



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Wednesday, 3 February 2021

**TO: COUNCILLORS G OWEN, A PRITCHARD, I ASHCROFT, MRS P BAYBUTT,
N DELANEY, T DEVINE, S EVANS, J FINCH, D O'TOOLE,
E POPE AND J THOMPSON**

Dear Councillor,

A virtual meeting of the **PLANNING COMMITTEE** will take place on **THURSDAY, 11 FEBRUARY 2021** 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", written over a horizontal line.

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
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.) | 555 - 556 |
| 5. | DECLARATIONS OF PARTY WHIP
Party Whips are not to be used by this Committee in respect of its functions concerning the determination of applications, approval of consents, the taking of enforcement action and the exercise of powers and duties with regard to highways, hedgerows, the preservation of trees and high hedge complaints. When considering any other matter which relates to a decision of the Cabinet or the performance of any member of the Cabinet, in accordance with Regulatory Committee Procedure 9, Members must declare the existence of any party whip, and the nature of it. | |
| 6. | MINUTES
To receive as a correct record the minutes of the meeting held on the 14 January 2021. | 557 - 560 |
| 7. | PLANNING APPLICATIONS
To consider the report of the Corporate Director of Place and Community. | 561 - 572 |
| 7a | 2020/0272/FUL - THE WINDMILL, 24 WIGAN ROAD, ORMSKIRK, LANCASHIRE
To consider the report of the Corporate Director of Place and Community, | 573 - 588 |
| 7b | 2020/0273/LBC - THE WINDMILL, 24 WIGAN ROAD, ORMSKIRK, LANCASHIRE
To consider the report of the Corporate Director of Place and Community. | 589 - 596 |
| 7c | 2020/0786/FUL - EDEN TEAROOM AND GALLERIES,COURSE LANE, NEWBURGH, LANCASHIRE
To consider the report of the Corporate Director of Place and Community. | 597 - 604 |
| 7d | 2019/1200/FUL - SITE OF FORMER GREAVES HALL HOSPITAL, GREAVES HALL AVENUE, BANKS, LANCASHIRE
To consider the report of the Corporate Director of Place and Community. | 605 - 620 |
| 7e | 2020/0510/WL3 - LAND TO THE WEST OF THE RIVER TAWD, SUMMER STREET, SKELMERSDALE, LANCASHIRE
To consider the report of the Corporate Director of Place and Community. | 621 - 628 |

7f **2020/1076/FUL - 44 DINGLE ROAD, UP HOLLAND LANCASHIRE** 629 - 634
To consider the report of the Corporate Director of Place and
Community.

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

REMOTE MEETING PROCEDURE : Please see attached sheet.

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

For further information, please contact:-

Jill Ryan on 01695 585017

Or email jill.ryan@westlancs.gov.uk



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 unpause 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		
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	You cannot speak or vote and must withdraw unless you have also ticked 5 below
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	You may speak and vote
3.	<p>I have a pecuniary interest because</p> <p>it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest</p> <p>or</p> <p>it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest</p>	<input type="checkbox"/> <input type="checkbox"/>	<p>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</p> <p>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</p>
4.	<p>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:</p> <p>(i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease.</p> <p>(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.</p> <p>(iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay.</p> <p>(iv) An allowance, payment or indemnity given to Members</p> <p>(v) Any ceremonial honour given to Members</p> <p>(vi) Setting Council tax or a precept under the LGFA 1992</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>You may speak and vote</p> <p>You may speak and vote</p> <p>You may speak and vote</p> <p>You may speak and vote</p> <p>You may speak and vote</p>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 15/09/20 – 14/09/24)	<input type="checkbox"/>	See the terms of the dispensation
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"/>	You may speak but must leave the room once you have finished and cannot vote

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

Interest

Prescribed description

Employment, office,
trade, profession or
vocation

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

Sponsorship

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

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

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

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

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

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

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

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

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

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

'a connected person' means

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

'body exercising functions of a public nature' means

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

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

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

Agenda Item 6

PLANNING COMMITTEE

HELD: Thursday, 14 January 2021

Start: 7.00 p.m.

Finish: 7.45 p.m.

PRESENT:

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

Councillors:	I Ashcroft	D O'Toole
	Mrs P Baybutt	E Pope
	T Devine	N Pryce-Roberts
	D Evans	J Thompson
	S Evans	

In attendance: Councillor M Mills (Halsall Ward)

Officers: Ian Gill – Head of Growth and Development Services
Catherine Thomas – Development, Heritage and Environment Manager
Mark Loughran – Principal Planning Officer
David Delaney – Legal Assistant (Planning)
Jill Ryan – Senior Member Services Officer
Julia Brown – Member Services Officer

77 APOLOGIES

There were no apologies for absence received.

78 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillors Delaney and Finch and the appointments of Councillors D Evans and Pryce-Roberts for this meeting only, thereby giving effect to the wishes of the Political Groups.

79 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

80 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

81 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

82 MINUTES

RESOLVED: That the minutes of the meeting held on the 3 December 2020 be approved as a correct record and signed by the Chairman.

83 PLANNING APPLICATIONS

The Corporate Director of Place and Community submitted a report on planning applications (all prefixed 2020 unless otherwise stated) as contained on pages 529 to 551 of the Book of Reports and on pages 553 to 554 of the Late Information Report.

(Notes:

1. A Parish Councillor from Halsall Parish Council spoke in connection with Planning Application 0908/FUL relating to Land to the rear of 14A to 20 New Cut Lane, Halsall and left the meeting after consideration of this item.
2. In accordance with Regulatory Procedure Rule 7(b), Councillor Mills spoke in connection with Planning Application 0908/FUL relating to Land to the rear of 14A to 20 New Cut Lane, Halsall and left the meeting after consideration of this item).

84 2020/0908/FUL - LAND TO THE REAR OF 14A TO 20 NEW CUT LANE, HALSALL, LANCASHIRE

RESOLVED: That planning application 0908/FUL relating to Land to the Rear of 14A to 20 New Cut Lane, Halsall be approved subject to the conditions as set out on pages 532 to 534 of the Book of Reports. But, with the deletion of Condition 8 and also noting the reason for Condition 3 which had been omitted from the original report as set out on pages 553 to 554 of the Late Information Report.

85 2020/1001/FUL - 6 GREETBY WALK, ORMSKIRK, LANCASHIRE

RESOLVED: That planning application 1001/FUL relating to 6 Greetby Walk, Ormskirk be approved subject to the conditions as set out on page 537 of the Book of Reports

86 2020/0800/FUL - 6 EAST MEAD, AUGHTON, LANCASHIRE

RESOLVED: That planning application 0800/FUL relating to 6 East Mead, Aughton be approved subject to the conditions as set out on pages 542 to 543 of the Book of Reports

**87 2020/0837/FUL - SYDNEY HUYTON AND SON, 71 - 75 TOWN GREEN LANE,
AUGHTON, ORMSKIRK**

RESOLVED: That planning application 0837/FUL relating to Sydney Huyton and Son, 71 – 75 Town Green Lane, Aughton be approved subject to the conditions as set out on pages 550 to 551 of the Book of Reports

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Chairman



PLANNING COMMITTEE 11 FEBRUARY 2021

Report of: Corporate Director of Place and Community

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

SUBJECT: PLANNING APPLICATIONS

Background Papers

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

Equality Impact Assessment

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

Human Rights

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

CONTENT SHEET

<u>Report No</u>	<u>Ward</u>	<u>Appn No</u>	<u>Site Location & Proposal</u>	<u>Recommendation</u>
1	Derby	2020/0272/FUL	<p>The Windmill 24 Wigan Road Ormskirk Lancashire L39 2AU</p> <p>Change of use, extension and refurbishment of the Windmill Inn into 6 apartments. Erection of a new build two storey side extension to form 3 dwellings and development of disused bowling green to the rear to form 3 further dwellings.</p>	Planning permission be granted.
2	Derby	2020/0273/LBC	<p>The Windmill 24 Wigan Road Ormskirk Lancashire L39 2AU</p> <p>Listed Building Consent - Change of use, extension and refurbishment of the Windmill Inn into 6 apartments. Erection of a new build two storey side extension to form 3 dwellings and development of disused bowling green to the rear to form 3 further dwellings.</p>	Listed Building Consent be granted.
3	Newburgh	2020/0786/FUL	<p>Eden Tearoom And Galleries Course Lane Newburgh Wigan Lancashire WN8 7UB</p> <p>Retention of hardstanding to western side of building and rear yard.</p>	Planning permission be refused.
4	North Meols	2019/1200/FUL	<p>Site Of Former Greaves Hall Hospital Greaves Hall Avenue Banks Lancashire</p> <p>Full planning application for 12 residential dwellings and erection of noise barrier.</p>	Planning permission be granted.

5	Skelmersdale North	2020/0510/WL3	<p>Land To The West Of The River Tawd Summer Street Skelmersdale Lancashire</p> <p>Installation of a mountain bike track within Tawd Valley Park, Skelmersdale. The area of woodland has informal mountain bike use currently. Land will continue to be used for recreation.</p>	Planning permission be granted.
6	Up Holland	2020/1076/FUL	<p>44 Dingle Road Up Holland Skelmersdale Lancashire WN8 0EW</p> <p>Demolition of existing outrigger and erection of single storey side and rear extension with associated external works.</p>	Planning permission be granted.



PLANNING COMMITTEE

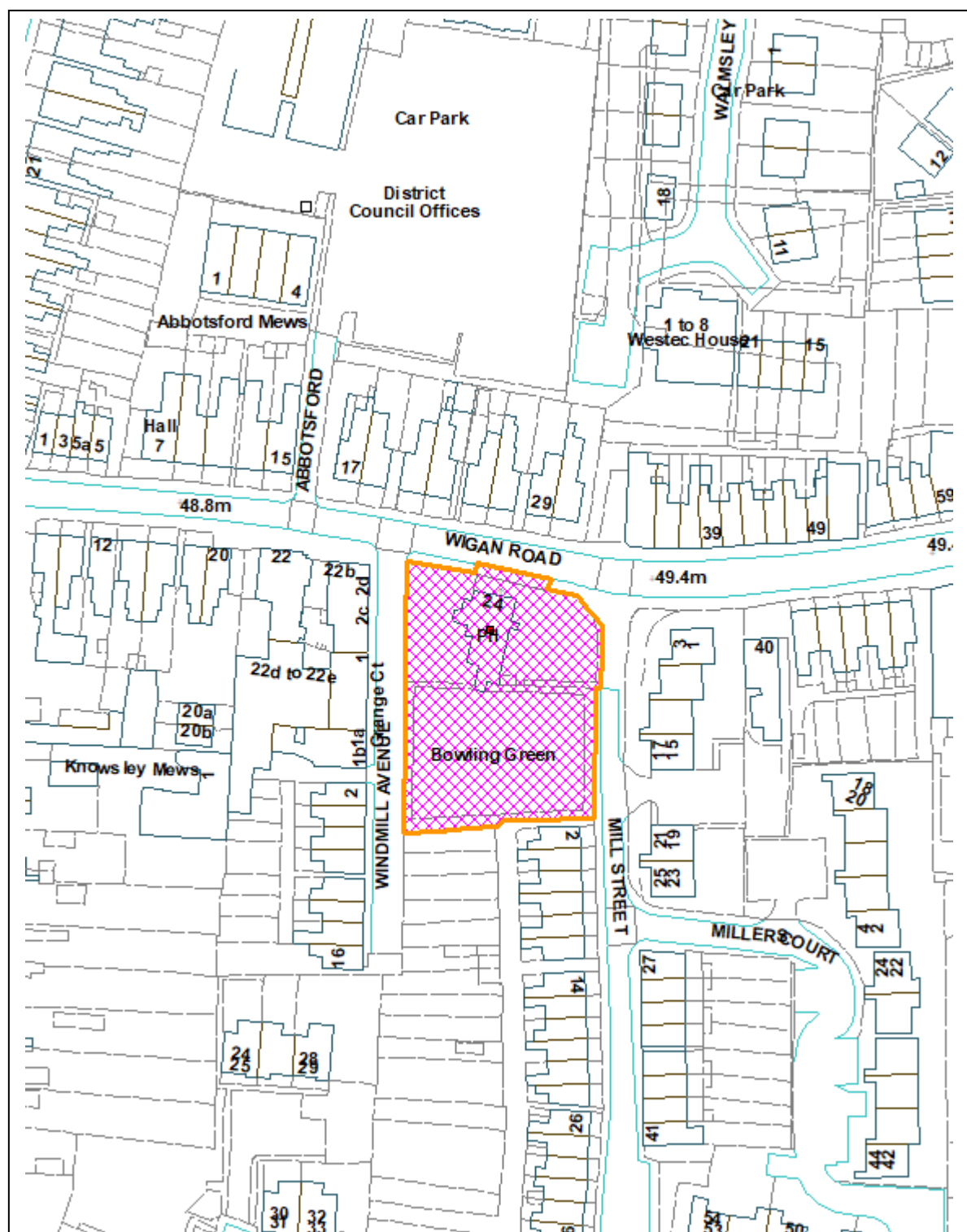
11 February 2021

(Agenda Item 7)

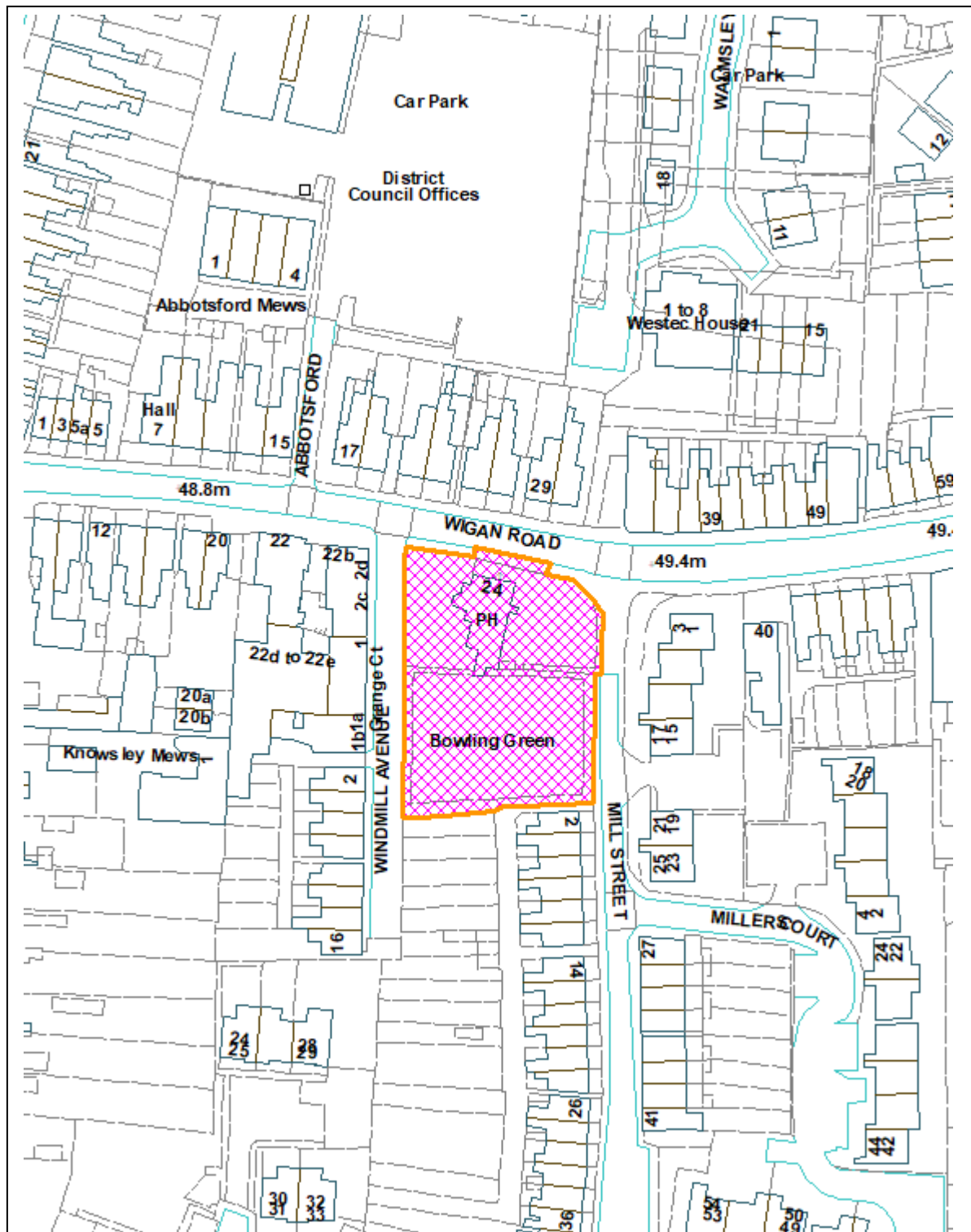
PLANNING APPLICATION ITEMS

LOCATION PLANS

The Windmill, 24 Wigan Road, Ormskirk, L39 2AU.



The Windmill, 24 Wigan Road, Ormskirk, L39 2AU.



