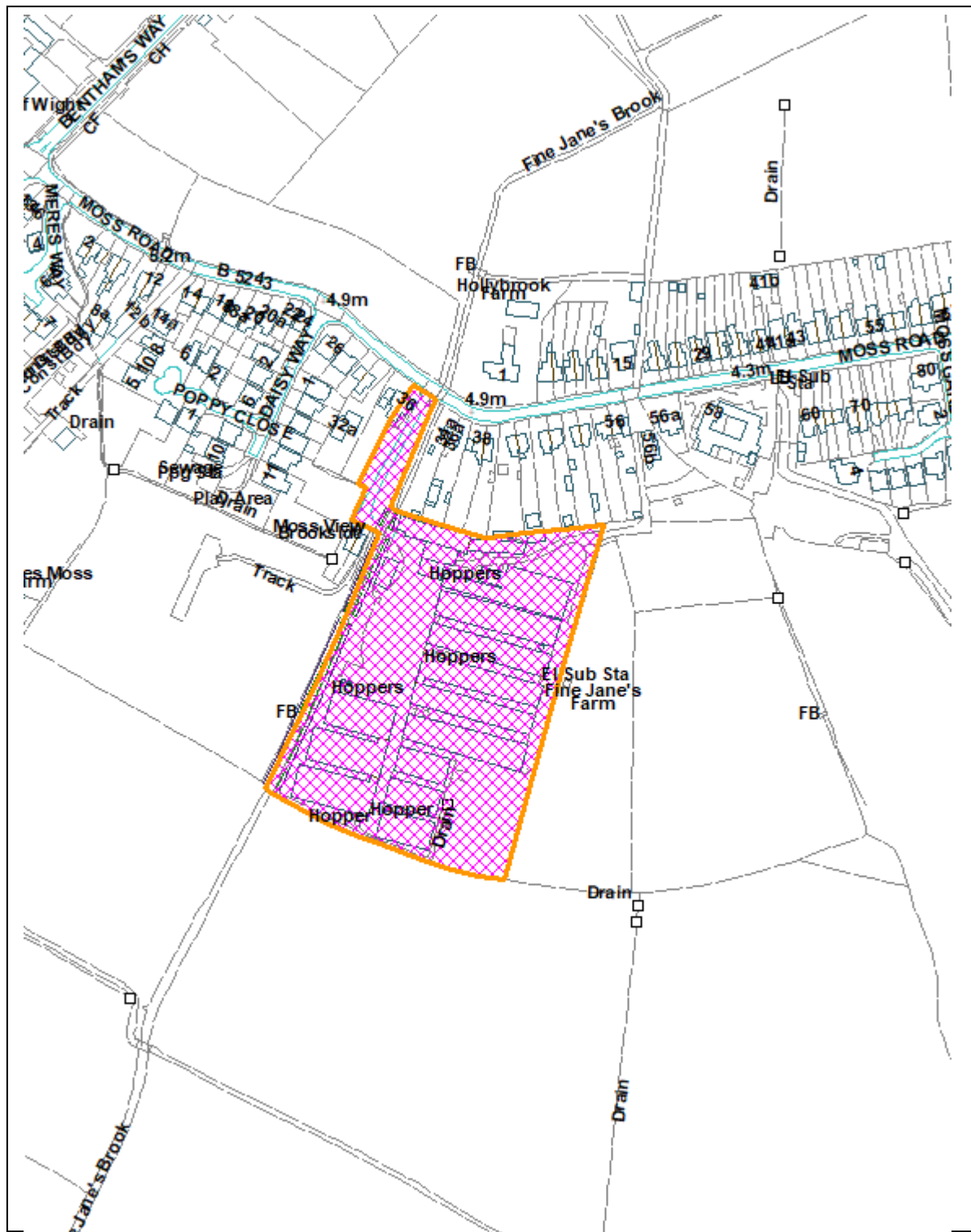
67 Gaw Hill Lane, Aughton, Ormskirk, L39 7HA.



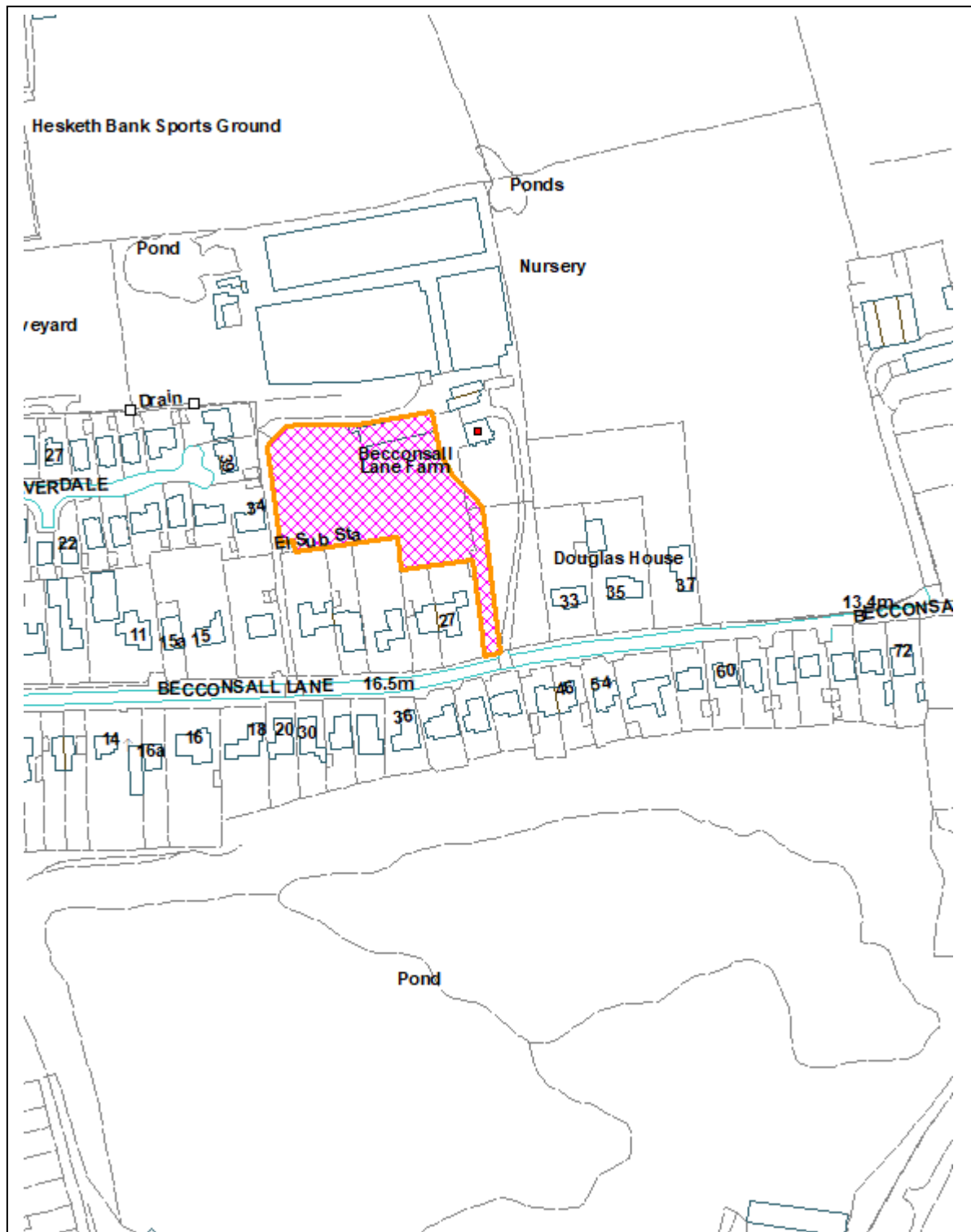
Land To The South Of, Stopgate Lane, Simonswood, L33 4YB.



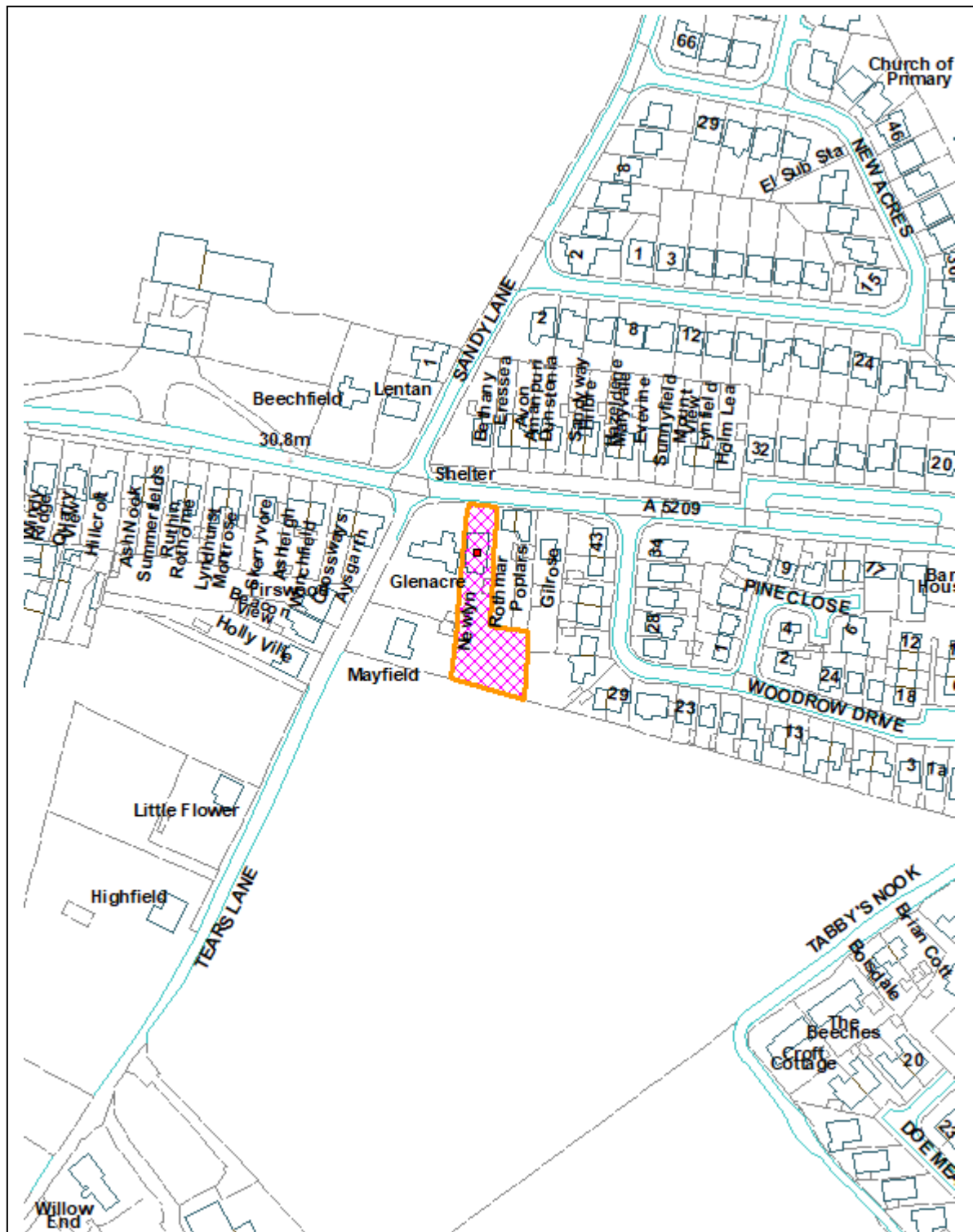
Fine Janes Farm, Moss Road, Halsall, PR8 4JG.



31 Becconsall Lane, Hesketh Bank, PR4 6RR.



Newlyn, Course Lane, Newburgh, WN8 7LA





# Agenda Item 7a

<b>No.1</b>	<b>APPLICATION NO.</b>	2019/0980/FUL
	<b>LOCATION</b>	67 Gaw Hill Lane Aughton Ormskirk Lancashire L39 7HA
	<b>PROPOSAL</b>	Demolition of existing farm buildings and erection of 7 detached dwellings.
	<b>APPLICANT</b>	Mr D Tomlinson
	<b>WARD</b>	Aughton Park
	<b>PARISH</b>	Aughton
	<b>TARGET DATE</b>	5th 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 O'Toole has requested it be referred to Planning Committee to review neighbour concerns and the appropriateness of the development in a rural area.

## **2.0** SUMMARY

- 2.1 This application is for a residential development of 7no. houses on land off Gaw Hill, Aughton. I am satisfied that the development would not have a greater impact on openness than the existing development. The proposed development would not result in the creation of new isolated homes in the countryside and an acceptable case for the loss of the employment use has been presented. The proposed access is acceptable and the development would not have a significant impact on highway safety. I am satisfied that the residential development can be accommodated without causing harm to the character of the area, amenity of neighbouring properties, landscaping or ecology. In my view the proposal complies with the relevant policies of the NPPF and Local Plan.

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

## **4.0** THE SITE

- 4.1 The site is currently occupied by various agricultural type buildings situated to the south side of Gaw Hill Lane in Aughton. The site is situated on lower land to Gaw Hill Lane and is in the Green Belt. Whilst the land surrounding the site remains free and open from development the site is immediately bounded to the north and the south by residential dwellings, with the residential property to the north (no.69 Gaw Hill Lane) also operating as a dog breeding business with dog kennelling and an exercise area to the rear of the property. The site has established vegetation screening to its boundaries.
- 4.2 The application site previously operated as a Feed and Agricultural Merchants. Grain was stored and dried in the buildings and sold to customers primarily for horse feed.

## **5.0** THE PROPOSAL

- 5.1 The application proposes demolition of the existing farm buildings on the site and the erection of 7no. two-storey detached dwellings. The application has been amended since its original submission to delete 1no. dwelling from the proposals.
- 5.2 Access to the site would be taken from the existing access off Gaw Hill Lane, which is to the eastern side of no.69 Gaw Hill Lane. The properties would be arranged around a spine road which would lead onto Newhouse Farm, located to the south of the site. Each

dwelling would have a rear garden and vehicular parking to the front. There would be a landscaped buffer area within the site to the rear of no.69.

## **6.0 PREVIOUS RELEVANT DECISIONS**

- 6.1 2018/1126/OUT – Outline - Erection of up to seven residential units following the demolition of the existing buildings including details of access (all other matters reserved). GRANTED 11.01.19
- 6.2 2018/0401/OUT – Outline – Erection of up to seven residential units following the demolition of the existing buildings including details of access (all other matters reserved). REFUSED 11.09.18 (Appeal withdrawn)
- 6.3 2017/1065/OUT – Outline - Seven detached dwelling houses, associated landscaping and access road following the demolition of the existing buildings including details of access, layout and scale. REFUSED 01.12.17

## **7.0 CONSULTEE RESPONSES**

- 7.1 Highway Authority (04.11.19) – There is sufficient visibility at the proposed access. The internal layout requires amendment if it is to be adopted.
- 7.2 United Utilities (06.11.19) – No objection.
- 7.3 Environmental Protection (11.11.19, 14.01.2020, 05.02.2020 and 27.05.2020) – No objection in principle.

## **8.0 OTHER REPRESENTATIONS**

- 8.1 Aughton Parish Council (04.12.19, 23.02.2020 and 17.03.2020) – Insufficient information in respect of an acceptable boundary treatment, an improved landscaping scheme including details of the proposed lighting is required, and information which addresses 'noise pollution' and the loss of ecology/biodiversity. The site is isolated given its rural location and any new buildings would be prominent. The design of the dwellings should be more in-keeping with the countryside. Boundary walls should be replaced with hedging or green relief planting.
- 8.2 Letters of objection have been received from local residents, the main grounds of objection can be summarised as:

The correct address for the site is New House Farm, 67 Gaw Hill Lane, it is not Gaw Hill Farm as shown on the plans;

Urban style of development which is out of context in a rural environment, including boundary walls;

Outline planning permission was granted for 7 homes, not 8;

Existing hedgerows are not shown on the plans;

Plans propose crown reduction and hedging, rather than crown raising as suggested in the Arboricultural Implications Assessment;

Landscape plans lack detail;

Loss of biodiversity;

No bat mitigation;

No lighting details;

Installation of street lighting may impact on wildlife;

Insufficient drainage details;

Impact on effective functioning of Marbelton Kennels;

Impact on right of way to Marbelton Kennels;  
Increase in traffic at the junction of Gaw Hill Lane;  
Loss of jobs;  
Loss of privacy;  
The land should revert to Green Belt land;  
Removal of trees may lead to increased flooding;  
Similar properties in Aughton have not been sold when put to the open market;  
The houses would not be affordable;  
The development would exceed the footprint of the existing sheds on site;  
Plot no.1 would be better served as a green area.

