



Jacqui Sinnott-Lacey  
Chief Operating Officer

52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

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Tuesday, 16 November 2021

**TO: COUNCILLORS D O'TOOLE, J FINCH, MRS P BAYBUTT, A BLUNDELL,  
N DELANEY, D EVANS, S EVANS, A FENNELL, G JOHNSON,  
G OWEN, E POPE, J THOMPSON, J UPJOHN AND  
MRS M WESTLEY**

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET, ORMSKIRK, L39 2DF** on **THURSDAY, 25 NOVEMBER 2021** at **7.00 PM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be 'JS', written over a light blue horizontal line.

Jacqui Sinnott-Lacey  
Chief Operating Officer

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

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

is of the opinion that the item(s) should be considered as a matter of urgency.

- 4. DECLARATIONS OF INTEREST** 541 - 542  
If a member requires advice on Declarations of Interest, he/she is advised to contact the Legal and Democratic Services Manager in advance of the meeting. (For the assistance of members a checklist for use in considering their position on any particular item is included at the end of this agenda sheet.)
- 5. DECLARATIONS OF PARTY WHIP**  
Party Whips are not to be used by this Committee in respect of its functions concerning the determination of applications, approval of consents, the taking of enforcement action and the exercise of powers and duties with regard to highways, hedgerows, the preservation of trees and high hedge complaints. When considering any other matter which relates to a decision of the Cabinet or the performance of any member of the Cabinet, in accordance with Regulatory Committee Procedure 9, Members must declare the existence of any party whip, and the nature of it.
- 6. MINUTES** 543 - 548  
To receive as a correct record the minutes of the meeting held on the 14 October 2021.
- 7. PLANNING APPLICATIONS** 549 - 560  
To consider the report of the Corporate Director of Place and Community.
- 7a 2021/0726/FUL - LAND BETWEEN 11 AND 21 THE GRAVEL, MERE BROW, TARLETON** 561 - 570  
To consider the report of the Corporate Director of Place and Community.
- 7b 2021/0885/FUL - ELM TREE COMMUNITY PRIMARY SCHOOL, ELMERS WOOD ROAD, SKELMERSDALE** 571 - 578  
To consider the report of the Corporate Director of Place and Community.
- 7c 2020/1006/FUL - LAND ADJACENT TO ASHVIEW, FROG LANE, LATHOM** 579 - 590  
To consider the report of the Corporate Director of Place and Community.
- 7d 2021/0782/FUL - BUS STATION, MOOR STREET, ORMSKIRK** 591 - 604  
To consider the report of the Corporate Director of Place and Community.
- 7e 2021/1095/FUL - 2A VICARAGE LANE, WESTHEAD, ORMSKIRK** 605 - 608  
To consider the report of the Corporate Director of Place and Community.

7f **2020/1134/FUL - YEW TREE FARM, HIGGINS LANE, BURSCOUGH** 609 - 614  
To consider the report of the Corporate Director of Place and Community.

7g **2021/0506/FUL - LAND ADJACENT TO HIGGINS LANE, BURSCOUGH** 615 - 622  
To consider the report of the Corporate Director of Place and Community.

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

**FIRE EVACUATION PROCEDURE: Please see attached sheet.**

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

For further information, please contact:-

Jill Ryan on 01695 585017

Or email [jill.ryan@westlancs.gov.uk](mailto:jill.ryan@westlancs.gov.uk)

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

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

**IF YOU DISCOVER A FIRE**

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

**ON HEARING THE FIRE ALARM**

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

**NOTES:**

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

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

**CHECKLIST FOR PERSON IN CHARGE**

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

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

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

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

**NOTE:**

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

**CHECKLIST FOR ZONE WARDEN**

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

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

**INSTRUCTIONS FOR DOOR WARDENS**

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





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

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

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

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

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

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

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

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

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

**'a connected person'** means

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

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

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

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

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



# Agenda Item 6

## PLANNING COMMITTEE

**HELD:** Thursday, 14 October 2021

Start: 7.00 p.m.

Finish: 9.18 p.m.

### PRESENT:

Councillor: D O'Toole (Chairman)  
J Finch (Vice-Chairman)

Councillors: Mrs P Baybutt G Johnson  
A Blundell G Owen  
N Delaney E Pope  
S Evans J Thompson  
A Fennell J Upjohn  
N Furey Mrs M Westley

In attendance: Councillor C Coughlan (Birch Green Ward)

Officers: Alan Houghton, Interim Head of Growth and Development  
Catherine Thomas, Development, Heritage and Environment Manager  
Ann Veevers, Principal Planning Officer  
Judith Williams, Assistant Solicitor  
Jill Ryan, Senior Member Services Officer  
Chloe McNally, Apprentice Member Services

### 57 APOLOGIES

There were no apologies for absence received.

### 58 MEMBERSHIP OF THE COMMITTEE

There were no changes to the membership of the Committee.

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

There were no items of urgent business received.

### 60 DECLARATIONS OF INTEREST

1. Councillor D O'Toole declared a pecuniary interest in respect of planning application 0348/FUL relating to Aughton Lawn Tennis Club as his wife was a member of the said Club and that he would leave the Chamber during consideration of this application and take no part in the decision making process.
2. Councillor D O'Toole declared a pecuniary in respect of planning application 0734/FUL relating to 38 Granville Park, Aughton as he lived in close proximity to the application site and that he would leave the Chamber during consideration of this application and take no part in the decision making process.
3. Councillor D O'Toole declared a pecuniary in respect of application 0875/FUL

relating to 56 Granville Park West, Aughton as he lived in close proximity to the application site and that he would leave the Chamber during consideration of this application and take no part in the decision making process.

61 **DECLARATIONS OF PARTY WHIP**

There were no Declarations of Party Whip.

62 **MINUTES**

RESOLVED: That the minutes of the meeting held on the 9 September 2021, be approved as a correct record and signed by the Chairman.

63 **PLANNING APPLICATIONS**

The Corporate Director of Place and Community submitted a report on planning applications (all prefixed 2021 unless otherwise stated) as contained on pages 435 to 532 of the Book of Reports and on pages 533 to 539 of the Late Information Report.

(Notes:

1. In accordance with Regulatory Procedure Rule 7(a), Councillor Coughlan spoke in connection with planning application 2021/0142/FUL relating to Land to the West of Children and Parenting Support Services, Fairlie, Birch Green, Skelmersdale and left the meeting after consideration of this item.
2. 2 Objectors, the Applicant and a Parish Clerk spoke in connection with planning application 2021/0233/FUL relating to the Former Railway Hotel, 1 Station Road, Parbold and left the meeting after consideration of this item.
3. 2 Objectors and the Applicant spoke in connection with planning application 0348/FUL relating to Aughton Lawn Tennis Club, Granville Park, Aughton and left the meeting after consideration of this item.
4. The Chairman had declared a pecuniary interest in relation to the following planning applications and left the Chamber:-  
0348/FUL – Aughton Lawn Tennis Club, Granville Park, Aughton  
0734/FUL – 38 Granville Park, Aughton  
0875/FUL – 56 Granville Park West, Aughton

therefore the Vice-Chairman took the Chair in relation to these 3 applications.

64 **2021/0348/FUL - AUGHTON LAWN TENNIS CLUB**

RESOLVED: That planning application 0348/FUL relating to Aughton Lawn Tennis Club be approved subject to the conditions and reasons as set out on page 443 to 445 of the Book of Reports and with two additional conditions as set out below.

Additional Conditions

10.No music shall be played on any outdoor area of the site

contained within the blue/red edge on plan ref: 3838 – 301 Rev B received by the Local Planning Authority on 27<sup>th</sup> April 2021.

Reason:

To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2021-2021 Development Plan Document.

11. Within 3 months of the date of the development hereby approved, a scheme shall be submitted to and agreed in writing by the Local Planning Authority detailing how the safe exit of users of the tennis club will be managed. The agreed scheme shall be implemented in accordance with the approved details thereafter.

Reason:

To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2021-2021 Development Plan Document.

65 **2021/0734/FUL - 38 GRANVILLE PARK, AUGHTON**

RESOLVED: That planning application 0734/FUL relating to 38 Granville Park, Aughton be deferred to allow for further negotiation and another site visit to take place.

66 **20210875FUL - 56 GRANVILLE PARK WEST, AUGHTON**

RESOLVED: That planning application 0875/FUL relating to 56 Granville Park West, Aughton be approved subject to the conditions and reasons as set out on pages 462 to 463 of the Book of Reports.

67 **2021/0142/FUL - LAND TO THE WEST OF CHILDREN AND PARENTING SUPPORT SERVICES, FAIRLIE, BIRCH GREEN, SKELMERSDALE**

RESOLVED: In respect of planning application 0142/FUL relating to Land to the West of Children and Parenting Support Services, Fairlie, Birch Green, Skelmersdale

1. That the decision to grant planning permission be delegated to the Corporate Director of Place and Community in association with the Chair and Vice-Chairman of Planning Committee subject to the following:-

The applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 to secure:

The terms, conditions and delivery of the affordable housing units

The commuted sum in mitigation of the loss of the playing field

Maintenance and management of public open space

2. That any planning permission granted by the Corporate Director of Place and Community be subject to the conditions and reasons as set out on pages 477 to 484 of the Book of Reports.

68      **2020/0906/ARM - LAND TO THE EAST OF FIRSWOOD ROAD, LATHOM, LANCASHIRE**

RESOLVED:

1. That the decision to approve reserved matters be delegated to the Corporate Director of Place and Community subject to no further comments being received which raise new material planning considerations.
2. That any permission granted by the Corporate Director of Place and Community be subject to the conditions and reasons as set out on pages 494 to 498 of the Book of Reports and with an additional condition as set out on pages 538 of the Late Information Report.

69      **2021/0817/FUL - MOSSHOLM, 36 WARPERS MOSS LANE, BURSCOUGH, ORMSKIRK, LANCASHIRE**

RESOLVED:

That planning application 0817/FUL relating to Mossholm, 36 Warpers Moss Lane, Burscough be approved subject to the conditions and reasons as set out on pages 502 to 503 of the Book of Reports.

70      **2021/0233/FUL - FORMER RAILWAY HOTEL, 1 STATION ROAD, PARBOLD, WIGAN**

RESOLVED:

That planning application 0233/FUL relating to the Former Railway Hotel, 1 Station Road, Parbold be approved subject to the conditions and reasons as set out on pages 514 to 519 of the Book of Reports and with the amendment to Conditions 2 and 11 and an additional condition as set out on pages 538 to 539 of the Late Information Report and with an additional condition as set out below:-

Additional Condition

23. No development shall take place until a strategy for the

separate foul and surface water drainage of the development, including any necessary attenuation measures, has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage strategy must take account of the relevant provisions of this councils Planning Applications - Drainage, Flood Risk and Sustainability guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement standards. The drainage scheme shall be completed in accordance with the approved details. Surface water discharge from the new development shall be restricted to 3.0 l/s for all rainfall events up to and including 1 in 100 year plus an allowance of 35% for climatic change. The MicroDrainage mdx file, if available, is required to aid the checking of design calculations.

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.

71      **2021/0849/HSC - BUFFALOAD, GILLIBRANDS ROAD, SKELMERSDALE, LANCASHIRE**

RESOLVED:      That Hazardous Business Consent 0849/HSC relating to Buffaload, Gillibrands, Skelmersdale be approved subject to the conditions and reasons as contained on page 525 of the Book of Reports.

72      **2021/0829/FUL - BUFFALOAD, GILLIBRANDS ROAD, SKELMERSDALE, LANCASHIRE**

RESOLVED:      That planning application 0829/FUL relating to Buffaload, Gillibrands Road, Skelmersdale be approved subject to the conditions and reasons as set out on pages 530 to 531 of the Book of Reports.

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**Chairman**





PLANNING COMMITTEE  
25 NOVEMBER 2021

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Report of: Corporate Director of Place and Community

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

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**SUBJECT: PLANNING APPLICATIONS**

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### **Background Papers**

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

### **Equality Impact Assessment**

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

### **Human Rights**

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

## CONTENT SHEET

<u>Report No</u>	<u>Ward</u>	<u>Appn No</u>	<u>Site Location &amp; Proposal</u>	<u>Recommendation</u>
1	Tarleton	2021/0726/FUL	Land Between 11 And 21 The Gravel Mere Brow Tarleton Lancashire  Erection of four detached dwellings with garages.	<b>Planning permission be granted.</b>
2	Tanhouse	2021/0885/FUL	Elm Tree Community Primary School Elmers Wood Road Skelmersdale Lancashire WN8 6SA  Formation of 19 additional car parking spaces together with the construction of a new permanent access from Elmers Wood Road and installation of 2400m high gates within existing fence line.	<b>Planning permission be granted.</b>
3	Newburgh	2020/1006/FUL	Land Adjacent To Ashview Frog Lane Lathom Lancashire  Change of use from agricultural land to commercial status to allow dog walkers and individuals to exercise their dogs on the field. Works to include the erection of a post and wire fencing, installation of entrance gate, laying of plastic grid for parking area and creation of bridge to allow vehicular access to the site.	<b>Planning permission be granted.</b>
4	Derby	2021/0782/FUL	Bus Station Moor Street Ormskirk Lancashire L39 2AW  Refurbishment of bus station, including demolition of existing building. Provision of new combined public toilet, office and storage facility. Upgrade of the public realm including paving, landscaping, street lighting and bus shelters. Installation of SUDS. Provision of segregated cycle track. New	<b>Planning permission be granted.</b>



			boundary walls and fencing. Amended car park entrance and exit arrangements.	
5	Derby	2021/1095/FUL	2A Vicarage Lane Westhead Ormskirk Lancashire L40 6HQ  Construction of car port.	<b>Planning permission be refused.</b>
6	Burscough West	2020/1134/FUL	Yew Tree Farm Higgins Lane Burscough Lancashire  Variation of condition no. 1 imposed on planning permission 2017/0431/ARM to retain as-built/revised floor levels and retaining walls.	<b>Planning permission be granted.</b>
7	Burscough West	2021/0506/FUL	Land Adjacent To Higgins Lane Burscough Lancashire  Temporary planning permission three years for the stationing of caravans static and mobile for residential occupation by travelling showpeople with the provision of associated hardstanding a storage area boundary fencing and a temporary access from Swordfish Close along with full planning permission for the construction of a vehicular access from Higgins Lane.	<b>Planning permission be granted.</b>