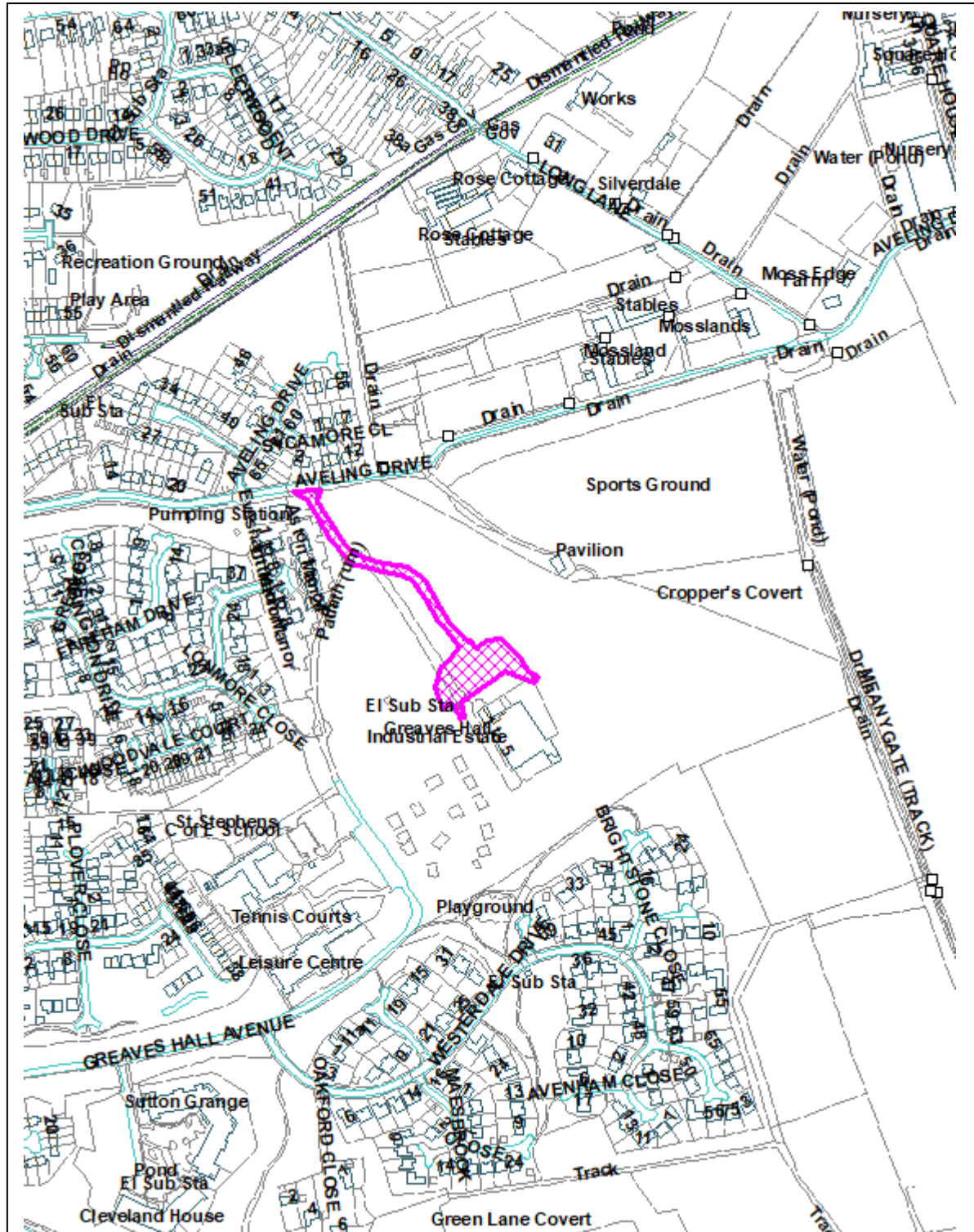
Report 3 : 2020/0786/FUL

Eden Tearoom And Galleries, Course Lane, Newburgh,
Wigan, Lancashire, WN8 7UB

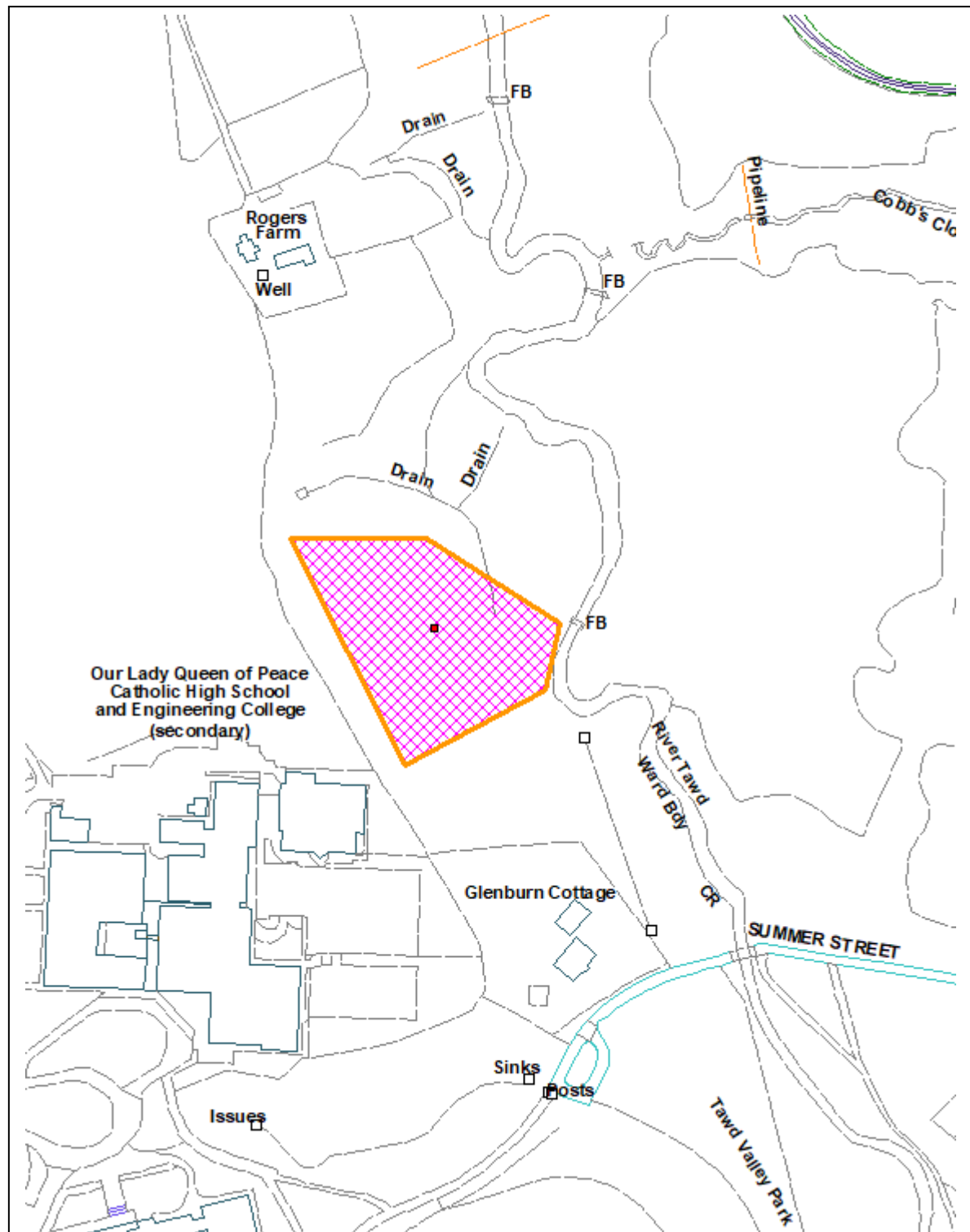


Report 4 : 2019/1200/FUL

Site Of Former Greaves Hall Hospital, Greaves Hall Avenue, Banks, PR9 8BL.

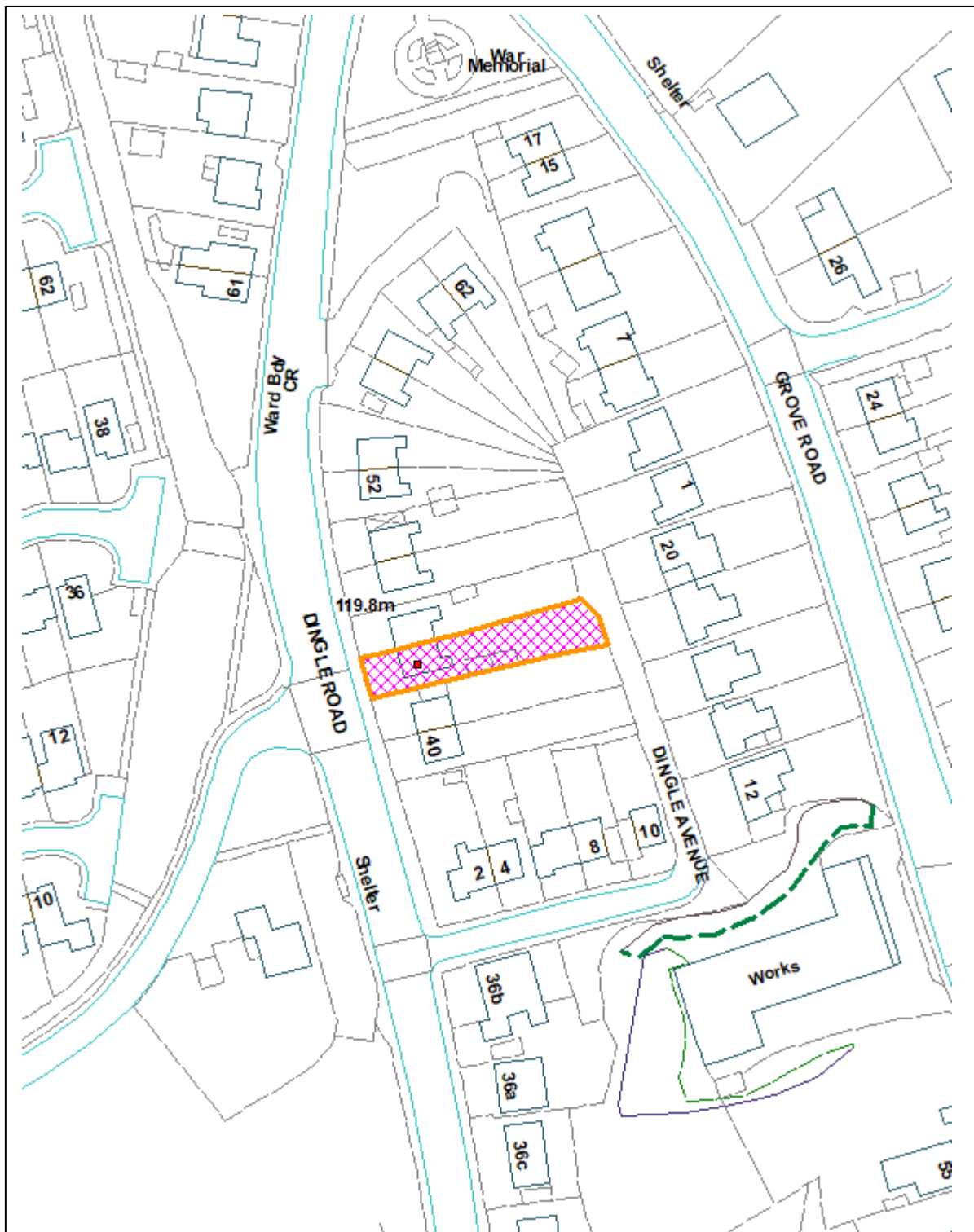


Land To The West Of The River Tawd, Summer Street,
Skelmersdale, WN8 6XJ.



Report 6 : 2020/1076/FUL

44 Dingle Road, Up Holland, WN8 0EW.



No.1	APPLICATION NO.	2020/0272/FUL
	LOCATION	The Windmill 24 Wigan Road Ormskirk Lancashire L39 2AU
	PROPOSAL	Change of use, extension and refurbishment of the Windmill Inn into 6 apartments. Erection of a new build two storey side extension to form 3 dwellings and development of disused bowling green to the rear to form 3 further dwellings.
	APPLICANT	McComb Property Ltd.
	WARD	Derby
	PARISH	Unparished - Ormskirk
	TARGET DATE	6th November 2020

1.0 SUMMARY

- 1.1 This is an application for the refurbishment, extension and change the use of the former Windmill Public House into six one bed apartments spread over three floors. It is also proposed to construct a 1½ storey extension to form three, one bed maisonettes. Permission is also sought to re-develop the former bowling green to the rear of the site into three, four bed dwellings spread over 2½ floors with associated communal car parking to the rear. The principle of converting the former public house and redeveloping the site into residential use is considered to be acceptable.
- 1.2 Subject to appropriate conditions, the development would not have an adverse impact on the Listed Building, trees, highway safety, the ecological value of the site or residential amenity. In respect of the loss of bowling green and lack of affordable housing provision, a financial viability assessment has been submitted and the Council instructed an independent assessment of the applicant's viability information by Keppie Massie. This assessment concluded the scheme cannot support a planning obligation in relation to mitigation for the loss of the bowling green or support affordable housing provision. Taking into consideration the viability of the site and low level of developer profit alongside the benefits of the scheme, which brings a vacant listed building back into use, I consider the proposal, on balance, is acceptable. In forming this view, I have had regard to the need to bring this 'at risk' listed building, which has fallen into a state of disrepair, back into beneficial use. I therefore consider the proposed scheme to be acceptable and 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 site constitutes the Windmill Public House which is a Grade II listed building and is set along the frontage of Wigan Road and the former bowling green to the rear of the pub. The site is located within the settlement area of Ormskirk; it is located outside of the Town Centre and the Primary Shopping Area.

4.0 THE PROPOSAL

- 4.1 Planning permission is sought to refurbish, extend and change the use of the former Windmill Public House into six one bed apartments spread over three floors. It is also proposed to construct a 1½ storey extension to form three, one bed maisonettes. Two vehicular access points would remain along Wigan Road leading to 9 parking spaces.

- 4.2 Permission is also sought to re-develop the former bowling green to the rear of the site into three, four bed dwellings spread over 2½ floors with associated communal car parking to the rear. These dwellings would be located fronting and accessed from Mill Street with a vehicular access adjacent to number 2 Mill Street. A total of 12 dwellings would be provided across the site.
- 4.3 A separate Listed Building Consent application has been submitted to consider the proposal under reference 2020/0273/LBC.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2020/0273/LBC PENDING Listed Building Consent - Change of use, extension and refurbishment of the Windmill Inn into 6 apartments. Erection of a new build two storey side extension to form 3 dwellings and development of disused bowling green to the rear to form 3 further dwellings.
- 5.2 2019/0429/FUL WITHDRAWN Erection of 4 No. row of houses on bowling green land adjacent to Windmill Inn.
- 5.3 2018/0729/FUL REFUSED Change of use, extension and refurbishment of the Windmill Inn into student accommodation. Erection of a new build two storey apartment block on part of the existing bowling green.
- 5.4 2018/0730/LBC GRANTED Listed Building Consent - Change of use, extension and refurbishment of the Windmill Inn into student accommodation. Erection of a new build two storey apartment block on part of the existing bowling green.
- 5.5 2015/0756/FUL – REFUSED Change of use and refurbishment of the Windmill Inn into student accommodation. Erection of a new build two storey student accommodation block on part of the existing bowling green.
- 5.6 2001/0430 – Listed Building Consent GRANTED Partial demolition of boundary wall.

6.0 OBSERVATIONS OF CONSULTEES

- 6.1 LCC Highways (17.06.20 and 31.07.20) – No Objections; Conditions Recommended.
- 6.2 MEAS (17.06.20 and 08.09.20) – No Objections; Conditions Recommended.
- 6.3 LCC (Historic Environment – Archaeology) (23.06.20) – No Objections subject to conditions.
- 6.4 Natural England (08.06.20) – No Objection.
- 6.5 United Utilities (23.06.20) – No Objections; Conditions Recommended.
- 6.6 LCC School Planning Team (05.06.20) – An education contribution is not required at this stage.
- 6.7 LCC Constabulary (08.06.20) – Advice Given.

7.0 OTHER REPRESENTATIONS

- 7.1 I have received several letters of objection from local residents and New Ormskirk Residents Group (NORG) who raise the following concerns:

Concern about too many apartments and Houses in Multiple Occupation in Ormskirk reducing available housing for first time buyers;
 Apartments are out of character with other properties in this area;
 Concern that these apartments will be used for students – there is an overconcentration of student accommodation in the area;
 Overdevelopment of the site;
 The townhouses appear too high and are not in keeping with the area;
 Increase in congestion on Mill Street;
 Loss of light and privacy – the three storey dwellings opposite Millers Court apartments will block out afternoon light;
 The proposed access driveway to the rear of the dwellings is too narrow creating a one way system;
 The pavement along Wigan Road has long been hazardous with its cobbles and narrow strip of tarmac – it should become a public owned footpath;
 The townhouses should be positioned further back in the site to reduce light and privacy issues with Millers Court;
 An additional access point from Wigan Road will be dangerous as it is close to the existing entry to Windmill Avenue. Welcome a proposal which takes in to account the whole site which has been allowed to become a major eyesore but there are some areas of concern;
 Request that any permitted development on the whole site is made with a clause which prevents any student use. Both Mill Street and Wigan Road well exceed the permitted HMO percentages.

8.0 SUPPORTING INFORMATION

- 8.1 Planning Statement
 Design and Access Statement
 Structural Survey
 Tree Survey
 Ecological Appraisal
 Bat Survey
 Heritage Statement
 Viability Appraisal

9.0 RELEVANT PLANNING POLICY

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

The site is located with the Key Service Centre of Ormskirk as designated in the West Lancashire Local Plan 2012-2027 DPD. The Windmill Public House is a Grade II listed building.