## **9.0 SUPPORTING INFORMATION**

- 9.1 Arboricultural Implications Assessment
- Bat Survey
- Design and Access Statement
- Distances to Local Amenities Plans
- Drainage Strategy and Assessment of Flood Risk
- Economic Viability Information
- Preliminary Ecological Appraisal Survey
- Noise Assessment

## **10.0 RELEVANT PLANNING POLICIES**

- 10.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.
- 10.2 The site is located within the Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD.

### **National Planning Policy Framework**

Supporting a prosperous rural economy  
Delivering a wide choice of quality homes  
Requiring good design  
Protecting the Green Belt  
Conserving and enhancing the natural environment  
Meeting the challenge of climate change, flooding and coastal change

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

GN1 – Settlement Boundaries  
GN3 – Criteria for Sustainable Development  
GN4 – Demonstrating Viability  
RS1 – Residential Development  
EC1 – The Economy and Employment Land  
EN2 – The Rural Economy  
EN4 – Preserving and Enhancing West Lancashire's Natural Environment

### **Supplementary Planning Advice**

SPD – Design Guide (January 2008)

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

## Background

- 11.1 The site has an extensive planning history dating back to the 1960's. In 1987 planning permission was granted for 'Extension to grain store and retention of use of grain store for preparation of animal food' subject to condition number 4 which read 'The premises shall only be used for the preparation of animal feeds in accordance with the submitted application and for no other purpose including any other purpose in Class B2 (General Industrial) of the Schedule of the Town and Country Planning (Use Classes) Order 1987. This permission and the current use of the site, demonstrates that the site is considered to be in commercial usage and is therefore brownfield land and not classed as agricultural. This fact was taken into account in the assessment of planning permission 2018/1126/OUT, which granted outline consent for a residential development of up to 7no. units. Planning application 2018/1126/OUT also assessed the loss of an existing employment site and whether the proposed dwellings would be in an isolated location; it was found that the loss of the employment use was acceptable in this particular instance, and that the dwellings would not be considered isolated. The extant outline approval is a material consideration in the assessment of the current application.

### Principle of Development – Green Belt

- 11.2 The NPPF 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. The Framework re-iterates the fact that planning law requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. At the heart of the NPPF is a presumption in favour of sustainable development and where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, or, unless specific policies in the NPPF indicate development should be restricted.
- 11.3 Paragraph 145 of the NPPF relating to Green Belt development, states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. There are several exceptions to this, including at bullet point (g):

*Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would:*

*not have a greater impact on the openness of the Green Belt than the existing development;*

*not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

- 11.4 Annex 2 of the NPPF defines 'previously developed land' (PDL) as being land which is or was occupied by a permanent structure, including the curtilage of the development land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. The NPPF is clear in saying that it should not be assumed that the whole of the curtilage development land should be developed.
- 11.5 Policy GN1 of the Local Plan states that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies. Policy GB3 of the Development in the Green Belt SPD allows for redevelopment of PDL provided that

the proposed development would not have a greater impact than the existing development on the openness of the Green Belt.

- 11.6 The existing commercial buildings cover the majority of the site, with the remainder being the access road and some hardstanding. Presently the site is occupied by buildings with an approximate total volume of 15,037m<sup>3</sup> covering a floor area of 2183m<sup>2</sup>; with the maximum height of the existing buildings on site being approximately 10m. The proposed development would cover a floor area of approximately 2099m<sup>2</sup>, and have a volume of approximately 5627m<sup>3</sup>. The proposed houses would be two storey, with some accommodation provided in the roof space, served by rooflights. The ridge height of the dwellings would be approximately 8.5m which is lower than the tallest commercial building on site. I consider that as the footprint of buildings on the site would cover a reduced floor area and would be sited predominantly on the footprint of the existing buildings but with a reduced volume, allowing views through the site which are not currently possible due to the extent and close proximity of buildings, that there would be an increase in openness on the site.
- 11.7 In terms of impact on the Green Belt, I am satisfied that the proposed development would accord with the requirements of the NPPF.

#### **Principle of development – Loss of an existing employment site**

- 11.8 Policy EC1 'The Economy and Employment Land' of the Local Plan states that the redevelopment of existing individual employment sites for other uses will be considered where a viability case can be put forward (in line with Policy GN4) and where the provisions of Policy EC2 and EC3 are met, where relevant. Policy EC2, 'The Rural Economy', states that the Council will protect the continued employment use of existing employment sites in rural areas. This could include any type of employment use, including agriculture and farming, and not merely be restricted to B1, B2 and B8 land uses. Where it can be robustly demonstrated that the site is unsuitable for an ongoing viable employment use (in accordance with the requirements of Policy GN4), the Council will consider alternative uses where this is in accordance with other policies in the Local Plan. Policy GN4 'Demonstrating Viability' seeks to retain existing commercial / industrial (B1, B2 or B8) and retail (A1) uses. Policy GN4 sets three tests and any proposal involving the loss of these uses must meet only one of the three tests.
- 11.9 Loss of employment was assessed as part of the previous planning application 2018/1126/OUT when it was concluded that sufficient evidence had been submitted to justify loss of employment on the site. The information submitted for the previous application, and replicated for this current application, includes information relating to the suitability of the site as on-going employment by way of a report from Fitton Estates (local property consultants) which includes a Building Condition Survey, accounts information and a letter from a previous customer of the business.
- 11.10 On the basis of this information it has been accepted that the business has not operated at a viable level for a number of years and has been supported by the personal finances of the owner. The lack of viability has been linked to the loss of large customers, one of whom has stated in writing that the access to the site was prohibitive to their continued business. It is understood that the existing buildings are in need of significant investment in order to try and improve business potential/attract alternative commercial occupiers and the projected costs of the necessary refurbishment have been provided. Given the stated site constraints (access, rural location, proximity to neighbouring dwelling) and the current financial position of the site owner, the necessary investment is not considered to be a realistic option.

- 11.11 I agree with the conclusions reached in the assessment of application 2018/1126/OUT. The applicant has sought to comply with Policies EC1 and EC2 of the Local Plan by outlining a case to support the redevelopment of the site for residential purposes, in accordance with the requirements of Policy GN4 of the Local Plan. Policy GN4 of the Local Plan outlines three tests which applicants can use to demonstrate the unavoidable loss of an existing commercial site. Only one of these tests must be met. Nevertheless in this case, it is my view that the applicant has demonstrated compliance with two of the stated tests; the continued use of the site for commercial purposes is no longer viable in terms of its operation of the existing use, building age and format and that it is not commercially viable to redevelop the land or refurbish the premises for its existing use; and the land and premises are no longer suitable for the existing use when taking into account access/highways given the site location and infrastructure.
- 11.12 On the basis of the above, I am satisfied that the applicant has submitted sufficient justification to evidence compliance with Policy GN4.1 (a) and (b) (although only one of these tests have to be met) and in turn compliance with Policy EC1 and EC2 of the Local Plan. Therefore, the principle of losing an employment use on the site is considered acceptable.

### **Principle of development – Sustainability of location**

- 11.13 This matter was assessed as part of application 2018/1126/OUT and it was considered that the site is not isolated and would provide sustainable development which would enhance or maintain the vitality of the surrounding rural community.
- 11.14 Given the proximity of the application site to two existing residential dwellings, with further residential dwellings located relatively close to the east, the proposed dwellings would not be considered as far from other buildings or people. The site is approximately 0.6m from a range of day to day services located in Aughton, which is a key service centre, such as shops, a post office, school and a public house. North and south bus stops are located along the A59 approximately 0.5km away. As such the site is not considered to be isolated in terms of the requirements of paragraph 79 of the NPPF.

### **Design/Layout and Scale**

- 11.15 Policy GN3 of the Local Plan together with the Council's SPD Design Guide states that new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale or roofline.
- 11.16 The residential units would be 2 storey, and be finished in render, brick and cedar panelling. Although the area is rural in nature there are a mix of house types and styles in the locality. I consider that two storey dwellings are appropriate in this location, and given that the site currently has a commercial/industrial appearance I am satisfied that the proposed dwellings would not detract from the rural nature of the area.
- 11.17 In terms of the proposed layout, demolition of the existing buildings and their replacement with the proposed dwellings would lead to a more spacious layout on the site, incorporating landscaping and a landscaped buffer area to the rear of no.69 Gaw Hill Lane. The site is Green Belt and to protect the more spacious layout, avoid overdevelopment of the site, and to protect openness I consider it necessary to remove permitted development rights for the new dwellings. This will be secured by condition.

### **Residential Amenity**

- 11.18 Policy GN3 of the Local Plan states that development should 'retain or create reasonable levels of privacy, amenity and sufficient garden / outdoor spaces for occupiers of the proposed and neighbouring properties'.
- 11.19 In terms of impact through overlooking or creation of poor outlook, the siting of the proposed dwellings comply with interface distances detailed in the Design Guide SPD, and would be sufficient distance from existing dwellings to ensure that there would be no significant impact, in accordance with Policy GN3. The proposed dwellings would benefit from sufficient private amenity space and there would be adequate interface distances between the new dwellings which meet the standards in the Design Guide SPD.
- 11.20 The site is adjacent to an existing commercial property which is a long established dog breeding premises. The Council's Licensing Department have confirmed that high numbers of dogs live all year round in outside pens and that these pens are located to the rear of the dog breeding property which directly borders the proposed site. As such dog barking from this site has potential to affect amenity of the proposed residential properties, in particular use of the garden areas and use of the bedrooms in summer with windows open, and activity from the proposed dwellings has the potential to disturb the dogs, creating increased noise from the business.
- 11.21 Following comments from the Council's Environmental Health Officer, the Applicant has amended the proposed layout to remove 1no. dwelling, reducing the proposed dwellings from 8 to 7, which allows for a landscaped buffer zone between the kennels and plot no.1. This is an improvement to the original submission as it means the garden to plot 1 will not be immediately adjacent to the existing kennels and therefore activity in this garden is less likely to disturb any dogs housed in the kennels or using the exercise area. In order to further minimise this potential disturbance and to protect the amenities of future occupiers of the dwelling at plot no.1 the applicant also proposes to install an acoustic barrier fence to the northern boundary of the site which is between the site and the dog exercise area.
- 11.22 To ensure that noise protection measures are adequate the proposed acoustic fence would be 3m in height, and it is acknowledged that this is in excess of typical fence heights, however, the fence would be approximately 30m away from the rear of no.69 Gaw Hill Lane and given that that the rear view from this existing dwelling is currently dominated by commercial type buildings with a maximum height of 10m, I consider that the amenities of occupiers of no.69 will not be significantly adversely impacted as a result of the proposed fencing. The fencing and appropriate landscaping for screening purposes will be secured by condition.
- 11.23 Concern has been raised by the occupiers of Gaw Hill Farm about the address detailed on the legend of the submitted plans. The application site is clearly marked as 69 Gaw Hill Lane on the submitted ordnance survey extract and also on the planning application form, and as such there is no ambiguity as to the exact location of the proposed development site.
- 11.24 I am satisfied that both new and existing properties will benefit from adequate levels of privacy and amenity, in accordance with Policy GN3 of the Local Plan.

### **Highway Safety**

- 11.25 Policy GN3 of the Local Plan states that developments should integrate well with the surrounding area and provide safe, convenient and attractive pedestrian and cycle access,

ensure that parking provision is in line with Policy IF2, and incorporate suitable and safe access and road layout.

- 11.26 The proposed dwellings would be served by the existing access off Gaw Hill Lane, the Highway Authority has assessed the proposals and is satisfied that visibility from the access is acceptable for the proposed development. The applicant has confirmed that the on-site road layout is to remain private and will not be offered up for adoption, and will therefore remain the responsibility of the developer for maintenance. Whilst the layout would not be to an adoptable standard, the applicant has demonstrated that the access is suitable for a twin axel refuse vehicle.
- 11.27 In terms of off road parking, each dwelling has an integral garage, these proposed garages would be 5m x 5m, and so in terms of depth would be not meet the required space standards, however, as they would be wider than the required 3m, there would be adequate space to park a car in the garage, plus provide some additional space for domestic storage. Each plot has sufficient private driveway space to accommodate 2 vehicles off road, ensuring that car parking for each of the proposed dwellings is in accordance with Policy IF2 in the Local Plan.
- 11.28 I am satisfied that the proposed development in terms of highway safety and parking is acceptable and in accordance with Local Plan requirements.

### **Drainage**

- 11.29 There are no public sewers within Gaw Hill Lane or in the proximity of the site. The Flood Risk Assessment which has been submitted with the application identifies that surface water which currently flows from the existing farm buildings and yard areas drains to the low-lying area mid-way along the western site boundary. This depression is located within the area of a former marl pit pond which was partially filled a number of years ago. The outlet pipe from this pond was retained when the water feature was in-filled, and investigations on site have determined that this culvert flows in a north westerly direction until it meets another culverted watercourse in the southern verge of Gaw Hill Lane. Foul water is currently dealt with by septic tank.
- 11.30 The FRA has identified that ground conditions at the site make it unsuitable for formal soakaways, nevertheless, given the depth of topsoil over the clay layer it is proposed that some localised hardstanding (patios, garden paths etc.) can be laid to fall into landscaped or garden areas, also, there would be an overall reduction in hardsurfacing on the site which would provide some betterment. As there is an existing outfall pipe serving the current farm yard and buildings, it is proposed to route surface water from the central shared drive and roof areas into the western part of the red-edged application site, and to construct a new manhole at the head of the former pond outfall. Foul drainage is to be treated by packaged sewage treatment plants and treated effluent discharged into the new surface water manhole. The Council's Drainage Engineer has reviewed the application and confirmed that he has no objection to the proposals. A formal strategy for the separate foul and surface water drainage of the development, including any necessary attenuation measures, maintenance and management proposals and phasing of delivery will be secured by planning condition.

### **Ecology**

- 11.31 The proposed development would result in the demolition of the existing buildings. Ecological surveys from the previous application, including a Preliminary Roost Assessment have been submitted with the application. This assessment concludes that due to the internal conditions of the three buildings on site they are considered to have



negligible habitat value for roosting bats, and therefore no further survey work is required. There has been evidence of bat foraging in close proximity to the site, and it is therefore appropriate to ensure that the redevelopment of the site addresses this by incorporating integrated bat boxes and controlled lighting; this will be secured by planning condition. The redevelopment of the site would result in a reduction in hardsurfacing and increased landscaping on the site which would have the effect of improving biodiversity, and I am satisfied that the proposed development complies with Policy EN2 of the Local Plan.

## **Trees**

11.32 Tree cover on the site is confined to the periphery of the farm buildings and the entrance driveway. The Arboricultural Survey submitted with the application identifies the tree population to be of average to poor quality, but does identify the tree cover as having an important screening function for adjacent properties and for hiding the industrial nature of the site. The Design and Access Statement submitted with the application advises that the majority of the trees and hedgerows of good quality will be retained and enhanced for both ecological and visual purposes. The landscaping plan submitted with the application shows retention of some trees and proposed new trees on site. A detailed landscaping plan will be secured by planning condition to ensure that the development is appropriately landscaped.