## **PLANNING COMMITTEE**

**25 November 2021**

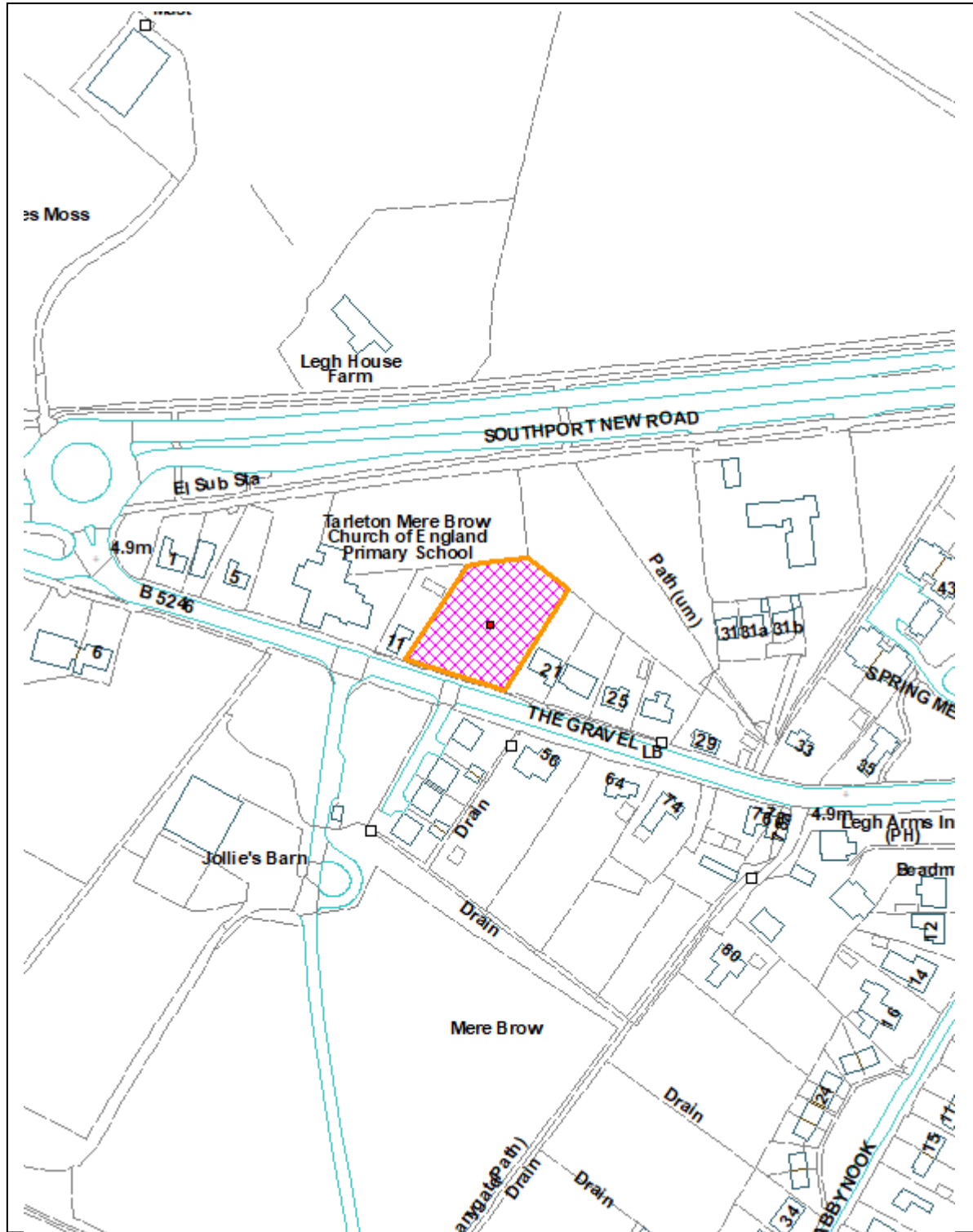
**(Agenda Item 7)**

### **PLANNING APPLICATION ITEMS**

#### **LOCATION PLANS**

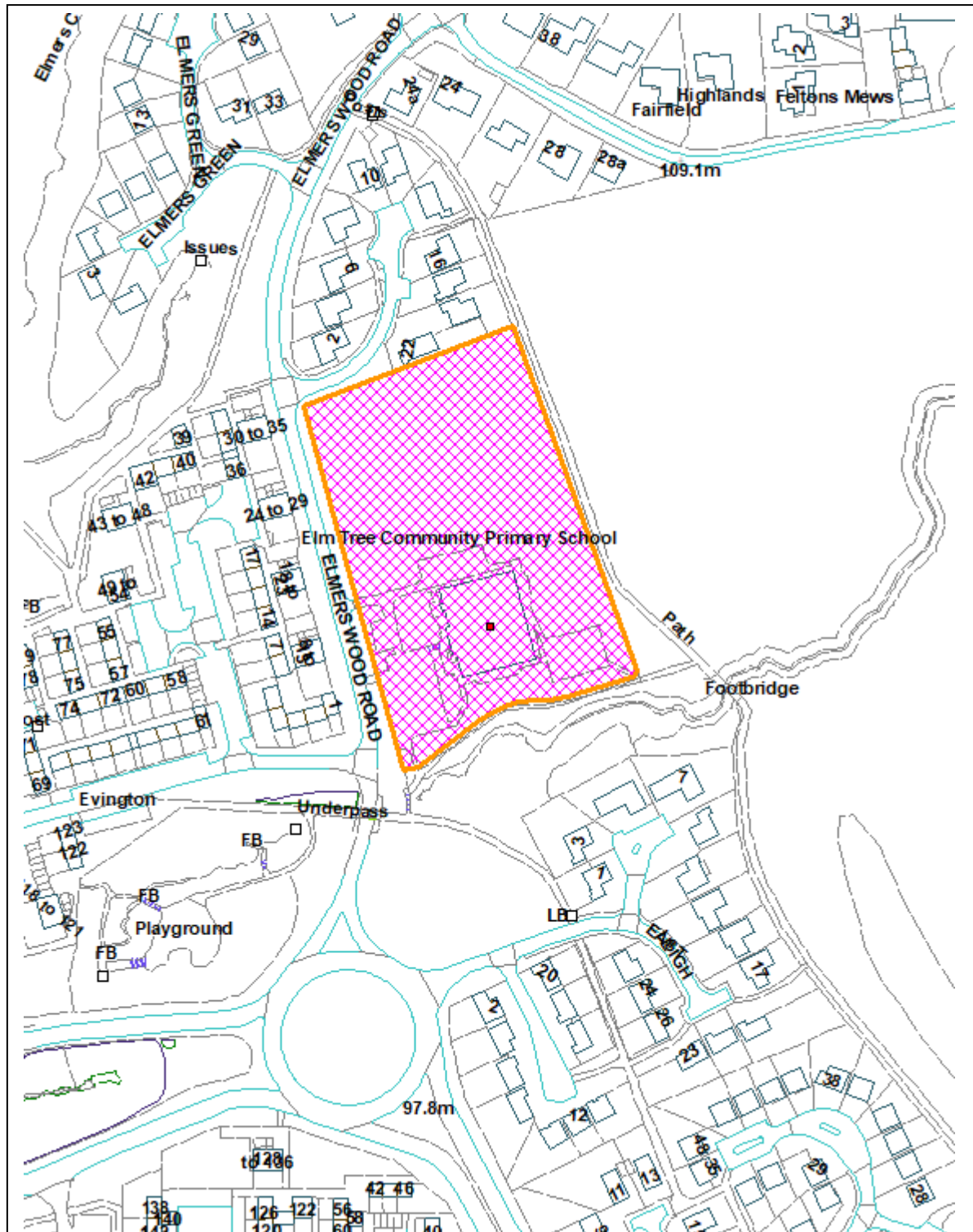
# Report 1 : 2021/0726/FUL

## Land Between 11 And 21, The Gravel, Mere Brow, Tarleton, PR4 6JX



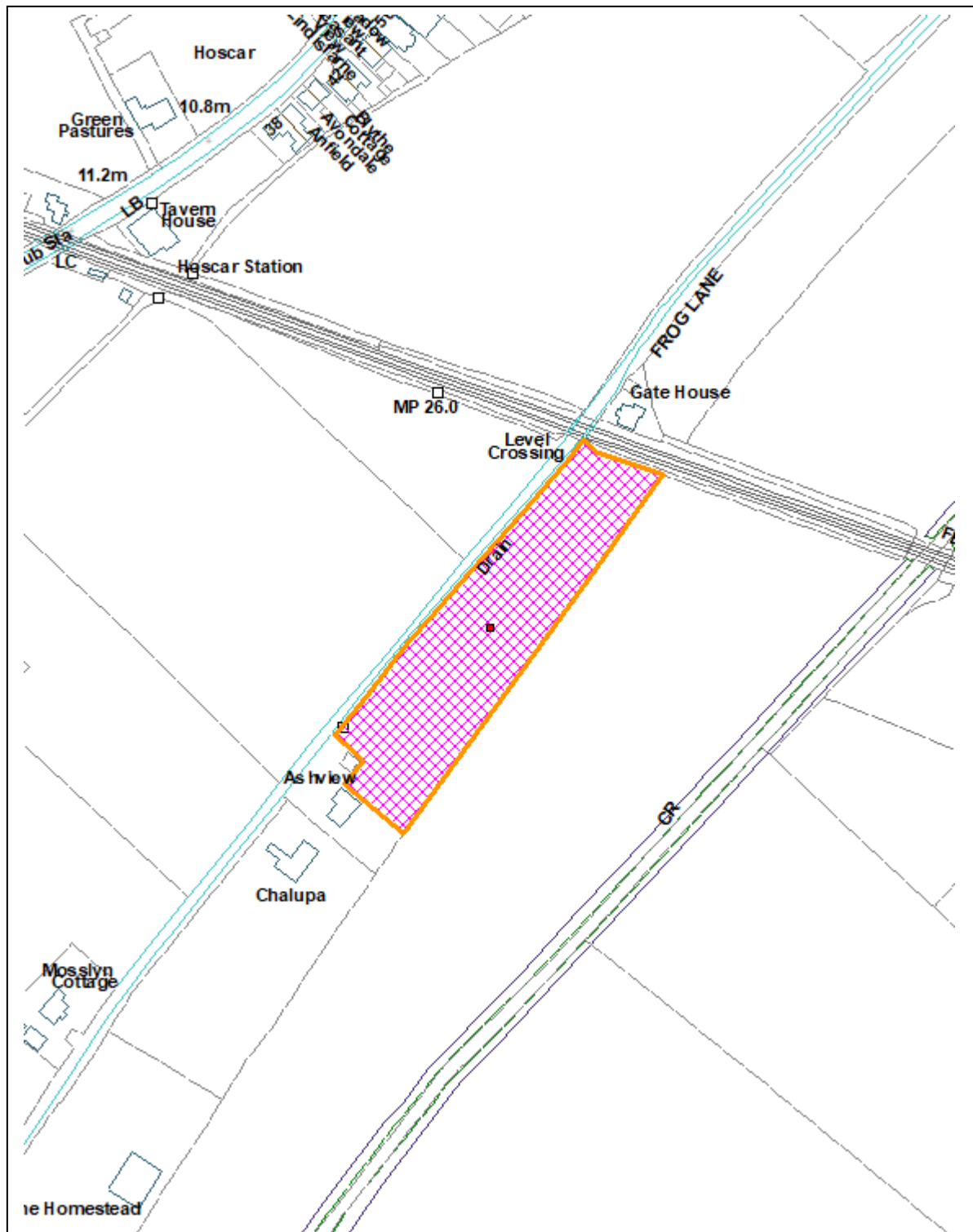
# Report 2 : 2021/0885/FUL

## Elm Tree Community Primary School, Elmers Wood Road, Skelmersdale, WN8 6SA



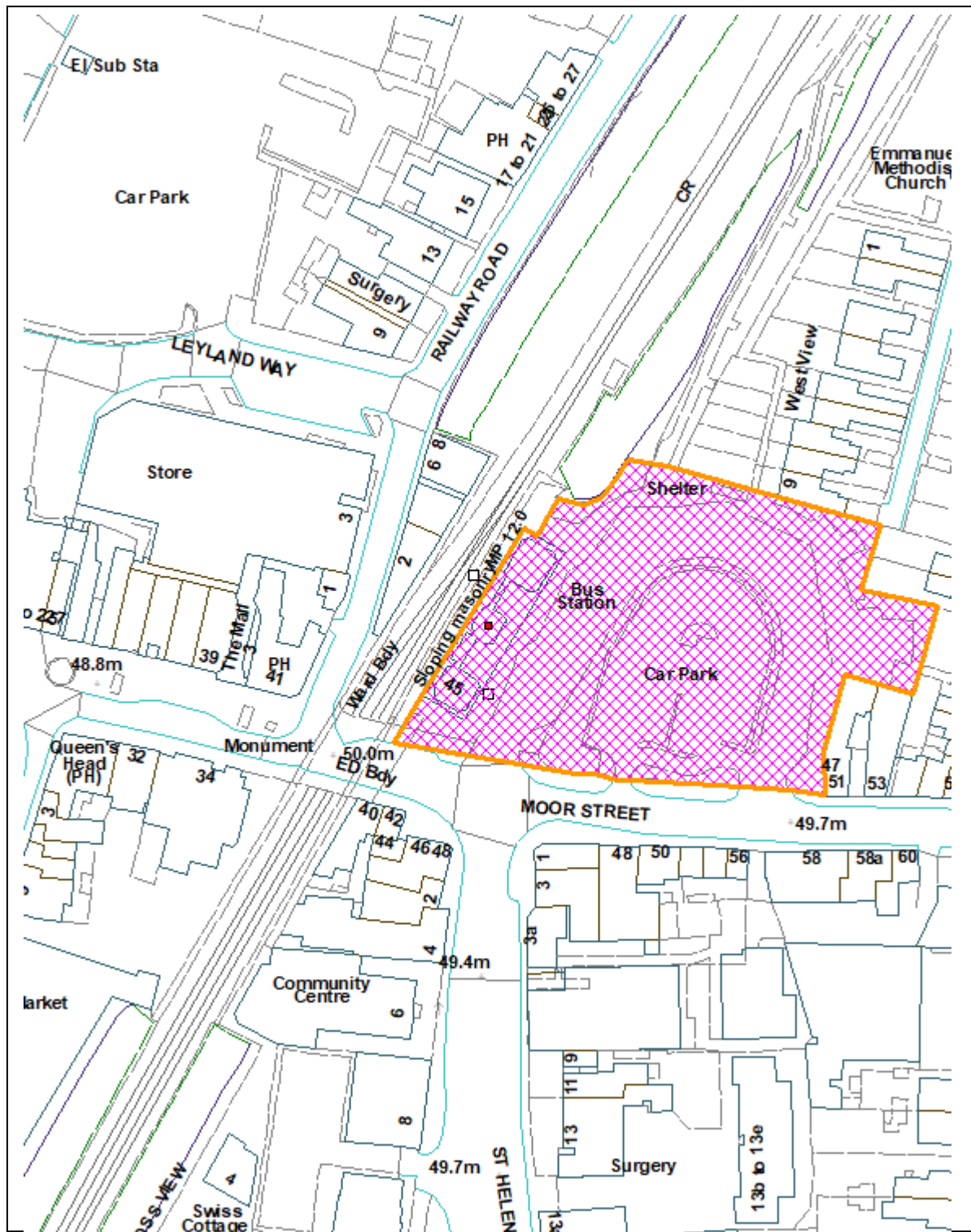
# Report 3 : 2020/1006/FUL

## Land Adjacent To Ashview, Frog Lane, Lathom, L40 4BJ

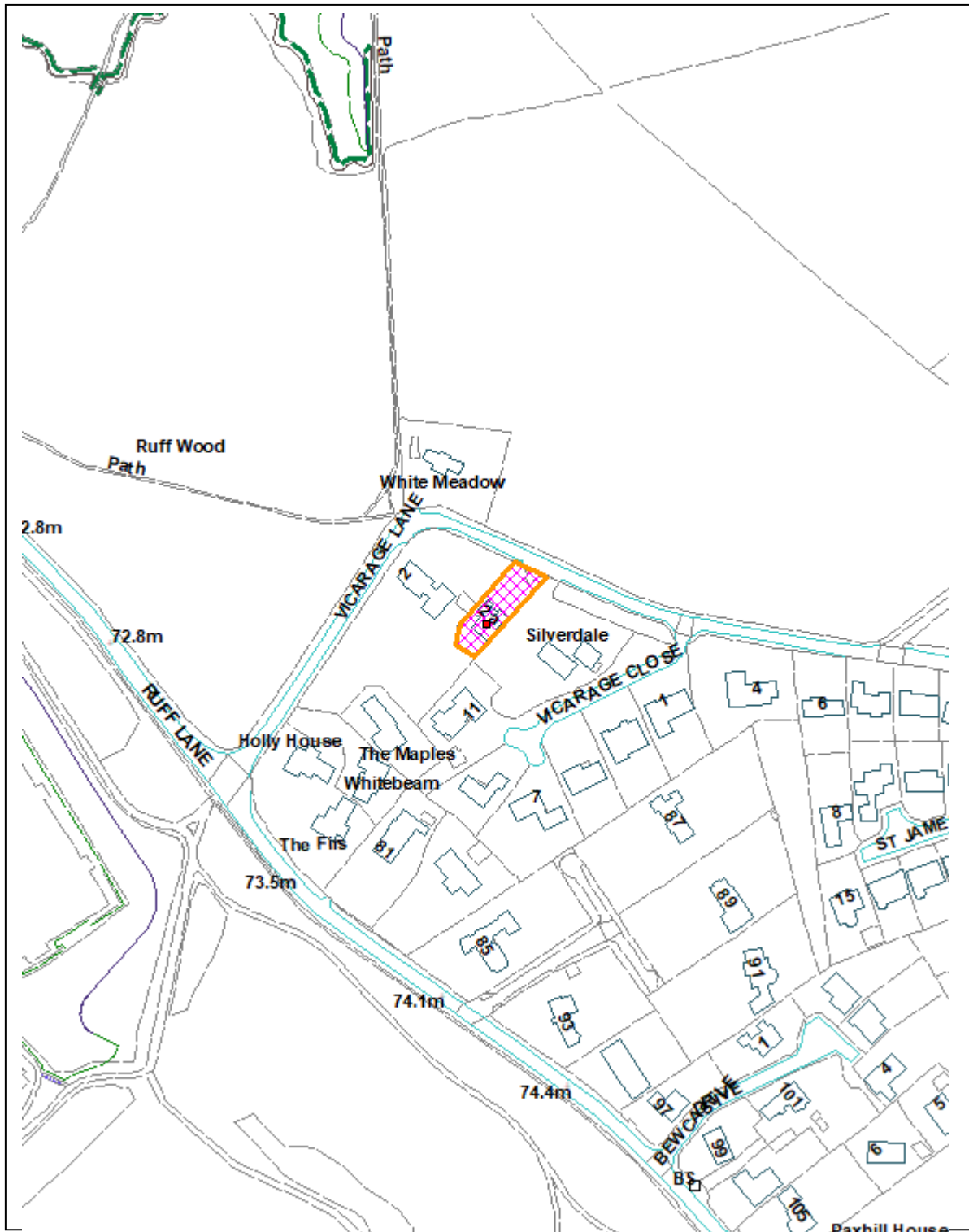


# Report 4 : 2021/0782/FUL

## Bus Station, Moor Street, Ormskirk, L39 2AW

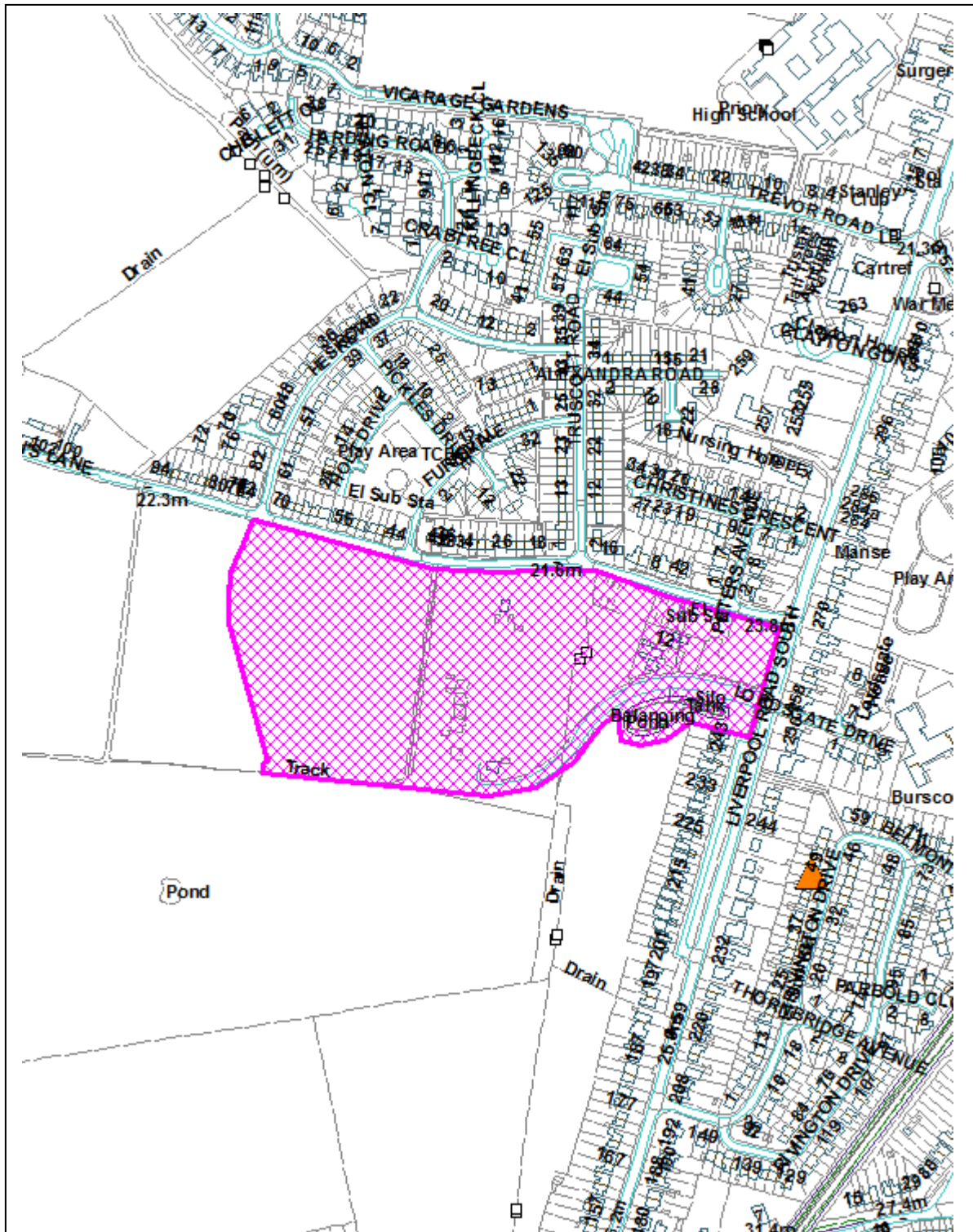


2A Vicarage Lane, Westhead, L40 6HQ.



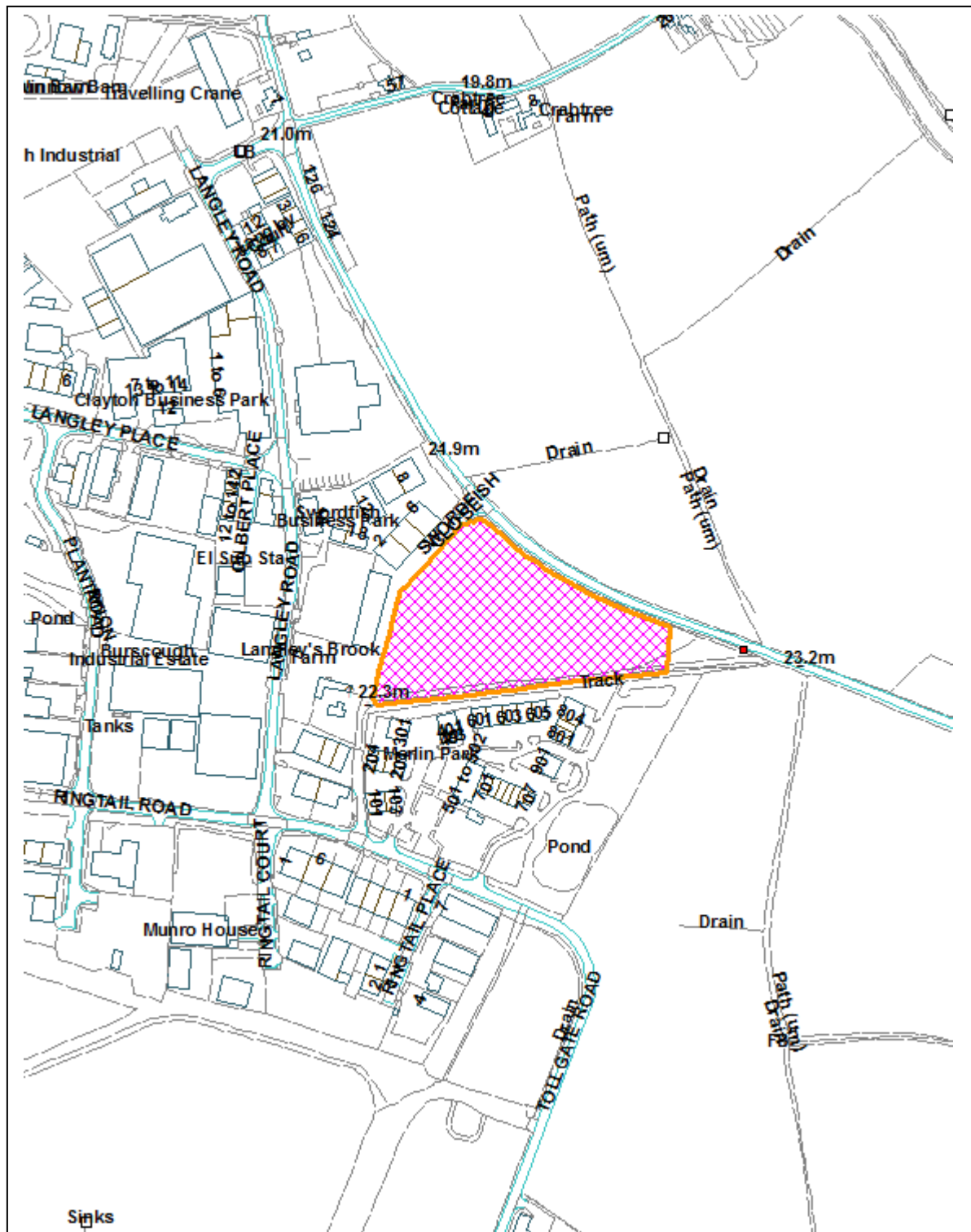


Yew Tree Farm, Higgins Lane, Burscough, L40 8JB



# Report 7 : 2021/0506/FUL

## Land Adjacent To, Higgins Lane, Burscough, L40 8JB.



# Agenda Item 7a

<b>No.1</b>	<b>APPLICATION NO.</b>	2021/0726/FUL
	<b>LOCATION</b>	Land Between 11 And 21 The Gravel Mere Brow Tarleton Lancashire
	<b>PROPOSAL</b>	Erection of four detached dwellings with garages
	<b>APPLICANT</b>	Bella Homes NW Ltd
	<b>WARD</b>	Tarleton
	<b>PARISH</b>	Tarleton
	<b>TARGET DATE</b>	11th August 2021

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## **1.0** REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Mee has requested it be referred to the Planning Committee to consider concerns regarding highway safety in particular proximity of the site to the Primary School and the impact of infill developments on the rural character of Mere Brow.

