



Jacqui Sinnott-Lacey  
Chief Operating Officer

52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

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Tuesday 30 June 2020

**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, 9 JULY 2020 at 7.00 PM** at which your attendance is requested. A Skype meeting request will be sent to individual Members of the Planning Committee. The meeting will also be available to view for members of the public via Webcast on the Council's website.

Yours faithfully

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

Jacqui Sinnott-Lacey  
Chief Operating Officer

**AGENDA**  
**(Open to the Public)**

- 1. APOLOGIES**
- 2. MEMBERSHIP OF THE COMMITTEE**  
To be apprised of any changes to the membership of the Committee in accordance with Council Procedure Rule 4.
- 3. URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN**  
Note: No other business is permitted unless, by reason of special circumstances, which shall be specified at the meeting, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

- |           |  |         |
|-----------|--|---------|
| <b>4.</b> | <b>DECLARATIONS OF INTEREST</b><br>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.)  | 1 - 2   |
| <b>5.</b> | <b>DECLARATIONS OF PARTY WHIP</b><br>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. |         |
| <b>6.</b> | <b>MINUTES</b><br>To receive as a correct record the minutes of the meeting held on the 18 June 2020.  | 3 - 6   |
| <b>7.</b> | <b>PLANNING APPLICATIONS</b><br>To consider the report of the Corporate Director of Places and Community.  | 7 - 12  |
| 7a        | <b>2019/0747/FUL - BUNGALOW FARM, HEATONS BRIDGE ROAD, SCARISBRICK</b><br>To consider the report of the Corporate Director of Place and Community.   | 13 - 32 |
| 7b        | <b>2019/1182/ARM - SITE OF FORMER YEW TREE FARM, LIVERPOOL ROAD SOUTH, BURSCOUGH</b><br>To consider the report of the Corporate Director of Place and Community.   | 33 - 56 |

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

**REMOTE MEETINGS GUIDANCE : Please see attached sheet.  
MOBILE PHONES: These should be switched off or to 'silent' at all meetings.**

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



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

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

### **Interest**

Employment, office, trade, profession or vocation

Sponsorship

### **Prescribed description**

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

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

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

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

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

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

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

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

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

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

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

**'a connected person'** means

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

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

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

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

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



# Agenda Item 6

## PLANNING COMMITTEE

**HELD:** Thursday, 18 June 2020

Start: 7.00 pm

Finish: 9.10 pm

### PRESENT:

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

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

In attendance: Councillor M Mills (Halsall Ward)

Officers: Ian Gill, Head of Growth and Development  
Catherine Thomas, Development, Heritage and Environment Manager  
Jacky Denning, Member and Executive Services Manager  
Mark Loughran, Principal Planning Officer  
Nicola Cook, Senior Planning Officer  
Judith Williams, Assistant Solicitor  
Jill Ryan, Member Services/Civic Officer

### 150 APOLOGIES

There were no apologies for absence received.

### 151 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillor N Delaney and the appointment of Councillor S Gregson for this meeting only, thereby giving effect to the wishes of the Political Groups.

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

There were no items of urgent business.

### 153 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

### 154 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

155 **MINUTES**

RESOLVED: That the minutes of the meeting held on the 21 May 2020 be approved as a correct record and signed by the Chairman.

156 **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 1083 to 1148 of the Book of Reports and on pages 1149 to 1152 of the Late Information Report.

(Notes:

1. An Objector spoke in connection with planning application 2019/0980/FUL relating to 67 Gaw Hill Lane, Aughton.
2. Parish Councillor Assheton spoke on behalf of Halsall Parish Council in connection with planning application 2019/0991/FUL relating to Fine Jane's Farm, Moss Road, Halsall.
3. In accordance with Regulatory Procedure Rule 7(b) Councillor Mills spoke in connection with planning application 2019/0991/FUL relating to Fine Jane's Farm, Moss Road, Halsall.
4. The Agent spoke in connection with Fine Jane's Farm, Moss Road, Halsall.
5. Two Objectors and the Agent spoke in connection with 31 Becconsall Lane, Hesketh Bank.
6. 1 Objector and the Agent spoke in connection with Newlyn, Course Lane, Newburgh.)

157 **2019/0980/FUL - 67 GAW HILL LANE, AUGHTON, LANCASHIRE**

RESOLVED: That planning application 2019/0980/FUL relating to 67 Gaw Hill Lane, Aughton be approved subject to the conditions as set out on pages 1091 to 1094 of the Book of Reports.

158 **2019/0892/FUL - LAND TO THE SOUTH OF STOPGATE LANE, SIMONSWOOD, LANCASHIRE**

RESOLVED: That planning application 2019/0892/FUL relating to Land to the South of Stopgate Lane, Simonswood, Lancashire be approved subject to the conditions as set out on pages 1104 to 1109 of the Book of Reports.

159 **2019/0991/FUL - FINE JANE'S FARM, MOSS ROAD, HALSALL, SOUTHPORT, LANCASHIRE**

RESOLVED: That in respect of planning application 2019/0991/FUL relating to Fine Jane's Farm, Moss Road, Halsall, Southport:

- (i) That the decision to grant planning permission be delegated to the Corporate Director of Place and Community in consultation

with the Chairman or Vice-Chairman of the Planning Committee subject to the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 to secure:

The payment of £120,925.80 as a contribution towards secondary school places within Lancashire;

Maintenance and management of public open space; and

The terms and conditions of the affordable housing provision.

- (ii) That any planning permission granted by the Corporate Director of Place and Community be pursuant to the conditions as set out on pages 1119 to 1126 of the Book of Reports and with the amendment to condition no. 7 as set out on page 1150 of the Late Information Report.

160 **2019/0867/FUL - 31 BECCONSALL LANE, HESKETH BANK, PRESTON, LANCASHIRE**

RESOLVED: That in respect of planning application 2019/00867/FUL relating to 31 Becconsall Lane, Hesketh Bank, Preston:

- (i) That the decision to grant planning permission be delegated to the Corporate Director of Place and Community in consultation with the Chairman or Vice-Chairman of the Planning Committee subject to the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 to secure:

The terms and conditions of the affordable housing.

- (ii) That any planning permission granted by the Corporate Director of Place and Community be pursuant to the conditions as set out on pages 1135 to 1139 of the Book of Reports.

161 **2020/0214/FUL - NEWLYN, COURSE LANE, NEWBURGH, LANCASHIRE**

RESOLVED: That planning application 0214/FUL relating to Newlyn, Course Lane, Newburgh be approved subject to the conditions as set out on pages 1145 to 1147 of the Book of Reports.

162 **CHANGE OF DATE AND ADDITIONAL PLANNING COMMITTEE**

RESOLVED: That the changes to the July dates of Planning Committee be noted.

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**Chairman**





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

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

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**SUBJECT: PLANNING APPLICATIONS**

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### **Background Papers**

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

### **Equality Impact Assessment**

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

### **Human Rights**

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

## CONTENT SHEET

<u>Report No</u>	<u>Ward</u>	<u>Appn No</u>	<u>Site Location &amp; Proposal</u>	<u>Recommendation</u>
1	Scarisbrick	2019/0747/FUL	<p>Bungalow Farm Heatons Bridge Road Scarisbrick Lancashire L40 8JQ</p> <p>Construction of a mushroom farm in conjunction with the agricultural business, Smithy Mushrooms Limited, to include portal frame buildings, car parking, hardstanding and sustainable drainage system.</p>	<b>Planning permission be granted.</b>
2	Burscough West	2019/1182/ARM	<p>Site Of Former Yew Tree Farm Liverpool Road South Burscough Lancashire</p> <p>Approval of Reserved Matters - Phased development of 267 dwellings including details of appearance, landscaping, layout and scale. Discharge of Condition Nos. 5, 8, 14, 16, 18, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 35 from outline planning permission 2015/0171/OUT.</p>	<b>Reserved Matters be approved.</b>



## **PLANNING COMMITTEE**

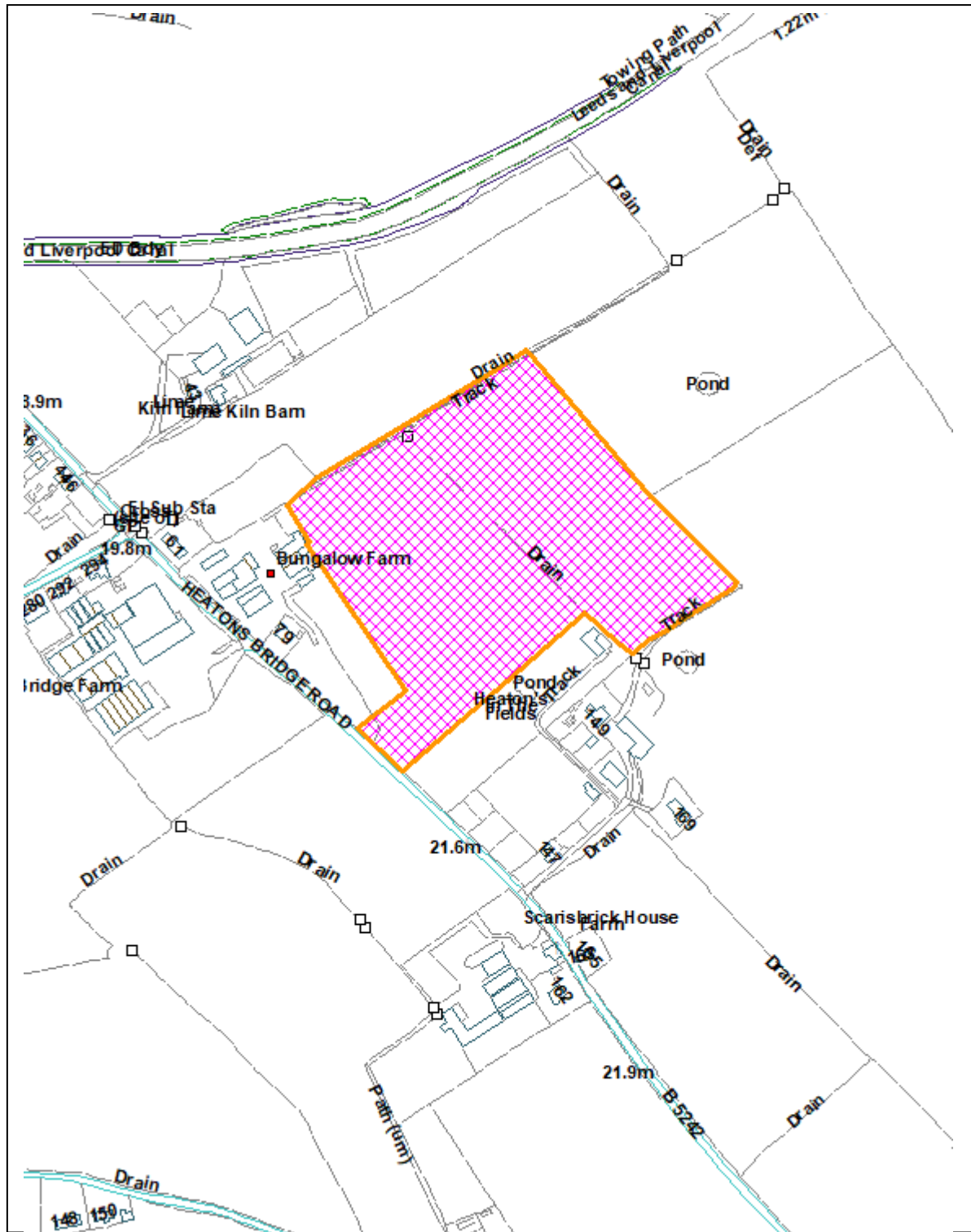
**09 July 2020**

**(Agenda Item 7)**

**PLANNING APPLICATION ITEMS**

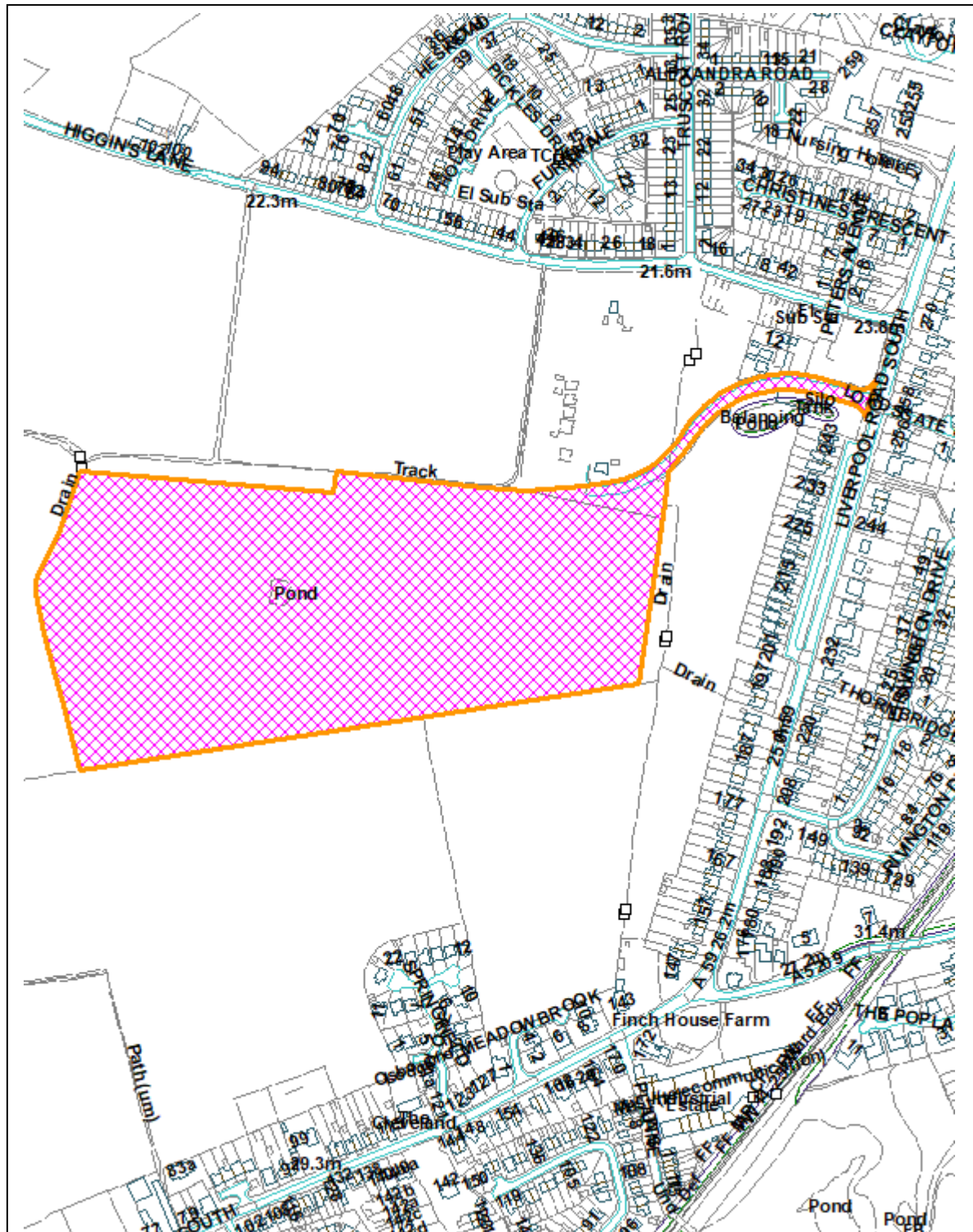
**LOCATION PLANS**

Bungalow Farm, Heaton's Bridge Road, Scarisbrick, L40 8JQ.