## **Conclusion**

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

## **12.0 RECOMMENDATION**

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

### **Condition(s)**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.  
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:  
Location Plan - AJ27 000  
House Type B - AJ27 HTB  
House Type A1 - AJ27 HTA1 001  
House Type A2 - HTA2 001  
Topographic Survey - AEH-1257 - sheet1, sheet 2 and sheet 3  
received by the Local Planning Authority on 01.10.19.  
Site Layout Plan - AJ27 001 Rev C received by the Local Planning Authority on 04.06.2020.  
Boundary Treatment - AJ27 004D received by the Local Planning Authority 05.06.2020.  
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. 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) Schedule 2, Parts 1 A - F and 2 A - B, or any amendments made to that Order, shall not apply:

- (i) no extensions shall be carried out to the dwelling(s)
  - (ii) no garages or carports shall be erected within the curtilage of the dwellings
  - (iii) no vehicle standing space shall be provided within the curtilage of the dwellings
  - (iv) no buildings, greenhouses, swimming pools, gates, walls, fences or other structures shall be erected within the curtilage of the dwellings
  - (v) no means of access shall be constructed to the curtilage of the dwellings
  - (vi) no windows or dormer windows shall be added to the dwelling
- unless on application to the Local Planning Authority, planning permission for such development has been granted .

Reason: The character and location of the property are such that the Local Planning Authority wish to exercise control over future development in order to protect the openness of the Green Belt and to comply with the provisions of Policy GN1(b) in the West Lancashire Local Plan 2012-2027 Development Plan Document and National Planning Policy Framework - Protecting Green Belt Land.

4. The proposed access from the site to Gaw Hill Lane, shall be constructed to a (minimum) width of 5.5m and this width shall be maintained for a minimum distance of 10m measured back from the nearside edge of the carriageway prior to the first occupation of any of the approved dwellings.

Reason: To enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users.

5. No construction shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until a private management and maintenance company has been established.

Reason: To ensure future management and maintenance of the proposed streets is secured as the site is not suitable for adoption by the highway authority (under Section 38 of the Highways Act 1980).

6. Before demolition works commences, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site. These facilities shall be retained until construction is completed, and shall be used to clean the wheels of all vehicles leaving the site.

Reason: To prevent mud or other loose material being carried out on to the highways surrounding the site in the interests of highway safety.

7. The parking provision shown within the curtilage of each dwelling on the approved plans shall be provided prior to first occupation of the dwelling to which it relates. The parking areas shall be hardsurfaced and shall be made available for their 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.

8. 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.

9. No construction 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 the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement standards. The drainage scheme shall be completed in accordance with the approved details and in accordance with the approved phasing of the scheme. The peak rate of surface water discharge to the receiving surface water system is not to exceed 5.0 l/s.

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; and appropriate and sufficient maintenance mechanisms are put in place for the lifetime of the development to reduce the flood risk associated with inadequate maintenance.

10. Notwithstanding any description of materials in the application, no above ground construction works shall take place until 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.

11. 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.

12. No site clearance, preparatory work or development shall take place until a Method Statement detailing measures to be taken during construction to protect the health of the existing trees has been submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved Method Statement shall be fully implemented during construction.

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.

13. The mitigation and enhancement measures set out in section 4.2 Table 8 of the Bat Survey - Preliminary Roost Assessment (ARBTECH, June 2018) and section 4.2 Table 7

of the Preliminary Ecology Appraisal Survey (ARBTECH, August, 2017) shall be implemented in full during and following the development hereby approved.

Reason: To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

14. No temporary or external lighting shall be present on the site until a lighting scheme has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved detail and in a timetable to be agreed in writing with the Local Planning Authority.

Reason: To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

15. No development, including demolition, shall take place until a scheme outlining Reasonable Avoidance Measures (RAMs) for the protection of common amphibian, reptile and small mammal species has been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be adhered to at all times.

Reason: To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

16. Prior to occupation of the dwelling on plot 1, an acoustic barrier shall be erected along the length of the northern boundary of the site adjacent to the existing kennel business. The fence shall be a minimum of 3m in height and shall be of close boarded construction with a minimum mass of 12kg/m<sup>2</sup>. The barrier shall be free from holes; be sealed at the base to prevent sound transmission under the barrier; and the boards of the fences shall be either tongue and groove type so that there is an overlap or the joins are covered with wood strips or battens to ensure there are no gaps at installation and subsequently following weathering. A scheme detailing the fence specification shall be submitted to and approved by the Local Planning Authority prior to its installation and the installed fence shall be retained and maintained in good condition whilst the permitted use remains.

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.

### **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

GN4 - Demonstrating Viability

RS1 - Residential Development

EC1 - The Economy and Employment Land

EN2 - The Rural Economy

EN4 - Preserving and Enhancing West Lancashire's Natural Environment

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

# Agenda Item 7b

<b>No.2</b>	<b>APPLICATION NO.</b>	2019/0892/FUL
	<b>LOCATION</b>	Land To The South Of Stopgate Lane Simonswood Lancashire
	<b>PROPOSAL</b>	Development comprising of a HGV trailer park, Training Building (D1), Storage Building (B8) with link extension and associated mounded earthworks, landscaping and ecology park.
	<b>APPLICANT</b>	T & T Contracts
	<b>WARD</b>	Bickerstaffe
	<b>PARISH</b>	Simonswood
	<b>TARGET DATE</b>	7th February 2020

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## 1.0 SUMMARY

- 1.1 This is an application for a HGV Trailer Park, erection of a timber storage building with link extension to an existing storage building and erection of a training building for a traffic management company. In 2018, outline planning permission (2018/0835/OUT) was granted on part of this site and an adjacent site for employment development comprising B2 & B8 uses including ancillary office accommodation. This application is for only half the site area previously approved. Although the site is not allocated for employment use, but is identified as Protected Land in the Local Plan, the site's previous planning permission for employment use is a material consideration in assessing the application.
- 1.2 Subject to appropriate conditions, the development would not have an adverse impact on highway safety, the ecological value of the site or residential amenity. Whilst not in accordance with the Local Plan, I consider that the principle of industrial and storage uses on the site has been accepted by virtue of the previous planning permissions and there are significant material considerations to justify a departure from Policy GN1 (b) of the adopted Local Plan. I consider the proposed land use to be acceptable on this site and that all technical issues have been addressed in accordance with the relevant policies of the Local Plan. I therefore recommend that planning permission be granted.

## 2.0 RECOMMENDATION: APPROVE with conditions

## 3.0 THE SITE

- 3.1 The application site is located to the south of Stopgate Lane and to the east of Pingwood Lane in Simonswood. The site extends to approximately 5.5ha and is broadly rectangular in shape, comprising greenfield open flat and mostly agricultural land.
- 3.2 The site is bound to the north by an existing mature hedgerow beyond which is Stopgate Lane, with Green Belt and agricultural land to the north. To the east of the site is an area of open land beyond which is the entrance to Simonswood Industrial Park and a 102m high wind turbine. To the south lies Simonswood Industrial Park and to the west is an area of shrub/trees with Pingwood Lane beyond and residential development forming part of Kirkby on the far side of Pingwood Lane. The main river Simonswood Brook, runs south to north through the western part of the site. The site falls within the borough boundary of West Lancashire but Pingwood Lane is within Knowsley borough.

## 4.0 THE PROPOSAL

- 4.1 This application seeks planning permission to develop an HGV Trailer Park, construction of a timber storage building with link extension to an existing storage building and construction of a training building for a traffic management company.
- 4.2 The site will be split into four sections:
1. Firstly this proposal will deliver the 3.13 acre ecology park and sustainable drainage area to the west of the site which has previously been agreed under the outline application.
  2. The second section will be approx. 1 acre and is reserved for Highway Traffic Management Limited who propose a single storey training building (use class D1) measuring 24.9m by 9m comprising of three classrooms, an office, kitchen and toilets. It will operate Monday to Friday approximately 8am to 5pm and on Saturday mornings until 1pm. The training centre will employ 6 members of staff with class sizes of up to 10 students.
  3. The third section is reserved for 3TL Ltd and measures approximately 1.25 acres. 3TL Ltd already occupy the site directly to the south of the application site. A timber storage building measuring 30m by 100m is proposed along with a link canopy measuring 30m by 30m to connect the existing building with the proposed building. Timber is brought onto the site in prepared form and then stored until ready to be sent out to customers. An additional 7 staff will be employed as a result of the proposal.
  4. The remainder of the site is approx. 2.3ha and will be used as an HGV trailer park. An existing trailer park is already in operation to the south of Williams Industrial Park. Trailers are stored until they are required and this coincides with the peaks and troughs in retail demand. The proposed trailer park would require 2 additional staff members between the hours of 8am and 5pm.
- 4.3 The application also proposes 2m high mounded earthworks along the northern and western boundary (between the industrial development and ecology park) with landscaping and proposes a 2m high green weldmesh security fence.

## **5.0 PREVIOUS RELEVANT DECISIONS**

- 5.1 2018/0835/OUT GRANTED Outline - Employment development comprising B2 & B8 uses including ancillary office accommodation together with associated ancillary infrastructure.
- 5.2 2015/0729/OUT GRANTED Outline - Employment development comprising B2 & B8 uses including ancillary office accommodation together with associated ancillary infrastructure.
- 5.3 2014/0542/FUL GRANTED Development of a single wind turbine generator with a maximum height to blade tip of 102 metres above ground level, vehicle access tracks, crane pad, sub-station building and construction compound.
- 5.4 2013/1188/SCR Screening Opinion - Development comprising a mix of industrial units for uses falling within Classes B1, B2 and B8 together with an ecology park and sustainable drainage area. (Development is NOT EIA development).

## **6.0 OBSERVATIONS OF CONSULTEES**

- 6.1 Knowsley Council (including Highways) (22.11.19 & 28.04.20) No Objections subject to conditions
- 6.2 LCC Highways (16.10.19) – No Objections
- 6.3 MEAS (Merseyside Ecological Advisory Service) (06.11.19, 28.01.20, 18.02.20 & 01.04.20) – No Objections subject to conditions
- 6.4 United Utilities (11.10.19) – No Objections; conditions suggested
- 6.5 LAAS (Lancashire Archaeological Advisory Service) (04.10.19) – No Objection subject to a condition requiring archaeological investigation and recording of the site
- 6.6 Environmental Health (21.11.19) No Objections subject to conditions
- 6.7 Environmental Health Scientific Officer (25.10.19) No Objections subject to a condition requiring phase 2 report
- 6.8 Environment Agency (11.11.19) – No Objections subject to conditions
- 6.9 Lead Local Flood Authority (26.11.19) No Objection subject to conditions
- 6.10 Lancashire Constabulary (30.09.19) – Advice given

## **7.0 OTHER REPRESENTATIONS**

- 7.1 I have received 1 letter of objection from a local resident. Their concerns are summarised below:

Existing residents suffer from a large number of HGVs passing our homes;  
Although the proposed access to this site is via Pingwood Lane, HGV traffic may still attempt to use the Stopgate Lane/Sineacre Lane route as a shortcut, particularly if they are heading towards the M58;  
There is a 7.5 tonne limit on the roads and can you put a condition or advisory to the approval;  
The road is dangerous to cross and there has been a fatal Road Traffic Collision on Pingwood Lane near to the Williams estate access point. A crossing should be considered.

- 7.2 Simonswood Parish Council (13.12.19) objects on the following grounds;

The land is protected under the West Lancashire Borough Council Local Plan and is in agricultural use all year round;  
There is already a large trailer park on the adjoining site;  
Simonswood Brook, recognised as a 'main river source' by the Environment Agency is at capacity as it is prone to flooding. The land in question has land drains which take surface water into Simonswood Brook. Local knowledge shows that flooding of this land and contamination of the water course would be likely as a result of this development;  
The nearby residential area will be subject to increased noise and vehicle emissions and therefore the 24 hour operation would be detrimental to the residents. No other companies are permitted to operate 24 hours on the industrial estate;  
The development would diminish the open, established countryside which is of local historical interest as it formed part of the original Simonswood Forrest and Deer Park;  
There is no mention about what would happen to the waste from the development of the training centre and canteen as no mention is made of this?;

There is a significant risk of contamination from parked HGV vehicles in relation to fuel and oil leaks that could drain into the existing water course;  
No reference is made to the type of material that would be used to construct the bunds;  
On the Planning Statement under Noise/Amenity how can the sound noise modelling be done without the type and number of HGVs being identified;  
No plans have shown any external lighting which we believe could cause light pollution to the surrounding area.

## **8.0 SUPPORTING INFORMATION**

8.1 In addition to a Planning Statement setting out the planning policy position, the application is supported by the following:

Ecological Assessment  
Flood Risk Assessment and Drainage Strategy  
Design and Access Statement  
Minerals Safeguarding Statement  
Noise Impact Assessment  
Transport Assessment along with an update letter Feb 2020  
Contaminated Land Report  
Bat Roost Assessment Report

## **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 allocated as Protected Land within the Local Plan. The site also falls within the Mineral Safeguarding Area as designated under Policy M2 of the Joint Lancashire Minerals and Waste Local Plan.

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

SP1 – A Sustainable Development Framework for West Lancashire  
GN1 – Settlement Boundaries  
GN3 – Design of Development  
EC1 - The Economy and Employment Land  
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 Built Environment

### **Supplementary Planning Advice**

SPD – Design Guide (January 2008)

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

### *Principle of Development*

10.1 The site is designated as Protected Land in the Local Plan and Policy GN1 (b) states that "development on protected land will only be permitted where it retains or enhances the



*rural character of the area, for example small scale, low intensity tourism and leisure uses and forestry and horticulture related uses."* Whilst the proposal does not comply with the above policy, the principle of employment development has previously been established by the granting of outline planning permission (2018/0835/OUT).

- 10.2 In the case of planning application 2018/0835/OUT, the applicant put forward material considerations to justify a departure from the adopted Local Plan which remain relevant for the current application. For example, demand for employment land in the Liverpool City Region and the impact of the new Liverpool 2 container terminal at the Port of Liverpool provide a compelling case for the need for a greater supply of employment land in the City Region over the coming years.
- 10.3 The issue of delivery of employment land is also important, and it is acknowledged that there has been a lack of employment land delivery in West Lancashire in recent years. West Lancashire is not currently delivering the 5ha of employment land a year anticipated in the Local Plan. While national planning policy does not require a local planning authority to demonstrate a 5 year supply of employment land in the way it does for housing, the applicant suggest that this lack of delivery is an important material consideration in this application and one that carries significant weight in favour of the proposal. Weighing all of the above into the balance, the previous planning history, employment land delivery and the anticipated demand for employment land over the next few years in the Liverpool City Region are considered to be significant material considerations to justify a departure from Policy GN1 (b) of the adopted Local Plan.

#### *Siting, Design and Layout*

- 10.4 The proposed layout has been designed as a natural extension to the existing employment site to the south by siting the proposed storage building, training building and HGV trailer park immediately to the north of the Simonswood Industrial Park. An extensive ecology park with SUDS is proposed along the western and north western boundary of the site and landscaped mounds, measuring 2m high, are proposed around the northern and western perimeter to build on the existing green infrastructure within the site to ensure the developed areas are integrated into the existing landscape and to provide an area of ecological mitigation for the resultant loss in greenfield land and hedges, all based around the existing watercourse running through the site. The mounds will have a meadow grass mix with hedgerow planting on the outer edges and tree planting on the inner edges. No planting is proposed on the mounds and no material will be imported to the site to create the mounds. A 2m high green weldmesh security fence is proposed on the inside of the landscaped mounds. This is considered to be acceptable.
- 10.5 The proposed new storage timber building will be joined to the existing timber storage building with a link extension. The extension has been designed to be of a similar height and design to the existing and is considered to be acceptable.
- 10.6 The proposed training building is of a modest footprint with a maximum ridge height of 5.4m and will be sited adjacent to the proposed landscape mounds to the north of the existing storage building and to the west of the proposed storage building extension. The design, scale and siting of this building is considered to be acceptable.