West Lancashire Local Plan 2012-2027 DPD

GN1 – Settlement Boundaries
 GN3 – Criteria for Sustainable Development
 RS1 – Residential Development
 IF2 – Enhancing Sustainable Transport Choices
 IF4 – Developer Contributions
 EN1 – Low Carbon Development and Energy Infrastructure
 EN2 – Preserving and Enhancing West Lancashire's Natural Environment

Supplementary Planning Advice

SPD – Design Guide (January 2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Principle of Development – Residential Development

- 10.1 Policy RS1 advises that, subject to all other relevant policies being satisfied, residential development will be permitted within the Borough's Key Service Centres (of which Ormskirk is one) on brownfield sites.
- 10.2 The proposed development would result in 9 apartments/maisonettes and 3 dwellings. I am satisfied that the provision of C3 residential units on this site is acceptable in principle subject to compliance with other planning policies.

Principle of Development - Loss of Bowling Green

- 10.3 Paragraph 97 of the NPPF and Policy EN3 of the Local Plan seek to resist the loss of sport and recreation facilities. Policy EN3 advises that development that results in the loss of existing open space or sports and recreational facilities (including school playing fields) will only be permitted if one of the following conditions are met:

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

- 10.4 The Council's Playing Pitch Strategy and Action Plan (2018) refers to The Windmill Inn and seeks to understand the future plan for the bowling green. The Strategy indicates that should the bowling green be proposed for development for another use, then the potential loss should be mitigated appropriately.
- 10.5 The bowling green is no longer in use and a letter from Windmill Bowling Club has been submitted in support of this application. Windmill Bowling Club confirm that following the closure and sale of the public house, the applicant allowed the club to continue to use the green (and toilet facilities) without charge, until the club transferred over to purpose built new facilities at Ormskirk Bowling Club. Windmill Bowling Club confirm they do not seek any further financial support, as the new facilities at Ormskirk Bowling Club are now operational. Nevertheless, to meet the policy tests in EN3, the Council would expect that the applicant make a financial contribution to the enhancement of bowling facilities in the locality. However the applicant indicates that the viability of the scheme is marginal and the development would not support the provision of financial mitigation for loss of the bowling green. The applicant has submitted a detailed Financial Viability Assessment as part of the application. The Council instructed an independent assessment of the applicant's viability information by Keppie Massie.
- 10.6 Keppie Massie have scrutinised the applicant's viability assessment which shows that the scheme would not deliver a sufficient level of profit to support a financial contribution to mitigate loss of the bowling green. Whilst Keppie Massie disagree with some of the

specific figures in the applicant's appraisal, they have also prepared their own financial assessment. This concurs with the applicant's assertion that the scheme would not be viable if mitigation for the loss of the bowling green is required. Keppie Massie's financial assessment concludes that the scheme would deliver a developers profit of 14.9% which is below the benchmark sum of 17% that is considered an appropriate profit level for developers to incentivise development to take place. On this basis, it is considered the scheme cannot support a planning obligation in relation to mitigation for the bowling green nor support affordable housing provision (see paragraph 10.29). Based on the consultant's assessment, workings and the revenue assumptions, it is unlikely that any improved sales performance of the scheme could result in a position whereby planning policy obligations could be met. Therefore the scheme is in conflict with Policy EN3 in the Local Plan and this must be weighed against the benefits of the scheme in bringing a Listed Building back into a viable use.

Principle of Development - Loss of Community Facility

- 10.7 Policy IF3 in the Local Plan advises the Council that the loss of any community facility such as (but not limited to) pubs, offices, community centres and open space will be resisted unless it can be demonstrated that the facility is no longer needed or can be relocated elsewhere that is equally accessible by the community.
- 10.8 The Windmill Public House ceased trading in approximately December 2014 and has remained closed since that time. The objective of Policy IF3 is to ensure the retention of accessible community facilities. Given the location of the site on the outskirts of the town centre, where there are numerous alternative public house options, I am satisfied that the permanent loss of this public house would not be detrimental to the surrounding community and the proposal is compliant with Policy IF3 due to its location and proximity to town centre facilities.

Impact on Listed Building

- 10.9 The existing Windmill Public House is Grade II listed. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a heritage asset great weight needs to be given to the asset's conservation. The more important the asset, the greater the weight to be provided. Paragraph 194 and 195 require that where a proposal leads to less than substantial harm to a designated asset, this harm should be weighed against the benefits of the proposal including securing its optimum viable use. Paragraph 200 advises that Local Planning Authorities should look for opportunities for new development within the historic environment and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal their significance should be treated favourably.
- 10.10 Local Planning Authorities should in coming to decisions refer to the principle act which requires "*having special regard to the desirability of preserving listed buildings or their settings*" (s.66). This requirement should not be 'weighed' in the same way that is required under the NPPF (P195). Recent Court judgements have shown that the statutory duty prescribed under the Planning (Listed Buildings and Conservation Areas) Act 1990 should always be given considerable weight in the Council's decision.
- 10.11 The sustainable re-use of the historic buildings is encouraged and is supported by Chapter 16 of the NPPF relating to conserving and enhancing the historic environment.
- 10.12 The main issue, from a heritage viewpoint, relates to whether the proposed works, including the change of use, would preserve the character of the listed building. I am also

mindful that it is important the right planning balance is struck between preserving the key values (significance) of the building and achieving an economic and viable scheme which secures a sustainable reuse.

- 10.13 The Windmill has been vacant for some years and is beginning to fall into a state of disrepair with spates of vandalism, water ingress, damp and plant growth exacerbating the decline. An internal inspection of the building has revealed that there is very little original or historic fabric remaining. The building has been altered over time and internally reconfigured, most likely before it was listed in 1972 and this has involved C20th modernisation over the three floors and original features, such as fireplaces and staircases, removed. Externally, many original features exist and form the building's architectural and historic interest such as original windows, the double ogee brick window heads to all openings, the single storey bay to the west elevation, a single storey porch with semi-circular hood to the east elevation, and the semi-circular fanlight to the main entrance fronting Wigan Road.
- 10.14 The proposed development would see this important listed building being brought back into a viable use. The proposed 1½ storey side extension and single storey rear extension are considered to be subservient to the listed building so that they do not compete with it. Visually, the scheme is sympathetic to the appearance of the historic elements of the building. The design of the 1½ storey extension has been amended to brick and the fenestration simplified with fewer glazing bars and vertical proportions, with stone lintels above the windows and arched brick headers above the doors, which is considered to be consistent with the principle building. Therefore, it is considered the proposed extensions would not harm the character of the existing building. The immediate curtilage is cobbled and whilst inevitably some of this will be removed when the formal footpath is installed along the frontage, the remaining cobbles can be integrated into the scheme. This historic original surface treatment makes a positive contribution to the historic interest of the building and its setting so a condition is recommended to require further details of the surfacing of the external areas to ensure the cobbles are retained. Subject to further details being provided by way of planning conditions, regarding the refurbishment proposals, I am confident that the historic significance of the original building itself will be retained.
- 10.15 In respect of the new build dwellings which would front Mill Street, it is considered that their scale, height and form are appropriate within this historic context. The design takes some reference from the historic character of the listed building which is welcomed. When viewing the site along Wigan Road, whilst the new dwellings would be clearly seen in the street-scene, because the dwellings sit behind and would be off-set, I am satisfied that the listed building would still be seen as being the predominant and principle building. The creation of gardens to the front and rear of the proposed dwellings is positive, and the part retention of greenspace is welcomed behind the public house. Overall, it is considered that the proposed new build development would not unduly harm the significance of the existing setting of the listed building.
- 10.16 Given the site is a Grade II Listed Building it has national significance and the proposals to extend and change the use of the building will impact on its historic integrity. Lancashire Archaeology Advisory Service have therefore requested that a condition is imposed to ensure that an archaeological record of the building is undertaken.
- 10.17 As I am required to do so, I have given the duty imposed by s.66(1) of the P(LBCA) Act 1990 considerable weight. Paragraph 193 of the NPPF states that great weight should be given to the conservation of heritage assets, which includes their setting. In this case I am content that the proposal would cause only a low level of harm (defined as being less than substantial by Paragraph 196 of the NPPF) to the identified heritage assets. Whilst

Paragraph 194 states that any harm to heritage assets requires clear and convincing justification, Paragraph 196 allows the limited harm to be balanced against any public benefits, which includes securing the building's optimum viable use. Accordingly in this instance I feel the benefit of bringing a vacant listed building back into a new and viable use should be afforded considerable weight in the planning judgement. For the above reasons I feel the current proposal meets the statutory test 'to preserve' and as such the proposal accords to the planning guidance contained in Chapter 16 of the NPPF and Policy EN4 of the Local Plan.

Siting, Layout and Appearance

- 10.18 The immediate area is characterised by a mix of traditional and modern two storey dwellings, terrace properties and semi-detached dwellings and commercial properties.
- 10.19 I am satisfied the proposed alterations to the public house are acceptable in principle. In addition, the proposed extensions to the existing building are considered to be sympathetic and are appropriately sited to ensure that they do not significantly impact upon the overall character and appearance of the existing building.
- 10.20 The proposed layout includes a small area of private communal outdoor amenity space to the rear and side of the building for the future occupiers of the apartments and maisonettes. This communal outdoor space is considered to be acceptable given the location of the site close to the town centre which benefits from areas of public open space. The existing car park would be retained to provide 5 parking spaces and an additional parking area is proposed to the west of the building on an area which was previously used as a beer garden. No details of cycle parking have been provided and the location of the bin store to the front of the property may be obtrusive so a condition is recommended requiring details of the cycle parking and bin storage for the apartments. Overall, I am satisfied that the general layout is acceptable in design terms.
- 10.21 In terms of the proposed dwellings along Mill Street, the general scale, form and design of the proposed dwellings is commensurate with the neighbouring properties. The proposed dormers are not typical of the immediate area but are modest in scale, well-spaced out and would not, in my view harm the character or appearance of the surrounding area. Each dwelling comprises of 4 bedrooms and each dwelling would have the required three parking spaces within a shared parking courtyard to the rear of the properties. Soft landscaping is interspersed between plots and parking spaces to soften the impact of the development. Each of the proposed dwellings would benefit from a private rear garden which are 11m long which complies with the requirement set out in the SPD - Design Guide. A new 0.9m high boundary wall is proposed along Mill Street, similar to the existing boundary treatments in this street scene. To the rear an existing brick wall with timber fence which is broken in places would be replaced. The existing 1.8m high timber fence between the site and number 2 Mill Street would be retained. This is considered to be acceptable.
- 10.22 Overall, I am satisfied that the proposed layout is acceptable and provides suitable parking and turning areas as well as satisfactory boundary treatments. The design and scale of the dwellings are considered to be acceptable and not out of keeping in this location and as such the proposal is in accordance with Policy GN3 of the Local Plan.

Impact on Residential Amenity

- 10.23 The site is surrounded by neighbouring residential properties within Mill Street, Windmill Avenue and Wigan Road.

- 10.24 I am of the view the physical conversion and extension of the former Windmill PH would not have a significant impact on existing residential properties surrounding the site. I consider the proposed conversion and extension works would result in the general improvement to the existing appearance of the site. The interface distances between the proposed extension and the properties along Wigan Road exceed the recommended 21m. The inner- relationship between the proposed dwellings and those proposed within the former public house is also considered to be acceptable.
- 10.25 In respect of the proposed dwellings on Mill Street, the dwellings would be located in close proximity to number 2 Mill Street which has two windows facing the site. One of these windows is a principle dining room window. The layout of the development has been designed to take into consideration these windows. The nearest detached dwelling has been designed with a single storey element approximately 4.5m away from number 2 Mill Street and this would not contain any side facing windows. The main bulk of the dwelling would be set further back, approximately 7m away and no outlook is proposed within the side elevation and towards this neighbouring property. Taking into account, the interface distance, positioning of the proposed development, orientation of the sun, and location of the aforementioned windows, I am satisfied that the physical presence of the proposed new build would not cause significant harm to the amenity of 2 Mill Street in terms of loss of outlook, overbearingness or a loss of privacy/overlooking.
- 10.26 The proposed dwellings would be located directly opposite an existing sheltered housing scheme on the opposite side of Mill Street. It is acknowledged that there would not be the recommended 21 metres separation distance between the proposed new houses and the facing properties in Miller Court However Mill Street is a traditional narrow street with limited interface distances between facing properties. The siting of the dwellings would replicate the existing building lines between properties along Mill Street and maintain the characteristic of the area. Therefore, given the character of the area I am satisfied that reasonable levels of amenity for the occupants of the sheltered housing scheme would be maintained.
- 10.27 There would remain a satisfactory interface distance from the rear of the proposed dwellings and neighbouring buildings along Windmill Avenue. Given this separation distance I am satisfied that the proposed dwellings would not cause any loss of amenity for these neighbouring residents.

Affordable Housing

- 10.28 Policy RS2 requires 30% affordable housing for between 10 and 14 units. This scheme proposed a total of 12 units. However, an important material consideration is vacant building credit (VBC) which was introduced in 2014 via a ministerial statement, and incorporated into National Planning Practice Guidance (NPPG). The VBC allows for existing vacant floorspace to be taken into account when calculating affordable housing requirements, and is seen as a way to incentivise development on brownfield land. In summary, the existing floorspace of a vacant building should be credited against the floorspace of the new development i.e. a developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Therefore, this would reduce the level of affordable housing the applicant would be required to provide on the site.
- 10.29 However, the proposed development does not include any affordable dwellings and is therefore in conflict with Local Plan Policy RS2. As discussed earlier in this report, a detailed Financial Viability Assessment has been submitted to accompany the application which has been reviewed on behalf of the Council by Keppie Massie Keppie Massie

conclude that even allowing for vacant building credit, the proposed development could not support the provision of affordable housing.

Highways

- 10.30 Access to the existing public house is via an established access off Wigan Road (A577). The scheme includes a new footpath link across the front of the public house which links to the existing tarmac footways either side of the development on Wigan Road and proposes two dropped kerb accesses off Wigan Road to serve both car parking areas. This new footpath link will replace some of the existing cobbles and create a new safe, even access for pedestrians.
- 10.31 A new vehicular access point is proposed off Mill Street which will lead to a communal car park to the rear of the dwellings. The scheme proposes to widen the existing narrow footpath along the frontage of the site on Mill Street so that it is 1.8m wide and a new footway is proposed at the end of Mill Street to link the existing footways on Wigan Road and Mill Street. I have consulted the Highway Authority who have raised no objections to the proposed alteration to the adopted highway as they are of the opinion the proposed development will secure improved and safer public footways along Mill Street.
- 10.32 In terms of car parking, Policy IF2 in the Local Plan provides details of parking requirements. For the proposed dwellings along Wigan Road with 1 bedroom, 1 parking space is required, which for the 9 apartments proposed equates to 9 parking spaces. The layout for the Wigan Road development provides 100% parking provision (9 spaces) for the nine apartments. For the three dwellings on Mill Street with 4 bedrooms, 3 parking spaces per dwelling are required, which equates to 9 parking spaces. The layout for the Mill Street development provides 100% parking provision (9 parking spaces) to the rear of the proposed dwellings. I am therefore satisfied that suitable parking can be provided within the site in accordance with policy IF2. No details of secure cycle storage has been provided for the apartments but this can be secured by planning condition.
- 10.33 The Highway Authority is satisfied that the proposed development would have a negligible impact on highway safety and highway capacity in the vicinity of the site and has no objections in principle to the proposed development subject to the imposition of conditions.

Impact on Trees

- 10.34 A Tree Survey has been submitted in support of the application. There are a number of trees within the site boundary including a rare species of single leaf Ash tree (T1) located adjacent to Windmill Avenue boundary which is covered by a Tree Protection Order (TPO) and is shown for retention. The proposed car park extends under the canopy of TPO T1 and into the tree Root Protection Area (RPA). The Tree Survey recommends that any works within the RPA will need to be carried out by hand with no machinery used. Special engineering would be required for the car park surface in the form of a cellular confinement system of construction. A condition is recommended to require a method statement for the construction of car parking in the root protection areas.
- 10.35 There are three further Ash trees (G1) under the canopy of T1 and a group of Sycamore and Ash (G2) located to the west of T1. The trees in G1 have been reduced to coppice like stools and the location of the trees adjacent to the wall makes them unsustainable therefore it is proposed to remove them which is considered to be acceptable given their poor condition. The Sycamore and Ash (G2) appear to fall outside the site area and whilst there are no objections to their removal, if it is not within the applicant's control, then a method statement should be submitted as the proposed car park falls within the RPA of

G2. This can be secured by planning condition. A planning condition is also recommended to require the submission of full landscaping details.

Impact on Ecology

- 10.36 An Ecological Appraisal and updated Bat Survey have been submitted which state that the building provides moderate roosting/access opportunities for bats. The report provides the results of two dawn re-entry surveys which observed low level pipistrelle bat activity adjacent to the site and no evidence of bat use or presence was found on the site. Merseyside Advisory Ecological Services (MEAS) have been consulted and accept the conclusions of the submitted surveys. As the bat report categorises the building as having moderate suitability for roosting bats and this habitat will be lost to facilitate development, to compensate for this loss, MEAS advise bat boxes should be placed on the site. This can be secured by planning condition. Subject to an appropriate condition, I am satisfied that the proposal is compliant with Policy EN4 of the Local Plan.

Drainage

- 10.37 The site is located within Flood Zone 1, which indicates that the site is at low risk of flooding. Limited details of how the site would drain following the proposed development have been provided with the exception of confirmation that a combination of the mains system (foul) and a soakaway (surface water) would be utilised. The site benefits from an existing drainage system by virtue of the former public house and it seems reasonable that the any future scheme will mirror this to some degree. The proposed use of the soakaways is welcomed in principle; however further details would be required to ensure that they are a viable option in practice. The connection of foul drainage to the mains sewer is acceptable in principle. I am satisfied that full drainage details can be obtained by the imposition of a suitably worded planning condition.