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





<b>No.1</b>	<b>APPLICATION NO.</b>	2019/0747/FUL
	<b>LOCATION</b>	Bungalow Farm Heatons Bridge Road Scarisbrick Lancashire L40 8JQ
	<b>PROPOSAL</b>	Construction of a mushroom farm in conjunction with the agricultural business, Smithy Mushrooms Limited, to include portal frame buildings, car parking, hardstanding and sustainable drainage system.
	<b>APPLICANT</b>	Smithy Mushrooms Limited
	<b>WARD</b>	Scarisbrick
	<b>PARISH</b>	Scarisbrick
	<b>TARGET DATE</b>	12th November 2019

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## 1.0 **SUMMARY**

1.1 The application relates to construction of a mushroom farm in conjunction with the existing Smithy Mushrooms Limited business at Smithy Lane, Scarisbrick. The proposed development is for the purposes of agriculture and is therefore appropriate development in the Green Belt. Various reports in respect of technical matters, including drainage, highways, noise and odour have been submitted for consideration with the application, and following assessment it has been found that the proposed development would be acceptable and would not give rise to significant adverse impacts in respect of these matters. Following submission of further ecology information I consider that there would not be any significant ecological impacts as a result of the proposed development. Whilst the development would result in a noticeable visual impact, I consider the impact on landscape character to be limited as large scale agricultural buildings are common within the Borough. The scheme would deliver economic benefits to the rural economy and facilitate the expansion of an existing local business. In my view the proposal complies with the relevant policies of the National Planning Policy Guidance and West Lancashire Local Plan.

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

## 3.0 **THE SITE**

3.1 The application site is located to the south of the Leeds and Liverpool Canal, to the southeast of Heatons Bridge. Access to the site is currently taken via a field access direct from Heatons Bridge Road. The site is currently open land, and is located in part to the rear of existing agricultural buildings.

3.2 The site is located on the edge of the settlement of Heatons Bridge, which is sited around Heatons Bridge Road and Smithy Lane, with the main residential area being on the west side. The settlement includes commercial uses including a vehicle repair garage, public house, holiday park, and a cluster of light industrial units on Smithy Lane. Heatons Bridge Farm is a distributor centre for the export of farm produce to the catering trade.

3.3 There are residential properties to the south east, south west and west of the site. The site is located to the east of the detached residential properties at 61a and 79 Heatons Bridge Road.

## 4.0 **THE PROPOSAL**

4.1 Smithy Mushrooms Limited (SML) currently have a facility located off Smithy Lane which is approximately 390m to the west of Heatons Bridge Road. SML are a leading grower

specialising in exotic mushrooms such as oyster, shiitake and coral mushrooms, supplying large retailers such as Marks and Spencer, Booths and Tesco. They also supply major food service wholesalers and food processors/ready meal companies. SML has exceeded capacity at its existing site and propose to expand further by creating purpose built facilities at the application site.

- 4.2 The application proposes construction of a mushroom farm and would include the erection of portal frame buildings and the installation of a formal access, car parking and associated hardstanding. The proposed mushroom farm would be in conjunction with the existing SML business rather than a replacement facility. SML are seeking to expand their business by providing a purpose built growing and incubation room, office, laboratory, plant room, cold store, packing area, and boiler room. The building would extend to approximately 17,561 m<sup>2</sup> on site, and would be located adjacent to the north and west boundaries of the site. The buildings would have a maximum height of approximately 7.9m.
- 4.3 Access to the site would be taken from Heaton's Bridge Road. There would be a total of 58 car parking spaces (in addition to those at the existing site), and an area for the loading and unloading of lorries. To the west of the proposed building would be a surface water attenuation basin.

## **5.0 PREVIOUS RELEVANT DECISIONS**

- 5.1 No relevant planning history.

## **6.0 CONSULTEE RESPONSES**

- 6.1 Canal and River Trust (22.08.19) – No comment.
- 6.2 United Utilities (10.09.19) – No objection.
- 6.3 Environmental Protection, Contaminated Land (13.09.19) - No objection.
- 6.4 Highway Authority (09.12.19) – No objection.
- 6.5 Merseyside Environmental Advisory Service (17.10.19, 14.01.2020 and 19.06.2020) - No objection.
- 6.6 Natural England (06.01.2020) – Appropriate Assessment required.
- 6.7 Environmental Protection (16.10.2020 and 26.06.2020) – No objection.
- 6.8 Lead Local Flood Authority (09.06.2020) – No objection.

## **7.0 OTHER REPRESENTATIONS**

- 7.1 Representations in support of the proposals have been received, these can be summarised as:

Support for a business which is responding to consumer needs;  
The business is a success and defying the Brexit slump;  
The development would provide opportunities for the future benefit of people wishing to work and live in a rural area;  
The business deserves funding and help;  
The development is agricultural and therefore appropriate in the countryside;

Many of the surrounding fields have become poor for wildlife, especially those given over to turf farms;

Evidence of Whooper Swans should be treated with caution as some of the photographs supplied are not within the application site;

Swans/geese visit fields in the area where potatoes are available as a food source. Potatoes are only grown on Land at Bungalow Farm once every 6-7 years in rotation, and when grown, are early varieties so land is ploughed and re-drilled with a winter cereal crop before swan breeding season begins. Therefore, geese and swans do not visit the application site every year;

Development would improve drainage in the area, and attenuation will reduce the risk of future flooding where it currently appears to be a problem;

The process of growing exotic mushrooms does not lead to odour;

Up to date heating and cooling systems will be used to ensure green credentials;

Many other businesses in West Lancashire grow produce above the ground rather than in it, for example, tomatoes, strawberries, pak choi and lettuce.

## 7.2 Objections to the application have been received, these can be summarised as:

It is a factory use which should be located on an industrial estate;

Log manufacture is not an agricultural practice;

Impact on the Green Belt;

The land may eventually become a brownfield site;

Visual impact;

The size of the development would be out of keeping in the local area;

The current site is leased with no long term security and therefore the argument for siting the development close to the existing is not valid;

SML currently import more mushrooms than reported;

Landscaping will not detract from the size of the building;

The land will become derelict when the mushroom farm is no longer in use;

This proposal is only Phase 1 of a 3 phase program;

An extraordinary Local Plan Review meeting should be held to find a suitable alternative site;

Loss of Grade 1 Agricultural Land;

Coronavirus has had an impact on farmers and increased demand for UK grown vegetables and potatoes as supplies from Europe have been suspended. Therefore, best and most versatile land should be protected;

Laying of concrete means that the land can never be reverted to agriculture;

Local farmers have diversified into producing kale and spring cabbage; if planning permission is granted the land would become less diverse, producing only one type of crop;

Increased trees as a result of landscaping on the site could increase numbers of pigeons in the locality, which eat kale and spring cabbage crops. Use of bird scarers or gas guns cause issues of antisocial behaviour;

Impact on pedestrian safety from increased vehicular movements including HGVs;

Children attending St Mary's Catholic Primary School have to cross Hall Road which is a hazard and will be worsened by the proposed development;

There have been a greater road traffic incidents than reported in the Transport Assessment;

The roads are narrow country lanes and need widening;

A bus and a HGV cannot pass on the roads;

Bus routes would be jeopardised by the development as the road is already a challenge to local bus drivers as a result of the amount of HGVs;

The surrounding road network is already damaged with potholes and damaged grids etc.;

The bus stop that would be used by future employees is inadequate as it is sited in an area of no pavement or street lighting;

Current speed limits and lack of pavements and street lighting mean the surrounding road network is not safe for pedestrians or cyclists;  
 Detailed access plans are required;  
 The expansion of Shaw Hall Holiday Park will increase highway problems;  
 Caravan delivery to Shaw Hall impacts on the road network;  
 Local workforce will not benefit as workers tend to be migrant;  
 Inadequate draining resulting in flooding;  
 The development will increase flooding in the area which will have an impact on local farming of winter vegetables (cabbage, leek and potatoes);  
 New housing developments in Burscough and Southport have caused flooding issues;  
 If the proposed culvert is not maintained and blocks it could lead to flooding which would result in loss of crops;  
 Increased noise and disturbance;  
 Impact on Pink Footed Geese, Whooper Swans and other birds;  
 There are approximately 3 badger setts and also water voles in the locality;  
 Impact on bats, owls, sparrow/kestrel hawks and hares;  
 From the end of December 2019 to mid-January 2020 there has been in excess of 180 whooper swans on the site;  
 The ecology report is inadequate as there are several red listed bird species on and around the proposed site, including, the English grey partridge, Yellowhammers, Corn Buntings, skylarks and lapwings  
 Additional survey work should be carried out on newts, frogs, water voles, hedgehogs and foxes;  
 Odour;  
 The odour report is flawed;  
 Light pollution;  
 Air pollution;  
 Noise pollution;  
 A global emergency has been declared due to climate change and as such it would be more practical and environmentally friendly to site a factory nearer to a motorway network;  
 The development is not sustainable;  
 The development will increase the amount of electricity cut outs in the area;  
 Non-recyclable waste created would increase with the scale of development;  
 Where will the water required for the process of growing mushrooms come from?;  
 Construction should not lead to increase in dust during the construction phase which may impact on the ventilation system at Bungalow Farm;  
 Mental health and well-being of families that live near to the site will be affected as a result of the development;  
 House prices will be affected;  
 Scarisbrick would be a less desirable place to live;  
 There is a risk of explosion from autoclaves.

7.3 Scarisbrick Parish Council have objected to the proposed development. Their objections can be summarised as:

Drainage strategy lacks detail and the proposed culvert is contrary to guidance issued by the Lead Local Flood Authority;  
 There would be trade effluent containing contaminants that could pollute the water course;  
 The development may lead to land being waterlogged and exacerbate downstream flooding;  
 The ecology surveys are inadequate;  
 Feeding grounds for Pink Footed Geese are being progressively lost;  
 There is no lighting information;  
 Diversion and culverting of watercourses will impact ecology in the short and long-term;

The sequential approach to site selection lacks formal evidence and the site requirements are highly specific and lack flexibility;

The Sequential Assessment submitted with the application is not fit for purpose as it does not investigate the use of lower grade farmland;

The development is inappropriate in the Green Belt and as a result of its size will cause harm to openness;

Very special circumstances outweighing harm have not been identified and the employment opportunities have been over-exaggerated;

The Landscape and Visual Impact Assessment is biased and fails to take account of the positive attributes of the site itself;

The development fails to appreciate the intrinsic character and beauty of the countryside and is not sympathetic to local character and history;

Residential amenity will be impacted by noise;

The issue of loss of 'natural capital' (soil) has not been addressed. The NPPF states that soils should be protected and the economic and other benefits of best and most versatile agricultural land must be recognised in planning decisions. Considerations with regard to appropriateness within the Green Belt and/or definitions of agriculture are not relevant to this requirement;

The Transport Assessment is flawed in its methodology, particularly in relation to anticipated vehicle movements;

Road safety fears have been dismissed and do not reflect the daily experience of residents who have supplied evidence to illustrate concerns;

The visibility splays are out of the Applicant's control;

The carriageway is too narrow;

Car parking arrangements are contrary to the NPPF and Policy GN3 and Policy EN2 of the Local Plan;

The visibility splays are not achievable on site because of an existing hedge, and it would not be appropriate or enforceable to impose a planning condition which requires maintenance of the hedge;

The extent of car parking proposed in a rural setting is unacceptable;

Accident statistics are incomplete, and therefore the conclusions drawn inaccurate;

The applicant suggests that cycling is viable means of accessing the site, but local roads are unsafe for cyclists;

The bus information included in the Transport Assessment is flawed;

The site is not accessible on foot;

The Transport Assessment is not carried out to industry standard and does not include impact from approved developments that have not been completed;

The site could not be considered as accessible by cycle, bus or on foot;

There is a water main at the access point of the proposed development, which is a live trunk main carrying the supply of potable water to the village of Banks and beyond. United Utilities have a restrictive covenant on this and statutory rights for inspection, maintenance and repair. Feasibility of the access is affected by this.

7.4 Wrightington Parish Council object to the proposed development, their objections can be summarised as:

The development would be larger than many of the storage and distribution facilities in the locality;

It would generate a lot of HGV movements to and from the M6 and have a significant detrimental impact on communities along the route, including Wrightington;

The Transport Assessment is evasive in terms of vehicle movements;

The produce is perishable and so the facility will run on a 24 hour basis;

The site is Green Belt and Grade 1 agricultural land, and the land could never revert back;

The development should be located on an industrial estate.

- 7.5 Newburgh Parish Council - object to the proposed development because of concern about additional HGV traffic.
- 7.6 Burscough Parish Council - object to the proposed development because of the potential detrimental impact on roads in Burscough.
- 7.7 Campaign to Protect Rural England object to the proposed development, their objections can be summarised as:

The land is Green Belt and also Grade 1 Agricultural Land, and it would be difficult to revert the land back to this following the development;  
 The applicant should be asked to provide a method statement to show how this could be achieved along with the carbon cost of such works;  
 The application does not include details of climate change commitments, environmental cost or mitigation and compensatory measures;  
 There would be a visual impact from the development and intrusive impact from night time lighting;  
 The development is inappropriate, and contrary to 4 of the 5 purposes of Green Belt detailed in the NPPF, and very special circumstances have not been demonstrated;  
 The application states that 87% of the workforce live within 5 miles of the site; this would be true if the factory was located on nearby industrial estates. There is a high level of employment in Scarisbrick and therefore there is not an available local workforce;  
 The development would lead to ecological impacts, including impacts on eels, bats, and badgers.