## **2.0** SUMMARY

- 2.1 This application is for a residential development of 4no. houses on land off The Gravel. The site already benefits from planning permission for residential development for a terrace of five dwellings. Whilst the site is designated as Green Infrastructure/ Open Recreation Space in the Local Plan, the land is not publicly accessible and I am satisfied its redevelopment for residential purposes is acceptable in principle, given the previous permission. I am of the view that the proposed development will not cause harm to the character of the area, amenity of neighbouring properties, landscaping, ecology or highway safety and that the proposal therefore complies with the relevant policies of the NPPF and Local Plan.

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

## **4.0** THE SITE

- 4.1 The site is located on the north side of The Gravel flanked at either side by residential dwellings, with grounds belonging to Mere Brow Primary School to the rear. The site is grassed and contains some trees.

## **5.0** PROPOSED DEVELOPMENT

- 5.1 The application is for redevelopment of the site for residential purposes. The application has been amended since its original submission with a reduction in proposed houses on the site to 4no. two storey dwellings, with 2 of the dwellings facing onto The Gravel and 2 of the dwellings being within the site. Access to 3no. dwellings would be via a new access road off The Gravel, adjacent to the boundary with no.11, with one of the dwellings having driveway access directly off The Gravel. Each dwelling would have 2no. car parking spaces and a garage.

## **6.0** PREVIOUS RELEVANT DECISIONS

- 6.1 2019/0213/FUL - Development of a terrace of five houses. Approved 05.07.2019.

## **7.0** CONSULTEE RESPONSES

- 7.1 United Utilities (26.07.2021) – No objection.
- 7.2 Environmental Protection (06.10.2021) – No objection.
- 7.3 Highway Authority (13.07.2021 and 10.11.2021) – No objection.
- 7.4 Merseyside Environmental Advisory Service (15.09.2021) – No objection.

## **8.0 OTHER REPRESENTATIONS**

- 8.1 Tarleton Parish Council (23.07.2021) – Object to the development as it would result in over-development of a small village, destroying its character. The style of the proposed dwellings is not in keeping with the village and the scheme represents piecemeal development. There would be a loss of amenity, significant additional vehicle issues and added pollution.
- 8.2 Representations have been received from local residents and Mere Brow Church of England Primary School, these representations can be summarised as:

Highway/Pedestrian safety.

Traffic calming measures should be introduced.

Increased air pollution.

The closure of Runner Platt has seen an increase in vehicular movements on The Gravel; safety measures should be those afforded to an 'A' road.

Parking for school drop off will be reduced.

The playing field to the north is school property.

Houses would overlook the school.

Increased surface water and sewage.

Reduction in water pressure.

Development fails to take account of the building line.

Loss of open space.

Impact on the street scene.

Impact on front and side window belonging to no.21 The Gravel.

Plans discrepancy.

Errors in the Design and Access Statement.

The proposed fencing is not in keeping with the area.

Lack of low-cost housing.

## **9.0 SUPPORTING INFORMATION**

Tree Survey

Planning Statement

Ecology Survey

Drainage Strategy

Design and Access Statement

## **10.0 RELEVANT PLANNING POLICY**

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

## West Lancashire Local Plan 2012-2027 DPD

SP1 – A Sustainable Development Framework for West Lancashire

GN1 – Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 – Residential Development

EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

EN3 – Provision of Green Infrastructure and Open Recreation Space

SPD – Design Guide (Jan 2008)

### 11.0 **ASSESSMENT**

#### ***Principle of Development – Green Space***

- 11.1 Although the site is designated as Green Infrastructure/Open Recreation Space within the Local Plan there is a previous recent planning consent (2019/0213/FUL) for a residential development of 5no. dwellings on the site which is a material consideration in the assessment of this application. As with the approved consent this scheme proposes that the frontage of the site would remain open retaining a landscaped frontage to the street which would continue to provide an open aspect to the street scene in line with the previous approval.
- 11.2 Part 2 a) of Policy EN3 ‘Provision of Green Infrastructure and Open Recreation Space’ of the Local Plan states that development that results in the loss of existing open space or sports and recreation facilities (including school playing fields) will only be permitted if one of the following conditions are met:
- The open space has been agreed by the Council as being unsuitable for retention because it is under-used, poor quality or poorly located;  
The proposed development would be ancillary to the use of the site as open space and the benefits to recreation would outweigh any loss of the open area; or  
Successful mitigation takes place and alternative, improved provision is provided in the same locality.
- 11.3 The Council have previously accepted development of the site for residential purposes with the inclusion of an element of open space at the site frontage, in order to meet the requirements of Policy EN3. As with the previous consent this proposal fails to accord with criteria 2a) (i) and (ii) and so mitigation would be required in accordance with criterion (iii) . It is acknowledged that the site is currently in private ownership and is not publicly accessible, and in this particular instance like with the previous approval, the proposed layout allows for the retention of some open space towards the frontage of the site which would be publicly accessible from The Gravel frontage.
- 11.4 Given the extant permission on the site, I am satisfied that as this current proposal for residential development which also provides for the retention of an area of open space to the site frontage addresses the requirements of Policy EN3 part 2a).

#### ***Visual appearance/design***

- 11.5 There is a mix of dwelling types in the locality and as such there is no defined architectural characteristic to the area. The proposed dwellings would be two storey which would be appropriate in this location, and I consider them to be an acceptable design taking into account the varied house types within the locality. Two of the dwellings would face onto The Gravel but be set back from the road to allow for an area of open space, whilst the

other two dwellings would be set into the site and face north west. The frontage dwellings would provide an appropriate stagger in the building line in between the existing adjacent dwellings. I am satisfied that the proposed layout and design of the dwellings would be acceptable in the street scene in accordance with Policy GN3 of the Local Plan.

### ***Impact on Residential Amenity***

- 11.6 The dwelling at no.11 The Gravel has its main elevation facing onto the application site. The layout has been designed to ensure that outlook from no.11 would not be adversely affected by setting the proposed dwellings back into the site, so there would be no direct relationship between the existing dwelling at no.11 and new dwellings on the site.
- 11.7 The house at Plot 1 has been redesigned so that there would be a separation distance of approximately 3.9m between a proposed single storey garage and the gable end of the existing dwelling at no.21 The Gravel; this separation distance would ensure that there is no significant overbearing impact on the existing dwelling including its lounge window which is adjacent to the site boundary facing towards The Gravel. The property at no.21 also has a window on its gable end which faces onto the site, this window is secondary and given the separation distance and the fact that the built development which would be adjacent to the boundary would be single storey, I am satisfied that residential amenity would not be significantly adversely affected.
- 11.8 As regards any potential impact from increased comings and goings from the new access road, whilst it would be adjacent to the boundary with no.11, I do not think that the comings and goings from occupants of 3no. houses would give rise to significant levels of disturbance or noise for the occupiers of this property or other dwellings in the vicinity.
- 11.9 In terms of the level of amenity offered to future occupiers of the dwellings, the proposed garden depths are acceptable and in accordance with standards detailed in the Council's Design SPD.
- 11.10 I am satisfied that the proposed development accords with Policy GN3 of the Local Plan in terms of impact on residential amenity.

### ***Highways***

- 11.11 A new access road would be taken directly from The Gravel and would serve 3 of the dwellings, each dwelling would have 2no. frontage car parking spaces and a garage. The Highway Authority have reviewed the proposals and advised that the required visibility splays are achievable, and I am satisfied that the proposed level of car parking is sufficient and in accordance with Policy IF2.
- 11.12 I consider that the proposed development of an additional 4 dwellings in this area would have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site, in accordance with Policy IF2.

### ***Ecology***

- 11.13 An Ecological Impact Assessment has been submitted with the application. This concludes that habitats on the site are considered to be of low ecological importance and that no protected species will be adversely affected. The habitats on site are suitable for hedgehog and potentially amphibians and for this reason reasonable avoidance measures will be secured by condition. I am satisfied that the proposed development is acceptable in terms of biodiversity, in accordance with Policy EN2 of the Local Plan. In accordance with the NPPF, it is recommended that the ecological value of the site is enhanced

through the incorporation of bird boxes into the development; this will be secured by condition.

### ***Trees and landscaping***

11.14 An Arboricultural Survey has been submitted with the application which has identified that no trees require removal to make way for the proposed development. A condition will be imposed to ensure that works are carried out in accordance with the tree protection measures identified in the Arboricultural Survey. An additional three trees would be planted on site per dwelling along with some shrubs/low level planting. I am satisfied that suitable landscaping would be provided on the site in accordance with Policy EN2 of the Local Plan.

### ***Drainage***

11.15 Policy GN3 of the Local Plan requires that 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.

11.16 A Drainage Strategy has been submitted with the application which discounts infiltration and advises that as there are no open or culverted watercourses within the site, surface water will drain to the existing combined sewer via a system of sub-base attenuation storage with appropriately designed flow controls, in addition to this it is proposed that paved areas will be formed in permeable paving or laid to fall onto landscaped areas within the site. United Utilities and the Council's Drainage Engineer have assessed the proposals and advised that infiltration to ground should be fully investigated or evidenced to determine if this method of surface water disposal is unfeasible, and for this reason conditions to secure a suitable drainage solution on the site will be imposed. United Utilities have also advised that to reduce the risk of flooding, the finished floor levels of the proposed dwellings should be higher than the manhole cover levels on the receiving sewer; this can be secured by planning condition.

11.17 There is a public sewer in The Gravel and it is proposed that foul drainage from the new dwellings would be connected to this.

11.18 I am satisfied that an appropriate drainage strategy can be achieved on the site, in accordance with Policy GN3. Details of which will be secured by planning condition.

### ***Summary***

11.19 I am satisfied that the proposal is acceptable, given the previous permission on the site for residential development, and the retention of some publicly accessible open space on the site. The scheme would not have a significant detrimental impact on residential amenity, visual amenity, highway safety or biodiversity. I am also satisfied that an appropriate method of surface water drainage can be provided on site. I consider the proposed development accords with all relevant policies in the NPPF and Local Plan.

## **12.0 RECOMMENDATION**

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

## Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:  
Plan reference:  
2640-01B - Site Layout  
2640-01A - House Types A and B  
2640-03 House Type C  
received by the Local Planning Authority on 25th October 2021.  
Plan reference:  
002 - Boundary Treatment Details  
received by the Local Planning Authority on 1st June 2021.  
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. 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 in the planning application form received by the Local Planning Authority 1st June 2021.  
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. The finished floor levels for each property shall be a minimum of 5.27m AOD. Prior to occupation of the development, a survey shall be submitted to the local planning authority which confirms that the buildings have been constructed in accordance with the minimum finished floor level requirement.  
Reason: To reduce the risk of flooding.
5. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
  - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
  - (ii) A restricted rate of discharge of surface water to 3 litres/second (if it is agreed that infiltration is discounted by the investigations); and
  - (iii) A timetable for its implementation.The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. No surface water shall discharge to the public sewer either directly or indirectly in accordance with the submitted information.  
The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.  
Reason: These details are required prior to the commencement of development to ensure adequate drainage for the proposed development and to ensure that there is no flood risk on-or off-the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.



6. 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.
7. No construction shall take place until a drainage and SuDS maintenance strategy for the separate foul and surface water drainage for the lifetime of the development, including any necessary attenuation and oil separation measures, has been fully agreed with the relevant statutory body/bodies, and until written evidence of that agreement has been provided to and acknowledged in writing as acceptable by this Planning Authority. The surface water drainage strategy must be in accordance with the relevant provisions of this councils Planning Applications - Drainage, Flood Risk and Sustainability guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. A ground investigation must be undertaken to fully explore the option of ground infiltration (including permeable paving systems) by employing a percolation test in accordance with BRE Digest 365, or similar approved, to determine the soil 'infiltration rate'. If it is not feasible to drain the whole site to an infiltration system it must be demonstrated that draining a portion, or discrete portions of the site had been considered. In the event that the use of infiltration techniques is not feasible, the pass forward flow rate to the receiving surface water drainage system must be restricted to an agreed rate of discharge. Any method chosen for the disposal of surface water will need to be designed such that there will be no volume of water, increased rate of flow off-site during or on completion of the proposed construction for all storms up to 1 in 100 years plus an agreed allowance for climate change and urban creep. If it is intended that the proposed foul and/or surface water drainage system is to be adopted then it must be demonstrated that s104 Technical Approval has been provided by United Utilities. The drainage scheme shall be completed in accordance with the approved details prior to occupation of the development.  
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.
8. Prior to any part of the development hereby permitted taking place a scheme showing the areas for a site compound including the siting of office, parking areas for contractors, storage of plant and materials and measures to prevent the transfer of mud out of the site shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be implemented while any demolition/construction works are in operation.  
Reason: These details are required prior to the commencement of development in order to protect the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. The parking provision shown within the curtilage of each dwelling on the approved plans ref 2640-01B 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.
10. Prior to the access being used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block paviments, or other hard material to be approved by the Local Planning Authority.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to road users.