Planning Balance and Conclusion

- 10.38 The above assessment has identified that the proposed development is not policy compliant as the submitted financial appraisal demonstrates the scheme cannot support a planning obligation in relation to mitigation for the loss of the bowling green nor support an affordable housing provision. However, the benefits of the scheme in bringing a Listed Building back into viable use must be given significant weight in the planning balance. I acknowledge the viability case put forward by the applicant and that allowing the development of the bowling green for residential use will assist in funding the re-development of the listed building. I am mindful this Listed Building has been vacant for some time and is falling into a state of disrepair, therefore the retention of this building for re-use as residential would secure its long term future and therefore must be encouraged. This approach is advocated in paragraph 192 of the NPPF which seeks to sustain and enhance the significance of heritage assets and putting them to viable uses. In addition, the former bowling club which occupied this site has confirmed there is suitable alternative provision in the local area. On balance, whilst the development results in the loss of a bowling green and does not secure affordable housing units, I consider these matters would not warrant a refusal of the application and are outweighed by the heritage benefits that would come from securing a viable re-use for this vacant listed building. Subject to appropriate conditions, the development would not have an adverse impact on the Listed Building, trees, highway safety, the ecological value of the site or residential amenity. I consider the proposed development complies with the relevant policies contained in the NPPF and the Local Plan.

11.0 RECOMMENDATION

11.1 That planning permission be GRANTED subject to the following conditions

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
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 Wigan Road Proposed Front Elevation G04 Rev D and Wigan Road Proposed Side and Rear Elevation G05 Rev C received by the Local Planning Authority on 23rd October 2020
Plan reference Wigan Road Proposed Ground and First Floor Plan G01 Rev D and Wigan Road Proposed Second Floor and Roof Plan G02 received by the Local Planning Authority on 1st October 2020
Plan reference Site Layout Plan L03 Rev B received by the Local Planning Authority on 16th July 2020
Plan reference Site Location Plan L01 Rev A, Mill Street Proposed Front and Side elevations G07, Mill Street Proposed Side and Rear Elevations G08, Mill Street Proposed Floor Plans G03 received by the Local Planning Authority on 23rd March 2020
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. 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.
4. No development on the construction phase shall commence until details of a phasing plan have been submitted to and approved in writing by the Local Planning Authority. The phasing plan should set out a timeframe for the repair and refurbishment and conversion works of the listed building together with the construction of the new dwellings on Mill Street. The development shall be carried out in strict accordance with the agreed phasing plan.
Reason: These details are needed in order to ensure a holistic approach to the planning of the development and indicate how each phase relates to and supports the next phase, particularly in terms of securing the repair and refurbishment of the Grade II listed Windmill Public House in accordance with the provisions of Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document and the National Planning Policy Framework.

5. 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 shall be submitted as part of any reserved matters approval and should include:
- a) A drainage strategy confirming the proposed means of surface water disposal together with a SuDS management and maintenance plan, if applicable;
 - b) Evidence of the existing site topography to include any existing surface water flow routes, drains, sewers and watercourses in a readable 3D Autocad .drawing format;
 - c) Evidence of site investigation, test results to confirm soil infiltrations rates and calculations to indicate existing SW runoff rates and volumes;
 - d) Demonstration that SW run-off will not exceed pre-development run-off rates and volumes and, for formerly developed land, that the requisite reduction in runoff will be achieved;
 - e) Demonstration that existing natural land drainage water (e.g. spring water, ground water or surface runoff) from surrounding areas that enters the site is managed in such a way to have no material impact by leaving the site in terms of nuisance (e.g. exacerbation of existing flooding) or damage;
 - f) Design calculations using relevant storm periods and intensities (e.g. 1 in 30 and 1 in 100 year + agreed allowance for climate change), runoff discharge rates and volumes (both pre and post development), facilities for temporary storage, the methods employed to delay and control SW discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in metres AOD;
 - g) Evidence that flood flows will be effectively managed within the site during the lifetime of the development including the construction period, will have no material impact by leaving the site in terms of nuisance or damage, or increase watercourse flows during periods of river flooding;
 - h) In addition to the normal printed input/output files supporting calculations for existing discharge rates (if applicable) and drainage proposals are to be submitted in an electronic format suitable for use in MicroDrainage software (e.g. mdx file format). Any flow control details should be modelled using the Depth/ Flow Relationship for the Control Type for MicroDrainage version 2015 or earlier;
 - i) Existing and proposed 3D level data submitted in a suitable format i.e. CSV or Autocad .drawing; and
 - j) Existing and proposed catchment areas in a suitable format i.e. Autocad drawing.

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

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

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

Reason: These details are required prior to the commencement of development to ensure adequate drainage for the proposed development and to ensure that there is no flood risk on- or off-the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. 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.

7. 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.

8. No building shall be occupied/brought into uses until details of the number and location of bird nesting boxes and bat boxes to be incorporated into the scheme (minimum 1 per dwelling) shall be submitted to and approved in writing by the Local Planning Authority. The bird and bat boxes shall be installed in accordance with the approved details prior to the first occupation of the dwellings 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. No development shall take place until the applicant or their agent(s) or successor(s) in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The written scheme of investigation shall include the following components:

- a) an archaeological evaluation; and
- b) archaeological recording programme, the scope of which shall be dependent upon the results of the evaluation.

Where the results of the programme of archaeological work recommend, there shall be carried out within two years of the completion of that programme on site, or within such timescale as otherwise agreed in writing with the Local Planning Authority:

- i. an archaeological post-excavation assessment and analysis;
- ii. preparation of a site archive ready for deposit at an appropriate store;
- iii. compilation of an archive report; and

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.

10. 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, size, colour and texture of the materials including the method of jointing of any stone or brick work and coursing of any roof work and should be reflective of those within the surrounding area/match those on the Listed Building, unless otherwise agreed in writing by the Local Planning Authority. The development shall be carried out using only the agreed materials and method of construction and shall be retained at all times thereafter.
Reason: To preserve the special architectural and historic character of a Listed Building and to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
11. Notwithstanding the submitted information, no development shall commence until full a schedule of repair and refurbishment works to the Windmill Public House is submitted to and approved in writing by the Local Planning Authority. Details shall indicate the nature and extent of the refurbishment works including the reconfiguration of the internal spaces, partitions, proposed internal treatment of existing and new walls, ceilings, doors, sash window timber skirting and architraves, insulation, pipework for services and lighting. Work Methodology should also be supplied.
Development shall be carried out in accordance with the approved details and completed prior to the occupation of the new building.
Reason: To preserve the historic fabric and integrity of the Listed Building and to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
12. 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 all hard surfaces within the development site have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The historic cobbles should be retained as part of the proposals and included in the scheme.
The development shall be carried out using only the agreed materials.
Reason: To ensure that the external appearance of the site is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
13. Before the proposed new access off Mill Street is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements or other approved materials.
Reason: In the interests of highway 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.
14. 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.
15. Prior to the occupation of the apartments building (The former Windmill Public House and extension) 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.

16. Notwithstanding, the location of the bins on the site plan, prior to the occupation of development hereby permitted full details (including location, elevations and materials) of the bin stores/sheds shall be submitted to and approved in writing by the Local Planning Authority.

The bin stores/sheds 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.

17. Prior to the occupation of development hereby permitted full details (including elevations and materials) of the covered cycle stores shall be submitted to and approved in writing by the Local Planning Authority.

The covered cycle stores 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.

18. The development hereby permitted shall not be brought into use until the areas for the parking of vehicles have been provided and marked out in accordance with the plans ref Proposed Site Plan L03 Rev B received on the 16th July 2020 (surfacing materials to be agreed under condition 12). These areas shall be retained at all times thereafter.

Reason: 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.

19. Prior to any part of the development hereby permitted taking place a scheme showing the areas for a site compound including the siting of the office, areas for loading, unloading and storage of plant and materials, areas for parking of contractors vehicles, and details of 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: These details are required prior to the commencement of development in order to protect the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

1. The applicant is advised that the highway works including the dropped kerb accesses off Wigan Road, the construction of footway to front on the public house and widening of footway on Mill Street within the adopted highway and off site highway works will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Environment Directorate before works begin on site. Further

information and advice can be found at www.lancashire.gov.uk and search for "278 agreement".

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

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

RS1 - Residential Development

IF2 - Enhancing Sustainable Transport Choices

IF4 - Developer Contributions

EN1 - Low Carbon Development and Energy Infrastructure

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN3 - Provision of Green Infrastructure and Open Recreation Space

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

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

No.2	APPLICATION NO.	2020/0273/LBC
	LOCATION	The Windmill 24 Wigan Road Ormskirk Lancashire L39 2AU
	PROPOSAL	Listed Building Consent - Change of use, extension and refurbishment of the Windmill Inn into 6 apartments. Erection of a new build two storey side extension to form 3 dwellings and development of disused bowling green to the rear to form 3 further dwellings.
	APPLICANT	McComb Property Ltd.
	WARD	Derby
	PARISH	Unparished - Ormskirk
	TARGET DATE	21st July 2020

1.0 SUMMARY

- 1.1 This Listed Building Consent application is for the refurbishment, extension and change the use of the former Windmill Public House into six one bed apartments spread over three floors. It is also proposed to construct a 1½ storey extension to form three, one bed dwellings. Permission is also sought to re-develop the former bowling green to the rear of the site into three, four bed dwellings spread over 2½ floors with associated communal car parking to the rear. There would be a limited low level of harm to the significance of the Windmill Public House, which is outweighed by the public benefits that would arise from the development, which includes securing an optimum viable use for the vacant building. I consider the benefits of the scheme outweigh the limited harm to the Windmill Public House and that Listed Building Consent should be granted.

2.0 RECOMMENDATION: APPROVE WITH CONDITIONS

3.0 THE SITE

- 3.1 The site constitutes the Windmill Public House which is a Grade II listed building and is set along the frontage of Wigan Road with a former bowling green to the rear of the pub. The site is within the settlement area of Ormskirk; it is located outside of the Town Centre and the Primary Shopping Area.

4.0 THE PROPOSAL

- 4.1 This application seeks Listed Building Consent to refurbish, extend and change the use of the former Windmill Public House into six one bed apartments spread over three floors. It is also proposed to construct a 1½ storey extension to form three, one bed dwellings. Two vehicular access points would remain along Wigan Road leading to 9 parking spaces.
- 4.2 Permission is also sought to re-develop the former bowling green to the rear of the site into three, four bed dwellings spread over 2½ floors with associated communal car parking to the rear. These dwellings will be located fronting and accessed from Mill Street with a vehicular access adjacent to number 2 Mill Street.
- 4.3 A separate planning application has been submitted to consider the proposal under reference 2020/0272/FUL.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2020/0272/FUL PENDING Change of use, extension and refurbishment of the Windmill Inn into 6 apartments. Erection of a new build two storey side extension to form 3 dwellings and development of disused bowling green to the rear to form 3 further dwellings.
- 5.2 2019/0429/FUL WITHDRAWN Erection of 4 No. row of houses on bowling green land adjacent to Windmill Inn.
- 5.3 2018/0729/FUL REFUSED Change of use, extension and refurbishment of the Windmill Inn into student accommodation. Erection of a new build two storey apartment block on part of the existing bowling green.
- 5.4 2018/0730/LBC GRANTED Listed Building Consent - Change of use, extension and refurbishment of the Windmill Inn into student accommodation. Erection of a new build two storey apartment block on part of the existing bowling green.
- 5.5 2015/0756/FUL – REFUSED Change of use and refurbishment of the Windmill Inn into student accommodation. Erection of a new build two storey student accommodation block on part of the existing bowling green.
- 5.6 2001/0430 – Listed Building Consent GRANTED Partial demolition of boundary wall.

6.0 OBSERVATIONS OF CONSULTÉES

- 6.1 Historic England (03.06.20) – No Comment.

7.0 OTHER REPRESENTATIONS

- 7.1 I have received 2 letters of objection from local residents who raise the following concerns in relation to the new build dwellings:

The townhouses are not in keeping with the area;
Increase in congestion on Mill Street;
Loss of light and privacy – the three storey dwellings opposite Millers Court apartments will block out afternoon light;
Would prefer to see two storey, 3 bed dwellings set back with parking at the front which would increase the interface distances with neighbours;
The building work will cause problems for residents from parking as the road is narrow.

8.0 SUPPORTING INFORMATION

- 8.1 Heritage Statement.

9.0 RELEVANT PLANNING POLICY

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

The site is located with the Key Service Centre of Ormskirk as designated in the West Lancashire Local Plan 2012-2027 DPD. The Windmill Public House is a Grade II listed building.

West Lancashire Local Plan 2012-2027 DPD

Supplementary Planning Advice

SPD – Design Guide (January 2008)

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

- 10.1 The main consideration for the determination of this application relates to whether the proposed works would preserve the character of the listed building on site and its setting.
- 10.2 Policy EN4 of the Local Plan is relevant as is the guidance contained in the NPPF in terms of the impact of the proposed development on listed structures. The NPPF, in determining such planning applications, advises Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.
- 10.3 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a heritage asset great weight needs to be given to the asset's conservation. The more important the asset, the greater the weight to be provided. Paragraph 194 and 195 require that where a proposal leads to less than substantial harm to a designated asset, this harm should be weighed against the benefits of the proposal including securing its optimum viable use. Paragraph 200 advises that Local Planning Authorities should look for opportunities for new development within the historic environment and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal their significance should be treated favourably.
- 10.4 Local Planning Authorities should in coming to decisions refer to the principle act which requires in this case to *"having special regard to the desirability of preserving listed buildings or their settings"* (s.66). This requirement should not be 'weighed' in the same way that is required under the NPPF (P195). Recent Court judgements have shown that the statutory duty prescribed under the P(Listed Buildings and Conservation Areas) Act 1990 should always be given considerable weight in the Council's decision.
- 10.5 The sustainable re-use of the historic buildings is encouraged and is supported by Chapter 16 of the NPPF relating to conserving and enhancing the historic environment.
- 10.6 The main issue, from a heritage viewpoint, relates to whether the proposed works including the change of use would preserve the character (defined as the significance) of the listed building. It is important that the right planning balance is struck between preserving the key values (significance) of the building and achieving an economic and viable scheme which secures a sustainable reuse.
- 10.7 The Windmill is a Grade II Listed Building, formerly a house and in use as a Public House in the latter half of the C19th. Dated circa.1700, the building has been altered over time, including later extensions to the rear. The building is constructed in handmade brown brick in a Flemish bond with red brick dressings and slate roof. Externally, many original features exist and form the building's architectural and historic interest such as original windows, the double ogee brick window heads to all openings, the single storey bay to the west elevation, a single storey porch with semi-circular hood to the east elevation, and the semi-circular fanlight to the main entrance fronting Wigan Road.

- 10.8 The Windmill has been vacant for some years and is beginning to fall into a state of disrepair with spates of vandalism, water ingress, damp and plant growth exacerbating the decline. An internal inspection of the building has shown that there is very little original or historic fabric remaining. The building has been altered over time and internally reconfigured, most likely before it was listed in 1972 and this has involved C20th modernisation over the three floors and original features, such as fireplaces and staircases, removed. One early C19th fireplace survives to the ground floor with two 6 panelled doors to existing toilet facilities and an original timber Georgian sash window to the elevation fronting Windmill Avenue. These surviving features, where they exist should be retained and form part of the conversion, protecting the historic interest of the building. The windows to the front elevation would originally have been multi-paned, sash windows with no horns. One original window with its fine glazing bars exists and the detailing matched to all new windows to the front elevation. The retention of historically accurate fenestration detailing rather than reinstating later C19th windows protects the intrinsic historic character of the Listed Building.
- 10.9 The proposed 1½ storey side extension and single storey rear extension are considered to be subservient to the listed building so that they do not compete. Visually, the scheme is sympathetic to the appearance of the historic elements of the building. The design of the 1½ storey extension has been amended to brick and the fenestration simplified with fewer glazing bars and vertical proportions, with stone lintels above the windows and arched brick headers above the doors, which is considered to be consistent with the principle building. Therefore, it is considered the proposed extensions would not harm the character of the existing building.
- 10.10 The immediate curtilage is cobbled and whilst inevitably some of this will be removed when the formal footpath is installed along the frontage, it is important the remaining cobbles are integrated into the scheme. This historic original surface treatment makes a positive contribution to the historic interest of the building and its setting so a condition will be imposed seeking further details of the surfacing of the external areas to ensure the cobbles are retained. Subject to further details being provided by way of planning conditions, regarding the refurbishment proposals, I am confident that the historic significance of the building will be retained.
- 10.11 In respect of the new build dwellings which will front Mill Street, it is considered their scale, height and form are appropriate within this historic context. The design takes some reference from the historic character of the listed building which is welcomed. When viewing the site along Wigan Road, whilst the new dwellings would be clearly seen in the street-scene, because the dwellings sit behind and would be off-set, I am satisfied that the listed building would still be seen as being the predominant and principle building. The creation of gardens to the front and rear of the proposed dwellings is positive, and the part retention of greenspace is welcomed behind the former public house. Overall, it is considered that the proposed new buildings would not unduly harm the significance of the existing setting of the listed building.
- 10.12 As I am required to do so, I have given the duty imposed by s.66(1) of the P(LBCA) Act 1990 considerable weight. Paragraph 193 of the NPPF states that great weight should be given to the conservation of heritage assets, which includes their setting. In this case I am content that the proposal causes only a low level of harm (defined as being less than substantial by Paragraph 196 of the NPPF) to the identified heritage assets. Whilst Paragraph 194 states that any harm to heritage assets requires clear and convincing justification, Paragraph 196 allows the limited harm to be balanced against any public benefits, which includes securing the building's optimum viable use. Accordingly in this instance I feel the benefit of bringing a vacant listed building back into a new and viable use should be afforded considerable weight in the planning judgement. For the above

reasons I feel the current proposal meets the statutory test 'to preserve' and as such the proposal accords to the planning guidance contained in Chapter 16 of the NPPF and Policy EN4 of the Local Plan.