## **8.0 SUPPORTING INFORMATION**

- 8.1 Planning Supporting Statement (July 2019)
- Design and Access Statement (July 2019)
- Sequential Approach to Site Selection (July 2019)
- Transport Assessment (July 2019)
- Below Ground Drainage Strategy (25.03.19)
- Flood Risk Assessment (25.03.19)
- Air Quality Assessment (16.07.19)
- Noise Assessment (17.07.19)
- Preliminary Ecological Appraisal (July 2019)
- Wintering Bird Survey (April 2019)
- Water Vole Survey (May 2019)
- Landscape Appraisal (July 2019)
- Socio-Economic Impact of Expansion Plans (July 2019)
- Further Information Report (December 2019)
- Transport – Technical Note 01 (November 2019)
- Letter from Pennine Ecological (7<sup>th</sup> November 2019)
- Revised Water Vole Survey (April 2020)
- Revised Badger Survey (April 2020)
- Shadow Habitats Regulations Assessment (May 2020)

## **9.0 RELEVANT PLANNING POLICIES**

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

***National Planning Policy Framework 2019 (NPPF)***



Building a strong, competitive economy  
Promoting sustainable transport  
Making effective use of land  
Achieving well-designed places  
Protecting Green Belt land  
Meeting the challenge of climate change, flooding and coastal change  
Conserving and enhancing the natural environment

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

SP1 – A Sustainable Development Framework for West Lancashire  
GN1 – Settlement Boundaries  
GN3 – Criteria for Sustainable Development  
IF2 – Enhancing Sustainable Transport Choice  
IF3 – Service Accessibility and Infrastructure for Growth  
EC2 – The Rural Economy  
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment  
Supplementary Planning Document – Design Guide SPD (January 2008)  
Supplementary Planning Guidance - Natural Areas and Areas of Landscape History Importance (originally issued 1996, updated August 2007)

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

### **Background**

- 10.1 Smithy Mushrooms Limited (SML) has operated a mushroom farm at 229 Smithy Lane, Scarisbrick for over 25 years. SML specialises in the production of exotic mushrooms for the UK market, and is one of the leading producers of exotic mushrooms in the UK. SML currently supply large retailers, such as Marks and Spencer and Tesco, and the food service market across the UK through the major food service wholesalers and food processors/ready meal companies.
- 10.2 The process of growing mushrooms has three key stages. Agricultural/forestry product is brought to the site in the form of oak sawdust and wheat bran. The feedstocks are bagged and then heated, and following this, the mushroom spawn is introduced into feedstock bags and the sealed bags are placed in incubation rooms. The mushroom mycelium then grows in the bags and spreads throughout consuming and binding the material together. The incubation takes 100-110 days and results in a solid log which is removed from the bag. The logs are then placed in specially constructed growing units designed to provide a controlled atmosphere for the growth of the crop. The logs can be harvested for the mushroom crop multiple times.
- 10.3 SML currently relies upon the import of logs from outside the UK, from Kosovo or China. The business has exceeded capacity at its existing site and proposes to expand further by developing the application site for mushroom production and also production of growth substrate (oak sawdust logs). The expansion would allow for this growth to take place on site, and therefore enable the company to displace the importation of logs and mushrooms.

### **Principle of development**

- 10.4 Policy GN1 of the West Lancashire Local Plan states that ‘*development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies*’. Paragraph 145 in the National Planning Policy Framework states that ‘*a local planning authority should regard the construction of new buildings as inappropriate in*

*Green Belt'*. There are 7 exceptions to this, including *'buildings for agriculture and forestry'*. Agriculture is defined by s336(1) of the Town and Country Planning Act 1990 as:

*'Horticulture, fruit growing, seed-growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes'*.

- 10.5 The development of the site for use as a facility for the growing of mushrooms is for agricultural purposes and therefore the proposed building on site does not represent inappropriate development. It is acknowledged that the proposed mushroom farm would involve the siting of a building on the land, rather than growing taking place on, in or under soil, however the use would still be for agricultural purposes based on the definition in s.336(1) of the Act, and is therefore not considered to be inappropriate development in the Green Belt. As the proposed development is for agriculture and not inappropriate, harm to openness is explicitly excluded from consideration as part of the assessment of the development.
- 10.6 There is no requirement under the NPPF for the applicant to justify an agricultural need, however as the NPPF places 'great importance' on Green Belts (para 133) and considers essential characteristics of the Green Belt to be their openness and permanence, it would be perverse not to consider agricultural need. SML is an established agricultural enterprise, and the proposed mushroom farm would allow them to expand their existing mushroom farming enterprise and operate from both sites. The expansion would allow the creation of purpose built facilities for both growth substrate (oak sawdust logs) and mushroom production, allowing the company to displace imports of logs (all are currently imported) and mushrooms (some are currently imported) and expand to meet customer demand. I am satisfied that the development proposed would accommodate the business need of the mushroom farm which has seen increased consumer demand for mushrooms in recent years.
- 10.7 On this basis, I am satisfied that the proposed development is appropriate and required for agricultural purposes. Therefore the principle of this development is acceptable, subject to compliance with other relevant planning policy.

### **Landscape Character and Visual Amenity**

- 10.8 Chapter 15 of the NPPF advises that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan). Policy EN2 of the Local Plan requires that developments should take account of their landscape setting and historic landscapes by having regard to the different character types across the Borough and the quality, importance and uniqueness of the landscape in question as defined in the 'Natural Areas and Areas of Landscape History Importance' SPG.
- 10.9 The site is identified as falling within the 'Clieves Hills and Scarisbrick' landscape character area in the SPD, which is predominantly characterised by *'low, undulating land rising to Clieves Hills, prominently visible from mosslands to the west; there are panoramic views to the south, west and north from higher ground and the farmland here is mainly intensive arable. There are many farmsteads and many nucleated settlements'*. The SPD advises that it is preferable to avoid the introduction of tall columnar constructions, or other

development which will be prominent. The site is identified in the Local Plan as being of local landscape history importance.

- 10.10 The submitted Landscape and Visual Assessment (LVIA) seeks to identify the difference between the current site and surroundings, and the proposed additional development, and assess the effect it would have on the landscape and visual quality of the site context. It identifies the approximate area from which the site is visible (the Zone of Visibility), which at the current time is relatively limited as there are no vertical elements within the site as there are no landmarks which would draw attention to it. It also identifies visual receptors within this area, which is the term given to individuals and defined groups of people who have the potential to be affected by a proposal; this includes people living in the area, people working there and those passing through.
- 10.11 The construction of the mushroom farm would provide a vertical landmark, increasing visibility of the site and therefore increasing the Zone of Visibility. The LVIA concludes that in landscape terms, the development replaces an area of open pasture with the proposed building and associated hard surfacing, and as open fields are the prevailing land cover in the area, the loss is insignificant; the loss of the short length of hedgerow to create the access point is also insignificant, this also being a common feature of the area. The report indicates that in visual terms the magnitude of change introduced is minimal due to the development being located immediately adjacent to the existing Bungalow Farm and Heatons Bridge Farm and being seen as part of this group.
- 10.12 Whilst the proposed development would have an impact on the landscape of the area, and the introduction of a large building on the site will be clearly visible especially when entering Heatons Bridge from the south, I do not consider the proposals as columnar, but they would have a degree of prominence within the landscape. However, their prominence would be reduced to a certain degree by the profile of the building being broken up by the use of bays and the fact that the height of the building is consistent with other buildings in the landscaped context, including those in relatively close proximity to the site on Heatons Bridge Road (in particular the group of buildings at Heatons Bridge Farm) and Smithy Lane. Whilst the development would clearly be visible in the landscape as there are views of the site from various points along Heaton's Bridge Road and along the canal bank there are other large agricultural farm units to the west and across the road and many views of the application site are interrupted by hedges, groups of trees and clusters of other buildings.
- 10.13 On balance I consider that there would be minimal harm to landscape character but some harm to visual amenity as a result of the development. I consider this harm to be limited as key features of the landscape would remain including the existing pattern of field boundaries, and the development would be seen in the context of other built development at Bungalow Farm and Heatons Bridge Farm. Large scale agricultural buildings are common features of the agricultural landscape within West Lancashire and are necessary to support modern farming practices, and in my view the visual impact of the development would not warrant a refusal of planning permission.

### **Development of agricultural land**

- 10.14 Policy EN2 advises that irreversible development of open agricultural land will not be permitted, where it would result in the loss of the best and most versatile agricultural land, except where absolutely necessary to deliver development associated with the agricultural use of the land.
- 10.15 Concern has been raised about the loss of best and most versatile land as a result of the proposed development. However the proposed development is for the purposes of

agriculture, even though mushrooms are not grown in the ground. Given the nature of exotic mushroom production, buildings are required and considered necessary for their production. Many agricultural businesses in the Borough do not grow directly in the soil and buildings/ glasshouses are required. Whilst the development would result in significant built form and associated hardstanding, as the proposed development is necessary for agricultural purposes to meet the needs of an expanding local mushroom farm business, I consider that the development is in accordance with Policy EN2 of the Local Plan.

### **Residential Amenity**

- 10.16 Policy GN3 of the Local Plan states that development should 'retain or create reasonable levels of privacy and amenity for occupiers of neighbouring and proposed properties.
- 10.17 Whilst the development would be visible from nearby residential properties, the proposed building would be sufficient distance from the nearest residential neighbours (including nos. 61, 79, 147 and 149 Heatons Bridge Road, Lime Kiln Farm and Barn) to ensure that the development would not cause any undue harm to neighbouring residents through overshadowing or overlooking. The building will be visible and sited on an area which is currently free from development, and alter the view currently experienced by nearby residents. However, whilst the building would be relatively large, the maximum height has been kept as low as possible at 7.9m whilst still allowing the space necessary for operation, and this height is not continuous across the building which would be broken up into bays, and lower at various points reducing down to a minimum of approximately 5m. It is acknowledged that the introduction of a building on the site would impact on the view experienced by local residents, however I am satisfied that the height of the proposed building combined with the distance from residential dwellings ensures the potential harm to amenity would not be so significant to warrant refusal of the application, in accordance with Policy GN3 of the Local Plan.
- 10.18 A Noise Impact Assessment has been submitted with the application which includes data in respect of background noise measurements at the nearest dwellings to the application site, and uses noise measurements from the existing facility in order to assess the potential impact of noise emitted from the proposed development. Noise modelling used to predict the noise levels at the nearest dwellings was found to be below the prevailing background noise level, suggesting that the potential for significant impact is low. The Council's Environmental Health Officer has assessed the proposals and is satisfied with the noise modelling exercise. Concern was initially raised that all likely noise sources were not covered in the assessment including chiller units, pumps and cold water tanks. However, the building layout plan has now been amended to include these features internally within the building, thereby removing this potential exterior noise source. Clarification has also been provided in respect of the use of refrigeration units on delivery vehicles, and it has been confirmed that no vehicles will be parked with the refrigeration units running; vehicles will not wait on site and if they do arrive early will be instructed to turn engines off. It has also been confirmed that no goods vehicles will be left on site outside of working hours. Operational matters such as these can be controlled by planning condition.
- 10.19 An Air Quality Assessment has been submitted with the application which provides a review of existing air quality in the vicinity of the proposed development, and an assessment of the impact of the proposed development on local air quality during both its construction and operation phases in terms of odour, road traffic emissions and operation of biomass plant, and concludes that the impact on local air quality is considered to be insignificant. The Council's Environmental Health Officer has reviewed the information

submitted and is satisfied that the methodology used is acceptable and agrees with the conclusion that the potential impact on air quality is low.

- 10.20 In terms of the odour assessment, this concludes that there would be a slight adverse impact as a result of the development. The site is located adjacent to residential dwellings which are described as highly sensitive, and occupiers can reasonably expect a high level of amenity. The potential odour from the proposed development is classed as low risk, therefore there is a low risk of odour on a highly sensitive receptor. This equates to a slight adverse effect on the receptor locations. Institute of Air Quality Management (IAQM) guidance advises that where the overall effect is greater than 'slight adverse', the effect is likely to be considered significant. Therefore the potential odour associated with the development is not considered to have a significant impact on nearby receptors. The Council's Environmental Health Officer agrees with the findings of the assessment, but has advised that as they are based on using a sawdust log substrate only, and further assessment would be required if a manure based substrate was to be used on site. Should planning permission be granted, I consider it necessary to impose a condition to ensure no manure based substrate will be used without further odour assessment.
- 10.21 There is potential for lighting to have an impact on nearby residents and as no lighting details have been submitted with the application I consider it necessary to secure these by planning condition.
- 10.22 I am satisfied that subject to the imposition of suitably worded planning conditions the development would not have any significant impact on neighbouring residents in accordance with Policy GN3 of the Local Plan

### **Highways**

- 10.23 Heatons Bridge Road is a single lane carriageway with an approximate width of 5.5m, with a footway to the northern side and is subject to a 50mph speed limit. To the north-west of the proposed site access, off Heatons Bridge Road, the speed limit changes to 40mph approximately 160m to the south-east of Smithy Lane.
- 10.24 The application includes details of the proposed access from Heatons Bridge Road including visibility splays. The proposed visibility splays of 2.4m x 160 are considered acceptable and can be achieved provided that a hedge which runs along the rear of the adopted service verge is managed to restrict growth. Concern has been raised in respect of management of the hedge in order to maintain adequate visibility splays, and the request by the Highway Authority that this be subject to a planning condition. A representation has been received which states that the hedge is in the control of the owner of Bungalow Farm, and there is no obligation to manage or maintain it to prevent obstruction of the visibility splay. The Highway Authority have considered this matter and have advised that there is an adopted service verge of approximately 2m wide along this section of the roadside, and that any structures (including hedgerows) are not normally acceptable within a service verge. If there is encroachment from a hedge into a service verge which impacts on highway safety, the Highway Authority would request that the owner trims it back. The Highway Authority remain of the opinion that the required visibility splay for the development is achievable within the applicant's red edged boundary and the adopted highway.
- 10.25 The Transport Assessment which has accompanied the application estimates vehicle trip generation based upon pro-rata trip rates from the applicant's existing site located off Smithy Lane. The existing site will remain in operation, however, there would be a reduction in staff based at the existing site. For the purposes of the assessment and in order to provide a robust assessment, no reduction at the existing site has been included.

The Highway Authority have reviewed this approach and consider it to be a reasonable methodology.

- 10.26 The existing site generates 13 two-way car trips during the AM peak hour period, and 15 two-way car trips during the PM peak hour period, and it is predicted that the proposed development will generate 21 two way vehicle movements during the AM peak and 23 two way vehicle movements during the PM peak. This equates to one additional vehicle every 2 to 3 minutes during the busiest part of the day. The Transport Assessment goes on to provide an analysis of expected impacts at the following junctions:

Proposed site access junction off Heatons Bridge Road;  
B5242 Heatons Bridge Road/Smithy Lane;  
A570 Southport Road/Smithy Lane/Pinfold;  
A570 Southport Road/Bescar Brow Lane;  
B5242 Pippin Street/Tollgate Road;  
B5242 Pippin Street/A59 Liverpool Road South.