11. No part of the development hereby approved shall commence until dropped kerbs have been installed at the carriageway edge and a vehicle crossover constructed across the footway (and/or verge) fronting the site in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.  
Reason: In the interests of pedestrian safety and accessibility and to ensure that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
12. The development hereby permitted shall be implemented in accordance with the submitted Arboricultural Method Statement received 1st June 2021 unless otherwise agreed in writing by the Local Planning Authority.  
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.
13. All hard and soft landscape works shall be carried out in accordance with the approved details shown on 2640-01B. The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within 7 years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.  
Reason: To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
14. No building shall be occupied/brought into uses until details of the number and location of bird nesting boxes to be incorporated into the scheme (minimum 1 per dwelling) have been submitted to and approved in writing by the Local Planning Authority. The bird boxes shall be installed in accordance with the approved details prior to the first occupation of the dwellings and shall be retained at all times thereafter.  
Reason: In the interests of biodiversity conservation and to comply with Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
15. The development shall be implemented in accordance with the reasonable avoidance measures detailed in the Preliminary Ecological Appraisal received by the Local Planning Authority 01.06.2021.  
Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
16. Prior to construction of any dwelling a scheme for the provision of electric vehicle charging points throughout the development and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until an electric vehicle charging point has been installed in accordance with the agreed details.  
Reason: In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

17. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all public landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.  
The landscape management plan shall be implemented as approved before the development is occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority.  
Reason: To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

## **Notes**

### 1. Highway Note

This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 (Vehicle crossings over footways and verges) Lancashire County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must complete the online quotation form found on Lancashire County Council's website using the A-Z search facility for vehicular crossings at <http://www.lancashire.gov.uk/roadsparking-and-travel/roads/vehicle-crossings.aspx>  
(For multiple vehicular crossings please ring 0300 123 6780 and ask for a bespoke quotation.)  
This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.

2. Reasonable avoidance measures to protect terrestrial mammals and amphibians to be put in place during the course of the development should include:  
A pre-commencement check for badger;  
All trenches and excavations should have a means of escape (e.g. a ramp);  
Any exposed open pipe systems should be capped to prevent badger gaining access; and  
Appropriate storage of materials to ensure that badger do not use them.  
The working area, together with any storage areas, will be kept clear of debris, and any stored materials will be kept off the ground on pallets so as to prevent amphibians from seeking shelter or protection within them; and  
Any open excavations (e.g. foundations / footings / service trenches etc.) will be covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets will be covered with a thick layer of topsoil or similar) to prevent amphibians from seeking shelter beneath them. Any excavation must be in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to amphibians.

## **Reason for Approval**

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

SP1 - A Sustainable Development Framework for West Lancashire  
GN1 - Settlement Boundaries  
GN3 - Criteria for Sustainable Development  
RS1 - Residential Development

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

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

# Agenda Item 7b

<b>No.2</b>	<b>APPLICATION NO.</b>	2021/0885/FUL
	<b>LOCATION</b>	Elm Tree Community Primary School Elmers Wood Road Skelmersdale Lancashire WN8 6SA
	<b>PROPOSAL</b>	Formation of 19 additional car parking spaces together with the construction of a new permanent access from Elmers Wood Road and installation of 2400m high gates within existing fence line.
	<b>APPLICANT</b>	Elm Tree Community Primary School
	<b>WARD</b>	Tanhouse
	<b>PARISH</b>	Unparished - Skelmersdale
	<b>TARGET DATE</b>	19th October 2021

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## **1.0** REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme however Councillor Cooper has requested it be referred to Committee to consider impacts on highway and pedestrian safety.

## **2.0** SUMMARY

- 2.1 The proposed development is acceptable in principle. It is considered the creation of an additional parking area will alleviate some of the parking problems which have been identified within the local area. The parking area is considered to be appropriate in terms of its size, design and layout and will be in keeping with the appearance of the wider site. The development would not result in any adverse impact on the amenity of neighbouring properties, trees, highway safety or on flooding/drainage within the local area. The proposed development is considered to be compliant with the NPPF and Policies EN2, EN3, IF2, GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD.

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

## **4.0** SITE DESCRIPTION

- 4.1 Elm Tree Community Primary School is sited to the east of Elmers Wood Road and comprises of the main school building, several temporary classrooms and associated playing fields/MUGA to the north. The two parts of the site are clearly defined with the open school fields being separated from the buildings by a mesh security fence.
- 4.2 Immediately to the north of the field is cul-de-sac of residential bungalows. The nearest property is located approx. 2m from the boundary. Further residential properties are located to the west of Elmers Wood Road approx. 15m from the front boundary of the site.

## **5.0** PROPOSAL

- 5.1 The application proposes the creation of an additional parking area to accommodate 19 car parking spaces. The parking area would be located adjacent to the west of the MUGA and would be accessed via a new vehicular access onto Elmers Wood Road.
- 5.2 The application also proposes alterations to the existing fence to enable the installation of double gates to the access which would be topped with rotary spike security barriers.

## **6.0 PREVIOUS RELEVANT DECISIONS**

- 6.1 2021/0749/FUL - Formation of a cycle training track and the erection of 2 no. single storey accommodation units to house sensory rooms and a garden room. Installation of anti-vandal deterrent to the top of the existing main entrance gates - Refused
- 6.2 2021/0598/FUL - The installation of a temporary, single storey Portakabin Ultima building to be used as a classroom facility. Planning permission required for the temporary period of 5 years - Granted
- 6.3 2021/0107/FUL - Single storey extension to the Willows classroom - Granted
- 6.4 2021/0598/FUL - The installation of a temporary, single storey Portakabin Ultima building to be used as a classroom facility. Planning permission required for the temporary period of 5 years - Pending consideration
- 6.5 2020/1156/FUL - The retention of a Portakabin Ultima building used as a classroom for children with special needs. Planning permission required for the temporary period of 5 years - Granted
- 6.6 2020/0104/FUL - Erection of a temporary single storey portakabin double classroom building, to be used as a classroom facility. Planning permission required for the temporary period of 5 years - Granted
- 6.7 2019/0858/CON - Approval of Details Reserved by Condition No's. 5 and 7 of planning permission 2018/0619/FUL relating to a highway works scheme and landscaping scheme - Details approved
- 6.8 2019/0447/FUL - Erection of 2.4m high anti climb security fence to the MUGA pitch and enclose the school site - Granted
- 6.9 2019/0433/FUL - Single storey conservatory serving infant classrooms 1 & 2 - Granted
- 6.10 2019/0144/CON - Approval of Details Reserved by Condition No's. 5 and 7 of planning permission 2018/0619/FUL relating to a highway works scheme and landscaping scheme - Details Refused
- 6.11 2018/0619/FUL - Proposed multi use games area (60 x 40m) for use by pupils of the school, including provision of perimeter fence - Granted
- 6.12 2017/1241/FUL - Proposed new multi-use games area including fencing, floodlighting and car park - Refused
- 6.13 LCC/2017/0018 - County Matter - Erection of two single storey demountable units to provide classrooms for a temporary period of 5 years - No objection
- 6.14 LCC/2015/0105 - County Matter - Variation of Condition 3 of planning permission LCC/2015/0068 to allow the use of the modular building for a period of 5 years - No objections
- 6.15 LCC/2015/0068 - County Matter - Installation of a modular building to be used for offices and classrooms for a period of 5 years - No objection
- 6.16 LCC/2015/0032 - County Matter - Installation of modular building and access ramp - Objections raised

- 6.17 2012/0269/LC3 - County Matter - Replacement of two single glazed windows with two larger windows to match the existing elevations and the erection of a canopy to the rear of the school to provide a covered play area - No objection
- 6.18 2011/0762/CMA - County Matter - Erection of a 12m high radio mast with antenna receiver to provide internet service for schools - No objection
- 6.19 2008/0094/LC3 - County Matter - Erection of a garage, provision of a toy store and erection of 2.4m high mesh security fencing to perimeter of the playing field - Objections raised
- 6.20 1998/1053 - County Matter - Erection of 2.4m high fence - No objections
- 6.21 1990/1212 - County Matter - Erection of replacement Junior and Infant School - No objections

## **7.0 OBSERVATIONS OF CONSULTEES**

### **7.1 LCC Highways (09/04/21, 10/05/21 & 20/05/21)**

The size and nature of the proposals at this location should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site. LCC has no objections to this planning application and recommend conditions and note.

## **8.0 OTHER REPRESENTATIONS**

### **8.1 Letters of representation have been received which can be summarised as:**

- Object to the proposed idea of more car parking spaces at the school
- The gates with security wire on top may stop youths from trespassing onto the grounds out of school hours.
- No justification for an additional access from Elmers Wood Road when the school has a perfectly adequate existing access.
- If the school wants to continue growing then it should be relocated to a more suitable location, away from a residential area.
- To introduce more and more traffic is deleterious to the residents in the area.

## **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 Regional Town of Skelmersdale with Up Holland as designated in the West Lancashire Local Plan 2012-2027 DPD.

#### **National Planning Policy Framework**

Promoting healthy and safe communities  
Achieving well-designed places

#### **West Lancashire Local Plan Policies**

GN1 - Settlement Boundaries  
GN3 - Criteria for Sustainable Development  
EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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

### *Principle of development*

- 10.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed. Paragraph 95 states that Local Authorities should *"give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications"*.
- 10.2 The school have identified that there has been a long term problem in regard to parking on Elmers Wood Road. The problems are caused, in part, due to there not being adequate parking within the site grounds for the number of staff who are employed at the school along with additional visitors. Due to the nature of the school the ratio of staff to pupil numbers is higher than was envisaged when the school and existing car park was originally built.
- 10.3 The school have considered a number of options for the car park location however this has been restricted due to the position of the attenuation tank which allows the MUGA to drain appropriately. It would not be possible for cars to pass over the top of the attenuation tank and therefore a separate access is required.
- 10.4 There have been parking and highway issues within the area for several years which have resulted in problems for residents further along Elmers Wood Road and beyond. On street parking in this fairly narrow road means that drivers are often unable to pass easily and pedestrians are unable to get clear visibility along the road. The school consider that providing additional parking within the school grounds will alleviate this issue providing a benefit to the neighbouring residents.
- 10.5 Paragraph 99 of the NPPF states that existing open space, sports and recreational facilities and land, including playing field, should not be built on unless one of the three specified criteria can be met. Local plan policy EN3 is also relevant to this application.
- 10.6 I have consulted Sport England in regard to the proposal and await their response. However I note that within a previous response to application ref: 2021/0107/FUL Sport England stated *"The area of playing field between the western boundary of the MUGA and the Elmers Wood Road is narrow and due to the presence of trees this would limit this part of the playing field from being marked out with a pitch or part of a pitch. This part of the playing field would be considered to meet exception E3 of Sport England's Playing Fields Policy"*. The proposed car park and access would be located within this part of the field. On that basis I consider the proposal would comply with the requirements of policy EN2 a(i) in that the Council can agree the open space is unsuitable for retention as it is poorly located and not suitable for use as a marked out playing pitch.
- 10.7 Overall I consider the applicant has provided adequate justification of the need for the car park and I am satisfied the principle of the proposed development is acceptable subject to compliance with other relevant planning policies.



### *Design/Layout*

- 10.8 Policy GN3 along with the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings.
- 10.9 The design of the parking area is similar to that of the existing parking within the site however a permeable paving finish is proposed for the new area. The design and layout is considered to be in keeping with other development on site and a suitable condition can be imposed to require details of the finishing materials to be submitted for approval.
- 10.10 The new gates would match in appearance to the existing gates and fencing along the boundaries of the site. I do have some minor concern regarding the appearance of the anti-vandal deterrent which would be located in a prominent location at the front of the site. However the submission confirms this would be inserted only along the top of the entrance gates. Given the limited extent of the installation I consider that the harm to the character of the area would not be so significant to warrant refusal of the application on this basis.
- 10.11 I am therefore satisfied that the development would comply with the requirements of local plan policy GN3.

### *Impact on residential amenity*

- 10.12 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring properties.
- 10.13 Given the proposed use of land and the distance between the proposed car park and the nearest neighbouring properties I am satisfied there would be no adverse impact on any nearby land uses as a result of noise or disturbance from manoeuvring of vehicles. In addition the proposed alterations to the fencing would not result in any overshadowing of neighbouring properties. I am satisfied the development would comply with the requirements of local plan policy GN3 1(iii).

### *Highways*

- 10.14 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards. Parking should be provided in accordance with policy IF2.
- 10.15 I have consulted the Highway Authority with regard to the proposal. The Highway Officer has raised no objection to the proposal and considers the proposal would have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site. The proposal would not increase the number of cars or vehicular trips to the site as the number of staff on site would not increase as a result of the development. The proposal would, however, increase the number of parking spaces within the site to a total of 66. This provision exceeds the requirement set out in policy IF2 but is considered appropriate to the needs of this particular school in this location and will assist in alleviating the identified on-street parking problems.
- 10.16 It is my view that the proposal for a new parking area complies with the requirements of policies IF2 and GN3.

### *Impact on trees*

- 10.17 Policy EN2 of the Local Plan states that development involving the loss of, or damage to, woodlands or trees of significant amenity, screening, wildlife or historical value will only be permitted where the development is required to meet a need that could not be met elsewhere, and where the benefits of the development clearly outweigh the loss or damage.
- 10.18 There are several mature trees alongside the front boundary of the site; one of which (T9) will need to be removed to facilitate the creation of the access. The submission, which has been accompanied by an Arboricultural Assessment and details of Tree Protection, has been considered by the Council's Arboricultural Officer.
- 10.19 It is considered that the loss of one tree in this position would not have a significant adverse impact on the visual amenity of the area. The remaining trees can be protected during construction works and for the future with the use of an appropriate cellular confinement system as detailed in the submitted method statement. It is also considered appropriate to require a replacement tree to be planted to mitigate for the loss of the existing tree. Subject to recommended conditions I am satisfied the proposal complies with the requirements of policy EN2.