11.0 RECOMMENDATION

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

Conditions

1. The works to which the consent relates 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:
Plan reference Wigan Road Proposed Front Elevation G04 Rev D and Wigan Road Proposed Side and Rear Elevation G05 Rev C received by the Local Planning Authority on 23rd October 2020
Plan reference Wigan Road Proposed Ground and First Floor Plan G01 Rev D and Wigan Road Proposed Second Floor and Roof Plan G02 received by the Local Planning Authority on 1st October 2020
Plan reference Site Layout Plan L03 Rev B received by the Local Planning Authority on 16th July 2020
Plan reference Site Location Plan L01 Rev A, Mill Street Proposed Front and Side elevations G07, Mill Street Proposed Side and Rear Elevations G08, Mill Street Proposed Floor Plans G03 received by the Local Planning Authority on 23rd March 2020
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, size, colour and texture of the materials including the method of jointing of any stone or brick work and coursing of any roof work and should be reflective of those within the surrounding area/match those on the Listed Building, unless otherwise agreed in writing by the Local Planning Authority. The development shall be carried out using only the agreed materials and method of construction and shall be retained at all times thereafter.
Reason: To preserve the special architectural and historic character of a Listed Building and to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
4. Prior to the commencement of any above ground construction works details of any windows/doors to be formed or altered in connection with the proposed development hereby permitted (including details of all mouldings, transoms, mullions and opening mechanisms) shall be submitted to and approved in writing by the Local Planning Authority.
The development shall be carried out using only the agreed materials and method of construction and shall be retained at all times thereafter.
Reason: To preserve the special architectural and historic character of a Listed Building and to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

5. The external window and door frames shall be constructed of painted timber and recessed from the external wall face by a minimum of 100mm, and moreover, all the external window frames to be installed shall be constructed in accordance with details and specifications to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground construction works. The submitted details shall include cross-sections of the window frames and their method of opening.
The development shall be carried out using only the agreed materials and method of construction and shall be retained at all times thereafter.
Reason: To preserve the special architectural and historic character of a Listed Building and to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
6. All rooflights shall be of a 'conservation' grade flush slim line fitting type only.
The development shall be carried out using only the agreed materials and method of construction and shall be retained at all times thereafter.
Reason: To preserve the special architectural and historic character of a Listed Building and to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
7. Any rainwater goods, including gutters, downspouts and associated items, to be provided or replaced in connection with the proposed development shall be constructed in a semi-circular or ogee profile, cast iron or aluminium, and shall be sited in accordance with details which have been submitted to and approved in writing the Local Planning Authority prior to the commencement of any above ground construction works. Any such rainwater goods shall be painted black within three months of being placed on the building subject to this permission.
The development shall be carried out using only the agreed materials and method of construction and shall be retained at all times thereafter.
Reason: To preserve the special architectural and historic character of a Listed Building] and to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
8. Notwithstanding the submitted information, no development shall commence until full a schedule of repair and refurbishment works to the Windmill Public House is submitted to and approved in writing by the Local Planning Authority. Details shall indicate the nature and extent of the refurbishment works including the reconfiguration of the internal spaces, partitions, proposed internal treatment of existing and new walls, ceilings, doors, sash window, timber skirting and architraves, insulation, pipework for services and lighting. Work Methodology should also be supplied.
Development shall be carried out in accordance with the approved details and completed prior to the occupation of the new building.
Reason: To preserve the historic fabric and integrity of the Listed Building and to comply with Policy EN4 in the 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 all hard surfaces within the development site have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The historic cobbles should be retained as part of the proposals and included in the scheme.
The development shall be carried out using only the agreed materials.
Reason: To ensure that the external appearance of the site is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

10. The architectural feature namely brick headers, original window to side elevation, fanlight and any other historic/original feature should be retained and shall be incorporated in the works hereby authorised, further details of which shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any above ground construction works.

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

Reason: To protect and preserve the heritage asset in accordance with Policy EN4 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:

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

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

No.3	APPLICATION NO.	2020/0786/FUL
	LOCATION	Eden Tearoom And Galleries Course Lane Newburgh Wigan Lancashire WN8 7UB
	PROPOSAL	Retention of hardstanding to western side of building and rear yard.
	APPLICANT	Birleywood Ltd
	WARD	Newburgh
	PARISH	Newburgh
	TARGET DATE	3rd November 2020

1.0 REFERRAL

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

2.0 SUMMARY

- 2.1 The hardstanding areas represent inappropriate development within the Green Belt. Harm to openness and encroachment into the Green Belt have also been identified. No special circumstances have been identified as part of this application to override the identified harm. Furthermore the scale and location of the hardstanding results in encroachment into the countryside to the detriment of the immediate site and wider street scene. The proposal therefore conflicts with the NPPF and Policies GN1 and GN3 of the Local Plan.

3.0 RECOMMENDATION: REFUSE

4.0 THE SITE

- 4.1 The site relates to Eden Tea Rooms and Gallery which is located to the northern side of Course Lane. The building is set back from the road frontage by about 15 metres. There are 3 egresses to the site which all lead to an area of hardstanding / parking to the front of the unit. The remainder of the frontage is grassed.
- 4.2 To the rear, north of the site is an agricultural building (subject to application ref 2020/0809/FUL) and beyond this is agricultural land. To the east and south are residential dwellings. To the west is agricultural land.
- 4.3 The site is located within the Green Belt but lies adjacent to the settlement boundary of the Rural Sustainable Village of Newburgh.

5.0 THE PROPOSAL

- 5.1 Planning permission is sought for the retention of hardstanding to the side and rear of the existing building.
- 5.2 The area of hardstanding to the side of the building measures approximately 13m (l) x 7.4m (w) and has been used for outdoor seating and cycle parking. A number of picnic benches and wooden planters have been placed in this area. A cycle rack is also in place to the south western side of this hardstanding area.

- 5.3 The area to the rear of the building measures approximately 11m (l) x 2m (w) and forms part of the wider rear 'service' yard.
- 5.4 Both areas are finished in tarmac.
- 5.5 The area of hardstanding to the side of the building and within the rear yard also links up with a further area of unapproved hardstanding area adjacent to the agricultural barn at the rear. This hardstanding area is being assessed under application reference 2020/0809/FUL and as such will not form part of this discussion under this application.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2020/1242/CON – Approval of Details Reserved by Condition Nos. 6, 7 and 12 of planning permission 2020/0439/FUL relating to details of outdoor seating and smoking areas; a scheme detailing the layout and surfacing of the parking and turning areas and details of additional external lighting. PENDING CONSIDERATION
- 6.2 2020/0808/ADV - Retention of V sign on the forecourt and retention of the internally and externally mounted signs on the front face of the building. ADVERTISEMENT CONSENT GRANTED
- 6.3 2020/0785/FUL - Retrospective application for the retention of the changes from the approved plans of planning permission 2016/1151/FUL - retention of metal gates and fencing to the frontage of the site, aggregate to the car parking surface, relocation of cycle rack and bin store provision, marking out of car parking spaces and not to install 1m & 2m high fencing to side and rear of grassed area. PENDING CONSIDERATION
- 6.4 2020/0727/FUL - Retention of two satellite dishes on the front elevation of the building. APPROVED
- 6.5 2020/0624/CON - Approval of Details Reserved by Condition No 8 of planning permission 2016/1151/FUL relating to details of mechanical ventilation and odour filtration systems. CONDITION APPROVED
- 6.6 2020/0546/FUL - Variation of Condition No 2 imposed on planning permission 2016/1151/FUL to substitute approved plan 04 for plan reference 1499-005 to incorporate an outdoor seating area and a pergola. WITHDRAWN
- 6.7 2020/0515/NMA - Non-material amendment to planning permission 2016/1151/FUL - Relocate disabled parking bays. WITHDRAWN
- 6.8 2020/0439/FUL - Variation of condition no 7 imposed on planning permission 2016/1151/FUL to allow the premises to operate later opening hours and in order to cater for functions at weekends to diversify the business. To extend operating hours to Sunday 08:00 -21:00; Monday to Thursday 08:00 - 22:00; Friday - Saturday 08:00 -00:00. – TEMPORARY PERMISSION GRANTED FOR 1 YEAR – APPEAL IN PROGRESS.
- 6.9 2017/0950/CON - Approval of Details Reserved by Condition No's. 3, 9 and 10 of planning permission 2016/1151/FUL relating to sustainable drainage principles and surface water sustainable drainage scheme, external lighting, and one-way system. CONDITION APPROVED
- 6.10 2017/0651/CON - Approval of Details Reserved by Condition Nos. 3, 4, 5, 9, 10, and 11 of planning permission 2016/1151/FUL relating to sustainable drainage principles & surface water sustainable drainage scheme, external facing & roofing material, landscaping

scheme, external lighting, one-way system, access, and parking & turning areas – PART APPROVED / PART REFUSED

- 6.11 2016/1151/FUL - Internal and external works to building including extensions to front and rear; recladding and glazing; revised roof and creation of mezzanine floor; car parking; to create retail and cafe units and ancillary facilities – APPROVED
- 6.12 2013/1338/PNC - Application for determination as to whether prior approval of details is required - Change of use to a flexible use of Class A1 (Shops), Class A2 (Financial and Professional Services), Class A3 (Restaurants and Cafes), Class B1 (Business), Class B8 (Storage or Distribution), Class D2 (Assembly or Leisure) from an agricultural building – APPROVED
- 6.13 2010/1215/COU - Change of use of existing farm shop to B1 and/or B8 uses. (Re submission of planning permission 2009/0701/COU including details of hours of operation) – APPROVED
- 6.14 2009/0701/COU - Change of use of existing farm shop to B1 and/or B8 use – REFUSED (Dismissed at appeal)
- 6.15 1997/0036 - Use of building for farm shop/sale of garden requisites/local needs provisions, creation of car park and alterations to access – REFUSED
- 6.16 1993/0888 - Application for determination as to whether prior approval is required for details - glasshouse – APPROVED

Adjacent barn / land to the rear

- 6.17 2020/0809/FUL - Use of the building for storage and staff facilities in association with adjacent cafe and gallery and occasional use for public events such as an artisan market (no more than 21 days each year) together with the retention of hard standing areas, the enlargement of fire doors and the use of the neighbouring field as an overspill car park (only to be used for days of the public event). PENDING CONSIDERATION
- 6.18 2018/0072/CON - Approval of Details Reserved by Condition Nos 3, 4, and 6 of planning permission 2017/0738/FUL relating to a scheme for the separate foul and surface water drainage of the site; external facing and roofing materials and details of the materials to be used in the construction of the hardstanding. CONDITIONS APPROVED
- 6.19 2017/0738/FUL - Replace existing greenhouses with new agricultural building. APPROVED
- 6.20 2016/1245/FUL - Replace existing greenhouse with new agricultural storage building – APPROVED
- 6.21 2016/0951/PNP - Application for Determination as to Whether Prior Approval is required for Details - Agricultural storage building - WITHDRAWN

7.0 CONSULTEE RESPONSES

- 7.1 None.

8.0 OTHER REPRESENTATIONS

- 8.1 **Newburgh Parish Council – 26. 11.2020 and 30.10.2020**

The impact of hardstanding on the openness of the Green Belt land in a rural village without the justification of very special circumstances is not acceptable.

Newburgh Parish Council continues to object to this application.

8.2 Neighbours representations

Objections to the proposed development have been received on the following grounds:

Principle of development

Proposal is contrary to the NPPF section 13 Protecting Green Belt Land and Policy GN3 of the Local Plan;

There are no special circumstances which support the proposal therefore the land should be reinstated as it was - open green belt, grassed agricultural land;

Green Belt areas should be protected;

Approval would set an unwelcome precedent;

The footprint of the building is already larger than the original building it replaced and to tarmac over even more Green Belt and increase this even further is unacceptable.

Green Belt / rural setting / Character of area

Newburgh is a beautiful rural village because its Green Belt areas have been carefully preserved;

Incremental changes to the site are chipping away at the character of this historic, rural village;

The area looks industrial;

Premises are meant to blend in with the historic surroundings and properties of tranquil Newburgh Village and not become a grey retail park in this rural green belt community;

Bins are often stored on the tarmac area which looks unsightly;

The site looks like a retail park – not in keeping with the wider rural area.

Issues with use of site as seating / smoking area

Disabled parking is located to the front of this area. Disabled visitors are entitled to privacy and amenity whilst exiting and entering their cars on arrival and leaving the site, so as not to be overlooked by others and more particularly not to be in the immediate vicinity of smokers. This would be detrimental to their health and welfare especially to those with any underlying conditions.

Parking / cycle rack conflicts

Cycles have to pass disabled car parking bays to access cycle racks. – LCC Highways has raised this as an issue under another application;

Cycle parking should be to the front of the building as originally approved under application ref 2016/1151/FUL.

Ecology

The original works to lay the hardstanding will have resulted in the loss of valuable ecology and wildlife habitats;

The land should be reinstated so that this wildlife can gradually return;

Marginal loss of green belt and the consequent loss of biodiversity, which can be rich at the margins of the green belt, must surely be important matters to be guarded against.

There is presumably no extant habitat survey to provide any evidence as to what has been destroyed.

Other concerns

Concerns for proposed future development at the site;
Constant incremental changes being sought at the site are eroding the character of the area.

9.0 SUPPORTING INFORMATION

9.1 None.

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 in the Green Belt.

10.3 NPPF

Protecting Green Belt land

Conserving and enhancing the natural environment

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

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy EC2 – The Rural Economy

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

Policy IF2 - Enhancing Sustainable Transport Choices

10.5 Supplementary Planning Document

Design Guide (2008)

Development within the Green Belt (2015)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Principle of Development – Green Belt

11.1 The site is located in the Green Belt. Paragraph 133 of the NPPF retains the government's view that great importance is attached to Green Belts. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

11.2 The NPPF, paragraph 146 advises that material changes in the use of land for a number of outlined uses (outdoor sport or recreation, cemeteries and burial grounds) are not inappropriate in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purpose of including land within it.

11.3 The proposed retention of hard standing and its associated use as a seating/ smoking area and cycle storage in association with the Tea Rooms and Gallery does not fall within the exemptions list identified in para 146 of the NPPF. The proposal is therefore considered inappropriate development within the Green Belt.

- 11.4 Furthermore the laying of the hard standing to the west of the building and yard constituted engineering operations which paragraph 146 stress are not inappropriate in the Green belt provided they preserve its openness and do not conflict with the purposes of including land in it. In this case the engineering operations and laying of hardstanding has resulted in a permanent loss of openness and has encroached into open Green Belt land. Therefore I consider that the proposal fails to uphold the fundamental aims of Green Belt Policy. As a result of the above I consider that the proposal represents inappropriate development within the Green Belt.

Very Special Circumstances

- 11.5 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 11.6 A case for very special circumstances has not been provided by the applicant however it would be perverse of the Council not to consider if very special circumstances may exist.
- 11.7 The only special circumstances that I would envisage could be put forward would be that the use of the hardstanding areas support the viability of the Tea Rooms and Gallery.
- 11.8 Under application reference 2016/1151/FUL cycle parking was provided to the front of the building. In the same application, the formalisation of a generous rear yard in association with the use of the building was also approved. In my opinion there is ample space within the existing approved site boundaries to accommodate the proposed uses of cycle parking and outdoor seating/smoking areas. In the absence of a convincing business case, I cannot conclude that the application site is essential to support the viability of the business. Therefore, I do not consider that very special circumstances have been demonstrated to override the identified harm to the Green Belt, nor is it likely that a convincing case for very special circumstances could be made. Consequently, I consider that the proposal fails to comply with Policy GN1 of the Local Plan and the NPPF.

Visual appearance / design / Character of area

- 11.9 Policy GN3 of the Local Plan outlines that development should '*have regard to visual amenity and complement or enhance any attractive attributes and / or local distinctiveness within its surroundings through sensitive design, including appropriate siting, orientation, scale, materials, landscaping, boundary treatment*' (criterion iv) and '*have regard to historic character of the local landscape and / or townscape*' (criterion ii). This stance is echoed in the NPPF.
- 11.10 Prior to the works being carried out at the site the land subject to this application was a rough grass area or 'green boundary' adjacent to the agricultural field to the west. The site was not part of the approved 'red edge' for application ref 2016/1151/FUL.
- 11.11 In my opinion the loss of this 'green boundary' results in an urbanisation of the site. The hard standing almost encroaches right up to the agricultural field to the west and spreads north for some distance (linking in with further unauthorised hardstanding areas subject to application reference 2020/0809/FUL). As a result of this, the extensive areas of unauthorised hardstanding erode the rural characteristic of the area. The reinstatement of this land as a 'green boundary' would serve to soften the overall development to the benefit of the immediate site and the wider rural street scene.

- 11.12 Permission 2016/1151/FUL already allowed the formalisation of a large area of hardstanding to the rear of the building, permissible only as it formed part of the established service yard and was visually flanked by the two buildings.
- 11.13 I appreciate that there is an existing lawful hard surfaced area to the rear of the building and a disabled parking area to the south and therefore it could be argued that the area for retention would be 'infill' between the two spaces. However the two areas to either side of the site formed historical hard surfaced areas in association with the previous use of the building. I consider the preservation of this gap or 'green boundary' to the side of the site to be important and that the retention of this additional hardstanding would be detrimental to the rural setting of the site.
- 11.14 Overall I consider that as a result of the scale and location of the hardstanding the resultant impact is that of urbanisation and harm to the immediate site and the wider rural street scene. Therefore the proposal in design terms is considered contrary to Policy GN3 of the Local Plan.