- 10.27 The percentage impact at each junction has been calculated and it has been predicted that the proposed development would result in a negligible impact on the surrounding highway network. The Highway Authority have reviewed the information contained in the Transport Assessment and agree with the conclusions reached in respect of potential impact on the wider highway network and consider that the level of movements to and from the site would not have a significant impact on the operational performance of the local highway network.
- 10.28 Concerns have been raised by local residents about the potential increase in highway accidents that may occur as a result of the development. The Transport Assessment includes an accident review using on-line records, and the report concludes it is unlikely the proposals will contribute to the occurrence of additional accidents. The Highway Authority have reviewed their five year data base for Personal Injury Accident and consider that the proposed development would not worsen the current highway situation.
- 10.29 A total of 58no. vehicle parking spaces would be provided on site. Based on the proposed level of employment, size and nature of the development, this level of on-site parking is acceptable.
- 10.30 I am satisfied that the development would have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site, and that there would be adequate visibility splays and sufficient car parking to cater for staff numbers on the site, in accordance with Policy GN3 and Policy IF2 of the Local Plan. In the interests of sustainability a condition will be imposed requiring details of motorcycle and secure cycle parking.

### **Drainage**

- 10.31 The NPPF advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere, and that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate, and the systems used should take account of advice from the Lead Local Flood Authority; have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and, where possible, provide multifunctional benefits.

- 10.32 Policy GN3 of the Local Plan advises that the Council will ensure development does not result in unacceptable flood risk or drainage problems by requiring development to demonstrate that sustainable drainage systems have been explored alongside opportunities to remove surface water from existing sewers.
- 10.33 The site is located within Flood Zone 1, meaning that the site is least susceptible to flooding. The application is accompanied by both a Flood Risk Assessment and a Below Ground Drainage Strategy.
- 10.34 The Below Ground Drainage Strategy identifies that foul water from the cultivation area would be collected in a new below ground pipework system and discharge via a new proprietary treatment tank before being conveyed into the existing water course to the northwest of the site. It is proposed that foul water from the office/plant area would also be collected in a new below ground pipework system and would discharge via a new proprietary treatment tank before being conveyed into the existing water course to the southeast of the site.
- 10.35 In terms of surface water drainage, the proposed development will increase the amount of impermeable area on the site and therefore, has the potential to increase the rate of surface water run-off. The Building Regulations (Part H) and the NPPF require consideration of sustainable drainage techniques, based on a hierarchical approach to the management of surface water to minimise the impact of the development. Surface water flows should be designed to discharge to:
1. Infiltration based systems, for example soakaways and porous paving;
  2. Watercourses;
  3. Surface water sewers;
  4. Combined water sewers.
- 10.36 As a result of the geology in the area, infiltration has been discounted because it would not be feasible on the site. Instead, it is proposed that use is made of the existing watercourses bordering the site boundary along with detention ponds within the site boundary.
- 10.37 It is proposed that the existing drainage ditch that crosses the site from the southeast to the northwest is diverted to the northeast and culverted below the proposed HGV turning and parking area within a suitably sized drainage pipe with concrete bed and surround. The existing drainage ditch would be made redundant and backfilled. The new culvert would open into a new drainage ditch extending to the north of the site to connect into the existing drainage ditch bordering the northern boundary of the site. Access will be provided at either end of the culvert to enable inspection and maintenance.
- 10.38 The new building will incorporate a free discharge rainwater system that will connect into a pipework collector system via suitably sized conventional gravity drainage system. The building drainage system will discharge to the southwest of the site into a new detention pond. The surface water runoff from the access road would be collected by yard gullies discharging through Permaceptor treatment units before entering the piped drainage system to be conveyed into the new detention pond. Surface water from the HGV turning area and car park will be collected and treated and discharged into a new piped drainage system which would be conveyed into the new detention pond. The detention pond would discharge via a pumping station into the adjacent drainage ditch at a restricted flow rate.
- 10.39 The Below Ground Drainage Strategy includes a Maintenance and Management Plan which advises that these responsibilities will be undertaken by SML and will include bi-

monthly inspections of channels and gullies for signs of blockage and oil spillage and removal of debris and blockages as required.

- 10.40 The Lead Local Flood Authority has reviewed the proposals in respect of drainage and have no objections to the drainage strategy and associated Maintenance and Management Plan. Development in accordance with the drainage proposals put forward will be secured by planning condition.
- 10.41 The new stormwater management system would allow surface water to be collected, treated and discharged into the surrounding watercourse system via a detention pond and restricted flow. The system has been designed for a 100yr return period storm event plus an additional 40% to allow for climate change, and I am satisfied that the Drainage Strategy submitted with the application is acceptable and that in terms of drainage the proposals comply with Policy GN3 of the Local Plan.
- 10.42 Concern has been raised about the presence of a water main within the site boundary. United Utilities have not objected to the proposed development but have advised the Applicant in their consultation response that there is an easement and water main within the site, and reminded them of their responsibilities in respect of this.

### **Ecology**

- 10.43 Various ecology reports are included within the initial planning application submission, and supplementary reports have been provided following consultation with Natural England and the Council's ecology advisors MEAS.
- 10.44 The site is close to European sites Martin Mere SPA, Ramsar and SSSI and Ribble & Alt Estuaries SPA and Ramsar sites, and as such, fields within and surrounding the site may provide functionally linked land for these sites. Due to potential pathways and impact on the above sites, a Habitats Regulations Assessment for likely significant effects is required for the proposed development, and this concludes that without mitigation measures there will be likely significant effects on the above sites.
- 10.45 Following submission of anecdotal photographic evidence from local residents and advice from MEAS, a revised Shadow Habitats Regulations Assessment has been submitted. This contains a 'Test of Likely Significant Effects' (TOLSE) and an Appropriate Assessment. The TOLSE concludes the proposals will have likely significant effects on the European sites through direct loss of functionally linked land and disturbance to pink-footed goose and whooper swan through both the construction and operation phases. The Appropriate Assessment makes a detailed assessment of the effects of the proposed development on the conservation objectives of the site, and concludes that with appropriate mitigation measures, including the installation of solid visual and acoustic hoarding along site boundaries prior to the wintering bird season and sensitive working practices, there would be no adverse effect upon the integrity of Martin Mere and Ribble Alt & Estuaries European sites. The Council's Ecological advisors, MEAS are satisfied with this approach. The mitigation measures detailed in the report will be secured by planning condition.
- 10.46 Additional survey work has been submitted in respect of badgers, the findings of which have been reviewed and accepted by MEAS. As a precautionary measure reasonable avoidance methods detailed in the report will be secured by planning condition.
- 10.47 An updated Water Vole Report has also been submitted which found no evidence of water vole and was consistent with previous surveys in 2018 and 2019 which attributed burrows and runs to brown rat. However, there is potential for the site to be colonised by water



vole and, and as a precautionary measure in line with recommendations in the report a pre-commencement survey of ditches is required immediately prior to works within 5 metres of any ditch. To compensate for the loss of potential habitat, new ditch provision as recommended in the report is to be implemented. This can be secured by planning condition.

10.48 I am satisfied that the proposed development accords with the requirements of Policy EN2 of the Local Plan.

### **Trees and landscaping**

10.49 The proposed development does not involve the loss of trees on the site. The application includes an indicative landscaping scheme that shows tree planting around the majority of the boundary. This proposed landscaping will go some way to lessening the visual impact by way of softening the development, although this will take time as the planting matures. Planting could be designed to take into account local distinctiveness and also potential impact from landscaping on other surrounding land uses, including potential impact on existing farming practices. I consider that landscaping should be concentrated on the site frontage, to reduce any visual impact from the building and associated hardstanding, and to also minimise disruption to current farming on adjacent land. Landscaping details would be secured by condition.

### **Economic Impact/ Sustainability**

10.50 The application has been accompanied by an Economic Impact Assessment which identifies that SML is a leading supplier of exotic mushrooms and now accounts for 156 tonnes of mushroom production annually, with a turnover of £5.6m. The applicant indicates that demand for exotic mushrooms is growing rapidly and is higher than SML is currently able to supply. SML consider there is potential to increase UK production, having the effect of displacing imports. In order to meet customer demand and capitalise on the market opportunity and remain competitive, SML have identified that substantial investment is needed to allow them to increase production and reduce imports of mushrooms. Expansion would also allow SML to take advantage of the growing market for exotic mushrooms and supply export customers in addition to the UK market. SML consider having the two sites close together will help operational efficiency.

10.51 In addition to expanding production, SML hope to reduce costs by bringing substrate production on-site. At present, sawdust logs are imported and are subject to changes in exchange rates and carriage costs. SML has identified a UK Oak sawdust supplier and propose to buy raw sawdust for sterilisation, log production and inoculation on-site. According to the supporting statement, this would reduce imports of growing logs and associated costs, and also have the effect of reducing carbon footprint and result in a more sustainable business model.

10.52 The applicant advises that Smithy Mushrooms currently has 38 full time equivalent (FTE) members of staff with 34% of the workforce living within 3 miles of the site and 87% within 5 miles. The applicant indicates that proposed project would see staff numbers grow from 38 to 70 FTE.

10.53 In order to be competitive, SML consider expansion necessary, allowing them to increase production and bring substrate production on-site, avoiding the need for additional expenditure on log imports. The proposed development will enable this, and allow increased production to meet orders. Bringing this additional economic activity to the Borough would support and increase local employment. SML has considered the potential of relocation and rejected it for a variety of reasons, including the fact that the

company has significant investment in its current site, much of which would be lost as a result of relocation; the company has a local workforce with sustainable commuting patterns; and, the company consider that there are no local sites available of the correct size with the combination of factors that they need.

- 10.54 The Economic Impact Assessment concludes that expansion of the existing site onto nearby available land is the only viable option for the company, and if the company is not permitted to expand, it risks being squeezed out of the market by remaining competitors which would lead to subsequent loss of local jobs and in addition to direct loss of jobs, supplier spend.
- 10.55 Paragraph 83 of the NPPF advises that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 84 goes on to say that the use of site that are physically well-related to existing settlements should be encouraged where suitable opportunities exist.
- 10.56 Agriculture remains economically important to the Borough. I acknowledge the case put forward by the applicant and recognise employment opportunities in rural areas of the Borough are limited and therefore consider it important to protect existing employment uses, and where possible allow for growth of employment. I consider that the economic benefits associated with the expansion of SML are significant to the Borough and local economy.

### **Other matters**

- 10.57 Representations have been received in respect of the proposed development being more suited to an employment park/industrial estate on a non-Green Belt site, and the quality of the Sequential Assessment submitted with the application. The NPPF requires sequential assessments in respect of some retail and town centre development, they are not a requirement for agricultural development on Green Belt sites. The Local Plan reflects the requirements in the NPPF and also includes the requirement for sequential testing for some other developments, including accommodation for temporary agricultural workers and affordable housing in the Green Belt, but similarly, it does not include a requirement for submission of sequential information for an agricultural use on a Green Belt site.
- 10.58 For this reason the Council is unable to take into consideration the sequential information put forward with the application. The proposed development is for an agricultural use and it would be inappropriate as part of this assessment to direct an agricultural development towards an allocated employment/industrial site which would be restricted to different use classes, such as B2 or B8 (storage and distribution) uses.

### **Conclusion**

- 10.59 The proposed development would allow a local employer to remain in the area and expansion of the business would bring benefits to the local economy. The design of the building is appropriate, would not result in significant harm to visual amenity or the character of the landscape and there would be no undue impact on highway safety, residential amenity or biodiversity. I consider that the proposed development complies with 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 and reasons:

## Condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:  
Plan reference:  
Site Location Plan - SK.32.3 received by the Local Planning Authority on 19.07.19.  
'Site Layout Plan - Proposed - SK.32.2E received by the Local Planning Authority on 19.07.19.  
'Plans as proposed - SK.0.1F' received by the Local Planning Authority on 28.11.19.  
'Elevations as proposed - SK.0.2B - received by the Local Planning Authority on 26.07.19.  
'Proposed Site Access Plan - VN81164-D104' received by the Local Planning Authority on 12.11.2020.  
'Swept Path Analysis, Articulated Vehicle - VN81164-TR102' received by the Local Planning Authority on 12.11.2020.  
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 development (brickwork, cladding and roofing materials along with materials used in any hard surface) shall be as outlined on the planning application form received by the local planning authority 13.08.19.  
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. Foul and surface water shall be drained on separate systems.  
Reason: To secure proper drainage and to manage the risk of flooding and pollution and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. Prior to the buildings hereby approved being brought into use, foul and surface water drainage shall be carried out in accordance with the submitted FRA (EPG-8954-FRA-01 25/03/19 Rev 4.0) & Below Ground Drainage Strategy (EPG-8954-RP-DS-01 25/03/19 Rev V 4.0) . Thereafter the drainage scheme shall be managed and maintained in accordance with the maintenance measures identified.  
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.
6. The development shall be implemented in accordance with the mitigation strategies described in:  
Revised shadow HRA (Shadow Habitats Regulations Assessment- Version 2, TEP, May 2020, ref: 8076.002);  
Badger Survey- Land at Smithy Mushrooms, Pennine Ecological, 27th April 2020; and  
'Water Vole Survey- Land at Smithy Mushrooms, Pennine Ecological, 27th April 2020',  
Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

7. No development, other than works to implement the access, shall begin until the access and road have been implemented in accordance with the Proposed Access Layout drawing numbers VN81 164-D104 and VN18 164-TR102 and constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level, and all construction vehicles shall enter and leave the site from the new site access.  
Reason: To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. The development hereby permitted shall not be brought into use until the areas for the movement, loading, unloading and parking of vehicles have been provided, constructed and surfaced in complete accordance with the approved plans. 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.
9. No part of the development hereby permitted shall be brought into use until the land between the existing highway boundary and the visibility splays indicated on the submitted plan VN81 164-D104 has been cleared of all obstructions exceeding 1 metre in height. The land shall be so maintained thereafter at all times that the proposed development is in use/operation.  
Reason: To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
10. Prior to any part of the development hereby permitted taking place a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The plan shall provide for; the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the location of the site compound; suitable wheel washing / road sweeping measures and appropriate measures to control the emission of dust and dirt during construction. 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 ensure highway safety and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. Notwithstanding the details submitted no part of the development hereby permitted shall be occupied until a scheme for the provision of cycle and motorcycle parking, in accordance with the Council's current standards, has been submitted to and approved in writing by the Local Planning Authority.  
The approved scheme shall be implemented before the buildings are brought into use and shall be retained as such thereafter.  
Reason: To ensure that adequate provision is made for parking cycles and motorcycles on the site in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
12. 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 use of the building commencing 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.