### *Drainage*

- 10.20 Full drainage details have not been submitted however the Council's drainage engineer is satisfied that a suitable scheme can be designed. A condition requiring details to be submitted for approval is therefore recommended.

### *Summary*

- 10.21 The principle of the proposed development is considered to be acceptable and would not result in the loss of usable playing fields. The design and layout of the development would be in keeping with the local area and the proposal is not considered to have any adverse impacts on neighbour amenity, highway safety or on trees within the site. I therefore consider that the proposal satisfactorily meets the requirements of Policies EN2, EN3, IF2, GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD.

## **11.0 RECOMMENDATION**

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

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:  
Plan reference A1349 05A received by the Local Planning Authority on 2nd September 2021  
Plan reference A1349 04A received on 10th September 2021.  
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

3. No development in respect of the hereby approved car park shall take place until a strategy for the surface water drainage of the development, including any necessary infiltration measures, attenuation measures, maintenance management proposals, and phasing of delivery if applicable, has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage strategy must take account of the relevant provisions of the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement standards. The drainage scheme must be completed in accordance with the approved details and, if applicable, the approved phasing of the scheme. The MicroDrainage mdx file, if available, is required to aid the checking of design calculations.

The scheme shall be implemented in full in accordance with the approved details prior to first use of the parking area and shall be retained, managed and maintained in accordance with the approved details at all times for the duration of the development.

Reason: These details are required prior to the commencement of development to ensure adequate drainage for the proposed development and to ensure that there is no flood risk on or off the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. No site clearance, preparatory work or development shall take place until the Tree Protection as shown on drawing no. A1349 04A and detailed within the Arboricultural Method Statement by We Know Services has been installed in its entirety. The fencing shall remain in place until all construction works are completed.

Reason: To protect the existing trees on site and thereby retain the character of the site and the area and to ensure the development complies with the provisions of Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
5. The car park shall be constructed in accordance with the protection methods as detailed within sections 2.3, 2.4, 2.5 and 2.6 of the Arboricultural Method Statement by We Know Services.

Reason: To protect the existing trees on site and thereby retain the character of the site and the area and to ensure the development complies with the provisions of Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
6. Prior to the first use of the hereby approved car park a scheme for replacement tree planting, shall be submitted to the Local Planning Authority. The replacement tree(s) shall be planted in the next available planting season following the approval in writing of the scheme by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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.
7. Notwithstanding any description of materials in the application, no surfacing of the car park shall take place until samples and / or full specification of materials to be used externally on all hard surfaces within the development site have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.

The car park shall be surfaced using only the agreed materials prior to the first use of the parking area.

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

## **Reason for Approval**

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

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN3 - Provision of Green Infrastructure and Open Recreation Space

IF2 - Enhancing Sustainable Transport Choice

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

# Agenda Item 7c

<b>No.3</b>	<b>APPLICATION NO.</b>	2020/1006/FUL
	<b>LOCATION</b>	Land Adjacent To Ashview Frog Lane Lathom Lancashire
	<b>PROPOSAL</b>	Change of use from agricultural land to commercial status to allow dog walkers and individuals to exercise their dogs on the field. Works to include the erection of a post and wire fencing, installation of entrance gate, laying of plastic grid for parking area and creation of bridge to allow vehicular access to the site.
	<b>APPLICANT</b>	Luke Adams
	<b>WARD</b>	Newburgh
	<b>PARISH</b>	Lathom
	<b>TARGET DATE</b>	22nd April 2021

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## 1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Pope has requested it be referred to Planning Committee to consider the proposal against Policy RS3 of the West Lancashire Local Plan and the impact of the development on neighbouring residential amenity.

## 2.0 SUMMARY

- 2.1 The change of use of the agricultural field to a dog walking field including the associated infrastructure is considered acceptable in principle and is considered to result in minimal harm to the openness of the Green Belt, not conflicting with the purposes of including land within it. Some impact to neighbouring properties would result however this can be controlled via appropriate conditions. The proposal would have negligible impact upon the highway network and appropriate parking facilities will be provided on site. The proposal does result in the temporary loss of Grade 2 agricultural land, however I am satisfied that the physical works to the site can easily be removed and the land reinstated. The proposal includes some planting on the boundaries of the site which would contribute to biodiversity. I consider that the proposal conforms with The NPPF and Policy GN1, GN3, IF2, EN2 and EC2 of the Local Plan and as such should be recommended for approval.

## 3.0 RECOMMENDATION: **APPROVE with conditions.**

## 4.0 THE SITE

- 4.1 The application relates to a rectangular parcel of land measuring about 1.71 acres which is located to the south east of Frog Lane. Frog Lane is a single track, no through road, rural lane. The residential dwelling of Ashview is located directly to the south west of the site with the dwelling of the Gate House being located to the north east on the opposite site of the railway lines. All other boundaries of the site are to agricultural land. There are other residential dwellings along Frog Lane but these are further to the south west of the site.
- 4.2 The site is currently rough grass. It was previously in use as an agricultural field but has recently been used as a field for exercising dogs. Associated with this use a post and rail fence (1.90m high) has been erected to the perimeters of the site. A gate has also been erected at the north of the site.
- 4.3 The site is located within the Green Belt.

## **5.0 THE PROPOSAL**

- 5.1 Retrospective planning permission is sought for the change of use of the land from agriculture to allow people to exercise their dogs on the field.
- 5.2 Planning permission is also sought in retrospect for the erection of the post and wire fence and entrance gate.
- 5.3 Parking for the site is currently located to the north, however following concerns from the Environmental Health Officer and the neighbouring residents at The Gate House this parking area is now proposed to the centre of the field.
- 5.4 As a result of the movement of the access and parking area, permission is also sought for the laying of a reinforced plastic grid for parking in the centre of the field. A gate is also proposed in this location within the existing fence line. To enable vehicles to cross into the site a bridge is also proposed over the existing drainage ditch that runs parallel to Frog Lane.
- 5.5 The hours of operation requested by the applicant are 08:00 – 21:00 Monday to Friday and 09:00 – 21:00 Saturdays, Sundays and Public/Bank Holidays.
- 5.6 The applicant proposes that the field will not be used for more than 3 dogs at any time between 08:00-09:00 and 19:00-21:00 and no more than 6 dogs at a time between the hours of 09:00 and 19:00 on any day.
- 5.7 The field operates on a booking only system with bookings made via a dedicated web site. The current gap between bookings is 10 minutes however this is to be increase to 15 minutes when the entrance is relocated.
- 5.8 The field will not be used for commercial dog training classes. Some moveable agility equipment is provided at the site for individual use.
- 5.9 The applicant indicates that only 2 vehicles are permitted on site at any time.
- 5.10 Users of the field are asked to take any waste products home with them. No receptacles are provided on site.
- 5.11 As part of the proposal, areas outside of the enclosed area but within the applicant's ownership will be planted up with trees and flowers. A wildflower meadow will be developed on the roadside. A woodland area will be created to the southern part of the field adjacent to Ashview and trees will be planted at the Northern edge of the field adjacent to the railway line and the Gatehouse beyond.

## **6.0 PREVIOUS RELEVANT DECISIONS**

- 6.1 Enforcement:

E/2020/0234/UAU - Change of use to land without planning permission  
Subject of this application

## **7.0 CONSULTEE RESPONSES**

- 7.1 **Lancashire County Council Highways** (06.04.2021) – No objections in principle.  
Conditions recommended

- 7.2 **Environmental Protection** (13.07.2021) – No objections in principle. Conditions recommended to protect the amenity of nearby residents.
- 7.3 **Network Rail** – (24.11.2020) No objection in principle
- 7.4 **Cadent Gas Ltd** (06.01.2021) - No objection in principle. Advice provided.
- 7.5 **National Grid** (06.01.2021)– No objection in principle
- 7.6 **Principal Engineer Drainage** (25.03.2021) – No objection

## **8.0 OTHER REPRESENTATIONS**

### 8.1 Lathom Parish Council

26.01.2021

Concerns that this is a retrospective application and having had further comments from local residents we would comment that the parking area is unsuitable and there has been no application or enquiry with regard to solving this problem.  
Opening hours should also be considered as they are considered to be excessive.

18.12.2020

No objections to the application but would comment that the applicant make some noise reducing measures; i.e. planting of hedges / screening.

8.2 A number of letters of objection and support have been received.

8.3 The letters of objection received can be summarised as follows:

#### *Principle of development*

Enclosure of the land with a higher than average fencing and metal gates does not preserve the openness of the Green Belt;  
No very special circumstances have been provided by the applicant;  
A solid business model showing sustainability has not been provided;  
No justification to have a business of this nature in this area;  
Loss of another agricultural field;  
Proposed hours are unacceptable with many people still being in bed at 7am and do not want to be disturbed by dogs barking;  
Loss of high grade agricultural land.

#### *Noise and disturbance*

Noisy for local residents 7 days a week;  
Activity takes place on the site 365 days of the year, as late as 9pm;  
A total of 5110 business hours per year are proposed, meaning a potential of 26,280 extra dogs within the locality per year – all managed by one part time employee;  
Owners shouting and using whistles to control dogs;  
Some vehicles arrive with multiple dogs at once which is very noisy and upsets local resident's dogs;  
Substantial negative impact on local residents right to peace and the enjoyment of their own home and the local environment;  
Restrictive conditions on the number of dogs to that of 6 would not provide sufficient mitigation to reduce the impact on noise and disturbance to adjoining residents;  
Due to the location there is very little other background noise;

Rail traffic is a source of low frequency noise (LFN) and causes little disturbance to local residents;

Noise from trains passing is far less than noise currently experienced by the persistent barking from dogs, car doors banging, use of the agility equipment on site and children and adults shouting over a long period;

Dogs barking is noisy and is one of the most common complaints associated with noise;

The supporting representations make reference to the field being used by anxious, untrained, reactive, nervous dogs which are by nature potentially far noisier and more problematic than individuals with well trained obedient dogs;

Whilst the entrance gate has been moved away from the property of The Gate House, the field itself with its associated use will still be within 20m of this residential property;

Movement of the parking area to the centre of the field will just disperse the noise to the edges of the field, closer to residential properties.

#### *Loss of privacy*

Loss of privacy to The Gatehouse and other neighbours;

Noticeable changes in land levels allow views into the private garden area and property of the Gate House whether intentional or not;

Photos are regularly taken and put on social media for the general public to view;

Any trees proposed to be planted to screen the site will likely be small, lack foliage and take many years to become established to be able to prevent issues with privacy.

#### *Parking / highways/ traffic*

Amount of traffic using the road has increased dramatically;

10,220 additional cars per year will be entering and existing the site;

The road does not have footpaths which has caused a risk to safety of pedestrians;

The road is a local access single track 60mph lane with no passing places;

The increase in traffic generation on the local access lane would cause harm to highway safety and impede other users;

Drivers who are not residents are not as mindful of the speed limits and nature of the area;

During the past 3 months there have been vehicles passing homes on Frog Lane every hour on the hour at speed without due care about people, pets or wildlife;

The parking area has been reduced from 14mx14m to 9m x9m for 2 vehicles and no details from highways have been given as to whether this is suitable;

Site has a strong reliance on cars thereby increasing the carbon footprint.

#### *Light pollution*

Car headlights being used to illuminate the field during winter months and darker hours;

Vehicle movements resulting in headlights shining into adjacent residential properties.

#### *Design / appearance*

Fence is higher than most in the area;

The proposed new gate with its increased height could result in conflict with fire regulations/ health and safety.

#### *Litter / dog waste*

The amount of litter has increase in the area;

No bins at the site;

Dog excrement is left in the field;

No toilets so people urinate in the field.

#### *Equipment on the field*

The field should not have any jumps, tables etc;

Supporting statement outlines that more may be added if donated however this does not form part of the planning application and details have not been consulted on.



### *Carbon footprint / air pollution*

Due to the location of the site, 100% of users on the site for the last 12 months have used their car as a mode of transport;  
Reliance on car as the site is away from the main road;  
Results in an increase to the carbon footprint and increase to air pollution to neighbours and the community of the local area.

### *Other*

There is already a dog exercise area on Wade Blades Lane which is not in close proximity to neighbouring houses;  
Comments received in support of the application have criticised people for walking their dogs adjacent to the field when people are exercising “problem” rescue dogs, as it causes their dog some behaviour issues. Local residents should be allowed to walk their dogs along this lane. Perhaps a better location could be found for an exercise field which does not have adjacent roads;  
Most of the supporters do not live locally and therefore do not suffer any of the consequences;  
Concern regards future plans for the site e.g. flood-lighting, dog classes, dog kennels, building work, events, café, music, parties etc;  
The field is being used not just for dog walking but for football and go karts/ buggies, picnics;  
Flood risk concern;  
Geological and Ecological impact;  
Any conditions imposed for dog numbers could be difficult or impossible to enforce;  
No conditions can be enforced upon the number of users on the field and this is of great concern.

### *Procedural matters*

The applicant states they have been engaging with the Lead Flood Authority for the Land Drainage consent since March but the status is currently unknown. This has been ongoing for over 8 months, why would this still be unknown;  
Applicant has not provided accurate information in relation to protected /priority species within the area to be validated;  
Applicant has not provided accurate information in relation to hedgerows.