#### *Access, Traffic and Highways*

- 10.7 Vehicle access to the site is proposed from the existing priority junction with Pingwood Lane which serves the existing Williams Industrial Park. Once inside the industrial estate, vehicles will follow the existing roadway that encircles the existing timber storage building leading directly to the entrance to the application site.

- 10.8 A transport statement with a traffic impact assessment has been submitted along with an update in February 2020. Presently the timber storage facility generates up to 15 HGV trailer loads staggered throughout the day. The Traffic Impact Assessment predicts that the proposed timber storage extension will generate an additional 10 two way HGV movements per day and 14 two way car movements per day. During periods of peak demand the existing trailer park will experience approximately 20 HGV trips per day. Outside of the peak period, HGV movements are sporadic and some days will not generate any HGV movement at all. The Traffic Impact Assessment predicts the proposed trailer park will increase the HGV movements up to 40 two way movements per day and 4 two way car movements per day. The Traffic Impact Assessment predicts that the training centre will generate up to 32 two way car movements per day.
- 10.9 It is important to highlight that the site forms part of a wider scheme which has extant planning consent for B2/B8 use and a comparison has been made in the transport statement between the trip generations of this proposed use and the previously consented use. The applicant has undertaken various TRICS assessments and forecasts that the development would result in a slightly lower trip rates in the AM peak and a slightly higher trip rate in the PM peak compared to the trips rates consented in 2015. On balance the scheme would generate an increase in the region of 21 vehicular trips per day above the consented scheme, which the applicant suggests will be insignificant given the characteristics of the highway network in the vicinity of the site.
- 10.10 Knowsley Council as the Highway Authority have been consulted as the application site boundary straddles the West Lancashire and Knowsley administrative boundaries and Pingwood Road falls under Knowsley Council. Knowsley Council have assessed the proposals and have raised no highway objections in principle but have requested that pedestrian facilities are provided between the site entrance and the bus stops on Pingwood Lane to facilitate access and improve pedestrian safety. In response the application proposes a 2m wide footway along the northern side of the site access leading north along Pingwood Lane towards the bus stop on the eastern side of the carriageway. Here, an uncontrolled pedestrian crossing comprising of dropped kerbs is already present on both sides of the road. Tactile paving is proposed at the crossing point on the eastern side of the carriageway to mirror the arrangement on the opposite side of the road. This improvement will ensure that a safe pedestrian link from the site to the bus stops and the opposite side of Pingwood Lane while utilising the existing pedestrian line. A condition will be imposed to secure these off site highway works to improve pedestrian facilities.
- 10.11 The proposed layout includes 25 car parking spaces along the access road and a further 10 car parking spaces are proposed adjacent to the training centre. The site allocated for the training building will have ample space within its boundary for additional car parking in connection with this use and as a result a condition is recommended to require a more detailed car parking layout with soft landscaping to be submitted for consideration.
- 10.12 To conclude, I am satisfied that adequate vehicle maneuvering, turning and parking spaces can be provided within the site. The scheme will provide appropriate links for pedestrians and the development will not have a significant impact on the local highway network within the vicinity of the site.

#### *Impact on Neighbouring Land Uses and Noise*

- 10.13 It is necessary to consider the impact of the proposed development on the amenity of existing surrounding land uses, including neighbouring residents to the west of the site along Pingwood Lane and Shevingtons Lane. It is proposed that the ecology park will be situated on the western boundary, the closest point to local residents. The HGV trailer

park, training building and storage extension will be located in the north eastern corner between the ecology park and existing industrial estate thereby helping to minimize its visual impact upon nearby residents.

- 10.14 However, given the proposed development is for mixed commercial development, which will utilise an existing access point off Pingwood Lane, the impact of noise upon neighbouring residents needs to be given consideration. A noise assessment has been submitted with the application which concludes noise levels are likely to be similar to those associated with the use of the existing site, and would have a low impact on nearby noise receptors provided that the recommended acoustic mitigation advice is followed.
- 10.15 The applicant has clarified the timber store and training building would only operate during daytime hours (8am to 7pm Monday to Fridays, and 9am to 12.30pm Saturdays). However, the applicant has applied for the trailer park to be operational 24 hours. The Transport Assessment explains the trailers are stored until they are required and this typically coincides with the peaks and troughs of retail demand, in late August/early September, the trailers start to leave the site in preparation for the build up to the Christmas period and they then return during February. Occasionally trailers for lorries on the trailer park would need be moved at night.
- 10.16 The noise assessment recommends in order to reduce the likelihood of noise impact on the nearest receptors during unsociable hours HGV visits, additional barrier/acoustic fencing will be erected to screen the HGV routes on-site from nearby residents. The noise report identifies that once the HGVs enter the site they would be screened from residential properties by the proposed fencing and bunding, and as such noise levels will drop significantly. The noise report anticipates that although the residential receptors are closer to the new site than the existing site, noise levels from the new site are expected to be lower than noise levels from the existing site (which is not enclosed by continuous bunding/fencing).
- 10.17 The Council's Environmental Health Officer is satisfied with the background noise assessment, the choice of representative background noise levels and how the predicted noise rating levels have been assessed and has no objection to the application in principle. However the Transport Assessment identifies an increase in the numbers of HGV vehicles would be likely to visit the site as a result of the proposed development therefore it is reasonable to ensure night-time activity is restricted to protect local residents as the highest noise levels will be from HGV vehicles driving along Pingwood Lane in order to enter the site. Both the Council's Environmental Health Officer and Knowsley Council have recommended that a condition is imposed to restrict evening and night time vehicle movements due to the adverse impact this could have on nearby residents. As the applicant has specifically applied for the trailer park to operate 24 hours due to the requirement to occasionally move trailers during their busiest periods it would be unreasonable to completely restrict any nighttime movement in and out of the site. Therefore a balance must be struck between the operational requirements of the site and the need to protect local residents. I consider it is reasonable to restrict the numbers of HGV movements between 11pm and 7am to protect residents.
- 10.18 Providing that a number of noise control measures including acoustic barriers and hours of operation are conditioned then on balance I consider the development meets the requirements of Policy GN3 of the Local Plan.

#### *Drainage and Flood Risk*

- 10.19 The developable area of the site is located within flood zone 1 and a small watercourse known as Simonswood Brook which passes through the western boundary of the site is

located in flood zone 3. As a result a Flood Risk Assessment and Drainage Strategy Report has been submitted with the application. The site will be drained on separate systems and foul water will be connected to the public sewer at the western end of the site.

- 10.20 In terms of surface water, this will be collected from the site and directed to a new surface water drainage network, which in turn will outfall to a large attenuation pond at the western end of the site adjacent to Simonswood Brook. Flows will then be restricted to greenfield run-off rates to the watercourse. This approach is acceptable in principle. I am satisfied that the development site can be adequately drained and the proposed development will not result in increased flood risk on or off the site.
- 10.21 To the west of the site a small parcel of the site is located within Flood Zone 3, the classification most at risk of flooding. Therefore, all buildings will be set at least 300mm above existing ground levels. The Environment Agency (EA) has confirmed that they are satisfied with the submitted Flood Risk Assessment. An 8m buffer zone is provided from the top of Simonswood Brook watercourse bank to ensure no development encroaches into the main river easement thus meeting an EA requirement. I am satisfied that the proposed development demonstrates compliance in principle with the NPPF and Local Plan Policy regarding drainage and flood risk.

#### *Ecology, Trees and Landscaping*

- 10.22 The application site is located in an area known as an Impact Risk Zone which could have the potential to support qualifying features within or in close proximity to the designated sites of the Ribble and Alt Estuaries, Mersey Estuary and Martin Mere SPA, Ramsar and SSSI site.
- 10.23 Several ecological surveys have been undertaken at the site by Appletons in 2013, 2015 and June 2018. A letter from Appletons has been submitted with this application to update the current application which only covers 5.5ha of the wider 12.78ha originally surveyed. Previous survey results, conclusions and recommendations have been adjusted to reflect this. In addition, a bat roost assessment report and a water vole survey and protection strategy have been submitted.
- 10.24 MEAS have been consulted and conclude that construction and operation of the site will have no likely significant effect on the European protected sites and a detailed Habitats Regulations Assessment report is not required because pink footed geese were not recorded within, or close to, the site during the survey and very few numbers of other qualifying features were recorded. Therefore the proposals will not displace significant numbers of foraging qualifying bird species.
- 10.25 Evidence of Water Vole was recorded alongside Simonswood Brook and the applicant has submitted a Water Vole survey and mitigation strategy which MEAS confirms is acceptable to ensure this species is not harmed by proposals to install an outfall into Simonswood Brook.
- 10.26 In February 2020 the applicant's ecologist undertook a fingertip search for water vole field evidence along a 33m stretch of Simonswood Brook and supervised the removal of an area of vegetation. A letter was submitted in March 2020 confirming the Water Vole protection works have been carried out in accordance with the previously submitted and accepted Water Vole protection strategy. The measures taken to ensure Water Vole is not harmed by the proposals are welcomed and accepted by MEAS. The area of vegetation cleared has been covered by tarpaulin and this section of the bankside habitat will remain covered until the outflow installation works commence.

- 10.27 The site offers bird breeding habitat which will be significantly reduced by the proposed development; however the creation of an ecology park, planted with similar native species, will provide mitigation for the loss of habitat. The bat roost report found only one yew tree had low potential for roosting bats but this is 450m outside the application site boundary and will be retained. I am satisfied that the development complies with Policy EN2 of the Local Plan and the NPPF.
- 10.28 In respect of trees within the site, they are of a self-set nature within the overall vegetated area of scrub hawthorn and bramble. The indicative layout shows that an area of trees and woody shrubs will be removed to accommodate the development; however, as part of the proposals, an area to the west of the site will be dedicated as a SUDs area and ecology park. Existing vegetation in this area will be retained and enhanced and managed to enhance biodiversity and create habitats for invertebrates, birds and Water Voles. A landscaping plan has been submitted which proposes a good mix of native trees and hedging across the site. Overall, the landscaping proposals are considered to be acceptable.

#### *Contaminated Land*

- 10.29 Part of the proposed development site is located on top of a historic landfill site known as Stopgate Lane North and South, which presents a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located on a Principal Aquifer, in groundwater Source Protection Zone 3, and is adjacent to a watercourse, Simonswood Brook). The Environment Agency (EA) and the Councils Environmental Protection team have reviewed the Phase 1 Preliminary Risk Assessment which demonstrates that it will be possible to manage the risks posed to controlled waters by this development. However, there would still be a need for further intrusive site investigation to explore the identified potential pollutant linkages further, as recommended in section 6.2 of the Preliminary Risk Assessment report before development is undertaken on the site. The EA are in agreement that this can be secured by planning condition.

#### *Archaeology*

- 10.30 Lancashire Archaeological Advisory Service has identified the site includes the former sites of Warren's Farm, Stopgate Farm and Stopgate Inn which used to lie in a former hunting forest in the 13th Century. It is probable that there will be buried remains within the site from these farmsteads which merit examination and recording prior to their destruction. A programme of archaeological investigation and recording is recommended prior to the start of development and this can be secured by condition.

#### *Mineral Safeguarding Area*

- 10.31 As per the previous approval, this application is supported by information which confirms that there is potential for deep coal and possible silica sand on the site. The applicant advises that due to the characteristics of the surrounding land uses, the ecology interest and watercourse on the site, the limited size of the site and the uncertainty of mineral resources being found, it is considered that it would be commercially unviable and environmentally unacceptable to extract minerals from the application site. I concur with this view and as such the exemption requirements of Policy M2 of the Lancashire Minerals and Waste Local Plan have been engaged and the development is not considered to have an adverse impact on mineral supplies.

## *Conclusion*

10.32 I am satisfied that there are significant material considerations to justify a departure from Local Plan policy in relation to protected land given the planning history of the site and the realistic prospect of delivery of employment land and employment opportunities. The proposal satisfactorily meets the requirements of Policies GN1, GN3, EN2 and IF2 of the West Lancashire Local Plan 2012-2027 DPD and is therefore 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:  
Plan reference Location Plan 3301/03 Rev C, Landscape Proposals 1921/01 Rev B and Cross Section 1921/02 Rev B received by the Local Planning Authority on 24th March 2020;  
Plan reference Proposed Site Layout - Revised Land Purchase Drawing 3301/04 Rev K received by the Local Planning Authority on 22nd May 2020;  
Plan reference Proposed Covered Structure 3301/05 rev A and Proposed Training Building 3301/06 Rev A received by the Local Planning Authority on 11th September 2019;  
Plan reference Topographical Survey received by the Local Planning Authority on 4th September 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. 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 infiltration 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 any of the buildings or trailer park being brought into use or completion of the development, whichever is the sooner.

Before any building or the trailer park 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.

4. Notwithstanding the submitted Phase 1 Ground Investigation Report no development approved by this permission shall be commenced until
- a. A further phase 2 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.

5. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological investigation and recording. 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: These details are required to be approved before the commencement of development to ensure any remains on site are properly recorded in accordance with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document

6. No part of the development hereby approved shall commence until a scheme for the design and layout of highway improvement works has been submitted to, and approved by, the Local Planning Authority. For the avoidance of doubt, the works shall include:

Pedestrian facilities between the site entrance and nearby bus stops;

This should include a paved footway, along the desire line on the verge on the development side of Pingwood Lane, between the bus stop and site entrance;

Improved pedestrian crossing facilities across Pingwood Lane, to the other bus stop and crossing point(s);

Improvements to the site's current pedestrian entrance (stated in 3.2.4 of submitted transport document as a "gap in a fence").

The approved scheme shall be fully implemented prior to the first use of the development.

No part of the development hereby approved shall be occupied or opened for trading until the highway improvement works have been constructed and completed in accordance with the scheme details

Reason: These details are required prior to the commencement of development to safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

7. Prior to any development taking place plans showing details of the areas for the movement, loading, unloading and parking of vehicles shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until such areas have been provided, constructed and surfaced in complete accordance with the approved plans. These areas shall be retained at all times thereafter.

Reason: These details are required prior to the commencement of development to ensure that adequate on site vehicle parking/manoeuvring facilities are provided in the interests of highway safety and amenity, and to comply with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

8. 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.

9. No building shall be brought into use nor the trailer park brought into operation until a scheme detailing the proposed lighting(including all floodlighting, external building lights and car park lighting) to be installed on the site has been submitted to and approved in writing by the local planning authority.

All external lighting shall be installed and maintained in accordance with the agreed scheme.

Reason: To minimise the visual impact of light on nearby residential properties in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

10. Prior to the occupation of the building/use hereby approved at least 10% of the approved car parking spaces shall be marked out for use by electric vehicles, together with an adequate charging infrastructure and cabling for each marked bay, the details of which shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented and thereafter retained in situ throughout the duration of the development.

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.

11. Notwithstanding the details submitted no part of the development hereby permitted shall be occupied until a scheme for the provision of cycle and motorcycle parking, in accordance with the Council's current standards, has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented before any part of the development is brought into use and shall be retained as such thereafter

Reason: To ensure that adequate provision is made for parking cycles and motorcycles on the site in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

12. The development permitted by this planning permission shall be carried out in accordance with the following mitigation measure as identified within the FRA ref: 9805, dated 9/08/2019 received by the Local Planning Authority on 4th September 2019:

1. The minimum finished floor level (FFL's) for the site will be 30.00m AOD. Over and above this the FFL's of all the units should be set at least 300mm above the existing ground levels.

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

Reason: To ensure that there is no flood risk on- or off-the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

13. The development shall be implemented in accordance with the mitigation strategy described in 'Water vole survey and protection strategy, Appletons, September 2018, Updated February 2020' and 'Letter from Paula Bateson, Appletons, 12 March 2020, Ref: PB/1921/E2'.