13. The rating level of noise from deliveries, internal activities and plant/machinery shall not exceed 41dB LAeq at the boundary of any nearby residential premises between the hours of 0700 and 2300 and 24 dB LAeq, between the hours of 2300 and 0700 on any day. All measurements and assessments shall be done in accordance with BS4142:2014+A1:2019 Method for rating and assessing industrial and commercial sound. Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
14. There shall be no diesel powered vehicle/trailer mounted refrigeration units operated on stationary vehicles. Vehicle/trailer mounted refrigeration units must be connected to an electrical supply if required to power the unit. There shall be no vehicle/trailer mounted refrigeration units operated outside the hours of 0600 - 1900 on any day, whether or not on an electrical supply. Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
15. Any sound produced by reversing alarms or indicators on vehicles on the site (other than delivery vehicles) shall not be clearly distinguishable above background noise at the boundary of any nearby residential premises. Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
16. Heavy Goods Vehicles shall not enter or leave the site except between the hours of 0600 and 1900. Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
17. No construction shall commence until details of the biomass boiler have been submitted to and agreed in writing by the Local Planning Authority. Details shall include:
  - the siting and height of any emission stack;
  - details of any measures which are necessary to attenuate noise from the emission stack;
  - and

confirmation that the boiler will meet the Target Emission Rates quoted within the Air Quality Assessment Report Number 101986V2 submitted with this application.

The approved scheme shall be fully installed and operating prior to the development hereby permitted being first brought into use.

It shall thereafter be retained, maintained and operated to the approved specification.

Reason: To safeguard the amenities of neighbouring occupiers, in respect of odour and noise generation and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

18. No manure-based substrate shall be used for the growing of mushrooms unless and until a further odour assessment has been submitted to and approved by the local planning authority.

Reason: To safeguard the amenities of neighbouring occupiers, in respect of odour generation and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

19. Prior to construction 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. The use shall not commence until the electric vehicle charging points have 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.

20. The building shall not be operational until a scheme detailing the proposed lighting (including all floodlighting, external building lights and car park lighting) to be installed on the site has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed and maintained in accordance with the agreed scheme.

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

### **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

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

EC2 - The Rural Economy

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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

<b>No.2</b>	<b>APPLICATION NO.</b>	2019/1182/ARM
	<b>LOCATION</b>	Site Of Former Yew Tree Farm Liverpool Road South Burscough Lancashire
	<b>PROPOSAL</b>	Approval of Reserved Matters - Phased development of 267 dwellings including details of appearance, landscaping, layout and scale. Discharge of Condition Nos. 5, 8, 14, 16, 18, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 35 from outline planning permission 2015/0171/OUT.
	<b>APPLICANT</b>	Anwyl Homes (Lancashire)
	<b>WARD</b>	Burscough West
	<b>PARISH</b>	Burscough
	<b>TARGET DATE</b>	12th March 2020

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## 1.0 SUMMARY

- 1.1 This is a Reserved Matters application for the erection of 267 dwellings. Outline planning permission has previously been granted for residential development on this site, therefore the principle is considered to be acceptable. I consider the layout, scale, proportions and design of the proposed dwellings to be acceptable and the scheme would not adversely impact on neighbouring amenity of surrounding properties. I am also satisfied that the scheme will not have a significant impact on highway safety and adequate parking will be provided. I consider that sufficient interface distances have been achieved in order to protect neighbouring residential amenity. The requisite level of affordable housing has been provided on this phase and drainage proposals are in accordance with the overall strategy for the wider site. In my view the proposal complies with the relevant policies in the NPPF, the Local Plan, the Burscough Parish Neighbourhood Plan and the Yew Tree Farm Masterplan.

## 2.0 RECOMMENDATION: APPROVE with conditions

### 3.0 THE SITE

- 3.1 The site comprises Phase 2 of the residential element falling within the wider Yew Tree Farm site. The wider site comprises approximately 40 hectares of land that lies to the west of Burscough between the Burscough Industrial Estate, Higgins Lane and Liverpool Road South. It is a site allocated for residential, employment, education and other community facilities in the West Lancashire Local Plan. Outline planning permission has been granted for mixed residential and employment development on the site and the first phase of residential development is well underway on the eastern part of the site (Redrow), a new link road is under construction through the centre of the site and employment development is under construction on the western part of the site, off Tollgate Road.
- 3.2 This Phase 2 site is located immediately south of Phase 1, a residential development under construction by Redrow and to the west of the new link road currently under construction. It includes approximately 9.6 hectares of grassland. To the immediate east of the site is a drainage ditch and a field, beyond which are existing residential properties along Liverpool Road South. To the west of the site lies the proposed play area, school site and drainage basin with employment uses on Tollgate Industrial Estate beyond. To the south of the site are open agricultural fields (forming part of the wider strategic Yew Tree Farm site but safeguarded for future development) beyond which lie existing properties along Liverpool Road North, Meadowbrook and Springfield Close.

- 3.3 The site is presently grassland and bound by a ditch and sporadic hedgerow to the east and west and a mature hedgerow to the south.

#### **4.0 THE PROPOSAL**

- 4.1 This is a reserved matters application for the erection of 267 dwellings. The application includes details of site layout, scale, appearance and landscaping. The site will be accessed directly from the new link road (approved by applications 2017/0431/ARM, 2018/0525/HYB and 2019/1316/FUL). Two access points lead into the site in a north/south direction so as to link with future phases of development. Each of these accesses will be tree-lined. The north of the site includes a SuDs feature incorporating a basin and swales lying between the dwellings and the link road.
- 4.2 The proposal includes a mix of 1, 2, 3 and 4 bedroomed terraced, semi-detached, detached houses, apartments and bungalows. The layout is arranged so that the dwellings, on all boundaries except the southern boundary fronting the existing hedgerow, face outwards towards public areas. All dwellings, with the exception of 8 bungalows on the site, would be two storey. There is also a proposed two storey block of 6 apartments. All dwellings incorporate private gardens with the exception of a shared garden for the 6 apartments. Each dwelling and apartment has an appropriate level of off street car parking within garages, driveways or parking courts.
- 4.3 A total of 94 affordable dwellings equating to 35% are located within the layout. 30 dwellings would be shared ownership and 64 would be for affordable rent. Of the affordable units, 19 are considered to be suitable for the elderly/mobility impaired as they are either bungalows or ground floor apartments.
- 4.4 As part of the Reserved Matters application, it is also proposed to provide the details to discharge some of the outline planning permission conditions.

#### **5.0 RELEVANT APPLICATIONS**

- 5.1 2020/0225/COU - Change of use of Unit 4B within Dakota Business Park from flexible employment uses (use classes B1, B2 or B8) to flexible employment uses with leisure (use classes B1, B2, B8 or D2), along with the creation of a link between Unit 4B and Building 5. PENDING CONSIDERATION.
- 5.2 2019/1316/FUL - The construction of access roads, substations and a pumping station to facilitate the phase 2 residential development within the Yew Tree Farm strategic site. APPROVED.
- 5.3 2019/0947/ARM - Proposed re-plan of plots 74-88 and 116-131 of reserved matters 2017/0431/ARM to provide 16 no. detached houses (net loss of 15 dwellings). APPROVED.
- 5.4 2019/1093/FUL - Variation of Condition No. 12 imposed on planning permission 2015/0171/OUT to read: The road linking the A59 Liverpool Road South and Tollgate Road as approved in full under planning permission ref 2018/0525/HYB shall be implemented in accordance with S38 and S278 Agreements prior to the occupation of the 150th dwelling or the 1st January 2021 whichever is the soonest. Variation of Condition No. 36 imposed on planning permission to vary trigger points for monitoring and implementation of junction improvements at Liverpool Road South/Square Lane. RESOLVED TO BE APPROVED SUBJECT TO A S106 AGREEMENT.



- 5.5 2019/0438/FUL - The erection of a building for use as employment (B1, B2 or B8) or leisure (D2), together with the laying of an access road from the existing roundabout at Tollgate Road, and other associated works. APPROVED.
- 5.6 2019/0311/ARM – Reserved Matters - Construction of seven employment buildings (falling within use classes B1, B2 & B8) comprising a total of 11,721 sqm (GEA) and associated works pursuant to outline planning permission Ref.2015/0171/OUT. Including Approval of Details Reserved by Condition 8 (Highways), 16 (Arboricultural Method Statement), 18 (Landscaping), 27 (Foul/Surface Water Drainage Strategy), 28 (Foul Drainage), 29 (surface water regulation system), 31 (Levels) and 35 (Noise). APPROVED.
- 5.7 2018/0525/HYB - Hybrid Application - Full planning permission for the construction of a link road between Tollgate Road/Ringtail Road and the Phase 1 residential development of the Yew Tree Farm site including associated drainage and other works; and Outline planning permission for the construction of 31,100 sqm of B1, B2 and/or B8 employment development (all matters reserved except for access positions from the existing/new roads) together with the provision of related infrastructure including the construction of drainage works, services and related utilities. APPROVED.
- 5.8 2017/0431/ARM - Approval of Reserved Matters for 146 dwellings with associated car parking and landscaping for phases 1a & 1b (denoted as 1 & 1a on the Outline approved master plan). The reserved matters for which consent is sought on these two phases are appearance & scale, layout and landscaping. Discharge of Condition No. 27 (foul and surface water drainage strategy) and Condition No. 35 (updated noise assessment) of planning permission 2015/0171/OUT. APPROVED.
- 5.9 2015/0171/OUT - Demolition of the existing buildings, and outline planning permission (including details of access) for the erection of up to 58 dwellings (C3); Extra Care or Care Accommodation (C2); a Local Centre (comprising up to 500m<sup>2</sup> of A1, A2, A3, A4 and A5 floorspace; and community uses); the construction of 4.6 hectares of Employment Development (up to 13,800m<sup>2</sup> of B1, B2 and B8 floorspace); the provision of open space and associated recreation facilities (including parkland, allotments, play areas, a linear park, cycle and pedestrian facilities); together with the provision of related infrastructure including the construction of drainage works (including sustainable urban drainage systems), roads, services and related utilities; and associated works. APPROVED SUBJECT TO A S106 AGREEMENT.
- 5.10 2014/1054/SCO - Scoping Opinion - Residential-led mixed-use development. Development IS EIA development (25.11.2014).

Land to south-west at end of Lordsgate Lane

- 5.11 2016/0406/FUL - Erection of 6 No. (3 pairs of semi-detached) dwellings. APPROVED.

**6.0 CONSULTEE RESPONSES**

- 6.1 United Utilities (25/03/2020 and 09/03/2020) – no objection subject to condition.
- 6.2 Lead Local Flood Authority (11/05/2020, 07/05/2020, 10/02/2020 and 18/06/2020) – no objection.
- 6.3 LCC Highways (16/04/2020 and 06/04/2020) – no objection.
- 6.4 Merseyside Environmental Advisory Service (MEAS) (27/02/2020 and 17/01/2020) – no objection.

6.5 Lancashire Constabulary (16/12/2019) – advisory notes.

## 7.0 **OTHER REPRESENTATIONS**

7.1 Burscough Town Council has objected to the application on the basis of the following:

The Jacobs Report was received at County Council in November 2019 followed shortly by this application in December 2019. This proposal is possibly the largest housing development in Burscough and the information contained in the report is vital for consideration of this application.

Crabtree Lane has been subjected to a further 3 maybe 4 flooding events since the 2015 event, this being well documented. In the July 2019 floods in that area possible evidence has arisen of surface water from YTF being a contributory factor.

Both the NPPF and the recently adopted Burscough Neighbourhood Plan policies say that development should not add to existing problems. There is a big question mark with regard to Crabtree Lane.

The current Strategic Flood Risk Assessment is considered to be flawed at inception, due to lack of and inaccurate detail, and to be out of date, being ten years old now without a review. A new Local Plan Review has been promised which will have to produce a new SFRA. That will not be in time for this application.

During the consultation period for the current Local Plan residents were promised that improvements would follow. That hasn't happened. If anything in certain areas the opposite has happened. e.g.:-

a) Sewer surcharging on Liverpool Road South has increased and no improvements have been made to UU infrastructure. The surcharging results in contaminated sewage flooding.

b) Highway gridlock on the A5209 Square Lane due to utility repairs on Junction Lane bridge. Our road system frequently is seriously affected by such repairs and no improvement is foreseen. Further concerns that the Spine Road will add further pressure to Junction Lane.

7.2 I have also received an objection from Burscough Flood Group. In summary, the objection refers to the following:

Adding proposed homes from Phase 2 will significantly add to the existing foul water flooding problems in Burscough. Foul effluent is regularly seen on the streets in Burscough during heavy rainfall. The phase 2 planning application doesn't provide the necessary additional foul network capacity to prevent foul flooding.

The proposed redirection of surface water from combined systems in Lordsgate Lane to free up capacity for foul water has not happened.

There has been a 25% increase in new homes in Burscough since 2005 with no additional foul network capacity. Note that UU didn't get funding for foul network improvements in 2015 and no improvements have been made to the network since before 2005.

It will increase the volume of flow within Burscough's surface water drainage system, which lacks capacity, and will connect a SuDS basin to Langley's Brook introducing an

increased volume of surface water to it. Langley's Brook is an area known to flood by both the Environment Agency and farmers.

Even a small increase in flow into the system will result in increased flooding, because SuDS only limits the increase in flow rather than completely negates it.

New SuDS systems in Burscough cannot just be considered on a one by one basis, because multiple sites have a combined significant effect on downstream flooding. Nearly all of the new developments, since the last local plan, are putting water into the watercourses and cumulatively causing increased downstream flooding.

The drainage solution in the phase 2 application will increase the total volume of flow leaving the site, primarily due to the diversion of the Lordsgate Lane surface water sewer, the reduction in evaporation and the reduction in plant aspiration, which will further stress the reduced capacity of local watercourses increasing flooding.

No survey of the watercourses leading from the SuDS to Langley's Brook has been undertaken and there are no calculations to indicate its capacity to take the new flows. Therefore, given the widespread well documented and publicised flooding problems due to lack of capacity in Burscough, inevitably some of the watercourses to which the SuDS connects already flood in severe weather and the development will cause them to flood more frequently. WLBC seems to accept the proposal of the connection of the SuDS basin to the Langley's Brook watercourse without the benefit of a survey first.