#### 8.4 The letters of support received can be summarised as follows:

Good to settle anxious dogs in a secure setting;  
Well maintained, clean and safe site;  
Limited facilities like these;  
The area is out of the way and it would seem a good way of using this land;  
Good to see a small business thriving;  
Limited traffic to the site as restrictions on the use of the field;  
Cars visiting the site always park off road, even if they have to park on the road there is no passing traffic so it could not be construed as obstructing traffic;  
The most significant noise in this locality is from the trains and this compound is located adjacent to the train lines;  
I believe that the proposal will have minimal impact on the locality and benefit far more people than it could disturb;  
A lot of the dogs using the Frog and Dog are rescues. They can't be let loose in public places as they may have no recall or have behavioural problems. The Frog and Dog is a place where these dogs can be let loose to run and play in a secure, safe place;  
Noise pollution from barking dogs is low and is of no significant difference as numerous dog walkers use Frog Lane anyway, even more so since COVID-19;

Great space to support mental and physical health;  
The proposed construction of fencing and a gate provides no more visual impact than the surrounding paddocks for horses;  
Provides a valuable space in which potentially dangerous/nervous/young dogs and their owners can relax.

## **9.0 SUPPORTING INFORMATION**

- 9.1 The application has been supported by the following documents.
- 9.2 **Supporting letter from applicant.** Received by the Local Planning Authority on 04.10.2021
- 9.3 **Letters of support from visitors to the site.** Received by the Local Planning Authority on 28.10.2020.
- 9.4 **Train times for trains passing the site.** Received by the Local Planning Authority on 28.10.2020.

## **10.0 RELEVANT PLANNING POLICIES**

- 10.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.
- 10.2 The site is located in the Green Belt
- 10.3 **NPPF**  
Protecting Green Belt land  
Making effective use of land  
Achieving well designed places  
Conserving and enhancing the natural environment
- 10.4 **West Lancashire Local Plan (WLLP) 2012-2027 DPD**  
Policy SP1 – A Sustainable Development Framework for West Lancashire  
Policy GN1 – Settlement Boundaries  
Policy GN3 – Criteria for Sustainable Development  
Policy EC2 – The Rural Economy  
Policy EN2 – Preserving and Enhancing West Lancashire’s Natural Environment  
Policy IF2 - Enhancing Sustainable Transport Choices
- 10.5 **Supplementary Planning Document**  
Design Guide (2008)  
Development within the Green Belt (2015)

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

- 11.1 The main considerations for this application are:
- Principle of development  
Design/ visual appearance  
Impact on Residential Amenity  
Highways / parking / location of development  
Drainage / flood risk  
Ecology / biodiversity

Loss of best and most versatile agricultural land

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

- 11.2 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.
- 11.3 Under Section 13 of the NPPF the types of appropriate development in the Green Belt are listed. Para 150, criterion e) permits material changes of land (including outdoor recreation) and under criterion b) engineering operations. However, both are subject to the preservation of the openness and avoidance of conflict with the reasons for including land in the Green Belt.
- 11.4 The proposal is to use the land for exercising dogs which is considered to be an outdoor recreational use. The field will remain grassed over and I am satisfied the use of the field for exercising dogs does not have any adverse impact on the openness of the Green Belt.
- 11.5 The new use introduces associated built development in the form of fencing and gates which enclose the site. By virtue of their height, design and location I am satisfied that the fence and gates would have minimal impact on the openness of the Green Belt. Some parts of the fence which are stepped more than 2m away from the highway benefit from permitted development and do not in their own right require planning permission.
- 11.6 The development of the site also involves engineering operations to create a bridge over a drain which runs parallel to Frog Lane and to form the proposed car parking area. The proposed vehicle parking area would be formed in the centre of the site, adjacent to Frog Lane and created by the use of reinforced plastic ground grids which are removable and would therefore have no lasting impact on openness. Given the limited dimensions of the bridge and access of Frog Lane, which could also be required were the field to revert to agricultural use I am satisfied these elements of the scheme would not harm the openness of the Green Belt.
- 11.7 Given the limited harm arising from the engineering operations and built forms of development which are easily reversible I am satisfied that the proposal would have minimal impact upon the openness of the Green Belt and would not conflict with the purposes of including land within it. I am therefore satisfied that the proposal complies with the provisions of the NPPF.

### ***Design and Appearance***

- 11.8 Policy GN3 of the Local Plan requires all new development to have regard to the visual amenity of the surrounding area and complement or enhance any attractive attributes through sensitive design including appropriate siting, orientation, scale, materials landscaping and boundary treatments.
- 11.9 The development lies within the open countryside and by use of timber post and wire fencing and 'grasscrete paving' the development protects the local rural characteristic. The proposal to create a new access and bridge onto the field involves the use of road planings. These aspects are not dissimilar to other field access points to agricultural land throughout the Borough and as such are considered acceptable in appearance. I am satisfied that the proposal accords with Policy GN3 of the Local Plan and guidance in the Design Guide.

### ***Impact upon adjoining land uses including neighbouring properties***

- 11.10 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains reasonable levels of amenity and avoids conflict with adjacent land uses.
- 11.11 The field is in close proximity to a number of residential dwellings. The closest being the Gate House which is located about 20m away to the north east of the site across the railway lines. The dwelling of Ashview is located to the south west about 30m from the site.
- 11.12 There is potential for noise from vehicles parking and manoeuvring, from people in this location and from dogs. Whilst the overall noise levels may not be especially high, the change in nature of the noise from the previous use to the use applied for will be noticeable by residents living nearby.
- 11.13 With respect to the noise generated from the use of the field, this is very much dependent on the intensity of the use and each user: e.g. 1 user bringing their own dogs for a play is entirely different from a trainer with a class of several dogs. In this case the applicant confirms that the field will not be used for commercial dog training classes or accommodate multiple parties on the site.
- 11.14 The field will be let for 45-minute appointments on the hour to allow for a 15 minute grace period / cross over time between users. Parking for customers is currently at the northern side of the site however this application is seeking approval for the parking to the centre of the field. The movement of the parking area to the centre of the field moves it away from the neighbouring property of the Gate House.
- 11.15 As the application is retrospective, the Environmental Health Officer (EHO) has had the opportunity to review a nearby neighbour's diary concerning noise from the facility and to listen to recordings made from a nearby residential property using their own noise recording equipment.
- 11.16 The conclusion on consideration of the noise impact of the facility is that there is some noise from the facility, notably people's voices, when raised, (adults and children) and some barking. The noise of car doors shutting and from people and dogs on arrival and departure will reduce noticeably if the proposed new parking arrangements midway down the long edge of the field are put into place. Distancing this activity from 20m from the nearby residents (the Gate House) to about 85m away will significantly reduce the noise impact.
- 11.17 On balance the EHO does not consider that the impact of noise on residential amenity is a sufficient reason to refuse the application, and is satisfied that noise can be mitigated by conditions being attached to the application.
- 11.18 The field is not illuminated and the Council would not wish to see lighting columns or flood lighting in this area. It has become apparent over the winter months that customers using the field are using their car headlights to illuminate the field when it's dark. This does give cause for concern and as such it is suggested to limit the opening hours of the field during the winter months. It is proposed to introduce a condition which limits the opening hours over the winter months (October – March) from 08:00 (09:00 Sundays and bank holidays) – 18:00.

- 11.19 These hours are a reduction from what the applicant is seeking, however, it is considered that this reduction during the winter months is appropriate to avoid nuisance to neighbouring properties because of light pollution.
- 11.20 The applicant has identified within their supporting statement that waste bin receptacles are not provided at the site. They advise users of their field to take all their waste home with them. The Council consider that some form of waste receptacles should be provided at the site and a schedule for clearing of these receptacles should be in place. This can be dealt with by a condition.
- 11.21 Given the above, I consider that subject to suitable controls over the use and times of use, the impact on surrounding land uses and residential amenity would not be so significant to warrant a refusal of this application.

### ***Highways / parking / location of development***

- 11.22 The general approach of the NPPF and Policies SP1 and GN3 in the WLLP is to site facilities where they are accessible to their intended users and can be reached by sustainable travel means. The proposed development is somewhat remote from its intended dispersed catchment, particularly with respect to accessibility other than by private motor vehicle.
- 11.23 The submissions detail that on average bookings per week are currently between 20 and 50 customers. Over time, this has potential to generate a reasonably high trip rate, however, would not warrant a formal transport assessment. The reduction in opening hours over the winter months will reduce trip generation during this period.
- 11.24 Frog Lane is a no through road. In the immediate area of the site, it is a straight road and offers relatively good visibility. Access is proposed centrally within the field and a parking area (9m x 9m) constructed from plastic matting is proposed. The applicant advises that no more than 2 vehicles are permitted per visit and as such I am satisfied that the site accommodates suitable parking and turning. Each appointment would have a cross over window of 15 minutes which should avoid any significant vehicle cross over between customers.
- 11.25 The amount of traffic generated is not considered significant and will not materially impact on highway safety or capacity in the locality. Furthermore, sufficient parking for the intended use is provided. On that basis the proposal is considered consistent with the requirements of Policies GN3 and IF2 in the WLLP.

### ***Drainage / flood risk***

- 11.26 The Council's Principal Engineer (drainage) has reviewed the proposals with regard to drainage and flood risk. The proposed car park is porous so water will drain in a similar fashion to the existing ground.
- 11.27 Some concern has been raised with regard to the proposed bridge and impact on the existing ditch however these concerns will be addressed by Lancashire County Council as the applicant has applied for Land Drainage Consent from the Lead Local Flood Authority.
- 11.28 I am satisfied that the proposed surface water drainage arrangements are acceptable and the proposal will not result in drainage problems or unacceptable flood risk in accordance with policy GN3 in the Local Plan.

## ***Ecology / landscaping***

- 11.29 The NPPF within chapter 15 requires that planning decisions should contribute to and enhance the natural and local environment. Paragraph 180 d) advises that development that enhances biodiversity should be supported, and opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.
- 11.30 As part of the proposal the applicant intends to improve the existing landscaping and biodiversity offer at the site. It is proposed to plant a wildflower buffer along the road frontage as well as a woodland area to the south (adjacent to Ashview) and a tree buffer to the north (adjacent to the railway line and The Gate House). Limited details have been provided in regard to these elements and as such a condition will be attached to ensure that an appropriate planting scheme is provided.

## ***Loss of best and most versatile agricultural land***

- 11.31 Policy EC2 of the WLLP advises that the irreversible development of open, agricultural land will not be permitted where this would result in the loss of the best and most versatile agricultural land. The application site is Grade 2 agricultural land. As no major works are proposed other than the laying of the reinforced grid for parking to the middle of the site, I do not consider the development of the site would prevent the land being returned for agricultural purposes in the future. The development would therefore comply with the requirements of Policy EC2 of the WLLP.

## ***Summary***

- 11.32 Given the above, subject to conditions I consider that the proposal satisfactorily meets the requirements of Policies GN1, GN3, EN2, EC2 and IF2 of the West Lancashire Local Plan 2012-2027 DPD and should be recommended for approval.

## **12.0 RECOMMENDATION**

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

### **Conditions**

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:  
Plan reference  
TQRQM20297144402868 - Site location Plan - including parking area, bridge and access  
TQRQM21056074243554 - proposed parking area, gate, road planings and bridge  
Bridge cross section  
Gate and fence elevation  
Photos with dimensions of existing gate and fence  
TQRQM20297144402868 - Proposed planting plan  
received by the Local Planning Authority on 04.10.2021  
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
2. The application site shall be used only for dog walking and exercising and associated parking and for no other purposes whatsoever including commercial dog training classes.

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.

3. The use shall not take place other than between the hours of  
April to September inclusive  
08:00 - 21:00 Monday to Friday  
09:00 - 21:00 Saturdays, Sunday and Public/Bank Holidays  
October to March inclusive  
08:00 - 18:00 Monday to Friday  
09:00 - 18:00 Saturdays, Sunday and Public/Bank Holidays  
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.
4. The application site shall not be used for more than three dogs at a time between the times of 08:00 - 09:00 and 19:00 - 21:00 and no more than six dogs at a time between the hours of 09:00 and 19:00 on any day.  
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.
5. No lighting shall be installed on the site until details have first been submitted and agreed in writing with the Local Planning Authority.  
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.
6. The proposed central access and car parking area shall be provided in accordance with the approved plans (ref TQRQM20297144402868 and TQRQM21056074243554 ) within 3 months of the date of this decision. The parking area 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.
7. Within 3 months of the date of the decision full details of proposed landscaping works shall be submitted to and approved in writing by the Local planning Authority. The approved planting scheme shall be planted in the next available planting season.  
Any trees / shrubs which are removed, die, become severely damaged or diseased within 7 years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.  
Reason: To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to provide a level of privacy for adjacent neighbours and to comply with Policy GN3 and EN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
8. Within 1 month of the date of this decision a scheme shall be submitted to and approved by the Local Planning Authority that specifies the provisions to be made for storage and disposal of waste from the site. The approved scheme shall be implemented within one month of the date of the approval and such provisions shall be maintained whilst the permitted use continues.

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.

### **Reason for Approval**

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

Policy SP1 - A Sustainable Development Framework for West Lancashire

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy EC2 - The Rural Economy

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

Policy IF2 - Enhancing Sustainable Transport Choices

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



# Agenda Item 7d

<b>No.4</b>	<b>APPLICATION NO.</b>	2021/0782/FUL
	<b>LOCATION</b>	Bus Station Moor Street Ormskirk Lancashire L39 2AW
	<b>PROPOSAL</b>	Refurbishment of bus station, including demolition of existing building. Provision of new combined public toilet, office and storage facility. Upgrade of the public realm including paving, landscaping, street lighting and bus shelters. Installation of SUDS. Provision of segregated cycle track. New boundary walls and fencing. Amended car park entrance and exit arrangements.
	<b>APPLICANT</b>	Lancashire County Council
	<b>WARD</b>	Derby
	<b>PARISH</b>	Unparished - Ormskirk
	<b>TARGET DATE</b>	10th August 2021

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

- 1.1 This application was to be determined under the Council's delegation scheme; however, Councillor Ian Davis has requested it be referred to Planning Committee due to the scale of the application and its significance to the community.