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. Prior to the occupation and operation of any of the development hereby approved details of an acoustic barrier to protect the nearby residents from noise shall be submitted to and approved by the local planning authority. The acoustic barrier shall be erected using only the agreed materials and method of construction, prior to the trailer park being brought into use, and shall be retained at all times 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.
15. The Training Centre shall not operate outside the hours 19:00 until 08:00 on Mondays - Fridays and 12:30 until 08:00 on Saturdays. The use shall not operate at all on Sundays or Bank or Public Holidays without the prior approval in writing of the Local Planning Authority.
- No products shall be moved in or out of the proposed timber store outside the hours of 19:00 until 08:00 on Mondays - Fridays and 12:30 until 08:00 on Saturdays. There shall be no movements of products in or out of the timber store at all on Sundays or Bank or Public Holidays without the prior approval in writing of the Local Planning Authority.
- Reason: To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document
16. The number of large or medium goods vehicles of Class C, C+E, C1 or C1+E (as categorized by the LGV/HGV Driving Licence Categories) visiting the site shall not exceed 8 in any 8-hour night-time period between 2300 and 0700 hours any one day. A record of all large or medium goods vehicles visiting the site shall be kept up to date and be made available for inspection at any time by the Local Planning Authority.
- Reason: To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document
17. All hard and soft landscape works shall be carried out in accordance with the approved details shown on Landscape Proposals Plan 1921/01 Rev B and Cross Section Plan 1921/02 Rev B. 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.
18. Piling, or any other foundation designs using penetrative methods, shall not be permitted other than with the written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
- Reason: To prevent harm to groundwater resources and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and paragraph 170 of the National Planning Policy Framework.
19. As confirmed in the email from Plan:8 Town Planning Ltd dated 2nd June 2020 no material shall be brought onto the site to form the 2m high landscaping mounds and ecology park.
- Reason: To ensure no imported material is brought onto the site in order to minimise risk from contamination and pollution and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027

### **Note(s)**

1. The LLFA notes that the Preliminary Drainage Strategy Plan, attached to the Flood Risk Assessment submitted with this application, drawing ref. 9805FRA-002, rev. P1, dated July 2019, implies that a diversion of the large diameter culverted drain will need to be undertaken to enable this development. The LLFA wishes to highlight that this drain is not identified on any United Utilities plans available to the LLFA as a United Utilities asset and therefore would be considered as a culverted ordinary watercourse. Any diversion of this watercourse is therefore subject to LLFA approval. The applicant should obtain Land

Drainage Consent from Lancashire County Council before starting any works on site. For the avoidance of doubt, this response does not grant the applicant permission to redirect the ordinary watercourse and, once planning permission has been obtained, it does not mean that land drainage consent will be given.

### **Reason for Approval**

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

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Design of Development

EC1 - The Economy and Employment Land

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 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.3</b>	<b>APPLICATION NO.</b>	2019/0991/FUL
	<b>LOCATION</b>	Fine Janes Farm Moss Road Halsall Southport Lancashire PR8 4JG
	<b>PROPOSAL</b>	Demolition of existing structures and erection of residential development comprising 83 units (Use Class C3) and related development including improvement of existing access to the site, internal access roads, amenity open space, landscaping, parking and pumping station
	<b>APPLICANT</b>	Forth Homes Ltd And Adactus Housing Association Limited
	<b>WARD</b>	Halsall
	<b>PARISH</b>	Halsall
	<b>TARGET DATE</b>	9th January 2020

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## 1.0 SUMMARY

- 1.1 This application is for 83 affordable dwellings on a site allocated for residential development in accordance with Policy RS1 of the Local Plan. The principle of a residential development on the site is acceptable. The proposed development is satisfactory in terms of layout, appearance and scale. I am satisfied that the proposed development will maintain highway safety and adequate car parking will be provided. The layout allows for the provision and retention of reasonable levels of amenity for the occupants of future and neighbouring properties. I find that subject to appropriate conditions the proposed development is compliant with the Local Plan and Habitat Regulations in respect of ecology and the scheme will not increase flood risk in the vicinity of the site. I am therefore satisfied that the scheme complies with the relevant Local Plan policies and the NPPF.

## 2.0 RECOMMENDATION: APPROVE WITH CONDITIONS AND SIGNING OF A S106 AGREEMENT

## 3.0 THE SITE

- 3.1 Fine Jane's Farm is located to the south of Moss Road, behind properties numbered 34a-52 Moss Road. It is accessed off Moss Road via a narrow access road known as Brookside Road, adjacent to no. 36 Moss Road which also forms part of the application site. The access then crosses a narrow bridge over Fine Jane's Brook to enter the site. The 2.72 ha site was previously used as a poultry farm for egg production and is laid to hard-standing. The majority of the site is taken up by 17 disused timber clad sheds which are in various states of disrepair and of various heights and size. The application site also includes an area (approx. 2700m<sup>2</sup>) of agricultural land in the south-east corner of the site. The site is allocated for residential development within the Local Plan with the exception of the land in the south-east corner which is designated Green Belt land.
- 3.2 The site is bounded by residential properties fronting Moss Road to the north, drainage ditches with agricultural land on the other side of those ditches to the east and south (located in the Green Belt) and Fine Jane's Brook to the west, with agricultural land beyond the brook (also located in the Green Belt).

## 4.0 THE PROPOSAL

- 4.1 Planning permission is sought for the redevelopment of the site for residential purposes. All dwellings would be affordable housing split between affordable rent, rent to buy and

shared ownership. The scheme proposes the erection of 83 no. dwellings comprised as follows:

8no. apartments  
4no. bungalows  
21no. two-storey detached  
50no. two-storey semi-detached

- 4.2 The development will be laid out in a cul-de-sac layout with the vehicular access utilising the existing access to the site (with some modification) off Moss Road and then via Brookside Road. An area of open space is proposed in the south-east corner of the site. The land in the south-east corner will also accommodate the pumping station which would serve the development.

## **5.0 PREVIOUS RELEVANT DECISIONS**

- 5.1 2019/1142/FUL - Variation of Condition No's. 2, 4, 5, 11, 14, 15, 19, 21 and 24 of planning permission 2016/0126/FUL to secure consent for replacement house types and consequent minor changes to layout and minor changes to the wording of conditions to enable demolition to begin - Pending consideration
- 5.2 2016/0126/FUL - Demolition of former egg production buildings and related infrastructure and erection of 57 dwellings and related development including improvement of existing access to site, internal access roads, amenity open space, landscaping, pumping station and boundary fencing - Granted
- 5.3 2011/0595/COU - Conversion and alterations to 8 no. redundant farm buildings for B2 (industrial) use, demolition of remaining redundant farm buildings and provision of car parking - Granted

## **6.0 CONSULTEE RESPONSES**

- 6.1 POLICE ARCHITECTURAL LIAISON OFFICER - Suggest security measures to be incorporated into the design.
- 6.2 ELECTRICITY NORTH WEST - No objections in principle but care should be taken with excavation works to avoid electricity equipment in the vicinity of the site.
- 6.3 UNITED UTILITIES - No objections subject to conditions.
- 6.4 LCC PLANNING CONTRIBUTIONS - Request £120,925.80 education contribution.
- 6.5 SENIOR ENVIRONMENTAL HEALTH OFFICER - No objections subject to conditions.
- 6.6 LLFA (30/12/19) - No objections in principle - conditions recommended.
- 6.7 ENVIRONMENT AGENCY - (23/03/20) - No objections in principle - conditions recommended.
- 6.8 LCC HIGHWAYS - No objections in principle. The volume of additional traffic generated by the proposed development, when compared to the traffic that could be generated by the previously approved residential development, will not have a material impact on the operation of the local highway network - Conditions recommended.

- 6.9 MEAS (06/05/20) - No objections in principle. Subject to appropriate conditions the development will not have a significant impact on protected species or identified sites. Appropriate Assessment provided.
- 6.10 NATURAL ENGLAND (27/05/20) - No objections in principle subject to the imposition of appropriate conditions.
- 6.11 SEFTON MBC - No objections in principle. Some concerns raised about impact of imminent closure of Town Lane at Birkdale Cop which may result in an increase of traffic on Moss Road. Potential impact on mini roundabout at Stamford Road/Benthams Way should be considered and appropriate landscaping scheme is requested to green belt boundary with Sefton.

## **7.0 OTHER REPRESENTATIONS**

- 7.1 Merseyside and West Lancashire Bat Group - (03/02/20) - Concerns regarding the content of the Bat Survey and impact of development on bats. (*Further surveys now submitted*).
- 7.2 Wildlife Trust for Lancashire, Manchester and North Merseyside - Support the comments of MWLBG in respect of the ecological surveys which have been submitted.
- 7.3 HALSALL PARISH COUNCIL - Object to the development on the following grounds:

The quantity and layout of the housing is too dense;  
 Request increase in CIL contributions for education provision, traffic improvements;  
 Environmental concerns regarding impact on nearby residents;  
 Increase in vehicle movements and resultant highway safety concerns;  
 Existing weight limit on the road has not been acknowledged by developer;  
 Safety concerns about proximity of development to river;  
 Provision of elderly housing falls below required provision;  
 Agree with MWLBG that ecological surveys are not suitable;  
 Concern that Moss Road area is losing its identity;  
 Site issues - consider site should be withdrawn from the Local Plan;  
 Concerns about water supply issues and that resources cannot meet the increased demand.

- 7.4 I have received neighbour representations from five addresses making the following comments:

Large development for a site with poor access;  
 Drainage issues;  
 Cumulative impact of this site and David Wilson Homes site down the road;  
 Overload local services;  
 Increased traffic;  
 Highway safety and weight limit on road;  
 Inadequacy of local infrastructure including water, sewerage, broadband;  
 Loss of privacy;  
 Lack of road frontage;  
 Boundaries need defining;  
 Have not heard of the developer - hope that they have the ability to remove contaminants;  
 Development will affect the quiet location;  
 Impact on wildlife;  
 Concern regarding content of ecological surveys;  
 Removal of invasive species;  
 Noise from the development will impact nearby residents;

Site is allocated for 60 houses - 83 would be unachievable;  
Concern regarding delivery/viability of affordable housing;  
Concern regarding potential for unexploded bombs on site.

## **8.0 SUPPORTING INFORMATION**

8.1 The following documents have been submitted in support of the planning application:

Arboricultural Impact Assessment  
Arboricultural Method Statement  
Design and Access Statement  
Geo-Environmental Site Assessment  
Phase II Site Assessment  
Planning Statement  
Storm sewer design  
Transport Statement  
Flood Risk Assessment  
Pre-Construction Management Plan  
Ecological Surveys dated September 2019  
Additional Ecological Statements received 5/12/19 and 11/12/19  
Barn Owl Strategy received 24/01/20  
Ecology Report received 31/01/20  
Bat Survey received 04/05/20

## **9.0 RELEVANT PLANNING POLICIES**

- 9.1 The National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the West Lancashire Local Plan 2012-2027 DPD (WLLP) provide the policy framework against which the development proposals will be assessed.
- 9.2 The site is located on the edge of the Southport / Birkdale urban area and, aside from the south-east corner, is allocated for residential development in policy RS1 of the West Lancashire Local Plan. The south-east corner of the site is located in the Green Belt.

### **NPPF**

Promoting sustainable transport  
Delivering a wide choice of high quality homes  
Requiring good design  
Protecting Green Belt land  
Meeting the challenge of climate change, flooding and coastal change  
Conserving and enhancing the natural environment

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

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



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

### *Principle of Development – Allocated Housing Site*

- 10.1 The NPPF supports the supply of new homes in sustainable locations. Policies SP1 and RS1 of the Local Plan re-iterates this approach. The site is identified as a housing site within Policy RS1 of the WLLP and as such the general principle of housing on the site is considered acceptable, subject to compliance with other relevant Local Plan policies.

### *Principle of Development – Green Belt land in south-eastern corner*

- 10.2 The proposed site layout incorporates a parcel of land in the south-east corner of the site. This land is not within the actual site allocation under policy RS1 of the Local Plan, but instead is within Green Belt land.
- 10.3 The incorporation of this parcel of land is to provide an area of on-site public open space as well as facilitating the pump house which will serve the development. The NPPF supports the provision of appropriate facilities for, amongst other things, outdoor recreation. In addition, at paragraph 81, the NPPF confirms that Local Planning Authorities should plan to retain and enhance landscapes, visual amenity and biodiversity within the Green Belt and seek to improve damaged and derelict land.
- 10.4 The incorporation of this land within the proposed site boundary forms a logical boundary as it is a continuation of the eastern boundary of the allocated site area. Its omission from the site layout could potentially lead to the land becoming land locked and unused. Consequently, I consider that the use of this portion of land as public open space represents a good use of the land and will enhance the landscape and visual amenity. On this basis, the proposed inclusion of public open space, linked to the proposed housing development, located within the Green Belt is considered to be acceptable in principle.

### *Affordable and Specialist Housing*

- 10.5 Policy RS2 sets out the requirements for the provision of affordable housing within residential schemes. In this case 58 of the properties are to be made available for affordable rent with the remaining 25 being part of a shared ownership scheme. It is my view that the development therefore complies with the requirements of policy RS2.
- 10.6 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. It is proposed that 10% of the scheme, four bungalows and four ground floor dwellings within the apartment block would be suitable for the elderly. In addition to this there are also some smaller properties and a further four apartments which would be suitable for all except the frail elderly who cannot manage stairs. Other properties will be constructed to meet Building Regulations Part M4(2) and will be capable of adaption if required in the future. Therefore, I am satisfied that the proposed development complies with Policies RS1 and RS2 in this respect.

### *Open Space Provision*

- 10.7 Policy OS1 within the Council's SPD relating to the 'Provision of Open Space in New Residential Developments' states that for new residential developments of 40-289

dwellings, developers will be required to provide 13.5m<sup>2</sup> of public open space per bedroom developed. This equates to 2767m<sup>2</sup>. The site layout includes one main area of open space (2791m<sup>2</sup>) along with further amenity space along the western boundary adjacent to the river bank and alongside the entrance road. The total amount of open space would be in excess of the required amount.

- 10.8 As described in paragraph 10.2 above, the south-eastern parcel of open space lies in the Green Belt. However, the use of this land as open space does form a logical boundary and its use for this purpose is acceptable in principle. In addition, whilst this area of public space is located on the periphery of the development site and not wholly integrated in the preferred way, it is located close to the proposed dwellings in the southern part of the site which will overlook this space and benefit from its use. The open space near the site entrance is integrated well and will form an attractive feature when entering the development and amenity space located along the western boundary will enhance the development overall.

### *Siting, Layout and Design*

- 10.9 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.
- 10.10 The proposed layout offers a legible scheme with a clear route for vehicle and pedestrian movement throughout. The development will have a good mix of 3 and 4 bed semi's and detached house types that are appropriate in design and scale in this area. Each dwelling benefits from a private amenity area which generally meets the recommended garden lengths specified in the Council's SPD, apart from a small number of plots, some of which have wider gardens to compensate. I am satisfied that the layout overall provides a satisfactory residential environment for future occupiers. However future extensions or outbuildings have significant potential to reduce the dimensions of the gardens to an unacceptable size. Therefore it is recommended that permitted development rights for such development is removed so that the impact can be assessed should future residents wish to carry out such works.
- 10.11 In terms of the scheme in relation to the existing surrounding development, the site is largely screened from the main thoroughfare along Moss Road with only distant views into the site from a far north-easterly point. The surrounding residential development is of a linear form along Moss Road, yet there are some small cul-de-sac developments within close proximity to the site (Moss Gardens to the east and Daisy Way to the west). Those properties located along Moss Road benefit from long rear gardens, however, the proposed plot ratios are similar to those on the newer housing developments at Daisy Way and Moss Gardens. Policy RS1 in the Local Plan indicates that residential development should generally achieve a minimum of density of 30 dwellings per hectare. The current application achieves a density of 30.2 which is acceptable in principle. Adequate interface distances are provided between the proposed development owing to the long rear gardens of those properties on Moss Road that back on to the development site and no detrimental loss of residential amenity will occur in this location by way of loss of privacy or overlooking. Therefore, I am satisfied that the proposed layout and plot ratios are acceptable and will not appear out of keeping with this area and the development will not have a detrimental impact on the amenity of existing residents.