BFG opposes any diversion of surface water from Burscough's foul sewers into either of the two watercourses which leave YTF under Higgins Lane, one passing through the Truscott Estate to Crabtree and Langley's Brook between Hesketh Road and Langley's Brook Farm which goes to the watercourse within New Lane Waste Water Treatment Works, because it would add to the existing flooding problems with both watercourses increasing their severity and is therefore unsustainable.

A study, commissioned by Burscough Parish Council (BPC) with drainage consultants' SCP Transport, demonstrates that the watercourse along with the UU surface water sewer, which drain the large attenuation pond near A59/Higgins Lane junction, have the potential to flood very significantly throughout much of its length. No one involved in the oversight or development at YTF appears to have used the SCP Hydraulic Modelling Report or taken its findings into account.

The failure of phase 1 of the site to deliver the required reduction in surface water flows into the foul sewer network before any homes were occupied is in contravention of policy SP1 in the development plan. Phase 1 is largely complete and a large number of homes occupied. The proposed delivery of phase 2 will inevitably exacerbate the problem.

Note that, unfortunately, there is a serious concern with the phase 1 diversion as the SCP report completed for BPC shows that the surface water network is already hydraulically inadequate and causes downstream flooding, so the addition of any further water will cause additional downstream flooding.

WLBC has failed to ensure that there is adequate foul drainage to support the proposed 267 dwellings in YTF phase 2. Additionally, there is no proposal for phase 2 to accord with SP3.

The Burscough Parish Neighbourhood Plan is now part of the development plan for West Lancashire and must be taken into consideration when making decisions on planning applications in Burscough Parish. YTF phase 2 will exacerbate the existing drainage and

sewerage system problems in Burscough, increasing flooding in the area and will make the existing situation worse.

Burscough Flood Records Report contains the only, comprehensive, detailed collection of flooding reports ever produced for Burscough and its use would improve WLBC's decision-making. The report was first published by BPC in 2016, yet WLBC still hasn't updated its SFRA with any of the evidence in the report or the three professionally produced reports provided by BPC and the EA (*Burscough Flood Studies Investigation July 2010 Entec, Drainage Assessment Review for YTF Proposed Development for BPC July 2015 SCP, Hydraulic Modelling Report Crabtree Lane for BPC February 2017 SCP*). WLBC are in direct conflict with NPPF in not using the Burscough Flood Records Report.

Phase 2 of this development is not sustainable because it increases downstream flood risk, exacerbating the problems already caused by phase 1 and the lack of investment in the drainage and sewerage system problems in Burscough.

Had the full planning committee approved the drainage conditions, rather than they be reserved matters, then there would have been a requirement for a report to the committee to be made and it to have stated the reasons for the divergence from the development plan, which the committee should have had opportunity to scrutinise. From that point onwards Borough Councillors would have had ownership of the decisions being made, plus knowledge backed up with enforcement powers they could access if required.

The strategic site development in Burscough has added to the existing drainage problems making them worse.

A report on Burscough's Flooding Problems by Jacobs was completed in November 2019. It was funded by DEFRA and came about through public money and the work of BFG who collected data on flooding from all sources and created Burscough Flooding Report. This report is being withheld from BFG, and all other stakeholders at a time when the largest single detailed planning application for Burscough is about to be heard.

7.3 I have also received three objections from local residents, who raise the following concerns:

#### *Drainage*

Lack of, or the inadequacy of the drainage infrastructure;

The Authorities and other Bodies have a duty to ensure the drainage system is "fit for purpose" and is sufficiently robust to deal with capacity issues now and for the future - Concern that drainage Authorities, have inadequate knowledge about the watercourses and culverts in West Lancashire to understand how the whole of the system works;

Crabtree Lane has suffered 4 serious flooding events since December 2015, and contaminated foul water has been known to overflow the sewage pipe close to Orrell Lane;

How is it possible to say the drainage systems already put in place, are in fact safe, and without fault?

Watercourses in Burscough (Inclusive of Langley's Brook which runs through the Site), are eventually fed into the Boathouse Sluice which runs from United Utilities Waste Water Treatment Site, through Martin Mere and then eventually to the Pumping Station at Crossens where water is then pumped to the sea. This whole system has been put under serious threat in recent years;

The Environment Agency have reduced the maintenance of the Boathouse Sluice as well as contributory main rivers and watercourses, inclusive of Langley's Brook and the Ring Ditch. This has put Burscough's Drainage system at risk;

There is a restriction in the sewage pipe which crosses beneath the Railway Line immediately before it enters the United Utilities New Lane site. There is a restriction in the culvert which crosses the railway nearby. Both of these serve the application site and restrict the flow of both sewage waste, and surface water;

The 4 Flood Risk Management Authorities for this area have failed in their duty to ensure homes, livelihood and environment are preserved from flooding and risk of flood;

The developer and WLBC should look at the means by which water is "attenuated". Whilst this may be becoming the standard now, it will in some circumstances contribute to the most severe of flooding events, particularly when surface water from a previous heavy rainfall event is still not cleared from the system. It would continue to flow during the course of a subsequent heavy rainfall event;

Could consideration be given to controlling the flow by means of "Telemetry" linked to known flooding locations?

I have observed the ground water problems increasingly become worse over the last 15 years, in the last 5 years there has been an acceleration of the frequency and volume garden flooding issues. Rising ground water levels are a concern;

WLBC's SRFA is inadequate and not kept up to date. - Suggests that no decision be made until the overdue Jacob's report into flooding issues in Burscough has been agreed, published, and fully understood.

#### *Other matters:*

The size of the development is going to place an additional burden on the road and highway infrastructure, local amenities, schools and health facilities, etc. Lack of public consultation. Scheme does not meet needs of local community;

Density of the number of dwellings on the space available, the lack of green space and recreational space. Young children's play area required separate from proposed park;

Inadequate affordable housing to meet local need. Is this application taking up some of the social and affordable housing that were not taken up by the Redrow development?

This Anwyl development is being considered under the 2012 Local Plan arrangements. It is now 2020 and the housing needs and local infrastructure of the area have changed considerably over time. Local Plan as not delivered on infrastructure promises for the YTF development, e.g. highways, drainage.

- 7.4 A representation has been received from the agent of a neighbouring land owner who, whilst being generally supportive of the scheme, raises a concern over the connectivity of the development to the wider site and suggests that a condition be imposed on any approval which ensures that services and road connections are made up to the full extent of the land ownership boundary and that these are fully adopted in order to ensure a seamless connection between all phases of development on the wider YTF site.

## **8.0 SUPPORTING INFORMATION**

- 8.1 The application is supported by the following information:

Planning Statement  
Design and Access Statement  
Arboricultural Method Statement  
Tree Constraints Plan  
Ecology Reports  
Drainage Statement  
Geo-Physical Survey  
Noise Impact Assessment  
Lighting Assessment  
Construction Environment Management Plan  
Site Construction Management Plan

## **9.0 RELEVANT PLANNING POLICIES**

- 9.1 The National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG), West Lancashire Local Plan (2012-2027) (WLLP) and Burscough Parish Neighbourhood Plan provide the policy framework against which the development will be assessed. The site is the subject of a Supplementary Planning Document: Yew Tree Farm Masterplan (February 2015) which aims to guide applicants in their proposals for development on the site.
- 9.2 The site is allocated as SP3 – Yew Tree Farm, Burscough – A Strategic Development Site. The site also falls within the Mineral Safeguarding Area as designated under Policy M2 of the Joint Lancashire Minerals and Waste Local Plan.
- 9.3 The following policies apply:

### National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development

Section 4 Decision making

Section 5 Delivering a sufficient supply of homes

Section 6 Building a strong, competitive economy

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

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

Section 15 Conserving and enhancing the natural environment

Section 17 Facilitating the sustainable use of minerals

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

SP1 – A Sustainable Development Framework for West Lancashire

SP3 – Strategic development Site: Yew Tree Farm

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

RS1 – Residential Development

RS2 – Affordable and Specialist Housing

EC1 – The Economy and Employment Land

IF1 – Maintaining Vibrant Town and Local Centres

IF2 – Enhancing Sustainable Transport Choice

IF3 – Service Accessibility and Infrastructure for Growth

IF4 – Developer Contributions

EN1 – Low Carbon Development and Energy Infrastructure

EN2 – Preserving and Enhancing West Lancashire's Natural Environment

EN3 – Provision of Green Infrastructure and Open Recreation Space

EN4 - Preserving and Enhancing West Lancashire's Built Environment

### Burscough Parish Neighbourhood Plan

BPI1: Development and Infrastructure

BPI2: Surface Water Drainage

BPI3: Foul Water Drainage

BPH1: New Residential Development

BPH2: Housing Mix

BPT1: Transport and Development

BPT2: Environmental Improvement Corridors

BPD1: Design and Accessibility Principles  
BPD2: Detailed Design Elements  
BPC1: Community Infrastructure

- 9.4 The following supplementary planning documents are also relevant:  
SPD – Yew Tree Farm Masterplan (Feb 2015)  
SPD - Open Space (July 2014).  
SPD – Design Guide (Jan 2008)

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

### Background

- 10.1 Outline planning permission, with all matters reserved except access, was granted for a mixed-use development on the site (comprising up to 580 dwellings, care accommodation, a local retail centre, community uses, 4.6 hectares of employment development, the provision of open space and associated recreation facilities including a linear park) on 20th March 2017 (Ref: 2015/0171/OUT). The outline permission includes 36 conditions and a S106 Agreement.
- 10.2 The first phase of residential development for 146 dwellings along with the access onto Liverpool Road South and the first part of the spine road was granted planning permission in October 2017 and is well under way. The remainder of the spine road and outline permission for employment purposes along Tollgate Road was granted permission in November 2018 and more recently, reserved matters approval was granted for employment and leisure units accessed off Tollgate Road (July 2019). Work has now commenced on the spine road and the employment units. A further application was granted earlier this year for the provision of infrastructure to serve Phase 2 along with the wider Yew Tree Farm site, comprising a foul pumping station and two electricity substations (2019/1316/FUL).
- 10.3 This application is for the second phase of residential development (267 dwellings) by Anwyl Homes and includes details of the scale, layout, appearance and landscaping of the site (the "Reserved Matters"). The application also includes the details required to "discharge" a large number of conditions imposed on the outline permission, relating to provision of a construction method statement, internal access roads, travel plan, tree method statement, landscaping and detailed habitat creation/landscaping and management plan, barn owl check, construction environment management plan, lighting, foul and surface water drainage strategy, detailed foul and surface water schemes, sustainable drainage maintenance and management plan, levels and noise assessment.
- 10.4 Members may recall that this application was on the agenda for the May Committee Meeting but was withdrawn from the agenda by officers in order to consider the newly received Level 2 Strategic Flood Risk Assessment commissioned by the Council.

### Principle of Development

- 10.5 The NPPF supports growth of areas to supply new homes in sustainable locations. Policy SP1 of the Local Plan re-iterates this approach. The principle of development on the site has already been established through the approval of outline permission under planning reference 2015/1071/OUT. Subsequent details for the link road between Liverpool Road South and Tollgate Road have also been approved. Therefore, the principle of a residential development on the site within the settlement area is acceptable subject to other relevant planning policies.

## Affordable and Specialist Housing

- 10.6 The outline planning permission, in compliance with Policy RS2 and the Yew Tree Farm Masterplan SPD required that up to 35% of the units on the overall site must be affordable. Furthermore, the outline permission and both Policies RS1 and Policy RS2 required that at least 20% of the total number of residential units on the site should be designed specifically to accommodate the elderly. As the outline permission was for up to 580 dwellings, this would equate to 203 affordable housing units being provided across the site.
- 10.7 Within Phase 1, Redrow are providing 146 market dwellings (following a viability exercise in which the LPA was satisfied that no affordable units could be provided/supported on this first phase due to the cost of initial infrastructure to serve the wider site). It was made clear in the report accompanying the application for Phase 1, that future phases of development on the Yew Tree Farm site would not bear the same costs associated with the initial servicing of the site (in particular the significant off-site highway works) and it will therefore be expected that subsequent residential phases provide the requisite amount of affordable housing. On some phases, this will need to be increased to overcome the shortfall necessitated by the lack of provision in the first phase. This means that it is still necessary for the overall wider site subject of the outline permission, to deliver 35% affordable housing.
- 10.8 The current application includes 35% affordable housing units (94), which, although this does not pick up any of the shortfall from the first phase, does ensure an otherwise policy compliant scheme. It would be for the remaining phases to deliver the shortfall in affordable housing units (109), subject to viability.
- 10.9 Of the 94 affordable units, 30 dwellings would be shared ownership tenure and 64 would be for affordable rent. Of these, there are 8 x 2-bed bungalows, 6 x 2- bed apartments, 16 x 1 bed apartments, 36 x 2-bed terraced and 16 x 3-bed terraced properties. The affordable units are pepper potted throughout the site which ensures an integrated development. The Council's Housing Strategy Manager is satisfied that this mix and tenure split meets the Council's Housing Needs for the Burscough Area and on this basis I consider the proposal conforms to Policy RS2 and Policy BPH2 of the Burscough Parish Neighbourhood Development Plan.
- 10.10 In terms of specialist housing for the elderly, there is no specific definition of 'elderly accommodation' and each case is considered on its own merits. In this case, 19 of the units would be suitable for elderly or mobility impaired without adaptation as they comprise bungalows or ground floor only accommodation. The remainder of the houses will be constructed to meet current Building Regulations Part M4(1) with the structure designed to ensure minimal work is required in any future adaptation that may be necessary. Therefore, reasonable provision is made for most people, including wheelchair users, to approach and enter the dwelling and access habitable rooms and sanitary facilities on the entrance storey and I am satisfied that the proposed development complies with Policies RS1 and RS2 in this respect.

## Siting, Layout and Design

- 10.11 Policy GN3 in the Local Plan states that new development should be of a scale, mass and built form that responds to the characteristics 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. This guidance is reiterated within Policy DP5 of the Council's SPD Design Guide and the YTF Masterplan.