Highways / Parking

- 11.15 The hardstanding area immediately to the west of the building has cycle a cycle rack in situ. Lancashire County Council have raised concerns in relation to the siting of this cycle parking in this location under application reference 2020/0785/FUL. They have observed that the cycle parking is not in an obvious/prominent location for visitors to the site and access would require cycles to pass close to or between parked vehicles. Consequently the siting of the cycle parking in this location is not considered ideal.

12.0 CONCLUSION

- 12.1 The hardstanding represents inappropriate development in the green belt, which results in harm to openness and encroachment. The hardstanding is also detrimental to the rural character of the area. No very special circumstances have been identified to outweigh this harm. The development is therefore considered to be contrary to the NPPF and policies GN1 and GN3 in the West Lancashire Local Plan.

13.0 RECOMMENDATION

- 13.1 That planning permission be REFUSED for the following reasons:

Notes

1. Plan reference:
05 rev A - site location plan received by the Local Planning Authority 05.11.2020.
Plan reference:
12 - proposed hardstanding layout
10 rev B - Proposed site layout plan
received by the Local Planning Authority 02.02.2021.
2. Despite the requirements of Paras 38-46 of the National Planning Policy Framework it has not been possible to reach a positive agreed solution through the Council's adopted and published procedures, which advise that pre-application advice should be sought prior to the submission of an application. This application was submitted without the applicant/agent having entered into meaningful pre-application discussions in relation to the planning policies and material considerations that apply to the proposal and the development shows insufficient regard to the policy requirements as detailed in the reasons above.

Reasons for Refusal

1. The hardstanding areas and associated uses conflict with the NPPF and Policy GN1 of the West Lancashire Local Plan 2012-2027 DPD in that the proposal constitutes inappropriate development resulting in harm to the openness of the Green Belt and conflicts with one of the purposes of Green Belt, that of safeguarding the countryside from encroachment. No special circumstances have been demonstrated to outweigh this harm.
2. The proposed hardstanding areas as a result of their scale and location result in visual encroachment and urbanisation to the detriment of the rural character of the site. Therefore the proposal conflicts with Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD.

No.4	APPLICATION NO.	2019/1200/FUL
	LOCATION	Site Of Former Greaves Hall Hospital Greaves Hall Avenue Banks Lancashire
	PROPOSAL	Full planning application for 12 residential dwellings and erection of noise barrier.
	APPLICANT	Seddon Homes Limited
	WARD	North Meols
	PARISH	North Meols
	TARGET DATE	9th April 2020

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Lockie has requested it be referred to Committee to consider the impact on the adjacent Stone Masters business and noise on future occupiers.

2.0 SUMMARY

- 2.1 The proposed additional 12 apartments on this site is considered acceptable. I am satisfied that the proposed development would allow for the provision and retention of reasonable levels of amenity for the occupants of future and neighbouring properties. I consider that the future business operations at Granite House will not be unduly restricted as a result of the proposed development and I find that the proposed development is compliant with the Local Plan in respect of flood risk and drainage.

3.0 RECOMMENDATION: APPROVE subject to conditions.

4.0 THE SITE

- 4.1 The application site relates to a recently approved residential development which is currently under construction located on the eastern side of the village of Banks on a former brownfield hospital site of approx. 6.5 Ha. It is located to the south of Aveling Drive and north-east of Greaves Hall Avenue being accessible from both roads.
- 4.2 The residential site is bordered by existing housing to the south (Westerdale Drive), north and north-west (Abington Drive). A school and community leisure centre lie to the south-west and open agricultural land to the east. Within the centre of the site is an existing employment business – Granite House. The site subject of this application is located to the north of Granite House, bordering their car park and delivery area.

5.0 PROPOSED DEVELOPMENT

- 5.1 It is proposed to erect 12 dwellings on an area of the site previously approved for landscaping, more-or-less in the middle of the wider development site. The 12 dwellings comprise three blocks of 2-bed apartments which are two-storeys high and have the appearance of three pairs of semi-detached dwellings. All are proposed to be market dwellings and the design and scale are similar to semi-detached dwellings already approved elsewhere on the site. Each dwelling includes two parking spaces, mainly within a long strip of parking to the rear of the dwellings, although there are 4 individual spaces on the frontage of the site. There are no private gardens associated with the apartments but there is a small grassed area around each block and a triangular parcel of shared garden adjacent to the parking area. The site also includes the erection of an acoustic fence across the southern boundary.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2019/1199/FUL – PENDING CONSIDERATION - Full planning application for the erection of 15 residential dwellings.
- 6.2 2019/1201/FUL – Full planning application for 8 residential dwellings. APPROVED
- 6.3 2020/0258/NMA - Non-Material Amendment to planning permission 2016/0706/ARM to omit all red roof tiles and amend to grey from Plot 38 onwards. APPROVED
- 6.4 2019/0853/NMA - Non-material amendment to planning permission 2016/0706/ARM - Plot 84 substitutions from a Marsden to a Carron, repositioning of plots 69 and 113, repositioning of garage for No. 67, amendments to position of plots 95-97 to accommodate the required easement for an existing gas governor. The wide garage has been changed to a double garage. Rationalisation of private drives and driveway, narrowing of the road to accommodate the easement for the gas governor, general minor amendments to plot boundaries. APPROVED
- 6.5 2019/0593/NMA - Non-Material amendment to planning permission 2016/0706/ARM to vary the wording of Condition No. 15 to state the following:
The acoustic barriers shall be installed in two phases in accordance with the details indicated on plan ref: 1986-BR.SP.06 DGL AZ (noise barrier phasing plan). The approved barriers shall be installed prior to occupation of any of the dwellings in the relevant phase and shall be retained as such thereafter. APPROVED
- 6.6 2019/0279/NMA - Non-Material Amendment to planning permission 2016/0706/ARM - Minor amendments to the approved site layout:- Plot 54 substitution - Carron to Brearley, Plot 55 substitution - Lawton to Brearley, detached garages enlarged to double detached garages (plots 59, 65, 67, 84, 101 & 112), rationalisation of private drives and driveway, general minor amendments to plot boundaries. APPROVED
- 6.7 2018/0755/NMA - Non-Material Amendment to planning permission 2016/0706/ARM - Variation of site layout. APPROVED
- 6.8 2016/0706/ARM - GRANTED (29.09.2017) Approval of Reserved Matters for 128 dwellings, light industrial units and associated road and infrastructure and parking including details of appearance, landscaping, layout and scale, together with an application to discharge Condition No's 16, 17, and 18 of planning permission 2013/0104/OUT.
- 6.9 2013/0104/OUT - GRANTED (27.06.2014) Outline – Housing and employment development (including details of access)
- 6.10 2006/0097 GRANTED (18.07.2006) Listed Building Consent - Demolition of mansion house.
- 6.11 2003/0319 REFUSED (04.09.2003) Outline - Mixed use development comprising residential development and extension to playing fields on land to North & East of Mansion House & development of land to South of Greaves Hall Avenue to accommodate any or all of use Class B1(a) offices, Class C2 residential institutions, Class D1 non-residential institutions (including details of means of access).
- 6.12 1994/0305 GRANTED (19.05.1994) Change of use from hospital administrative, service and ward buildings to commercial/industrial uses (incl. offices, light industry, general

industry, storage or distribution or estate canteen); creation of new car parking and servicing areas and alterations to existing access.

- 6.13 1992/0708 Outline - (including details of means of access) - Demolition of ward blocks, nurses' flats and 1 & 2 The Close. Development of 21.7 acres for residential use to provide 200 houses. Development of 2.5 acres for up to 40 units of sheltered housing or low cost housing. Development of 4.8 acres for institutional use in grounds including up to a 40,000 sq. ft. two storey building. Use of 16.4 acres for open space/amenity including the retention of existing trees and tree belts. Alterations to vehicular/pedestrian access including new estate road and footpaths. Use of land for pitch and putt golf.

7.0 CONSULTEE RESPONSES

- 7.1 ENVIRONMENT AGENCY (27/07/20 and 05/02/20) - No objection subject to conditions.
- 7.2 LEAD LOCAL FLOOD AUTHORITY (20/04/20) – No objection subject to conditions.
- 7.3 LCC HIGHWAYS (03/02/20) – No objection subject to provision of cycle shelters.
- 7.4 UNITED UTILITIES (13/02/20) – No objection subject to conditions.
- 7.5 LCC EDUCATION (22/01/20) – No education contribution required.
- 7.6 CADENT (17/01/20) – Recommend informative.
- 7.7 LANCASHIRE CONSTABULARY (16/01/20) – Advice provided on "secured by design".
- 7.8 ENVIRONMENTAL HEALTH MANAGER (01/02/21) – No objection subject to conditions.

8.0 OTHER REPRESENTATIONS

- 8.1 I have received an objection from the owner of the adjacent commercial building, Granite House, and his agent along with an Acoustic review report commissioned by them. Concerns relate to:
- the development is too close and will cause Granite House undue issues with the Council and future residents;
 - rights over the land subject of the application will not be transferred to the applicant so the development is undeliverable;
 - an unsubstantiated noise complaint has already been received from an existing surrounding resident further away from Granite House than the proposed development site, so there is the potential for regular complaints from occupiers of the proposed dwellings which would impact upon the existing business operations;
 - the applicant's noise report uses the wrong methodology for assessing the impact of activities at Granite House and therefore the applicant has not demonstrated that the proposed dwellings will not be put at unacceptable risk from, or adversely affected by, unacceptable levels of noise in accordance with the NPPF;
 - the applicant's noise report identifies exceedance of its own, excessive criteria within the gardens of the proposed dwellings;
 - lack of suitable assessment prevents the LPA from adequately assessing the impact of noise on the development and thus determining the application in line with the NPPF;
 - the information within the applicant's report does support the conclusion that the development will be put at unacceptable risk from elevated sound levels which will result in a Significant Observed Adverse Effect Level as determined by the Noise Policy Statement for England and a significant adverse impact when an appropriate BS4142:2014 assessment method is applied;

- previous concerns raised in the determination of the Reserved Matters approval 2016/0706/ARM still remain valid.

9.0 SUPPORTING INFORMATION

- 9.1 The application is supported by the following information:
Planning, Design and Access Statement
Flood Risk Assessment
Environmental Noise Report
Viability Assessment

10.0 RELEVANT PLANNING POLICIES

- 10.1 The National Planning Policy Framework (NPPF), the National Planning Policy Guidance (NPPG) and the West Lancashire Local Plan (2012-2027) (WLLP) provide the policy framework against which the development will be assessed.
- 10.2 The site is allocated as EC3 (i) – Rural Development Opportunity, EN3 – Green Infrastructure / Open recreation Space in the Local Plan.

National Planning Policy Framework (NPPF)

Building a strong competitive economy
Promoting sustainable transport
Delivering a wide choice of high quality homes
Achieving well-designed places
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
GN4 – Demonstrating Viability
EC3 – Rural Development Opportunities
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

- 10.3 The following supplementary documents are also material considerations:
SPD – Design Guide (Jan 2008)
SPD – Provision of Public Open Space in New Residential Developments (July 2014)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Principle of Development

- 11.1 The principle of development on the site has already been approved through the outline and Reserved Matters applications (2013/0104/OUT and 2016/0706/ARM). There have been no significant policy changes in the interim which may have affected this decision,

therefore I am satisfied that the principle of development remains compliant with the aims and objectives of the NPPF and Policy RS1 of the Local Plan.

Affordable and Specialist Housing for the Elderly

- 11.2 Reserved Matters approval has been given for 128 dwellings on the site and provision of 35% affordable housing is generally required on sites of this scale under the terms of Policy RS2 of the Local Plan. In addition to this, Policies RS1 and RS2 also require that 20% of new residential units should be suitable for the elderly. As part of the Reserved Matters application a viability assessment confirmed that due to abnormal costs associated with remediation of the site, (amongst other matters) the provision of affordable houses would have rendered the site unviable. Notwithstanding the situation at the time of Reserved Matters approval, it is prudent to reassess the viability position having regard to the proposed increase in dwellings (12). As such, the application includes the submission of an updated viability assessment.
- 11.3 The updated assessment has been verified by Keppie Massie (instructed by the Local Planning Authority). Keppie Massie have confirmed that the proposed increase in the number of dwellings on the site to accommodate 12no. 2-bed apartments remains insufficiently viable to support any affordable housing provision. This is mainly due to the abnormal costs associated with the development of the site (abnormal foundations, cut and fill, attenuation, off-site highway works to Greaves Hall Ave and Aveling Drive, acoustic glazing, pump station and culvert replacement). I am satisfied that this assessment has been carried out independently and demonstrates that the overall development is still not sufficiently viable to facilitate any affordable housing. Similarly, Keppie Massie concluded that when considered in isolation, the proposed 12 units could not support any affordable housing provision.
- 11.4 In terms of specialist housing for the elderly, 6 of the proposed units comprise full ground floor accommodation which is considered suitable as specialist accommodation and is therefore compliant with Policies RS1 and RS2 in this regard.

Siting, Layout and Design

- 11.5 Policy GN3 in the Local Plan together with the Council's SPD Design Guide states that new development should be of a scale, mass and built form that responds to the characteristic of the site and its surroundings. New development is required to have regard to visual amenity and complement its surroundings through sensitive design, including appropriate siting, orientation and scale.
- 11.6 The Reserved Matters approval included various types and size of dwellings, including 2 bedroom houses and 3 and 4 bed detached houses as a mix of semi-detached and detached. I am satisfied that the proposed 12 apartment style units provide an increased mix of house type within the overall development that do not currently exist and as such enhance choice and sustainability.
- 11.7 In terms of the design, scale and materials of the proposed development. As the apartments are two storey and have the external appearance of three separate pairs of semi-detached dwellings with the same palette of red brick and design features as the existing and approved dwellings, I consider they will assimilate into the overall layout and are therefore acceptable.
- 11.8 Each dwelling benefits from two parking spaces, all located to the rear of the blocks except 4 spaces located fronting the access road. Private external space is limited for each dwelling; however, an approximate 300sqm triangular shared area of open space is

included on the site for the use of residents. This equates to 25sqm of amenity space per dwelling which is considered acceptable for apartments. Two separate enclosed bin store areas are proposed screened by landscaping.

- 11.9 My main concern is the location of the proposed 12 dwellings within the wider site. The original layout submitted as part of the Reserved Matters application in 2017 included apartments in the same location to the north of Granite House. However, when this layout was presented to Planning Committee concerns were expressed about the amenity of future occupiers located close to Granite House and the potential for noise nuisance – both for occupiers of the proposed apartments and on the business operations at Granite House. It was considered that a "buffer" area would be preferable and as such, officers were requested to negotiate with the applicant to see if amendments to the layout could be considered. Subsequently, the layout was amended to remove the apartments and replace them with an area of landscaped open space. The revised scheme was then approved. The application now put forward returns to the original proposal for similar blocks of apartments on the approved area of open space within the centre of the site. Comments are provided on the noise implications of this layout later in my report.
- 11.10 In terms of the overall layout, the main consideration is therefore whether or not the loss of the landscaped open space is considered acceptable and compliant with the Council's guidelines within the adopted Design Guide SPD, Open Space SPD and Policy GN3. The Design Guide states that "The public realm and the degree of landscaping contribute greatly to the overall quality and success of a development and the 'sense of place' it creates.Landscaping can be specifically used to reinforce boundaries and differentiate spaces, soften the impact of buildings, provide new views and frame existing features." In this respect, the proposed development would result in the loss of a previously approved landscaped area which contributes to the overall quality of the site.
- 11.11 However, the Design Guide also advises that "The layout of new development should try to achieve a sense of enclosure by incorporating buildings which terminate views, limit the street width or lead the eye on to other spaces. The spaces between buildings and their siting in relation to the pavement or roadway should be carefully considered in any design and ideally help to produce a continuous rather than an open frontage". In this respect, the proposed development is at a juncture of two roads and a built development "terminates" the view, which is seen as a good design principle.
- 11.12 In addition, the amount of open space provided on this site far exceeds that required by the adopted Open Space SPD. The outline planning permission for development on this site required an area of greenfield land to the east to be enhanced and available for use as public open space. The approved detailed Reserved Matters application includes the provision of approx. 3.26 hectares of public open space on the eastern greenfield part of the wider site. Furthermore, the recently approved development on land to the east of Guinea Hall Lane provides a new play area and 'green gym' adjacent to the school and leisure centre that would equally serve the development here. Additionally, there is a small play space adjacent to but outside the southern boundary of the site. I am therefore satisfied that adequate open space remains to serve the wider site.
- 11.13 On balance, subject to an acceptable detailed landscape scheme along the road frontages of the site, I consider the loss of this landscaped "buffer" area will not be so significant to warrant refusal of the application on visual amenity/landscaping/layout grounds. The proposal is therefore in accordance with Policy GN3 of the Local Plan.

Impact on Neighbouring Residential Amenity

- 11.14 Policy GN3 in the WLLP requires new development to retain or create reasonable levels of privacy, amenity and sufficient garden/outdoor spaces for occupiers of the proposed and neighbouring properties.
- 11.15 In terms of the relationships between the proposed dwellings and those already approved, I am satisfied that the proposed layout accommodates the required interface distances and that there is no impact upon privacy or overshadowing. I consider that the proposed development satisfies the requirements of Policy GN3 in respect of amenity.