### *Highway Safety and Car Parking*

- 10.12 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards. Parking should be provided in accordance with policy IF2.
- 10.13 I have consulted the Highway Authority who raise no objections to the principle of the proposed scheme. The Highway Officer considers that the volume of additional traffic created by the proposal when compared to the previously approved scheme would not have a material impact on the operation of the highway network.
- 10.14 The proposed development will use the existing access via Brookside Road, off Moss Road, which will be widened and improved as part of the scheme. This will require the demolition of a vacant semi-detached property at 36 Moss Road. Appropriate visibility splays (2.4m x 43m) can be provided at this junction. The existing private bridge along the proposed access road (Brookside Road) which crosses Fine Janes Brook will be upgraded to accommodate the traffic accessing the site.
- 10.15 The Highway Officer has identified that the on-site road layout is not suitable for adoption by the Highway Authority. In this case the site will not be offered up for adoption and all land relating to the site is to remain the responsibility of the developer for maintenance; the maintenance of the existing private bridge along the proposed access road (Brookside Road) which crosses Fine Janes Brook will also be included in the agreement with a future management company. Whilst the layout and access road junction would not be to an adoptable standard, the applicant has provided information to demonstrate that the access is suitable for a twin axel refuse vehicle.
- 10.16 Policy IF2 sets out parking standards for residential developments. No garages are proposed however each property would have private driveways which provide car parking spaces commensurate with the size of the dwelling. Details of the locations for Electric Vehicle Charging Points have been shown on the layout plan. Each dwelling and each of the communal parking spaces for the apartments would be provided with an EVCP. I am satisfied the level of car parking would be in accordance policy IF2.
- 10.17 I am satisfied that, subject to the recommended conditions, the proposed development would not have a significant impact on highway safety and is acceptable in principle in this regard.

### *Drainage*

- 10.18 Paragraph 165 of the NPPF requires that priority should to be given to SUDS in respect of new developments and that means that the preferred means of surface water drainage for any new development is via infiltration. The second preferred means is via a watercourse. In this case the applicant proposes that surface water will be discharged into the watercourse (Fine Janes Brook) at a reduced runoff rate through the use of on-site attenuation features. In this case the surface water from the development would be stored in oversized pipes prior to discharge to the watercourse. the indicative drainage strategy shows an underground attenuation tank within the 8 metre easement which is required by the Environment Agency to allow maintenance of Fine Jane's Brook. Whilst I am satisfied with the principle of the method of surface water drainage an alternative siting for the attenuation tank may be is required in order to resolve concerns set out by the Environment Agency. The LLFA has been consulted and considers the drainage proposals to be acceptable in principle subject to the imposition of a condition requiring full details of a surface water drainage scheme to be submitted for approval.
- 10.19 The proposed foul sewage would be pumped to the existing foul sewer in Moss Road and the development includes the provision of a pumping station to facilitate this. United

Utilities have been consulted with regard to the application and, have lodged no objections and I consider that the proposed drainage arrangements for the site are acceptable in principle, will not increase flood risk on or off the site and comply with Policy GN3 in the Local Plan in this regard.

### *Ecology*

- 10.20 Policy EN2 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.
- 10.21 The application has been accompanied by several Ecological statements which include the results of on-site surveys.
- 10.22 The site lies adjacent to farmland which provides functionally linked habitat for qualifying bird species of the nearby European protected sites at the Ribble and Alt estuaries and Martin Mere. Due to the potential development impacts the Council's Ecological consultant MEAS conclude that without appropriate mitigation/preventative measures the proposals are likely to have a significant effects on the identified sites.
- 10.23 MEAS have undertaken an Appropriate Assessment which concludes that appropriate mitigation/preventative measures can be taken to prevent harm and these can be secured by appropriately worded planning conditions to require the submission of a Construction Environmental Management Plan and a piling statement and to require the provision of residents packs to try and reduce the potential recreational pressure on Sefton coast.
- 10.24 In relation to bats, the applicant's ecologist has undertaken appropriate surveys which found no evidence of bat roosts currently on site. MEAS have advised that the Council does not need to consider the proposals against the three tests (Habitats Regulations).
- 10.25 Water vole have previously been found in Fine Jane's Brook however the most recent survey reported no findings. Recommendations within the survey are considered acceptable by MEAS and their implementation can be secured by a suitably worded planning condition.
- 10.26 Barn owl has been found to be breeding on site. Mitigation for the loss of the breeding site (including the erection of a Barn Owl Tower) has been provided and is accepted in principle. However MEAS have identified some aspects which need to be altered in order to ensure that Barn Owls continue to use the site. A suitable condition is recommended. The development would result in the loss of bird breeding habitat therefore mitigation will be required. A condition is recommended requiring details of bird nesting boxes to be submitted for approval.
- 10.27 Subject to the aforementioned conditions being attached, I am satisfied that the proposal complies with Policy EN2 of the WLLP and the Council can lawfully determine the application and discharge its duties under Regulations 61 and 62 of the Habitats Regulations and Section 281 (6) of the Wildlife and Countryside Act 1989 (as amended).

### *Trees/Landscaping*

- 10.28 The Council's Arboricultural officer has considered the proposals with regard to the existing tree cover and the submitted Arboricultural Impact Assessment. I am satisfied that the removal of some minor trees on the boundaries of the site is acceptable and that

proposed new planting will enhance the site. A condition requiring a full landscape proposal to be submitted including details of the hedgerow boundary treatments is recommended.

### *Planning Obligations*

- 10.29 Lancashire County Council (LCC) has requested £120,925.80 as an education contribution which would support the provision of an additional 5 secondary school places. The submission of details regarding the maintenance and management of the public open space within the development site and the terms and conditions of the affordable housing provision will also be required in a S106 agreement.

### *Summary*

- 10.30 In summary, the principle of a residential development on the site is acceptable and in accordance with Policy RS1 and RS2 of the Local Plan. The proposed development is acceptable in terms of layout, appearance and scale. I am satisfied that the development will maintain highway safety and adequate car parking will be provided and that suitable drainage can be provided for the site. The layout allows for the provision and retention of reasonable levels of amenity for the occupants of future and neighbouring properties. Subject to recommended conditions, the proposed development would be compliant with the Local Plan and Habitat Regulations in respect of ecology.

## **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 secure:

The payment of £120,925.80 as a contribution towards secondary school places within Lancashire,  
Maintenance and management of public open space,  
and  
The terms and conditions of the affordable housing provision.

- 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:  
Drawing no: FH-FJF-PL02, C-0001revP01 and SCP/16016/F01 received by the Local Planning Authority on 2nd October 2019;  
Drawing no: 1H576EXT1, 1H576PL, 3H932EXT2, 3H932 EXT1, 3H932PL, 4H1039EXT1, 4H139PL, 3H992EXT1, 3H992PL, 3H943EXT1, 3H943PL, 2H653EXT1, 2H653PL, 3H886EXT2, 3H886EXT1 (detached), 3H886EXT1 (semi-detached), 3H886PL (detached), 3H886PL (semi-detached), 2H800EXT1, 2H800EXT2 and 2H800PL received on 10th October 2019;  
Drawing no: FH-FJF-PL01 received on 3rd February 2020;

Drawing no: 0002revP01 received on 26th February 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 approved by this planning permission except demolition shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy shall include the following components:

1. A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

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.

4. No development except demolition shall take place until details of the design and implementation of an appropriate foul drainage scheme have been submitted and approved in writing by the local planning authority. The approved scheme shall be implemented as prior to occupation of any of the dwellings hereby permitted.

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.

5. No development except demolition shall commence until 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.

Those details shall include, as a minimum:

a) The peak rate of surface water discharge to the receiving surface water system is not to exceed 5.0 l/s;

b) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), allowance for urban creep, methods employed to delay and control surface water discharged from the site, and any measures taken to prevent flooding of the receiving surface waters, including watercourses. To aid the checking of calculations the mdx file for the surface water drainage design should be submitted, if applicable;

c) Evidence that flood flows resulting from rainfall up to and including a 1 in 100 year (including a +30% allowance for climate change) rainfall event will be managed within the site at designated temporary storage locations unless it can be shown to have no material impact by leaving the site in terms of nuisance or damage; and

d) Evidence that the design of the site ensures that, so far as is reasonably practicable, exceedance flows are managed within the site in such a way as to mitigate associated risks to people and property.

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.

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.

6. Details of an appropriate management and maintenance plan for the proposed SuDS for the lifetime of the development shall be submitted and approved in writing and, as a minimum, shall include:

a) the arrangements for management and maintenance by an appropriate public body or statutory undertaker, and/or a Management Company;

b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the proposed SuDS (including mechanical components) and will include elements such as:

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

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

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

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

Reason: 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.

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

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.

8. No part of the development shall be commenced until the visibility splays measuring 2.4 metres by 43 metres in both directions are provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Moss Road, to the satisfaction of the Local Planning Authority. The land within these splays shall be dedicated as highway land maintained by the highway authority under the s278 agreement for the site access.

Reason: These details are required prior to the commencement of development to ensure adequate visibility at the street junction / site access in the interest of highway safety and to ensure that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

9. The proposed access from the site to Moss Road shall be constructed to a (minimum) width of 5.5m and this width shall be maintained for a minimum distance of 10m measured back from the nearside edge of the carriageway.  
Reason: To enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users and to ensure that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
10. The new estate road for the residential 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 construction development takes place within the site and shall be further extended before any development commences fronting the new estate road.  
Reason: Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative and to ensure that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
11. The parking provision shown within the curtilage of each dwelling on the approved plan ref: FH-FJF-PL01 shall be provided prior to first occupation of the dwelling to which it relates. The communal courtyard parking area shall be provided in full prior to the first occupation of any apartment in the block. The parking areas shall be hardsurfaced and shall be kept clear for vehicular parking 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.
12. Prior to the first occupation 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.
13. No dwelling hereby approved shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until a private Management and Maintenance Company has been established.  
Reason: These details are required prior to the commencement of development to safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
14. No development above slab level shall take place until a scheme for the remediation of the gable wall to 34 Moss Road has been submitted to and agreed in writing by Local Planning Authority. The development shall take place in accordance with the approved details.  
Reason: To ensure that the external appearance of the building is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
15. Before any development commences, including demolition works, Fine Jane's Brook, adjoining the site, shall be surveyed for Water Vole and all works shall be carried out in accordance with the Reasonable Avoidance Measures as set out in section 5.1 of Ecological Surveys received on 11th December 2019  
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.



16. No building shall be occupied until details of the number, location and timing of installation of bird nesting boxes to be incorporated into the scheme have been submitted to and approved in writing by the Local Planning Authority. The bird boxes shall be installed in accordance with a timetable to be agreed in writing with the Local Planning Authority and shall be retained at all times thereafter.  
Reason: In the interests of biodiversity conservation and to comply with Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
17. Notwithstanding the information submitted no development shall commence until a Barn Owl Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.  
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.
18. No development shall commence until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall propose measures to mitigate environmental biodiversity effects during the construction phases of the proposed development.  
With regard to ecology the CEMP should include:  
Pollution prevention measures, particularly control of dust during demolition and site clearance works;  
Details of visual/noise screening (acoustic fencing) to be installed prior to start of site works – to include location along the southern site boundary, specification (minimum 2.5 metres in height) and timetable for installation.  
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 harm to 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.
19. No development shall commence until a piling method statement has been submitted to and approved in writing by the Local Planning Authority. 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.
20. No dwelling shall be occupied until details of the Residents Pack have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Residents Pack shall be provided to each new occupier of the hereby permitted dwellings. At a minimum the pack shall include:  
\* Description of the European designated sites and their features, this should include a map explaining the boundaries of European designated sites.  
\* An explanation of the sensitivities of features to recreational disturbance and key sensitive times for the features of the European designated sites.  
\* List of any access restrictions in the local area  
\* Suggestions of alternative recreational sites including a map of the area showing local parks and gardens, plus directions and details of how to access these spaces.  
\* Codes of conduct e.g. Provision of a 'responsible user code' and 'responsible coast user code' to inform residents of the sensitive sites and how to help protect them.  
\* Suggested areas for responsible bird watching and opportunities for people to get involved in the local natural environment  
\* Guidance produced for local residents on the protected sites within the locality and the requirement to keep dogs on leads in specific areas.

\* Details of Habitat Management days on the protected sites to be advertised to the local residents, to encourage the local residents to care for the protected sites and understand their importance.

\* Provision of cycle routes in and around Ainsdale and Southport.

Reason: In the interests of biodiversity conservation and to comply with Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

21. No development shall commence until a timetable of demolition and construction works including appropriate ecological mitigation has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved timetable.

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.

22. Prior to the first occupation of any dwelling within the apartment block full details (including elevations and materials) of the bin store shall be submitted to and approved in writing by the Local Planning Authority.

The bin store shall be constructed in accordance with the approved details prior to the first occupation of the building.

Reason: In the interests of residential amenity and to ensure compliance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

23. 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.

24. The following 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) Schedule 2, Part 1 A, B, C, D and E and Part 2 A, or any amendments made to that Order, shall not apply:

(i) no extensions shall be carried out to the dwelling

(ii) no garages or carports shall be erected within the curtilage of the dwelling

(iv) no buildings, greenhouses, swimming pools, gates, walls, fences or other structures shall be erected within the curtilage of the dwelling

(vi) no windows or dormer windows shall be added to the dwelling

unless on application to the Local Planning Authority, planning permission for such development has been granted.

Reason: The character and location of the property are such that the Local Planning Authority wish to exercise control over future development in order to protect residential and visual amenity to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

25. 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.

26. No above ground construction works shall take place until a plan indicating the positions, height, design, materials and type of all means of enclosure/boundary treatment(s) (including walls, fences and gates) to be erected has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard and enhance the character of the area and to protect residential amenity in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

27. No external lighting shall be installed at the site until a scheme detailing the proposed lighting to be installed on the site has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed and maintained in accordance with the agreed scheme.

Reason: To minimise the visual impact of light on nearby residential properties and in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Note(s)**

1. The applicant is advised that the new site access, will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the LCC 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".
2. The highway is not to an adoptable layout and will remain private. With regard to condition 10 it is advised the carriageway construction is based on the Lancashire County Council Specification for estate roads 2011 edition. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for construction of estate roads".
3. The applicant is advised that to discharge condition 13 that the local planning authority is likely to require the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
4. Before proceeding with the scheme preparation the Developer is advised to consult with Lancashire County Council for detailed requirements relating to land arrangements, design, assessment, construction and maintenance of all existing or new highway structures included in, or affected by, the proposed scheme. For this purpose the term highway structure shall include: -

- i. any bridge or culvert having a span of 1.5 metres or greater, or having a waterway opening cross sectional area exceeding 2.2 square metres Note: span refers to the distance between centre of supports and not the clear distance between supports,
  - ii. any retaining wall supporting the highway (including and supporting land which provides support to the highway),
  - iii. Any retaining wall supporting land or property alongside the highway.The term 'highway' shall include footpaths and bridleways.
5. The developer is advised that no tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance or building works should 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.
6. The developer is advised that Japanese Knotweed and Indian Balsam are present within the site boundary. Both species are listed on Schedule 9 of the Wildlife and Countryside Act. Advice should be sought from a competent person regarding the removal of the species from the site.

### **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.4</b>	<b>APPLICATION NO.</b>	2019/0867/FUL
	<b>LOCATION</b>	31 Becconsall Lane Hesketh Bank Preston Lancashire PR4 6RR
	<b>PROPOSAL</b>	Construction of 10 residential units.
	<b>APPLICANT</b>	Torus
	<b>WARD</b>	Hesketh-with-Becconsall
	<b>PARISH</b>	Hesketh-with-Becconsall
	<b>TARGET DATE</b>	28th November 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 for 10 no. affordable dwellings. The proposed design, layout and appearance is considered to be acceptable. The development will not have a detrimental impact on highway safety and adequate parking will be provided. Satisfactory interface distances have been achieved in order to protect neighbouring residential amenity. The development will not have an unacceptable impact on ecology or result in a risk of flooding on or off the site. 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 and S106 agreement.