- 10.12 In terms of scale, the density of development equates to approximately 28 dwellings per hectare. The density of 28 dwellings per hectare is relatively low and characteristic of the surrounding area. Although there would be no on-site open space in this phase this is compensated for by the proposed adjacent large area of public open space to the west, along with the green space SuDs corridors between the site and the link road and the site and land to the east.
- 10.13 The layout has been designed to positively address the link road and main estate access in that dwellings front onto both these boundary routes as well as the open eastern boundary, avoiding a layout which is overtly inward looking. Various types and size of dwellings are proposed, including 16 x 1 bedroom apartments each with a private garden; one apartment block containing 6 x 2 bed units with a shared garden and parking court; 8 x 2 bed bungalows with private gardens and parking; 2 and 3 bed terraced houses and 3 and 4 bedroom semi-detached and detached houses all with private gardens and parking. The majority of dwellings have frontages with gardens or driveways and some properties have parking to the side of the houses, ensuring that there would not be an over-dominance of hardstanding to the frontage of houses. Where there are runs of frontage parking bays, these have been broken up wherever possible with landscaping in the form of hedges, trees and shrubs. The layout also allows for two main tree-lined access roads with a number of inter-linking estate roads and cul-de-sacs. Corner properties have dual frontage features and all footpaths through the site are overlooked to aid natural surveillance.
- 10.14 With regards appearance, the dwellings would be constructed from brick and are laid out across the site in "character areas." Homes within each area are subtly differentiated by elevational changes and facing materials. There is a mix of hipped and gabled front projections and feature brickwork bands and head and cill details provide interest and differentiations between the character areas. Overall I am satisfied that the resulting layout is acceptable. On this basis, I consider that the proposed development will be in accordance with Policy GN3 of the Local Plan, Policy BPD1 of the Burscough Parish Neighbourhood Plan and the Council's SPD Design Guide.

#### Residential Amenity.

- 10.15 Policy GN3 in the WLLP requires new development to retain or create reasonable levels of privacy, amenity and sufficient garden/outdoor spaces for occupiers of the proposed and neighbouring properties. Further detailed advice on interface distances is provided within the Council's SPD Design Guide.
- 10.16 In terms of the relationships between the proposed dwellings, I am satisfied that the proposed layout, in general, accommodates the required interface distances. Where this is not the case, I am satisfied that the resulting impact has been designed out by ensuring that the main outlook is focused away from the neighbouring property.
- 10.17 In terms of future occupier's amenity, Condition 35 of the outline planning permission requires the submission of an updated noise assessment for each phase which would highlight any additional noise mitigation measures that may be necessary on the site. The submitted noise assessment concludes that noise from Liverpool Road South and the Burscough Industrial Estate would be too distant to require any additional noise mitigation to any of the proposed dwellings over and above standard double glazing. As such this condition can be discharged as far as the proposed development on Phase 2 is concerned.

10.18 In terms of the impact on surrounding residents, a significant distance is maintained between the existing dwellings on Liverpool Road South and those proposed on Phase 2 as well as those between Phase 1 and 2. Therefore, I consider that the proposed development, subject to the conditions would not result in a detrimental loss of residential amenity to any neighbouring properties in compliance with Policy GN3 and the Burscough Parish Neighbourhood Plan. Potential impacts on local residents of any significant development in this area would be during the construction phase in terms of noise and vehicle movements. Whilst some noise will be generated during the construction phases, this will be temporary and subject to separate environmental control and the new link road will adequately cater for construction vehicles. The submitted Site Construction Management Plan satisfies the requirements of Condition 5 of the outline permission.

### Sustainability

10.19 Paragraph 150 of the NPPF advises that development should plan for climate change and elements of a scheme such as location, orientation and design should reflect sustainability. Policy EN1 of the Local Plan promotes resilience to climate change for all development. In terms of sustainability and social values, the applicant states that supporting local business is a priority for Anwyl Construction Company Ltd. Where possible, Anwyl aim for a minimum of 70% of the subcontractors appointed to be local to the site, and orders are placed with suppliers who are based within a 25-mile radius of the site. Anwyl indicate that this approach proves extremely successful and allows the company to build long-term working relationships with highly skilled contractors, while having a positive impact on a community's economy.

10.20 In order to develop the next generation of construction experts, Anwyl indicate that they work with many different organisations including CITB, The Prince's Trust and local colleges. Together, training opportunities are created for local people from diverse backgrounds, including those who are unemployed and looking for a way into work, or young construction students or apprentices who need valuable site-based experience to further develop their skills.

10.21 In terms of the proposed dwellings, Anwyl state that they achieve 2-5% reduction in CO<sub>2</sub> emissions over the national requirement with regard energy efficiency through greater insulation standards over and above the Building Regulations requirements.

10.22 Anwyl confirm that solar gains are encouraged through the design of the homes and the site which is maximised through the use of deciduous trees in landscape designs allowing sunlight to reach dwellings in winter months, orientating properties south as much as possible without spoiling the aesthetics, using hipped roofs to maximise the amount of solar gain achieved, limiting large gaps and spaces between dwellings, avoiding long narrow internal rooms reducing light and warmth away from windows, and using good quality materials in building specifications. Furthermore, Anwyl advise that the properties have been designed to limit solar heat gain and reduce water consumption by occupants.

10.23 In my view, the scheme meets the Council's aims to promote sustainable development in compliance with the NPPF, Policy SP1, GN3 and EN1 of the Local Plan and BPH1 and BPD2 of the Burscough Parish Neighbourhood Plan and the Yew Tree Farm Masterplan SPD.

### Highways

10.24 The impact of the overall development on highway capacity and safety has already been assessed under the outline planning permission and there has been no material change in circumstance since this time. LCC do not raise any highway capacity issues. The full

details of the link road between Liverpool Road South and Tollgate Road along with the two access points into Phase 2 (and a temporary construction access) have been approved through the hybrid application 2018/0525/HYB and the first phase of residential development 2017/0431/ARM and the recently approved 2019/1316/FUL. This is well under construction and will serve the proposed Phase 2 development. LCC Highways advise that access arrangements for the site are acceptable.

- 10.25 Parking provision accords with the requirements in policy IF2, all two and three bedroomed properties would have two spaces and the four bedroomed properties would have 3 spaces. Where garages are provided they measure 5.8m x 3m and are of sufficient size to accommodate vehicle parking.
- 10.26 Following the submission of swept path analysis, I am satisfied that vehicles would be able to manoeuvre safely within the site and access and egress would not cause adverse harm to highway safety or the free flow of traffic in the local area. An acceptable Travel Plan has also been submitted which seeks to reduce reliance on the private car. Lancashire County Council as Highway Authority have confirmed that the relevant highway conditions pertaining to the outline permission (8 and 14) can be discharged and I am satisfied that the proposed development is compliant with Policies GN3 and IF2 in the Local Plan, the Yew Tree Farm Masterplan SPD and Policy BPT1 of the Burscough Parish Neighbourhood Plan.

### Drainage and Flood Risk

#### *General*

- 10.27 In terms of drainage, it is known that there are surface water flooding issues in the Burscough area. At the time the outline planning application was considered, the statutory bodies assessing the impact of the proposed development on the above matters (United Utilities (UU), Environment Agency (EA) and LCC Lead Local Food Authority (LLFA)) did not raise any objections to the proposal. Stringent conditions were imposed on the outline planning permission requiring details of the surface water management scheme and compliance with the Flood Risk Assessment submitted. Subsequently, a detailed drainage strategy and specific drainage details for Phase 1 and the employment development on the site have been agreed as part of the relevant Reserved Matters applications. In addition, details of a foul pumping station to serve Phase 2 have been approved through application 2019/1316/FUL.
- 10.28 Drainage was an extremely important consideration of the outline permission and indeed is of great concern to the local community. As the overall drainage strategy for the Yew Tree Farm site has already been agreed and has not been fundamentally amended since the details were approved in December 2017, the only matter relating to drainage that can be considered as each phase comes forward is to ensure that the drainage for that phase ties into the overall site wide drainage strategy (Conditions 26 and 27 of the outline permission) and to provide specific technical drainage details as well as management and maintenance for each individual phase (Conditions 28, 29 and 30 of the outline permission). All of the information must accord with the site wide drainage strategy, which has already been approved.
- 10.29 Since the outline planning permission and overall drainage strategy have been approved on the wider Yew Tree Farm site, a Level 2 Surface Water Management Plan for Burscough (BSWMP) has been published by LCC. This work was commissioned by LCC and published in January 2020. It was commissioned as a result of local concern about the number of flooding incidents occurring in the area over the last few years. The aim of the BSWMP is to establish a long-term action plan to manage surface water. Its findings

are intended to be used to influence capital investment, drainage maintenance, public engagement and understanding land-use planning, emergency planning and future developments. A number of objectives have also been identified within the BSWMP and as a result of the study, a number of actions have been identified ranging from high priority to low.

- 10.30 There has been some criticism of the BSWMP from the Burscough Flooding Group. However, the document was not commissioned by West Lancashire Borough Council and therefore the scope of the plan was agreed by LCC as Lead Local Flood Authority (LLFA). Having reviewed the document in so far as it relates to the Yew Tree Farm site, I am satisfied that it raises no additional issues that have not already been addressed by the more specific FRA and Drainage Strategy submitted as part of the outline application and in particular the information submitted with respect of this Reserved Matters application and how it connects into the already approved drainage strategy.
- 10.31 In addition to the above, a Level 2 Strategic Flood Risk Assessment (SFRA) was published in May 2020 to inform a new Local Plan (although it primarily relates to the assessment of specific potential allocations previously proposed as part of the now ceased Local Plan Review 2012-2050, having initially been commissioned before the Council made the decision to cease work on that Local Plan Review 2012-2050). An SFRA looks at flood risk at a strategic level on a local planning authority scale. The NPPF requires local planning authorities to appraise the risk of flooding in their areas by undertaking an SFRA. An SFRA takes into account the impacts of climate change and assesses the impact that land use changes and development in the area will have on flood risk.
- 10.32 Ultimately, an SFRA functions to inform decisions on the preparation of a Local Plan and ensure that allocations proposed in a new Local Plan are those which, so far as can be reasonably assessed from a desktop study, are not anticipated to make existing flood risk and drainage issues worse should they be developed. That high-level assessment can then be utilised as a basis for a site-specific Flood Risk Assessment by developers when they bring forward proposals for the development of the allocations, which involves actual site investigations.
- 10.33 The different levels of SFRA's reflect the likely risk of flooding from all sources and development pressures. A Level 2 SFRA is prepared when land outside flood risk areas can't appropriately accommodate all the necessary development and the NPPF's Exception Test needs to be applied. Both Level 1 and Level 2 SFRA's present a high level overview of flood risk across West Lancashire. The information collated for an SFRA is obtained through desk studies rather than on site investigation, and is therefore indicative. Site specific detail is usually provided by developers to support planning applications, e.g. Flood Risk Assessments, Factual and Interpretive Ground investigation Reports, and Drainage Strategies. In regard to the Level 2 SFRA and its implications for the Yew Tree Farm site, I am satisfied that the most recent SFRA raises no new cause for concern that has not previously considered and the current application, in so far as it relates to the already approved drainage strategy for the site, is considered acceptable. The LLFA concur with this view.

#### *Surface Water*

- 10.34 In terms of surface water drainage, in essence, run off from Phase 2 will connect to attenuation basins C and E which lie outside the Phase 2 site but within the wider YTF site. Basin C lies between the site and the link road to the north and has already been approved under the application for the link road (2018/0252/HYB) and Basin E lies to the west of Phase 2 and has already been approved under Reserved Matters approval

2019/0311/ARM relating to the Phase 1 employment phase. Basin C discharges at an attenuated rate of 5 litres/sec to an existing watercourse to the west. Basin E discharges at an attenuated rate of 17.6 litres/sec to an existing watercourse to the west and both these watercourses lead to Langleys Brook. The higher rate of 17.6 litres/sec relates to that part of the site draining to Basin E (approx.15ha) which equates to approx. 2l/s/ha, the nationally expected rate. As the post-development SW discharge rate is the nationally recognised minimum of 2 l/s/ha then the peak rate of runoff should reduce. Therefore existing flooding should not be exacerbated.

- 10.35 Furthermore, since the SW will drain to the watercourse to the west, and this is away from the main residential areas and centre of Burscough, there will not be any increased flood risk impact in these areas. The drainage basins will, in effect "hold back" rain-water falling on this site before slowly releasing it to the watercourse as opposed to the current unrestricted flows in periods of heavy rainfall. This approach has been previously modelled and approved as part of the outline permission for the site.

#### *Foul Water*

- 10.36 In terms of foul water, all flows from Phase 2 will discharge into a new foul sewer located within the new link road which ultimately connects to a new foul only sewer in Higgins Lane and then to an existing combined sewer to the west of the site. The foul water will discharge from the site via a pumping station in the NW corner, which already benefits from planning permission (2019/1316/FUL). This pumping station will utilise telemetry to regulate foul flows from this phase of the development.

#### *Conclusions on drainage*

- 10.37 I am aware of the flooding issues experienced in the Burscough area and the information submitted to the Council by Burscough Flood Group and Burscough Town Council. This application seeks to ensure that all proposed foul and surface water drainage reflects that already approved by the outline permission and that this Phase ties into the wider site's infrastructure in an acceptable way. In order to achieve this, as already agreed as part of the wider site strategy, some foul water capacity within the combined sewer will be created once surface water diversion works have been completed. The works will divert flow from properties along Lordsgate Lane into the Yew Tree Farm SuDS network (the trigger for these works does not occur until occupation of the 150th dwelling, which is not yet reached). However, work is well under way to implement the diversion works, with Basin E already being excavated in order to receive flows. It has also been confirmed by the applicant that the SW runoff from the six new houses at the end of Lordsgate Lane is now discharging in to the YTF SuDS as agreed.
- 10.38 The relevant drainage bodies, United Utilities, as the foul water infrastructure regulators and the Lead Local Flood Authority, as surface water regulator, have carefully examined the submitted drainage details and are satisfied that they accord with the approved strategy, that no further issues are raised following publication of the L2 SFRA and they will not exacerbate flooding on or off site, nor will the development of Phase 2 put any additional burden on the existing foul sewer network. On this basis, whilst I understand the concerns of BFG and the Town Council, I am satisfied that the principles of the overarching drainage strategy have been adhered to. The matter of the suitability or otherwise of the wider drainage network outside that concerned with the approved outline permission falls beyond the realms of consideration of this Reserved Matters application. I therefore consider the proposed development acceptable in terms of drainage (including the relevant drainage conditions) and in compliance with the NPPF, Policy GN3 of the Local Plan, the Yew Tree Farm Masterplan SPD and Policies BPI1, BPI2 and BPI3 of the Burscough Parish Neighbourhood Plan (BPNP).