Access and parking

- 11.16 Access to the site is from either Greaves Hall Avenue or Aveling Drive and I am satisfied that the addition of 12 dwellings to the highway network will be negligible. In terms of parking provision, it is acknowledged that each dwelling has been afforded appropriate off-road parking provision. LCC Highways have been consulted and raise no objection to the proposed development, subject to the provision of secure cycle storage for each dwelling. Details of electric vehicle charging points have already been approved elsewhere on the site and I consider an appropriate condition requiring details of these and cycle storage for the proposed dwellings should be imposed. I am satisfied that vehicles can park and manoeuvre safely within the site and that the proposed is compliant with Policy GN3 and IF2 in the Local Plan.

Noise

- 11.17 Policy GN3 of the Local Plan states that proposals for development should retain or create reasonable levels of amenity for occupiers of the proposed and neighboring properties. Paragraph 180 of the NPPF advises that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life. Paragraph 182 goes on to state that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities and that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant should be required to provide suitable mitigation before the development has been completed. The National Planning Policy Guidance (NPPG) refers to both the NPPF and the Noise Policy Statement for England (NPSE) confirming they do not expect noise to be considered separately from the economic, social and other environmental dimensions of the proposed development.
- 11.18 The NPSE seeks to protect health and quality of life from the effects of noise and introduces the concept of the Lowest Observed Adverse Effect Level (LOAEL) and the Significant Observed Adverse Effect level (SOAEL). The World Health Organisation (WHO) also provide advisory noise thresholds.
- 11.19 As with the 2017 Reserved Matters application, a key consideration with the proposed development is the potential noise impact upon the living conditions of future residents and how the proposed development would impact upon the existing industrial business at The Granite House. The established use of this commercial building is for B1, B2 and B8 uses. There are no hours restrictions on the use of the building and no specific noise conditions, therefore, the building could be used, in theory, 24 hours a day, 7 days a week. It is currently used by Stone Masters Ltd who provide granite, quartz and stone worktops and use cutting machinery and fork lift machinery inside and outside the building.

- 11.20 The proposed dwellings will be located approximately 55m north of the Granite House building and approximately 20m from the Granite House car park. As part of the Reserved Matters approval, it was recognised that some of the proposed dwellings would be impacted by noise from Granite House and therefore mitigation was incorporated into the scheme in the form of enhanced acoustic glazing on certain plots and an acoustic fence surrounding Granite House. A noise report has been submitted in support of the current application. Noise surveys were undertaken in April 2019, before the global pandemic when Granite House was operating at normal capacity. The noise report advises that the inclusion of the proposed 12 apartments to the north of Granite House can be achieved without those plots being impacted to a significantly greater degree than the approved dwellings which are also in close proximity to Granite House.
- 11.21 The approved development of the wider site included the provision of a 3m high acoustic fence around Granite House and Phase 1 of this fencing has already been erected along the western boundary of Granite House with new and occupied houses fronting onto the fence. It is proposed to implement the remainder of the approved acoustic fence as Phase 2, together with a 1.8m close boarded fence around the rear yard. The design of the proposed apartments would also feature positive input ventilation and glazing specified according to the predicted noise levels as noise mitigation measures.
- 11.22 A report critiquing the applicant's noise assessment has been submitted by a consultant on behalf of the owner of Granite House (MES). It is helpful to be aware that MES found that the levels they measured are in alignment with those measured by the applicant's noise consultant Red Acoustics. However, MES disagree with the methodology used to assess those noise levels and conclude that as BS:4142:2014 has not been used, the applicant is unable to demonstrate the proposed dwellings would not be adversely affected by unacceptable levels of noise and the Local Planning Authority cannot therefore adequately assess the impact. All the information submitted has been considered by the Council's Environmental Health Officer, who has scrutinised the information, their own records and relevant noise protection legislation and case law, and visited the site. This part of the site, whilst having noise levels assessed as slightly higher than the current application under consideration for 15 dwellings to the east of Granite House (2019/1199/FUL), is more dominated by vehicle noise which is louder but more transitory than industrial noise so a BS4142 assessment is of less relevance than for the 15 dwelling application (2019/1199/FUL).
- 11.23 The Council's Environmental Health Officer concludes that the proposed mitigation (an acoustic barrier along the common boundary between the site and Granite House, glazing specified according to the predicted noise levels with a positive input ventilation to avoid the need to open windows for background ventilation and cooling on all plots with incident facade levels less than 52dBLAeq.t.) together with the stand-off distance between the apartments and Granite House, results in an acceptable development with regards noise impact and the design targets previously used which are based in BS8233:2014. The use of positive input ventilation is a common feature in modern developments, particularly in urban areas close to roads and commercial buildings. It does not mean that windows need to be permanently closed. The windows of the proposed dwellings can be opened if desired or for rapid purge ventilation, but if noise levels are particularly high, sufficient ventilation will be provided by PIV.
- 11.24 Both the applicant and objectors noise consultants agree on the level of noise emanating from the source at Granite House and although the BS assessment used is disputed, providing the proposed mitigation is implemented, the Council's Environmental Health Officer is satisfied that with the combination of barrier treatments and upgraded glazing and ventilation, the development is acceptable in the context of the wider residential

development as a whole. The Council's EHO has had regard to an important judgement of the Supreme Court in the case of *Coventry and Others-v-Lawrence and Another* in 2014 in the assessment of the planning application and in formulating a response (in essence, should planning permission be granted and apartments be built on land adjacent to Granite House, if the Council were to receive complaints about noise or any other alleged statutory nuisance emanating from Granite House and affecting the senses of others, the Council's EHO would have to have regard to the existence of the hitherto activities at Granite House when considering whether or not there might be a statutory nuisance).

- 11.25 In addition to noise there may be a potential impact on occupiers of the proposed apartments from the impact of fumes and/or dust from the existing business at Granite House. The Council's Environmental Health Officer considers that the apartments are sufficiently distanced from the operational site at Granite House to be adequately protected.

Drainage

- 11.26 An updated Flood Risk Assessment has been submitted which provides an up to date assessment of the tidal flood risks and climate change impacts of residual flood risk during the undefended tidal scenarios. The Environment Agency has assessed the FRA and concludes that the proposed development would be safe without exacerbating flood risk elsewhere provided the proposed flood risk measures are implemented (finished floor levels minimum of 150mm above surrounding ground levels) and provided the existing Back Lane watercourse culvert is replaced as required by the Reserved Matters Approval (an Environmental Permit for this work was granted by the EA in January 2021 and work will commence once agreement for works to take place within the highway with LCC Highways has been reached).
- 11.27 In terms of surface water drainage, the approved Reserved Matters scheme includes underground attenuation and restricted discharge to the culverted main river in Aveling Drive. It is proposed that either the size of the existing attenuation tank is increased or a separate attenuation tank is provided under the proposed parking area. Full details of how the increased attenuation will be provided can be secured by condition and the Lead Local Flood Authority are satisfied with this approach and have provided wording for such a condition. Foul drainage will connect to a new drainage system which benefits from a new foul sewer network currently under construction on the wider site and subject to a formal adoption agreement with United Utilities.
- 11.28 On the basis of the above details and subject to condition, I am satisfied that the proposed development is compliant with the NPPF and Policy GN3 of the Local Plan with regards flood risk and drainage.

Other Matters

- 11.29 The proposed additional dwellings do not impact upon existing trees and although the proposal results in the loss of an area of approved landscaped open space, I am satisfied that the large area of open space to the east and its ecological enhancement as required through the Reserved Matters approval, compensates for this loss. Therefore the proposed development is considered compliant with Policy EN2 of the Local Plan.
- 11.30 Concern has been expressed by the owner and occupier of the Granite House, that the future business potential of Granite House will be compromised by the proposed development. Local Plan Policies SP1 and EC1 aim to facilitate economic growth in the Borough and the Council is fully supportive of local business growth. A key aim of the Council's Economic Development Strategy 2015-2025 is to support growing businesses.

The NPPF promotes the growth of sustainable business. I acknowledge the contribution that Stone Masters make to the West Lancashire economy and beyond.

- 11.31 However, I do not share the view of the objector that the proposed development would compromise the growth of the business. Indeed, additional land has been incorporated into the proposed layout of the development to provide enhanced parking and manoeuvring to the north of Granite House. The proposed vehicular access to the site along Greaves Hall Avenue provides a less tortuous access directly from the A565 and the general environment surrounding the Granite House has been enhanced with the development constructed to date. Provided the noise mitigation measures are implemented, then the operational use of Granite House could continue as it does at present without significant detriment to the occupiers of the proposed dwellings.
- 11.32 As undertaken with the previous Reserved Matters application for the wider site, careful consideration has been given to the way Granite House operates (its use, hours, deliveries, noise etc.) and for the reasons outlined above, I am satisfied that the potential needs and growth of business at Granite House have been taken into account and the proposed development would not, in my opinion, lead to the business having unreasonable restrictions being put upon it and as such would not be contrary to the NPPF in this regard.

Summary

- 11.33 In summary, the increase of 12 dwellings on the site is considered acceptable and compliant with the NPPF and Policies EC3, GN3 and IF2 of the Local Plan.

12.0 RECOMMENDATION

- 12.1 That Planning Permission be GRANTED subject to the following conditions:

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
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 Layout Parcel A 1986 - BR.SP.A.01DGL Rev A received by the Local Planning Authority on 2nd February 2021;
Plan reference The Elton V2.1-ELT4-01 received by the Local Planning Authority on 9th January 2020;
Plan reference Noise barrier Phasing plan 1986 - BR.SP.06.DGL Rev C received by the Local Planning Authority on 22nd November 2019;
Plan reference Reflective Sound Screens received by the Local Planning Authority on 22nd November 2019
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the

materials and should be reflective of those within the surrounding area, unless otherwise agreed in writing by the Local Planning Authority.

The development shall be carried out only in accordance with the agreed schedule of materials and method of construction.

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

4. No 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.

5. The parking provision shown on the approved plans ref 1968-BR.SP.01.1 Rev O shall be provided prior to first occupation of the dwelling to which it relates. The parking area shall be hardsurfaced in porous materials and shall be made available for its intended use at all times thereafter.

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

6. 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.

7. No part of the development hereby permitted shall be used or occupied until the proposed window on the first floor gable elevation on Plot 140 as indicated on drawing V2.1 - ELT4 - 01 Rev A has been glazed with obscure glass to a degree sufficient to conceal or hide the features of all physical objects from view (level 4). The window shall be fixed shut/ top hung/ bottom hung/ side hung and shall be retained as such with level 4 obscure glazing at all times thereafter.

Reason: To protect the privacy and amenity of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

8. 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:

- hard surfaced areas and materials,
- planting plans, specifications and schedules, planting size, species and numbers/densities and a scheme for the timing / phasing of work.
- 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.

9. Notwithstanding the submitted plans, details of the external appearance of the bin store shown on plan ref: 1986-BR.SP.01.1 Rev O shall be submitted to and approved in writing prior to occupation of any dwelling hereby approved.

Reason: To ensure that the external appearance of the bin store 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.

10. 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 for each plot/dwelling before any part of that 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.

11. All noise mitigation measures, including barriers, acoustic glazing, Positive Input Ventilation systems shall be installed as detailed in the Environmental Noise Study by Red Acoustics, Ref: R1226-REP02-PB, dated 28 August 2019; the Noise Barrier Phasing plan and the Reflective Sound Screen detail submitted as part of this planning application.

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.

12. No development approved by this permission shall commence until a scheme for the replacement of the Back Lane Watercourse culvert (underneath Aveling Drive) within the red edge boundary of the wider application site approved under 2016/0706/ARM has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to occupation of any dwelling.

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.

13. No development on the construction phase shall commence until final details of the design and implementation of an appropriate surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:

a) A final surface water drainage layout plan; appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels and external ground levels (in AOD);

b) A full set of flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30 year and 1 in 100 year return period plus an appropriate allowance

for climate change and urban creep. The calculations must also demonstrate that surface water run-off from the application site will not exceed a maximum rate of 60.4l/s;

c) A final site plan showing all on-site surface water catchment areas, i.e. areas that will contribute to the proposed surface water drainage network;

d) Confirmation of how surface water will be managed within the non-drained areas of the site, i.e. gardens and public open space;

e) A final site plan showing all overland flow routes and flood water exceedance routes, both on and off site;

f) Details of any measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses; and

g) Details of an appropriate management and maintenance plan for the surface water drainage network over the lifetime of the development.

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

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.

14. The development hereby approved shall be implemented in accordance with the Seddon Homes Site Specific Flood Risk Assessment and Outline Drainage Strategy dated December 2019 and received by the Local Planning Authority on 6th July 2020.

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.

Notes

1. It is recommended that you review the Secured by Design New Homes 2019 design guide via www.securedbydesign.com so that physical security measures can be incorporated into the dwellings to keep the residents safe and feeling safe.
2. Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.
The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location.
It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.
This assessment solely relates to Cadent Gas Limited, National Grid Electricity Transmission plc (NGET) and National Grid Gas Transmission plc (NGGT) and apparatus.
This assessment does NOT include:
-Cadent and/or National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent and/or National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Plant Protection.

- Gas service pipes and related apparatus
- Recently installed apparatus
- Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is YOUR responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on either the National Grid or Cadent website.

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to Cadent and/or National Grid's easements or wayleaves nor any planning or building regulations applications.

Cadent Gas Limited, NGGT and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you require further assistance please contact the Plant Protection team via e-mail ([click here](#)) or via the contact details at the top of this response.

3. If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.
4. It is strongly advised that for future planning applications, climate change allowances are sufficiently assessed with the FRA. We are satisfied that any such revised FRA for the site would likely demonstrate that a sufficient freeboard is provided and it is for that reason why we have taken the decision to remove our objection for this site at this time.
5. The planning practice guidance to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).
6. We strongly recommend the use of flood proofing and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for

this development, please contact your building control department. In the meantime, if you would like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance.

7. The applicant should be instructed to lay their own private pipe, to United Utilities standards, back to the existing main. If this should involve passing through third party land United Utilities must receive a solicitor's letter confirming an easement, prior to connection.

We can readily supply water for domestic purposes, but for larger quantities for example, commercial/industrial we will need further information.

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.

To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at DeveloperServicesWater@uuplc.co.uk.

Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

8. United Utilities' Property, Assets and Infrastructure

Water mains cross the site. As we need unrestricted access for operating and maintaining them, we will not permit development over or in close proximity to the mains. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', a copy of which is enclosed.

A 160mm PV main appears to run through the location of proposed props number 122 to 126 and close to the rear of 113 and 112. This main will need cutting and capping for an abandonment and a new main putting in the spine road for this site.

The applicant must comply with our 'Standard Conditions' document.

Both during and post construction, there should be no additional load bearing capacity on the main without prior agreement from United Utilities. This would include earth movement and the transport and position of construction equipment and vehicles.

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows:

9. Water assets - DeveloperServicesWater@uuplc.co.uk

Wastewater assets - WastewaterDeveloperServices@uuplc.co.uk

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/>

You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in Warrington please ring 0370 751 0101 to book an appointment.

Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and we do not always show private pipes on our plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

Should this planning application be approved the applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on our website <http://www.unitedutilities.com/builders-developers.aspx>

Reason for Approval

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

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

GN4 - Demonstrating Viability

EC3 - Rural Development Opportunities

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.

No.5	APPLICATION NO.	2020/0510/WL3
	LOCATION	Land To The West Of The River Tawd Summer Street Skelmersdale Lancashire
	PROPOSAL	Installation of a mountain bike track within Tawd Valley Park, Skelmersdale. The area of woodland has informal mountain bike use currently. Land will continue to be used for recreation.
	APPLICANT	West Lancashire Borough Council
	WARD	Skelmersdale North
	PARISH	Unparished - Skelmersdale
	TARGET DATE	21st December 2020

1.0 SUMMARY

- 1.1 This is an application for the installation of a mountain bike track within Tawd Valley Park in Skelmersdale. This area of woodland currently has informal mountain bike use. The track will measure 510m long with a variable width, maximum 1.2m and will be a circular track set within 0.69ha area of woodland. Subject to appropriate conditions, the development would not have an adverse impact on the ecological value of the site, trees, or highway safety. I therefore recommend that planning permission be granted.

2.0 RECOMMENDATION: APPROVE with Conditions

3.0 THE SITE

- 3.1 The site comprises of woodland located in the northern zone of Tawd Valley Park in Skelmersdale. The site is bounded by Our Lady Queen of Peace High School to the West and the River Tawd to the East and North. There is a residential property to the South on Summer Street, a further property to the North on Cobbs Clough Road with further properties on Melbreck to the east. The site is designated as Green Infrastructure and Open Recreation Space.

4.0 THE PROPOSAL

- 4.1 Permission is sought for the installation of a mountain bike track within Tawd Valley Park in Skelmersdale. This area of woodland currently has informal mountain bike use. There will be two trails – a blue grade trail measuring 400m long and a red trail measuring 344m long. The track will measure 510m long with a variable width, maximum 1.2m and will be a circular track set within 0.69ha area of raised woodland. The trail will incorporate seven jumps, an unsealed stone start ramp and the utilisation of a natural hollow for a crater style hole known as a 'bombhole'. The proposed track will follow existing paths from current informal biking but a new access track will be constructed from the existing main footpaths which run through the meadow from Summer Street. The trail will be constructed from stone.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 None.

6.0 OBSERVATIONS OF CONSULTEES

- 6.1 LCC Highways (02.12.20) – No Objections.

- 6.2 Sport England (24.11.20) – No Objections.
- 6.3 MEAS (19.01.21) – No Objections; Conditions recommended.

7.0 OTHER REPRESENTATIONS

- 7.1 Merseyside and West Lancashire Bat Group (MWLBG) (08.11.20) – Unclear which, if any, trees are to be felled (conflicting statements in the Ecology reports). In order to avoid any potential impact to bat roosts due to tree removal, MWLBG recommends a condition is attached to any consent that if any trees are removed/pruned then they should be subjected to a detailed inspection by a qualified bat ecologist prior to felling or pruning. Bat monitoring over 3 years is recommended. Consider there is enough information to determine the application in relation to bats.