## **4.0** THE SITE

- 4.1 The site is located at Becconsall Lane Farm on land to the rear of 19-27 Becconsall Lane. The bulk of the site is designated as Protected Land, while the southern portion which includes the access track and the majority of Plot 1 is located within the main settlement area. The land has previously been used as an orchard but appears to have been cleared at the time of the submission of the application. There are currently two points of access into the site, one via No. 31 Becconsall Lane to the east and the other via single track located between 17 and 19 Becconsall Lane to the west. The neighbouring land to the north lies within the Green Belt. The land to the south and west is residential in character and lies within the main settlement area.

## **5.0** THE PROPOSAL

- 5.1 This application seeks planning permission for the construction of ten affordable residential dwellings including associated access and landscaping.
- 5.2 The proposed development will comprise of 6 x 2 bedroom bungalows (Block Type 1) and 4 x 3 bedroom dormer bungalows (Block Type 2).

## **6.0** REVIIOUS RELEVANT DECISIONS

- 6.1 2014/0877/OUT – Outline – Affordable housing development including details of scale and means of access from Becconsall Lane. GRANTED 28.09.15.

- 6.2 2014/0179/OUT - Outline - Housing development including details of means of access. REFUSED 23.06.14.
- 6.3 2013/0946/OUT - Outline - Housing development including details of means of access. WITHDRAWN 29.11.13.

## **7.0 CONSULTEE RESPONSES**

- 7.1 Lancashire County Council School Planning Team (10/09/2019) - An education contribution is not required.
- 7.2 United Utilities (18/09/2019) - no objections in principle.
- 7.3 Lancashire County Council (Highways) (27/11/2019) – No objections in principle Conditions recommended.
- 7.4 Environmental Health Officer Scientific Officer (10/01/2020) – No objections in principle. Condition recommended.
- 7.5 Environmental Health (17/10/2019) - No objections recommends planning conditions.
- 7.6 MEAS (21/05/2020) – Recommends planning conditions.
- 7.7 Lead Local Flood Authority (20/05/2020) – No objection.
- 7.8 Natural England (21/04/2020) – Comment that for residential development in this area, proportionate assessment of recreational disturbance impacts on the coastal designated sites resulting from the development is required via the Screening stage of the Habitats Regulations Assessment, as required under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations) .

## **8.0 OTHER REPRESENTATIONS**

- 8.1 Neighbour representations have been received objecting on the following grounds:

Narrow driveway;  
Fails to protect amenity of neighbouring residents;  
Local facilities such as school, doctor and dentist at capacity and development will result in further pressures;  
Land owners working on land;  
Clearance of land;  
Information being withheld;  
Drainage concerns;  
Any buildings should be single storey to prevent any overlooking / loss of privacy;  
Discrepancy in the date for objections to be received;  
No thorough and full sequential search has been undertaken that looks at all available land;  
No proven need for new affordable homes in this area;  
The area is already overdeveloped;  
Detrimental impact upon wildlife, protected species and trees;  
Risk to human health;  
How will site be serviced?;  
Significant increase in traffic movements;  
Damage to highway;  
Negative impact upon transport infrastructure;

Documentation inconsistency;  
No tree report submitted because the applicants removed all of the trees from the land in preparation for this application;  
Becconsall Lane regularly suffers from significant problems with low water pressure;  
Flooding concerns;  
Transport links are poor;  
Garden length short of 10m;  
Access road encroachment onto 27 Becconsall Lane;  
Land is protected land;  
Visibility is poor at access due to trees and hedges;  
What will happen on bin collection day?;  
Has anybody thought about our farming communities who require water for their crops?

- 8.2 Merseyside & West Lancashire Bat Group (26/09/2019) – Considers that prior to determination of this application further information should be sought in relation to protected species including a tree roost assessment and potentially a dusk / dawn activity survey.

## **9.0 SUPPORTING INFORMATION**

- 9.1 Tree Survey and Constraints Report (Amenity Tree Care)
- 9.2 Sequential Test (Rev 2) (Barton Willmore, July 2019) including updated note (received by the LPA on 27/11/2019)
- 9.3 Becconsall Lane Preliminary breeding bird appraisal survey (Amenity Tree Care, 23/07/2019)
- 9.4 Planning Statement (Rev 2) (Barton Willmore, August 2019)
- 9.5 Phase I Geo environmental Site Assessment (e3p, 31/07/2019)
- 9.6 GCN Appraisal/GCN eDNA Survey and Mitigation & Habitat Enhancement Measures Strategy (Amenity Tree Care, July 2019)
- 9.7 Extended Phase One Habitat Survey (Preliminary Ecological Appraisal) (Amenity Tree Care, 29/03/2019)
- 9.8 Drainage Strategy Report (version PO3) (29/11/2019)
- 9.9 Design and Access Statement (John McCall Architects, 28/07/2019)
- 9.10 Phase II Geoenvironmental Site Assessment (e3p, October 2019)
- 9.11 Remediation and Enabling Works Strategy (December 2019)
- 9.12 Ground Gas Addendum Report (December 2019)
- 9.13 Bat Roost Assessment Version 1 04/05/2020 (Amenity Tree Care)

## **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 partly designated as Protected Land and partly as a main settlement area in the West Lancashire Local Plan DPD (2012-2027).
- 10.3 **National Planning Policy Framework (NPPF) (February 2019)**  
Promoting sustainable transport  
Delivering a sufficient supply of homes  
Achieving well designed places  
Promoting healthy and safe communities  
Meeting the challenge of climate change, flooding and coastal change  
Conserving and enhancing the natural environment  
Conserving and enhancing the historic environment
- 10.4 **West Lancashire Local Plan DPD (2012-2027)**  
SP1 A Sustainable development framework for West Lancashire  
GN1 Settlement boundaries  
GN3 Criteria for sustainable development  
GN5 Sequential tests  
RS1 Residential development  
RS2 Affordable and specialist housing  
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  
Heritage assets

### ***Principle of development – residential development***

- 11.2 The NPPF supports growth of areas to supply new homes in sustainable locations. Policy SP1 of the Local Plan reiterates this approach. The southern part of the site lies within the settlement boundary of Hesketh Bank. Under Policies SP1 and RS2 of the Local Plan, residential development would be acceptable in principle within the settlement boundary, provided other relevant local plan policies are complied with. The access route to the development and the majority of the built development of Plot 1 would be in the settlement boundary and as such, subject to accordance with other relevant planning policies the principle of this element of the development is acceptable.
- 11.3 The northern part of the site (which comprises the majority of the application site) is designated under Local Plan Policy GN1 as 'Protected Land'. On such land, small scale 100% affordable housing schemes (up to 10 units) may be permitted provided a sequential test has been carried out in accordance with Local Plan Policy GN5. Policy RS1 in the Local Plan is consistent with Policy GN1 and states that on Protected Land small scale 100% affordable housing schemes (i.e. 10 units or fewer) to meet an identified



local need may be permitted, provided that a sequential search has been carried out in accordance with Policy GN5.

- 11.4 The application has been submitted by Torus Housing Association. It is proposed that the bungalows will be for affordable rent tenure. The Council's Housing Strategy Manager indicates that there remains a need for affordable housing within this part of the Borough and the provision of bungalow type housing is particularly welcome. Therefore the proposed development would meet with Policies GN1 and RS1 of the Local Plan provided the submitted Sequential Test (Rev 2) (Barton Willmore, July 2019) is in accordance with Policy GN5.
- 11.5 The applicant has submitted a sequential site search report in support of the application. It is my view that the area of search is appropriate, the sites considered appear comprehensive and adequate, and the "priority" given to each site is in line with the policy framework. A number of sequentially preferable sites have been discounted in the search on account of their suitability (primarily, their availability – some are under construction; some are not for sale). As such, I consider that the test complies with parts (i), (ii) and (iv) of WLLP Policy GN5.
- 11.6 To comply with part (iii) the applicant has submitted an updated note for the Sequential Test given initial concerns that the information provided discounted a number of sites on account of availability, but seemingly without contacting the owners. For compliance with GN5, evidence should be provided of some contact having been made or attempted. The updated note addresses this point and therefore I consider the sequential test acceptable.
- 11.7 Therefore I consider that the development is in compliance with Policies RS1 and GN5 of the WLLP.

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

- 11.8 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.
- 11.9 The proposed dwellings are bungalow and dormer bungalows and the design and scale of this type of dwelling is considered to be sympathetic to the general character of area. The application site lies close to Silverdale, a neighbouring road which consists mainly of bungalow and dormer bungalow dwellings. The development also backs from Beconsall Lane along which there is a mix of dwelling types.
- 11.10 In my view, the layout submitted follows the principles and interface distances recommended within 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 would not have an associated detrimental impact on the amenities of occupiers of neighbouring dwellings given that any first floor habitable windows (i.e. dormer windows of Plots 7-10) are located to the front elevation.
- 11.11 Therefore I am satisfied that the development is in compliance with Policy GN3 of the WLLP in terms of its scale, design and layout.

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

- 11.12 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.
- 11.13 I note letters received from neighbouring properties in terms of amenity issues. In my view the submitted plans show a layout that meets with minimum interface distances between the proposed dwellings and those which surround it as per the Councils SPD Design Guide, with any impact further minimised by the limited height of the proposed dwellings. Permitted development rights will be removed from Plots 1-7 to prevent any future development which may result in overlooking implications.
- 11.14 The impact of the movement of vehicles to and from the site via the proposed access is minimised by the inclusion of fencing/landscaping along the western 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.
- 11.15 Remediation works will be required to the site as on site investigations have identified some contamination. However the phase 2 report indicates that gas protection measures will not be required. A condition is recommended to ensure that remediation is effectively carried out, prior to the commencement of development to ensure a safe environment for future occupants.

### ***Highways***

- 11.16 The site will be accessed via a new access off Beconsall Lane. Beconsall Lane is categorised as a local access road with a 20mph speed limit fronting the site. Plans have been provided with the application which demonstrate that the access is satisfactory and adequate visibility splays can be achieved. Car parking provision is also acceptable and is in compliance with the recommendations of Policy IF2 of the WLLP.
- 11.17 Lancashire County Council as Highway Authority have been consulted on the submission and consider that the development is acceptable on highway grounds subject to planning conditions being attached to any permission.

### ***Ecological considerations***

- 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 I note local residents' concerns in relation to the impact upon wildlife, protected species and trees. Several ecological surveys accompany the planning application which are listed in section 9 above and Merseyside Environmental Advisory Service and Natural England have been consulted with regard to the proposed development.
- 11.20 The development site is near to European sites Ribble & Alt Estuaries SPA 2.8km north and Ribble & Alt Estuaries Ramsar 2.8km north which are protected under the Conservation of Habitats & Species Regulations 2017.
- 11.21 MEAS have considered the proposals and the possibility of likely significant effects on European sites using the source-pathway-receptor model. It is advised that there is no construction pathway that could result in likely significant effects on the European sites

and the proposals do not warrant a detailed Habitats Regulations Assessment.

- 11.22 The proposed development is within the close proximity to the Sefton Coast Sites of Special Scientific Interest where the operational phase of the development may result in recreational pressure effects on European sites. On consultation with Natural England, they have requested that for residential development in this area, proportionate assessment of recreational disturbance impacts on the coastal designated sites resulting from the development is required via the Screening stage of the Habitats Regulations Assessment, as required under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations).
- 11.23 Under Regulation 63 of the Habitat Regulations the determination of likely significant effects is for the competent authority, in this case the Local Planning Authority. If the authority can be satisfied that the proposal can conclude no likely significant effects there is no further need to consult Natural England.
- 11.24 Further consultation with MEAS advises that they have considered the impact of the proposal on recreational pressure on European designated sites and have concluded that there will be no likely significant effects. It is advised that the proposals do not warrant Appropriate Assessment or additional mitigation. Therefore no further consultation with Natural England is required.
- 11.25 In term of roosting bats, the Councils Ecologist did initially raise concern that existing trees on site may provide potential roost features for bats which are a protected species. However a further survey, 'Preliminary Roost Assessment of trees (Amenity Tree Care, Bat Roost Assessment, 04/05/2020)' confirms that the site has been cleared of fruit trees which were part of a former orchard and remaining trees are on the boundary or immediately off-site. Sycamore trees adjacent to the proposed access will require removal but are small, young and absent of potential roost features. Remaining boundary trees are more mature but will be retained unaffected by construction works. A mature ash on the eastern boundary has suitability for roosting bats and will be retained and consequently MEAS have requested that protection measures are required to the tree during the construction works.
- 11.26 It is considered that trees on the boundary of the site may provide nesting opportunities for breeding birds, which are also protected. Suitable planning conditions will form part of any permission in relation to tree felling works and the erection of bird boxes. Hedgehog have been recorded in close proximity to the site and are a Priority Species. MEAS consider that reasonable avoidance measures should be put in place during construction to ensure that there are no adverse effects on them. This can be secured by secured by planning condition. Section 4 of the Phase 1 Ecology report recommends a method statement for native bluebell to be dug up and translocated to a suitable location on site which can also be secured by condition.
- 11.27 Overall and subject to suitable planning conditions it is considered that the development complies with Policy EN2 of the WLLP and the proposed development will not have a detrimental impact on ecology and biodiversity.

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

- 11.28 The site was a former orchard which has been cleared prior to the submission of this application. However mature trees remain along the site boundaries. The Council's Arboricultural Officer raises no objection to the development subject to a condition to agree tree protection measures for the trees on the eastern boundary.

11.29 The submitted landscaping plans show replacement tree planting throughout the site along with native hedgerow planting along the new access road which will be secured by condition. I am therefore satisfied that the scheme complies with Policy EN2 in the Local Plan.

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

11.30 A Drainage Strategy Report (version PO3 05.05.20) (29/11/2019) accompanies the planning application. As the site is located within Flood Zone 1, with a total site area under 1.0ha, a Flood Risk Assessment is not required.

11.31 In regard to the disposal of foul water the drainage plan indicates that this will discharge to the combined public sewer within Beconsall Lane and this is considered satisfactory in principle.

11.32 With regard to the disposal of surface water the Drainage Strategy Report indicates that as infiltration has been ruled out by on site investigations, the intention for the development would be to discharge to a watercourse. There is an existing culvert located within Beconsall Lane, to the south of the site which discharges into the River Douglas. It is proposed to discharge surface water, at an attenuated rate via the existing surface water culvert, located in Beconsall Lane, to the south of the site.

11.33 The Lead Local Flood Authority (LLFA) have been consulted on this application and have raised no objections to the development subject to planning conditions requesting full details of the design and maintenance of the proposed scheme. United Utilities also raise no objection subject to the imposition of planning conditions.

### ***Heritage Assets***

11.34 The proposed development would be located approximately 210m west of the nearest listed building (Beconsall Hall), 310m west of Beconsall Church and 270m west of No. 92 Beconsall Lane. I am satisfied that these distances are sufficient to ensure that the proposal does not cause any significant or direct harm to these buildings. The application site is not located within a conservation area.

### ***Planning Obligations***

11.35 As this scheme is for 100% affordable housing, a planning obligation will be required to agree the terms and conditions of the affordable dwellings.

### ***Conclusion***

11.36 The proposed development is considered acceptable in principle. There is a demand for affordable housing, particularly bungalow style accommodation in this part of the Borough. The scheme is considered compliant with Local Plan policy and the proposal would not be detrimental to highway conditions, flood risk, residential amenity, ecology, trees or heritage assets. I therefore recommend that planning permission be granted.