## Landscaping, Ecology and Public Open Space

- 10.39 Policy SP3 of the Local Plan along with the Masterplan requires the wider site to deliver a new public park and a Linear Park. The public park is proposed to the west of Phase 2. In addition, the linear park will run alongside the northern boundary of the site adjacent to the link road, which will ultimately link with the existing footpath 74, which then runs north/south through the YTF site. A further part of the linear park pedestrian/cycle route will also run adjacent to the eastern boundary of the site, between Phase 2 and 3 and link to Liverpool Road North. In view of the close proximity of the proposed public park and linear parks, I am satisfied that no provision for open space is required within the site itself. In my view, the proposed landscaping, retention and enhancement of the existing hedge along the southern boundary, will provide "green" relief within the layout and areas of open space are readily accessible from the site. In this regard, I consider the proposal complies with Policy SP3 and EN3 of the Local Plan and BPD1 of the BPNP.
- 10.40 In terms of ecology and biodiversity, a Habitat Regulations Assessment was undertaken in relation to the outline application which concluded that there would be no likely significant effects upon European sites. The Council's ecological advisors MEAS have considered the current proposals and advise that this conclusion still applies. This is due to the high levels of human activity and disturbance created by the adjacent construction works which would be likely to deter non-breeding birds and also because the site is no longer subject to agricultural management and is therefore highly unlikely to provide foraging opportunities for non-breeding birds which are qualifying features of European sites, such as pink-footed geese.
- 10.41 The outline application was submitted with an Environmental Statement (ES) that included baseline ecological assessments. In the ES it was identified that there was a small pond within the site now subject of the current application. The ES confirmed that this pond would be lost during the construction phase and set out the mitigation that was required (translocation of any amphibian found to a nearby receptor site). This position was accepted by MEAS and the outline permission conditioned accordingly. The applicant has submitted an updated ecology survey and lighting assessment as well as detailed landscape proposals and a construction environmental management plan to address the relevant ecological conditions imposed on the outline permission (Conditions 18, 23 24 and 25).
- 10.42 The information submitted confirms that none of the habitat within this Phase is suitable for nesting bats or barn owls. It also provides detailed native landscape proposals for retention and enhancement of the existing hedgerow along the southern boundary of the site along with a significant amount of frontage hedgerow and tree planting to plots. The approved SuDs drainage basins and surrounding landscaped areas adjacent to the northern boundary provide a species rich habitat to mitigate for the loss of this former amenity grassland/farmland. Furthermore, the updated ecology report makes recommendations for the installation of ten bird nesting boxes and five bat access panels. MEAS have been consulted and confirmed that the above mitigation is considered acceptable and also confirm that the lighting assessment will not result in significant levels of light spillage upon potential bat foraging and commuting habitats along the boundaries. Furthermore, MEAS are satisfied that the submitted construction environment management plan is suitable and therefore that the relevant conditions can be approved.
- 10.43 As referred to above, detailed landscaping plans have been provided which include the retention and enhancement of the mature hedge along the southern boundary and native tree and hedge planting within the site. As such, I am satisfied that increased compensatory planting and habitat creation has been provided to mitigate any loss of

existing habitat and as such, there would be no undue impact on biodiversity as a result of the development in accordance with the NPPF, Policies EN2 and SP3 of the Local Plan, Policy BPD1 of the BPNP and the Yew Tree Farm Masterplan SPD.

### Planning Obligations

- 10.44 The obligations set out in the S106 Agreement pertaining to the outline permission 2015/0171/OUT for this site remain in force. Those obligations relate to the provision of the open space on land to the west of Phase 2, provision and delivery of affordable and specialist housing across the site, sustainable travel measures, and provision of a school site.

### Summary

- 10.45 It is considered that the proposed development is acceptable in terms of layout, housing mix, appearance and scale and that the proposed landscaping scheme will assimilate the development into its surroundings. 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 find that the proposed development is compliant with the NPPF, the West Lancashire Local Plan 2012-2027 DPD, the Burscough Parish Neighbourhood Plan and the Yew Tree Farm Masterplan SDP in respect of drainage, highways and ecology.

## **11.0 RECOMMENDATION**

- 11.1 That Reserved Matters Approval be GRANTED subject to the following conditions and reasons:

### **Condition(s)**

1. The development in this phase of the development authorised under outline planning permission 2015/0171/OUT must commence within two years of the date of this reserved matters approval in accordance with section 92 Town & Country Planning Act 1990.  
Reason: To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with section 92 of the Town and Country Planning Act 1990.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:  
Planning Layout Drawing No. PL-01 Rev J received by the Local Planning Authority on 20th March 2020;  
Materials and Surface Treatment Layout Drawing No. MT-01 Rev D received by the Local Planning Authority on 20th March 2020;  
Affordable Housing Layout Drawing No. AH-01 Rev D received by the Local Planning Authority on 20th March 2020;  
Electric Vehicle Charging Point Layout Drawing No. EV-01 Rev C received by the Local Planning Authority on 20th March 2020;  
Housetype Planning Booklet Ref: March 2020/Version 3 received by the Local Planning Authority on 20th 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. Boundary treatment shall be carried out in accordance with Planning Layout Drawing Ref: Planning Layout PL-01 Rev J and Boundary Treatments Booklet dated October 2019 (Version 1) received by the Local Planning Authority on 20th March 2020.

Reason: To assimilate the proposed development into its surroundings and in the interests of visual amenity and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

4. Landscaping and landscape management and maintenance shall be carried out in accordance with the details indicated on the following plans:

TBA Landscape Proposal Sheet 4 of 6 Drawing No. 6141.04 Rev E;

TBA Landscape Proposal Sheet 5 of 6 Drawing No. 6141.05 Rev E;

TBA Landscape Proposal Sheet 2 of 6 Drawing No. 6141.02 Rev E;

TBA Landscape Proposal Sheet 3 of 6 Drawing No. 6141.03 Rev E;

TBA Landscape Proposal Sheet 1 of 6 Drawing No. 6141.01 Rev E;

TBA Landscape Proposal Sheet 6 of 6 Drawing No. 6141.06 Rev E;

TBA Landscape Proposal Sheet 7 FULL SITE Drawing No. 6141.07 Rev E;

All received by the Local Planning Authority on 19th March 2020.

Within a period of 9 months of each dwelling being occupied the respective landscaping details relating to that plot shall be carried out. All elements of the landscaping details shall be completed within 9 months of the last dwelling being occupied. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting. The landscaping shall be maintained in accordance with the details indicated on the above plans in perpetuity.

Reason: To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

5. Notwithstanding the approved landscape plans, the hedgerow along the southern boundary shall be retained and a scheme for its enhancement with increased native species composition shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to occupation of the first dwelling on the site and maintained in accordance with the agreed scheme thereafter.

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

6. Prior to occupation of any dwelling on the site, the design and location of bird nesting boxes and bat access panels referred to in paragraphs 4.3.6, 4.3.7 and 4.4.3 of the Erap Updated Ecological Survey and Assessment Ref: 2019-320 dated October 2019 and received by the Local Planning Authority on 18th November 2019 shall be submitted to and approved in writing by the Local Planning Authority. The bird nesting boxes and bat access panels shall be implemented and maintained in accordance with the approved scheme thereafter.

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

7. The recommendations contained within Section 4 of the Erap Updated Ecological Survey and Assessment Ref: 2019-320 dated October 2019 and received by the Local Planning Authority on 18th November 2019 shall be adhered to before, during and after construction.

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

8. The recommendations contained within Section 6 (Construction Environment Management Plan) of the ERAP Discharge of Planning Conditions Ref: 2019-320b dated



October 2019 and received by the Local Planning Authority on 18th November shall be implemented in full during construction.

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

9. The tree protection measures specified within the landscape Arboricultural Method Statement Drwg No.s 47/90/T/002-004, 47/90/T/002, 47/90/T/003 and 47/90/T/004 received by the Local Planning Authority on 18th November 2020 shall be adhered to at all times during construction.

Reason: To ensure that the proper protection of trees has been carried out in the interests of visual amenity and to comply with Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

10. Lighting of the site shall be implemented in accordance with Drwg No. 20975-D-01 Rev A (Proposed Lighting and Installation Design Layout) received by the Local Planning Authority on 18th November 2019.

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

11. Development shall be carried out in accordance with the following drainage details:

-Rutter Johnson Drainage Summary Report Ref: Report No: 16079 - DRAINAGE SUMMARY STATEMENT - OVERALL SITE - Rev H dated April 2020 and received by the Local Planning Authority on 30th April 2020;

-Rutter Johnson Basin E Design Summary and Calculations for Employment Phase 1 and Residential Phase 2a and 2b Ref: 16079 - FINAL - SW - COMBINED EMP1+ PHASE 2a&2b dated April 2020 and received by the Local Planning Authority on 8th April 2020;

-Rutter Johnson Basin C Surface Water Design Summary and Calculations for Part Spine Road and Residential Phase 2a Ref: Ref: 16079 - FINAL - SW - COMBINED PART SPINE ROAD + PHASE 2a dated April 2020 and received by the Local Planning Authority on 8th April 2020;

-REFA Drainage Statement for Land at Yew Tree Farm Phase 2 dated 23rd April 2020 and received by the Local Planning Authority on 7th May 2020.

Reason: To ensure that the proposed development can be adequately drained. To ensure that there is no flood risk on or off the site resulting from the proposed development and to ensure that water quality is not detrimentally impacted by the development proposal in accordance with the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

12. Management and maintenance of the SuDs on the site shall be carried out in accordance with the NRE Yew Tree Farm Strategic Development Site Construction of Phase Two Residential Development SuDS Maintenance Plan dated 24th April 2020 and received by the Local Planning Authority on 27th April 2020.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/ body /company /undertaker for the sustainable drainage system and so to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

13. The development shall be carried out in accordance with the Anwyl Site Construction Management Plan Ref: 1312/CMP01v1 dated October 2019 and received by the Local Planning Authority on 18th November 2019.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users, to avoid conflict between HGV's and residential occupiers, to safeguard the general amenity of the area 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 shall be carried out in accordance with the Anwyl Interim Residential Travel Plan Ref: 2872 dated October 2019 and received by the Local Planning Authority on 18th November 2019.  
Reason: In the interests of sustainability in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
15. No development shall take place on the site until an access point from the link road has been implemented in accordance with planning permission 2019/1316/FUL.  
Reason: To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
16. No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development serving that dwelling have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.  
Reason: To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
17. The parking provision shown within the curtilage of each dwelling on the approved layout plan Ref: Planning Layout Drawing No. PL-01 Rev J received by the Local Planning Authority on 20th March 2020 shall be provided prior to first occupation of the dwelling to which it relates. The parking area shall be hardsurfaced and shall be made available for its intended use at all times thereafter.  
Reason: In the interests of highway and pedestrian safety and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
18. Levels across the site shall be implemented in accordance with the details submitted in Plan Refs: LCDS (Levels Corss Section Drawing) and PDLP (Proposed Development Levels Plan) received by the Local Planning Authority on 8th June 2020.  
Reason: To ensure the satisfactory visual appearance of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

**Note(s)**

1. The development approved by this permission may be liable to a Community Infrastructure Levy, which is payable after development begins. If your scheme is liable, and you have not already done so, you must submit an Assumption of Liability Notice to the Council before development commences. If your scheme is issued with a CIL charge, it is essential you submit a Commencement Notice to the Council before the development commences. Any application for relief or exemption should also be submitted before commencement.  
The Council will impose penalties where the correct forms are not submitted, or are late, or where the information provided is inaccurate.

All forms are available at <http://www.westlancs.gov.uk/planning/planningpolicy/community-infrastructure-levy/the-cil-process.aspx> and once completed, should be emailed to [CIL@westlancs.gov.uk](mailto:CIL@westlancs.gov.uk).

Further information on CIL can be found at [www.westlancs.gov.uk/CIL](http://www.westlancs.gov.uk/CIL) or by contacting the Council's CIL and S106 Officer on [CIL@westlancs.gov.uk](mailto:CIL@westlancs.gov.uk) or tel: 01695 585171.

2. Your attention is drawn to the fact that the Conditions that were imposed on the Outline planning permission for this development still apply and must be complied with in the implementation of this approval.
3. This permission is subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 in relation to the outline permission 2015/0171/OUT.
4. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980, Section 184, Lancashire County Council must specify the works to be carried out. Only Lancashire County Council or a contractor approved by the County Council can carry out these works. Therefore, before any access works can start you must contact the Environment Directorate for further information by telephoning the Area Surveyor South 01772 658560 or writing to the Area Surveyor South, Lancashire county Council, Cuerden Way, Bamber Bridge, Preston, PR5 6BS quoting the planning application number.
5. Applicants and developers are advised to promote good neighbourliness by reference to the Considerate Constructors Scheme (CCS). This is an independent organisation set up by the construction industry, which promotes a voluntary code, to promote good neighbourliness when large housing sites are under construction. If a developer has signed up to the code, they are required to display this on the site and members of the public can report any alleged breaches of the code to the CCS. Details of the scheme can be found on the following website [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
6. **United Utilities Note:**  
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.
7. **United Utilities Note:**  
**Water supply**  
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](mailto:DeveloperServicesWater@uuplc.co.uk).

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

8. United Utilities Note:

United Utilities' property, assets and infrastructure

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:

Water assets - [DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk)

Wastewater assets - [WastewaterDeveloperServices@uuplc.co.uk](mailto: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.

For any further information regarding Developer Services, including application forms, guides to our services and contact details, please visit our website at <http://www.unitedutilities.com/builders-developers.aspx>

9. Lead Local Flood Authority Note:

Ordinary Watercourse Land Drainage Consent:

Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), the applicant will need consent from the LLFA for any works which may alter or impede the flow of an existing ordinary watercourse, regardless of whether that watercourse is culverted or not. As per Lancashire County Council Consenting and Enforcement Policy, it should be noted that the LLFA will generally refuse consent applications which seek to culvert existing ordinary watercourses. This is in line with Environment Agency guidance on protecting watercourses.

The applicant should contact the Flood Risk Management Team at Lancashire County Council to obtain Land Drainage Consent. Further information on the application process and relevant forms can be found via the following link: <http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-awatercourse.aspx>

For the avoidance of doubt, once planning permission has been obtained it does not mean that land drainage consent will be given. Retrospective consent cannot be issued.

10. Lead Local Flood Authority Note:

For the avoidance of doubt, the LLFA does not comment on the suitability for future highway adoption under Section 38 of the Highways Act 1980. This is for the Local Highway Authority to comment on.

### **Reason for Approval**

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

SP1 - A Sustainable Development Framework for West Lancashire

SP3 - Strategic development Site: Yew Tree Farm  
GN1 - Settlement Boundaries  
GN3 - Criteria for Sustainable Development  
RS1 - Residential Development  
RS2 - Affordable and Specialist Housing  
EC1 - The Economy and Employment Land  
IF1 - Maintaining Vibrant Town and Local Centres  
IF2 - Enhancing Sustainable Transport Choice  
IF3 - Service Accessibility and Infrastructure for Growth  
IF4 - Developer Contributions  
EN1 - Low Carbon Development and Energy Infrastructure  
EN2 - Preserving and Enhancing West Lancashire's Natural Environment  
EN3 - Provision of Green Infrastructure and Open Recreation Space  
EN4 - Preserving and Enhancing West Lancashire's Built Environment

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