8.0 SUPPORTING INFORMATION

- 8.1 Design and Access Statement
Ecological Impact Assessment
Preliminary Ecological Appraisal with Management Recommendations
Coal Authority Report
Proposal Letter
Arboricultural Survey
Construction Phase Plan

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 designated as Green Infrastructure and Open Recreation Space and Tawd Valley Park is designated as Improved Existing Countryside Recreational Facilities in the West Lancashire Local Plan 2012-2027 DPD.

West Lancashire Local Plan 2012-2027 DPD

GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN3 – Provision of Green Infrastructure and Open Recreation Space

Supplementary Planning Advice

SPD – Design Guide (January 2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Principle of Development

- 10.1 Policy EN3 of the West Lancashire Local Plan supports the provision of a network of multi-functional green space including open space, sports facilities, recreational and play opportunities. Policy EN3.2(f) specifically seeks to protect and improve facilities in Tawd Valley Park. Paragraph 96 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

- 10.2 Tawd Valley Park provides a longstanding recreational amenity for the local area. There are both formal and informal paths and as such bike riding is already common throughout grassland and woodland areas. The installation of a formal mountain bike track in an area of woodland already informally used for mountain bike use would allow the space to continue to be used more for recreation purposes. The development would therefore result in an improvement to recreation facilities within Tawd Valley Park. As such, the principle of the proposal would comply with the requirements of policy EN3.
- 10.3 I have consulted Sport England who consulted British Cycling on the proposal and they support the proposed development as it will add value to the area and enhance and formalise an area which is currently used informally for recreational mountain biking. The proposal would also encourage physical activity in the local area.

Siting and Appearance

- 10.4 In terms of its siting, it is accepted by virtue of its nature, that the development requires a woodland/park location. The proposal will also encourage enjoyment of Tawd Valley Park which complies with the aims of policy EN3.2(f). Due to being sited within existing woodland, the wider impact of the development would be low. The site is accessed via a series of existing footpaths and cycleways in the area and a small 10m long path will be created to link the trail to the existing footpath and improve accessibility for users. The track would follow current informal paths within the site to minimise its impact. The track would be surfaced with stone aggregate materials providing a natural and appropriate finish in keeping with its setting. All features forming the technical trail features at points along the track – such as the start ramp, bumps or small ramps would be formed from natural materials including boulders and logs. Any engineering works to re-profile the site will be minimal as the trail will generally follow the existing levels across the site but where re-profiling of the levels is required to create ramps, they would be no more than 1m high. Overall, the siting and appearance of the trail in this location is considered to be acceptable and in accordance with policy GN3 of the Local Plan.

Impact on Ecology

- 10.5 The site is within Tawd Valley Park Biological Heritage Site (BHS) which is designated in part for ancient semi-natural woodland and species-rich meadows. An *Ecological Impact Assessment* has been undertaken at the application site and an additional *Preliminary Ecological Appraisal with Management Recommendations* has been undertaken at the adjacent site known as Summer Street Meadow.
- 10.6 The bike track has been designed to minimise potential impacts by largely reusing informal tracks and by locating the proposed bike track location to an area of lesser ecological value and by using sensitive construction methods to reduce ecological impacts. This is welcomed by MEAS. However, it is acknowledged the introduction of a bike track will lead to a more intensive use of the area. There is potential for construction-related traffic and materials to damage habitats in the immediate vicinity of access tracks, and whilst much of this activity is likely to be small-scale and short-term, it is not known what vehicle size will be used and if large shrubs or trees will require removal along the access track. The storage compound and works access track will be located along a footpath which also requires a new 10m haul road. This area is outside of the BHS and proposed construction methods are not likely to significantly impact upon nearby woodland or grassland habitats. The proposal has been designed to avoid areas of dense native holly scrub and more mature woodland. However, as the submitted ecological and Arboricultural reports do not contain tree and habitat losses from the proposed development, it must be assumed trees within the woodland may be felled to facilitate the

bike track. The loss of trees within the woodland and inclusion of the bike track would lead to an area of BHS becoming degraded.

- 10.7 This application proposes direct compensation for habitat losses as a result of this development, by enhancing an unmanaged grassland, known as Summer Street Meadow, which is located immediately east of the site, across the River Tawd. The plans aim to use a mixture of managed woodland succession, scrub and grassland planting to provide 3.4ha of semi-natural woodland and meadow/glade. MEAS advise the proposed compensation measures can be accepted but a full and detailed Habitat Management Plan for both the woodland and compensation site, which covers management of the site in perpetuity (or a minimum of 25 years) is required. This can be secured by planning condition.
- 10.8 Trees along the line of the access roads and the proposed bike track were assessed as of negligible bat potential. This is accepted, however, identification of trees to be felled for the proposal is yet to be finalised and due to the dynamic nature of trees and transient roosting habits of bats, pre-commencement checks by a licensed ecologist for those trees due for felling will be secured by planning condition. Subject to an appropriate condition to secure this MEAS are satisfied that the development would not have a harmful impact on protected species.
- 10.9 Subject to appropriate planning conditions, I am satisfied that the development would not have an unacceptable impact on protected sites or species and that the proposal complies with Policy EN2 in the Local Plan.

Impact on Trees

- 10.10 An Arboricultural Impact Assessment (AIA) has been submitted as the site consists of woodland in Tawd Valley Park. Historically, the site has been agricultural up to the middle of the 20th century, prior to the new town development and comprises of semi natural woodland with 1960's plantation woodland, typical of the New Town development, accounting for the majority of the site. There will be no direct impact to ancient woodland. The proposal will lead to a more intensive use of the area and mitigation measures for the woodland surrounding the bike track will be required as part of a Habitat Management Plan. It is considered the recommended measures of thinning and sycamore removal, contained within the Arboricultural Survey report are appropriate, alongside more general monitoring to determine required actions throughout the lifetime of the development and can be undertaken alongside any existing woodland management. The AIA concludes that, although some root damage is inevitable, the potential loss is low. Overall, the benefits to the community, will outweigh any possible damage to the trees. The Council's Tree Officer concurs with this conclusion due to the young age of the woodland and tree species involved. The proposed compensation measures at Summer Street Meadow, along with a long term woodland management plan will ensure the character and visual amenity of the woodland will be retained.

Highways

- 10.11 The site is accessed via a series of existing footpaths and cycleways in the area. Approx. 400 tonnes of stone will need to be imported to the site and will be stored on Summer Street in a fenced compound. The stone will be transported to the site along the existing footpath. Access off the existing path onto the trail would be via the creation of a 10m stone path which will remain after the works and be used as the entrance to the trail to improve accessibility. LCC Highways have been consulted and have no objection as they are of the opinion that the proposed development would have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

- 10.12 The nearest vehicular access is from Summer Street but it is anticipated the majority of users will travel to the facility via bicycle as the site is connected to nearby cycle routes and footpaths. The nearest car parks for the site are located in the Town Centre (such as the concourse) where users can then travel along the signposted cycleway within the park to the proposed mountain bike track. As a result it is not considered that the new track would be likely to result in a significant increase in demand for parking near the site, as the majority of riders would be using the track as part of a wider route. As a result, the development is considered acceptable with regards to parking impacts.

Impact upon neighbouring properties

- 10.13 The site is situated immediately to the north east of Our Lady Queen of Peace Catholic High School and Engineering College, and to the north of Glenburn Cottage on Summer Street and to the south of Rogers Farm on Cobbs Clough Road. Whilst the site is visible from these properties, given the existing use of the site and taking into account the distance from the two residential properties, I consider the bike track, once operational will not have an adverse impact on the amenity of surrounding residential properties and complies with Policy GN3 of the Local Plan.

Drainage

- 10.14 The site is located within Flood Zone 1 and is bound by the River Tawd to the north of the site. The Councils Principal Engineer is of the view that due to the nature of the proposal there would be no unacceptable flood risk or drainage issues relating to this development.

Conclusion

- 10.15 In summary, the proposal satisfactorily meets the requirements of Policies GN1, GN3, EN3, 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

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:
Plan reference Site Location Plan received by the Local Planning Authority on 19th June 2020
Plan reference Sections TAW002 Rev 1 received by the Local Planning Authority on 14th July 2020
Plan reference Track Sections TAW003 Rev 1 and Site Layout Plan TAW001 Rev 6 received by the Local Planning Authority on 20th January 2021.
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

3. No development shall commence until a Habitat Management Plan for both the application site and Summer Street Meadow compensation site has been submitted to and approved in writing by the Local Planning Authority. The Habitat Management Plan shall cover management of the site in perpetuity (or a minimum of 25 years). The Plan should include the following:
Description and evaluation of the features to be managed;
Ecological trends and constraints on site which may influence management;
Aims and objectives of management;
Appropriate management options for achieving aims and objectives;
Prescriptions for management actions;
Preparation of a work schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
Personnel responsible for implementation of the plan;
Confirmation of funding and ownership; and
Details of a programme of monitoring and remedial measures triggered by monitoring.
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.
4. No development shall commence until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall propose measures to mitigate environmental biodiversity effects during the construction phases of the proposed development and, amongst other things, should include details of ecological mitigation, and pollution prevention.
The EMP will be expected to include the agreed method statements to mitigate or avoid adverse environmental impacts:
Reasonable Avoidance Measures for protection of hedgehog;
Treatment and removal of the invasive species Himalayan balsam;
Measures to reduce dust, waste and pollution to sensitive habitats, in particular the River Tawd;
Breeding birds - no tree or scrub removal between 1 March and 31 August inclusive, unless informed by a suitably qualified ecologist;
If lighting is proposed - a lighting scheme designed to protect ecology and does not result in excessive light spill onto retained habitats.
The development shall be implemented in accordance with the approved details.
Reason: These details are required prior to the commencement of development to as the proposed development may result in the loss of ecological habitat and as such precautions are required during the construction phase in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. No tree shall be felled, uprooted, lopped, topped or removed until a pre commencement check by a licensed ecologist has been carried out.
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

Reason for Approval

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

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN3 - Provision of Green Infrastructure and Open Recreation Space

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

No.6	APPLICATION NO.	2020/1076/FUL
	LOCATION	44 Dingle Road Up Holland Skelmersdale Lancashire WN8 0EW
	PROPOSAL	Demolition of existing outrigger and erection of single storey side and rear extension with associated external works.
	APPLICANT	F2 Developments Ltd
	WARD	Up Holland
	PARISH	Up Holland
	TARGET DATE	2nd February 2021

1.0 REFERRAL

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

2.0 SUMMARY

- 2.1 The proposal for a single storey rear and side extension is considered acceptable in design terms. It is considered that the proposal would not lead to an unreasonable loss of amenity for neighbouring properties. The application is therefore considered to be compliant with the relevant policies in the NPPF, the adopted West Lancashire Local Plan, and the West Lancashire Design Guide SPD.

3.0 RECOMMENDATION: APPROVE subject to conditions.

4.0 THE SITE

- 4.1 The property is a semi-detached dwelling, located in Up Holland within a residential area. The property has a rear outrigger (kitchen) and a hard surfaced drive to the side. The property's roof is slate tiles with brown PVCu windows to the front and white PVCu windows to the side and rear, with red brickwork and white render. The site slopes gradually down from west (Dingle Road) to east (rear garden). Rear boundaries are provided by way of timber fencing.
- 4.2 The property has immediate neighbours to either side of the property, at 42 and 46 Dingle Road. To the rear of the site is Dingle Avenue.

5.0 THE PROPOSAL

- 5.1 The proposal is for the demolition of the existing rear outrigger and erection of a single storey side and rear extension with associated external works.
- 5.2 The proposed side extension would begin just over half-way down the length of the existing property and so would be set back from the front elevation of the property. The proposed site layout plan confirms that the side extension will meet the boundary with no. 42. The side extension would measure approximately 2.4 metres wide by 7.6 metres in length, with a height to the eaves of approximately 2.7 metres and a height to the ridge of 3.6 metres.
- 5.3 The proposed rear extension runs almost the full width of the existing property, and then continues to extend to the side. To make way for the proposed extension, an existing outrigger measuring approximately 2.4 metres in depth by 2.3 metres in width would be

demolished. The plans show the proposed extension would be L shaped. The length of the extension closest to the party boundary with number 46 would be 3.15 metres and this part of the extension would have a width of 3.6 metres before 'stepping out' and projecting a depth of 4.3m for a width of 4.9m. The proposed rear extension would have a height of approximately 3.4 metres to the eaves and 4.5 metres to the ridge.

6.0 PREVIOUS RELEVANT DECISIONS

6.1 None.

7.0 CONSULTEE RESPONSES

7.1 NEIGHBOUR (46 Dingle Road): Objects on grounds of loss of light and overshadowing of back living room and rear patio, as well as overlooking / loss of privacy to rear of property.

8.0 OTHER REPRESENTATIONS

8.1 None.

9.0 SUPPORTING INFORMATION

9.1 None.

10.0 RELEVANT PLANNING POLICIES

10.1 The application site is located within the Regional Town of Skelmersdale with Up Holland as designated in the West Lancashire Local Plan Proposal Map.

National Planning Policy Framework (NPPF)

West Lancashire Local Plan 2012-2027 DPD

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

Supplementary Planning Document - Design Guide (January 2008)

The above policy references are available at:

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

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Visual appearance / design / layout

11.1 Local Plan Policy GN3, along with the Council's Design Guide SPD, provides criteria for the design and layout of development, including that it should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. Extensions should be subservient in size, scale and mass to the original dwelling house and should never dominate or be disproportionate to an existing property.

The proposed extension would be located to the rear and side of the property, and would therefore be partly visible from the street scene. The proposed extension would be single storey, with a roof height lower than that of the main dwelling, and would be subservient in size, scale and mass to the original dwelling. The side extension would be set considerably back from the front elevation of the main dwelling so would not dominate the existing property. As the development would be single storey, it would continue to provide

appropriate separation distance and spacing between the dwellings to maintain the character of the street scene.

With regard materials, the application confirms that the facing brickwork will match the existing.

The proposal will not affect trees, hedges or parking provision. There remains sufficient on-drive parking due to the positioning of the proposed extension.

Given the above, it is considered that the design, layout and appearance of the proposed extension is acceptable and satisfies the requirements of Policy GN3 of the West Lancashire Local Plan and the West Lancashire Design Guide SPD.

Impact on residential amenity / neighbours

- 11.2 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 proposed and neighbouring properties. The Design Guide SPD explains that extensions must have consideration for the amenity of the neighbouring properties in terms of overlooking, overshadowing and overbearing impact.

The West Lancashire Design Guide SPD states that overshadowing may occur where a single storey rear extension alongside a common boundary projects outwards, beyond the neighbours own building, by more than 4m.

The neighbouring property (no.46) is of similar existing design to no.44 with a small rear outrigger and patio area between the outrigger and party boundary. The neighbouring occupants have raised concerns about shadowing over the patio and a reduction of light into their rear living room.

It is acknowledged that their existing outrigger (projecting approximately 2.4m from their rear elevation), together with this proposal, poses a small risk of creating a tunnelling effect. However, that outrigger is set 3.8m in from the boundary with no. 46 and so it is considered that this proposal should not result in an unacceptable loss of light as reasonable width for light remains.

Furthermore, the proposed extension, immediately along the common boundary, will not project more than 4m beyond the neighbours (no.46) property, having a depth of 3.15 metres adjacent to the party boundary and so the design is in accordance with the requirements of the Design Guide SPD. Whilst the proposed extension exceeds 4m from the rear in part, that element is set in from the common boundary of no.46 by more than 3.5m. Given the lean to roof design and limited projection, I am satisfied that the proposed extension would not result in significant overshadowing or be overbearing to the neighbouring property.

With regard the other neighbouring property (no.42), the proposed side/rear extension will be built up to the common boundary. No.42 has a small lean to store built against the gable of the dwelling, and adjoining the common boundary. The rear of the store is flush with the rear of the dwelling itself. The proposed extension at no.44 projects 4.5m from the rear of the adjacent store. This relationship is considered satisfactory and the single storey design of the proposed extension ensures that it would not overshadow the neighbouring garden or be overbearing in relation to the adjoining property. Whilst there were originally side facing windows in the neighbour's store these have now been boarded up. The proposed extension would include two sets of doors facing into the rear garden,

and there are no side windows proposed. Thus, there are no concerns in respect of the impact on privacy on neighbouring properties.

I am satisfied that the proposed extension maintains a satisfactory level of residential amenity for future residents of the host property and existing residents adjoining the site and that the proposal complies with Policy GN3 in the Local Plan and the Council's SPD Design Guide.

CONCLUSION

- 11.3 Given the above, it is considered that the proposal will not have a detrimental impact on the appearance of the host property or the amenity of neighbouring residents. As such the proposal complies with WLLP Policy GN3 and the Design Guide SPD.

12.0 RECOMMENDATION

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

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
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:
Location plan, AP—001, Received by the LPA 16 November 2020
Existing site layout, AP—002, Received by the LPA 16 November 2020
Proposed site layout, AP—003 Rev A, Received by the LPA 8 December 2020
Existing floorplans, AP—100, Received by the LPA 16 November 2020
Proposed floorplans, AP—300, Received by the LPA 16 November 2020
Existing elevation plans, AP—200, Received by the LPA 16 November 2020
Proposed elevation plans, AP—400, Received by the LPA 16 November 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 materials to be used on the external surfaces of the extension hereby permitted shall match those of the existing building in type, size, colour and texture. If the applicant or developer has any doubts as to whether the proposed materials do match they should check with the Local Planning Authority before commencement of the building works.
Reason: To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Reason for Approval

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

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

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.