## **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 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 Corporate Director of Place and Community pursuant to recommendation 12.1 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 'Proposed Site Plan (PL.03B)' received by the Local Planning Authority on 29.11.2019;  
Plan reference Landscape Plan (PL.07); Boundary Details (PL.05); Site Elevations (PL.06); Boundary Locations (PL.04); Block Type 1 (PL.11); Block Type 2 (PL.12) received by the Local Planning Authority on 23.08.2019  
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. 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.
4. The parking provision shown within the curtilage of each dwelling on the approved site layout plan shall be provided prior to first occupation of the dwelling to which it relates and shall be kept clear thereafter for the parking of vehicles.  
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 We Lancashire Local Plan 2012-2027 Development Plan Document.
5. No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority and LLFA. Those details shall include:
  - a) Final sustainable drainage layout plan appropriately labelled to include all pipe/structure references, dimensions, design levels, discharge rates, finished floor levels in AOD with adjacent ground levels. Longitudinal section plans. Detailed and cross section plans of flow control manhole, watercourse manhole and attenuation tank if specified.
  - b) The drainage scheme should be in accordance with the principles of the Alan Johnson Partnership LLP Beconsall Lane, Hesketh Bank Drainage Strategy Report ref.BCL-AJP-ZZ-XX-RP-C-3010 version P03 dated 5th May 2020 and demonstrate that the surface water run-off shall not exceed 3 litres per second. This surface water discharge can increase to a maximum of 5 litres per second if this is specified in a Section 104 agreement to adopt the sewers between the developer and United Utilities. 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 2, 1 in 30 and 1 in 100 + climate change) with allowance for urban creep.

d) Plan identifying areas contributing to the drainage network.

e) Measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses.

f) A plan to show overland flow routes and flood water exceedance routes and flood extents.

g) Details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development. This shall include arrangements for adoption by an appropriate public body or statutory undertaker or management and maintenance by a Management Company and any means of access for maintenance and easements, where 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 final drainage designs are appropriate following detailed design investigation and to ensure that the development complies with the provision of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. In relation to Plots 1 – 7, 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) Schedule 2, Parts 1 A - F and 2 A - B, or any amendments made to that Order, shall not apply:

(i) no extensions shall be carried out to the dwelling(s)

(ii) no garages or carports shall be erected within the curtilage of the dwellings

(iii) no vehicle standing space shall be provided within the curtilage of the dwellings

(iv) no buildings, greenhouses, swimming pools, gates, walls, fences or other structures shall be erected within the curtilage of the dwellings

(v) no means of access shall be constructed to the curtilage of the dwellings

(vi) no windows or dormer windows shall be added to the dwelling

unless on application to the Local Planning Authority, planning permission for such development has been granted .

Reason: The character and location of the property are such that the Local Planning Authority wish to exercise control over future development in order to protect residential and visual amenity to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

7. Prior to occupation of the dwellings visibility splays measuring 2.4 metres by 25 metres in both directions are to be provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Becconsall Lane, to the satisfaction of the Local Planning Authority (as shown in the submitted drawing PL.03B). The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

Reason: To ensure adequate visibility at the street junction or site access in the interest of highway safety and to ensure that the development complies with the provision of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

8. Prior to any part of the development hereby permitted taking place a Traffic Management Plan which includes details of parking for construction vehicles and staff accessing the site during the construction works, 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: 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.

9. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

10. 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 on the eastern boundary 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 and ecology 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.

11. No tree felling 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 trees 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.

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.

12. A scheme for the provision of bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling hereby approved shall be occupied until bird boxes have been provided in accordance with the approved scheme.

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.

13. No development shall take place on site until a Method Statement as recommended within Section 4 of the 'Amenity Tree Care Ltd, Extended Phase 1 Habitat Survey, Version 1, 29 March 2019' for protection of native bluebell has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.

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.

14. Prior to the first occupation of each dwelling, it shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.

Reason: To ensure that the development complies with the provisions of Policy IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

15. A remediation strategy report outlining all procedures implemented to fully remediate the site from contamination shall be submitted to and approved in writing by the Local Planning Authority, No dwelling shall be occupied until a site verification report/certificate

authenticating that the remediation has been carried out in accordance with the approved strategy has been submitted to and approved in writing by the Local Planning Authority.

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

16. No development shall take place until details of the design and implementation of an appropriate foul drainage scheme have been submitted and approved in writing by the local planning authority. The scheme shall be implemented as approved prior to occupation of any of the dwellings hereby approved.

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.

17. No external lighting associated with the development shall be installed until full details have been submitted to and approved in writing by the Local Planning Authority. External lighting shall be minimal, designed to avoid excessive light pollution / spill onto areas of wildlife habitat.

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.

18. Throughout construction works the agreed reasonable avoidance measures (RAMS) for hedgehog shall be implemented on site as agreed in writing in email from Carl Grannell received by the Local Authority on 02/06/2020.

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.

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

1. For the avoidance of doubt, this response does not grant the applicant permission to construct a manhole on the culverted watercourse and, once planning permission has been obtained, it does not mean that appropriate permissions and land drainage consent will be given. The applicant should obtain the required permissions and if necessary apply for Land Drainage Consent from Lancashire County Council before starting any works on site.
2. The applicant, their advisers and contractors should be made aware that if any great crested newts are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.
3. The applicant is advised that the new site access, will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Lancashire Highways by e-mailing [highways@lancashire.gov.uk](mailto:highways@lancashire.gov.uk).
4. The applicant is advised that to discharge condition 9 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

#### **Reason for Approval**

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

SP1 A Sustainable development framework for West Lancashire  
GN1 Settlement boundaries



GN3 Criteria for sustainable development  
GN5 Sequential tests  
RS1 Residential development  
RS2 Affordable and specialist housing  
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.



<b>No.5</b>	<b>APPLICATION NO.</b>	2020/0214/FUL
	<b>LOCATION</b>	Newlyn Course Lane Newburgh Wigan Lancashire WN8 7LA
	<b>PROPOSAL</b>	Proposed new 1.5 storey dwelling and detached garage. Alterations and extensions to existing dwelling and associated external works.
	<b>APPLICANT</b>	Mr J Fairhurst
	<b>WARD</b>	Newburgh
	<b>PARISH</b>	Newburgh
	<b>TARGET DATE</b>	8th May 2020

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

- 1.1 This application was to be determined under the Council's delegation scheme however Councillor Pope has requested it be referred to Committee to consider neighbour amenity, backland development, over-development of the site and highway safety matters.

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

- 2.1 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.

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

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

- 4.1 The site is located to the south of Course Lane within the existing cluster of residential development. Newlyn, a detached bungalow, is situated close to the front of the site with an L-shaped garden to the rear.
- 4.2 The land beyond the rear boundary of the site lies within the Green Belt. Several trees close to the western boundary are protected by a Tree Preservation Order.

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

- 5.1 The application proposes erection of a front porch and single storey rear extension to the existing bungalow. A three bedroom dormer bungalow with detached garage is proposed to be erected within the existing rear garden.
- 5.2 The two properties would share a vehicular access from Course Lane which is proposed to run alongside the existing bungalow leading to a turning area. Two parking spaces are shown for each of the dwellings.

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

- 6.1 2019/0935/FUL - Demolition of existing dwelling, erection of 3 No. detached dwellings and associated external works - Refused
- 6.2 8/5/5400 - Detail and layout - bungalow and garage - Granted

6.3 8/5/2577 - Outline residential development - Granted

## **7.0 CONSULTEE RESPONSES**

7.1 LCC Highways - no objections in principle subject to conditions. The proposed development would have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

7.2 United Utilities – no objections in principle.

7.3 MEAS - No objections in principle. Subject to appropriate conditions the development will not have a significant impact on protected species or identified sites.

## **8.0 OTHER REPRESENTATIONS**

8.1 Merseyside and West Lancashire Bat Group  
Raise concern that the bat survey and report are not acceptable (*Further surveys now submitted*)

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

The new development would adversely impact on the value of my property;  
The construction works would adversely affect neighbouring properties;  
The proposed dwellings would not match the existing dwellings in the area and will be an eye-sore. Materials would not blend in with neighbouring properties;  
Concerns regarding highways, access and the impact on the mini-roundabout close to the site;  
Concerns about impact on trees;  
Concerns about impact on privacy caused by overlooking;  
Concerns about impact on wildlife including bats and owls;  
Concerns regarding flooding. Refer to previous flooding within the locality;  
Concern about access to view plans;  
Support the proposal which will provide employment in the short term and in the long term, another family to support the village amenities;  
We really like the design and feel this is a positive contribution to the village which should be approved.

## **9.0 SUPPORTING INFORMATION**

9.1 The application has been supported by the following documents:

Arboricultural Impact Assessment  
Ecological Appraisal  
Bat Survey  
Design and Access Statement.

## **10.0 RELEVANT PLANNING POLICIES**

10.1 The application site is located within the Rural Sustainable Village of Newburgh as designated in the West Lancashire Local Plan Proposal Map.

10.2 National Planning Policy Framework (NPPF)

West Lancashire Local Plan 2012-2027 DPD  
GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development  
IF2 - Enhancing Sustainable Transport Choices  
EN2 - Preserving and Enhancing West Lancashire's Natural Environment  
RS1 - Residential Development

Supplementary Planning Document - Design Guide (January 2008)

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

### *Principle of development*

- 11.1 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.
- 11.2 Policy RS1 of the WLLP states that residential development will be permitted within the Borough's settlements on brownfield sites, and on greenfield sites not protected by other policies. The site lies within the Rural Sustainable Village of Newburgh and as such the principle of residential development in this location is acceptable subject to the proposal complying with all other planning policy.

### *Design/Layout*

- 11.3 Policy GN3 supported by the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings.
- 11.4 The size and design of the proposed extensions are considered to be in keeping with the existing bungalow. It is proposed to render the resultant dwelling which I find acceptable as there are several other rendered dwellings in the locality.
- 11.5 I note that the surrounding development in Woodrow Drive forms a strong boundary to the settlement of Newburgh along with the bungalow known as Mayfield which is situated to the west of the site and to the rear of Glenacre. No. 33 Woodrow Drive, and Mayfield, both of which back onto the site, have spacious gardens to the rear and when viewed from Tears Lane the residential development surrounding the site appears loosely spaced and the view is generally open.
- 11.6 Backland development is not normally supported by the Council however, given the particular circumstances of this site, I consider limited infill of one dwelling is acceptable. The siting of the new dwelling reflects the spaciousness of the surrounding plots and the proposed dwelling would be in keeping with the size and design of the surrounding development.
- 11.7 I consider the design and layout of the scheme to be acceptable in principle and accordant with Policy GN3 in the Local Plan in this regard.

### *Impact on 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 Due to the distances between the proposed and existing properties and the location of proposed windows I am satisfied there would be no adverse impacts as a result of

overlooking or overshadowing and do not consider that the proposed bungalow or extensions to the existing dwelling would be overbearing in relation to surrounding properties. In addition I consider both the new dwelling and the existing bungalow would be provided with suitable private amenity space that complies with the requirements set out in the SPD - Design Guide.

- 11.10 Whilst I note concerns from adjoining residents that the additional vehicular movements will have a negative impact on the adjoining properties through the creation of noise, disturbance and overlooking from the use of the proposed driveway, I am not of a view that this would be so significant to warrant a refusal of planning permission. I am satisfied the development would comply with the relevant requirements of Policy GN3 and that the scheme provides a suitable level of amenity for both future occupants and existing residents.

#### *Highways*

- 11.11 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards. Adequate parking should be provided in accordance with policy IF2.

- 11.12 I have consulted the Highway Authority who have indicated they have no objection to the scheme subject to conditions. I note that two parking spaces have been indicated on the plan for each dwelling which complies with the requirements of policy IF2. Although the site is close to the mini-roundabout and local residents have expressed concern about the impact of the development on highway safety, the Highway Authority are satisfied that the development will not have a significant impact on highway conditions in the vicinity of the site. Subject to the recommended conditions, the Highway Authority is satisfied the proposed development would not have a significant impact on highway safety and is acceptable in this regard.

#### *Impact on trees*

- 11.13 Policy EN2 of the Local Plan states that development involving the loss of, or damage to trees of significant amenity and screening will only be permitted where the development is required to meet a need that could not be met elsewhere.

- 11.14 Several trees within the site are covered by a Tree Preservation Order no. 7 2019. The Council's Arboricultural Officer has inspected the site and considered the proposals with regard to the impact on the protected trees.

- 11.15 The Arboricultural Officer is satisfied that the proposals would maintain a reasonable amount of tree cover and that suitable protection during construction can be provided for the TPO trees. The proposed Site Plan includes landscaping proposals, with details on the creation of lawns and tree planting with maintenance details. The Tree species and sizes specified are suitable. Subject to a condition requiring the development to be undertaken in accordance with the methods set out in the Arboricultural Impact Assessment I am satisfied that the development would comply with the requirements of policy EN2.

#### *Impact on Biodiversity*

- 11.16 Policy EN2 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.

- 11.17 The application has been accompanied by a preliminary ecological appraisal and a bat survey which have been considered by the Council's Ecological Consultant.
- 11.18 The Council's Ecologist advises that the ecological surveys are acceptable, the development will not have a detrimental impact on bats and the Council does not need to consider the proposals against the three tests set out in the Habitat Regulations. Subject to the recommended condition regarding installation of bat boxes it is concluded that the proposal would not have a harmful impact on any protected species or their habitat. The proposal would therefore comply with the requirements of Policy EN2.

### *Drainage*

- 11.19 The Council's Drainage Engineer has reviewed the application with regard to the disposal of foul and surface water drainage, and the flood risk associated with this application. The application form and the proposed site plan indicate that the foul sewage will discharge to the mains drainage system which is considered satisfactory.
- 11.20 In terms of flood risk the site is located in Flood Zone 1 and outside areas susceptible to surface water flooding so the risk of flooding is considered to be low. The application form indicates that surface water will be dealt with via soakaways. Whilst this would be acceptable in principle, permeability tests are yet to be carried out.
- 11.21 The Council's Drainage Engineer has no objection to the proposed development in principle, subject to a condition being imposed requiring full details of a surface water drainage scheme and its management and maintenance being submitted for approval.

### *Conclusion*

- 11.22 The proposed development is considered acceptable in principle and compliant with the relevant policies in the Local Plan. The development would not be detrimental to residential amenity, highway safety or the character of the area. The development would not have an unacceptable impact on trees, ecology or flood risk. The application is therefore recommended for approval.

## **12.0 RECOMMENDATION**

- 12.1 That planning permission be approved 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 3745-20-15, 3745-20-12 and 3745-20-14 received by the Local Planning Authority on 6th March 2020;  
Plan reference 3745-20-11A received on 15th April 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 take place until a strategy for the 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 the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement standards. The drainage scheme shall be completed in accordance with the approved details. To aid the checking of calculations the mdx file for the surface water drainage design should be submitted, if applicable.

Reason: 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.

4. No part of the development hereby approved shall commence until a scheme for the construction/alteration of the site access (including the relocation of the street lighting column) has been submitted to, and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the approved scheme has been constructed and completed in accordance with the scheme details.

Reasons: These details are required before the commencement of development to safeguard the safety and interests of users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

5. For the full period of construction/demolition, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

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.

6. Prior to the first occupation of the hereby permitted dwelling an electric vehicle charging point shall be installed for the use of that property.

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. No site clearance, preparatory work or development shall take place until the existing trees on site have been protected in accordance with details contained in the Arboricultural Impact Assessment (AIA) received by the Local Planning Authority on 27th May 2020. The measures contained in the approved AIA shall be fully retained for the full period of 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.

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

Reason: In the interests of biodiversity conservation and to comply with Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

9. 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.

### **Note(s)**

1. The developer is advised that no tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works should 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.
2. The developer is advised that Cotoneaster sp. is present within the site boundary. Both species are listed on Schedule 9 of the Wildlife and Countryside Act. Advice should be sought from a competent person regarding the removal of the species from the site.
3. The amended vehicular access (including the relocation of the street lighting column), within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (Vehicle crossings over footways and verges), 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. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for vehicle crossings and then fill in the information at "Get a vehicle crossing quotation".

### **Reason for Approval**

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

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

IF2 - Enhancing Sustainable Transport Choices

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

RS1 - Residential Development

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