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

- 2.1 This application is for refurbishment of the existing bus station, including provision of a new public toilet block, improved street lighting, provision of a cycle track link and repaving. The proposed development is acceptable in principle in this town centre location and would provide enhanced facilities for sustainable transport. I am satisfied that the proposals are acceptable in terms of heritage, visual amenity, highway safety, residential amenity, drainage and ecology, in accordance with relevant policies contained in the NPPF and Local Plan.

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

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

- 4.1 The site is located on an existing plot of land that accommodates Ormskirk Bus Station and its adjacent car park. The application site is bounded by the Ormskirk-Liverpool railway line to the west; a footpath connection leading to the railway station to the north; residential properties to the east, and Moor Street to the south. The site lies within the Ormskirk Town Centre Conservation Area.
- 4.2 The site is currently used for Ormskirk Bus Station, with bus movements restricted to the perimeter of the site and a car park at the centre. At present buses enter from the western access point along Moor Street and loop around the car park (via their allocated stop) and then exit via the eastern access point. The car park is accessed from a separate location along Moor Street located between the bus access and egress. There is also space dedicated to taxi pick up/drop off.
- 4.3 There are 7 bus stands at the Bus Station, with each stand having its own shelter with timetable information. There is also a single storey building to the west of the site which previously contained the Travel Information Centre and public toilets. The car park contains 50no. standard size parking bays and 2no. disabled parking spaces.

## **5.0 THE PROPOSAL**

- 5.1 The application proposes refurbishment of the bus station. The proposed redevelopment forms part of the wider Ormskirk Eastern Gateway project, which is designed to improve public realm and enhance facilities for sustainable travel in the areas of Moor Street and St Helens Road to the east side of Ormskirk Town Centre.
- 5.2 The existing building to the west would be demolished and a new single storey public toilet/office/storage building would be erected to the east of the site. Upgraded street lighting and bus shelters with internal seating and illumination would be installed, and paving would be updated. A segregated cycle track would be installed to west of the site, which would link Moor Street to an existing cycle path towards Ormskirk Railway Station.

## **6.0 PREVIOUS RELEVANT DECISIONS**

- 6.1 None relevant.

## **7.0 CONSULTEE RESPONSES**

- 7.1 Highway Authority (20.07.2021) – No objection.
- 7.2 Environmental Protection (10.06.2021) – No objection.
- 7.3 Lancashire County Council, Archaeology (21.07.2021) – No objection.
- 7.4 Lead Local Flood Authority (11.10.2021) – No comment.
- 7.5 Network Rail (29.06.2021) – No objection. Request conditions.

## **8.0 OTHER REPRESENTATIONS**

- 8.1 Two representations have been received and can be summarised as:

Due to the provision of bollards at the corner of Moor Street/St Helens Road there would be a lack of access to the booking office belonging to Ormskirk Coaches & Taxis LTD which would restrict safe pick up for passengers.

Basements belonging to properties on the opposite side of Moor Street may be more prone to flooding due to surface water run off from the proposed car park entrance/exit.

## **9.0 SUPPORTING INFORMATION**

- 9.1 Preliminary Ecological Appraisal  
Preliminary Roost Assessment  
Arboricultural Impact Assessment  
Heritage Statement  
Design and Access Statement  
Statement of Community Involvement  
Utility Survey  
Drainage Strategy

## **10.0 RELEVANT PLANNING POLICIES**

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

assessed. The site is within Ormskirk Town Centre as designated in the West Lancashire Local Plan 2012-2027 DPD. It is also within the Ormskirk Town Centre Conservation Area.

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

Ensuring the vitality of town centres  
Promoting sustainable transport  
Achieving well designed places  
Meeting the challenge of climate change, flooding and coastal change  
Conserving and enhancing the natural environment  
Conserving and enhancing the historic environment

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

SP1 – A Sustainable Development Framework for West Lancashire  
GN1 – Settlement Boundaries  
GN3- Criteria for Sustainable Development  
IF2 – Enhancing Sustainable Transport Choice  
IF3 – Service Accessibility and Infrastructure for Growth  
EN1 – Low Carbon Development and Energy Infrastructure  
EN4 – Preserving and Enhancing West Lancashire’s Cultural and Heritage Assets  
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

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

### **Principle of Development**

- 11.1 The site is within Ormskirk Town Centre and currently functions as a bus station with a central car park area. Policy IF2 of the Local Plan advises that the Council will support the delivery of the remodelling of the bus station at Ormskirk, including the provision of improved linkages with Ormskirk Railway Station. The proposed redevelopment includes modernisation of the existing bus station and provision of a dedicated cycle link from Moor Street through the site to a recently improved cycle path which leads to Ormskirk Railway Station, and as such I am satisfied that the principle of the development is in accordance with this requirement of Policy IF2.

### **Heritage**

- 11.2 In coming to decisions on heritage matters Local Planning Authorities should refer to the Planning (Listed Buildings and Conservation Areas) Act 1990, which require decision takers to pay special regard to the desirability of preserving listed buildings or their setting (s.66), and to the desirability of preserving or enhancing the character or appearance of conservation areas (s.72). Recent High Court judgements identify the need to give considerable weight and importance to the duty imposed and to the presumption in favour of the desirability of the preservation of heritage assets, including their setting. Decision makers should consider the impacts on the character and appearance of a conservation area separately and development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable.
- 11.3 Ormskirk Bus Station is located within the Ormskirk Town Centre Conservation Area and lies in close proximity to a number of Grade II listed buildings along Moor Street, which comprise its historic setting. The main issues to consider in the heritage assessment of the proposal are; whether the proposal would preserve or enhance the character or appearance of the Ormskirk Town Centre Conservation Area; and the impact of the

proposals on the historic character (significance) of the nearby Grade II Listed Buildings (which include their setting).

- 11.4 In its present form I consider the existing bus station complex to have a neutral impact on the Conservation Area and the setting of the nearby listed buildings through its design, layout and materials. The proposed redevelopment includes an upgrade of the lighting on the site, replacement paving material with natural stone, new street furniture and enhanced landscaping, all of which I consider will improve the quality and appearance of the public realm and be an enhancement to the site and the Ormskirk Town Centre Conservation Area and its setting.
- 11.5 The existing bus station building will be demolished to make way for a cycle link towards the railway station and a new purpose built amenity building erected to the east of the site behind and abutting commercial buildings which front Moor Street (47-53 odds). I consider that provided suitable materials are used in the external finishes of the proposed building it would preserve the character and appearance of the conservation area; details of materials will be secured by condition. In terms of the railings to be installed on the site, a traditional railing, painted black with a finial detailing, consistent with historic railings in the Town Centre would be appropriate and could be secured by condition. In terms of impact from the development on the nearby listed buildings, I am satisfied that the proposed development would have no greater impact on these buildings and as such the development would preserve the historic character of the listed buildings including their setting.
- 11.6 The Local Planning Authority are required to give the duties imposed by the P(LBCA) Act 1990 considerable weight in the planning balance. Paragraph 199 of the NPPF states that great weight should be given to the conservation of heritage assets. I consider that the proposal would represent an improvement to the existing bus station, which appears tired and in need of refurbishment meaning that it does not contribute positively to the character and appearance of the Conservation Area or its historic setting, or the setting of adjacent listed buildings. I would regard the harm caused by the works to be 'less than substantial' (as defined under the terms of P.202 of the NPPF) and as such this harm can be weighed against any public benefits accrued by the scheme, which is a much improved public transport facility and cycle link. I consider the proposal meets the test to preserve as laid down the P(LBCA) Act 1990 and complies with the guidance contained in the NPPF and in accordance with Policy EN4 of the Local Plan and the Council's Design Guide SPD.
- 11.7 Lancashire County Council Archaeology Team have assessed the proposals and advised that as no archaeological investigation of the area was undertaken in the 1970s during the construction of the current bus station, nothing is known of what damage might have been caused by these works, but the site does lie within an area considered to have potential to contain buried archaeological deposits associated with settlement of the medieval and post-medieval periods. For this reason preservation by record would be appropriate and a condition will be imposed to secure the implementation of a programme of archaeological work in accordance with an agreed written scheme of investigation, in accordance with paragraph 199 of the NPPF and Policy EN4 of the Local Plan.

### **Residential amenity**

- 11.8 Policy GN3 of the Local Plan requires proposals for development to be of high quality design and have regard to the West Lancashire Design Guide and retain or create reasonable levels of privacy and amenity for local residents.
- 11.9 In terms of noise and disturbance as a result of the proposals, it is not envisaged that there will be an increase in traffic flow through the bus station and therefore the overall

ambient noise levels should not increase following the refurbishment of the site. A lighting assessment has been included within the submission which demonstrates that the overall surrounding light pollution levels will not be significantly influenced by the proposed lighting.

- 11.10 The proposed redevelopment includes a replacement single storey facilities building which would be sited approximately 11m from the rear of properties in Stanley Street. The building would be approximately 7.2m x 13m and have an approximate height of 2.7m to eaves and 4.6m to the ridge. There is a change in levels between the residential properties and the site, with the site being at a higher level than the adjacent residential dwellings, however there is existing landscaping within the site which would be retained to the rear of the proposed new amenities building and I am satisfied that this in combination with the fact the building would be single storey (with the roof sloping away from the common boundary) would ensure that there would not be a significant detrimental impact on residential amenity in accordance with Policy GN3 of the Local Plan.

### **Air Quality Management**

- 11.11 The site is located immediately adjacent to an 'air quality management area', and noise, vibration and dust may be a factor during the construction phase of the development. For this reason, I consider it necessary to impose a condition requiring the submission of a Construction Environmental Management Plan, to include the demolition phase.

### **Highway and Railway Safety**

- 11.12 Policy GN3 of the Local Plan states that developments should integrate well with the surrounding area and provide safe, convenient and attractive pedestrian and cycle access, ensure that parking provision is in line with Policy IF2, and incorporate suitable and safe access and road layout.
- 11.13 The proposal forms part of the wider Ormskirk Eastern Gateway project which is designed to improve the public realm and enhance facilities for sustainable travel in the areas of Moor Street and St Helens Road to the east side of Ormskirk Town Centre. The redevelopment of the bus station will improve cycle and pedestrian linkages across the Town Centre towards the train station and will also provide enhanced facilities for those wishing to travel by bus. Car parking would be retained within the site, with no loss of parking, infrastructure installed to allow for future electric vehicle parking spaces, and an increase in cycle parking by 8no. spaces is proposed. The development is to be carried out by Lancashire County Council as Highway Authority and as such the impact of the development on highway safety and highway conditions in the vicinity of the site has been fully considered and the development does not require agreements/conditions regarding access or other works in the highway.
- 11.14 The site is next to operational railway land and as such any potential impact on the railway must be taken into consideration in the assessment of the proposals. Network Rail have provided comments and suitable conditions will be imposed to ensure that the scheme does not impact the railway during the construction phase.
- 11.15 I am satisfied that the proposed development would have the effect of improving facilities for sustainable transport, in accordance with Policy IF2 of the Local Plan.

## **Drainage**

- 11.16 The site lies within Flood Zone 1 which has a low probability of flooding. A Drainage Strategy has been submitted with the application which is based on geotechnical investigations carried out during Summer 2021.
- 11.17 Foul water from the proposed new building on site would drain through the existing foul connection to the combined sewer in Moor Street to the western side of the site. In terms of surface water, a pervious paving system would be used for the front part of the car park (nearest Moor Street) with surface water draining to a sub-base stone filled attenuation system which would then drain to an existing public sewer within Moor Street. The Council's Drainage Engineer has assessed the proposals and is satisfied that the proposed surface water drainage arrangements are acceptable in accordance with Policy GN3 of the Local Plan.

## **Ecology and trees**

- 11.18 Under the terms of Policy EN2 in the Local Plan, development proposals must seek to avoid impacts on significant ecological assets and protect and improve the biodiversity value of sites. If significant impacts on biodiversity are unavoidable, then mitigation or as a last resort, compensation, is required to fully offset impacts.
- 11.19 A Bat Survey has been submitted with the application which includes a preliminary roost assessment and dusk emergence/dawn re-entry surveys, and concludes that no evidence of roosting bats was found and I am therefore satisfied that the proposed development accords with the requirements of Policy EN2. To enhance biodiversity a condition will be imposed requiring the installation of bat boxes into the proposed utility building.
- 11.20 An Arboricultural Impact Assessment has been submitted with the application which advises that the scheme will require the removal of 13 trees, 7 of which are classed as trees of moderate quality, with the remaining 6 to be removed being of low quality. The Arboricultural Impact Assessment has been reviewed and it is considered that some of the trees which are proposed for removal are not fully sustainable due to the species type and limited space for growth, and given that 26 trees of mixed species are proposed to replace those trees that would be lost along with a significant amount of shrubs, perennials and grasses, I am satisfied that the requirements of Policy EN2 would be met. I consider it necessary to impose a condition requiring the submission of a suitable Arboricultural Method Statement to ensure adequate protection for those trees that are to be retained and a landscape management and maintenance plan.

## **Other matters**

- 11.21 Concern has been raised about the potential for bollards to close the western part of Moor Street to vehicles and the impact this would have on the operations of the existing taxi hire business. The bollards being proposed are not permanent and are only to be used as a temporary measure to provide additional vehicular free space for specific public events, for example the Christmas lights switch on event. As is currently the case, the Council would still have to formally apply for a temporary road closure notice for such events. In the past when the Council has closed this section of the road off, it has been done using temporary cones/barriers through a traffic management company.

## **Conclusion**

11.22 I consider that the principle of the proposed development is acceptable in this town centre location, as it would provide enhanced facilities for sustainable transport and would be an acceptable form of development within the Ormskirk Town Centre Conservation Area. I am satisfied that the proposed development would not have a detrimental impact on residential amenity, highway safety or biodiversity and would provide an adequate drainage system and appropriate landscaping. I am satisfied that the proposed development accords with all relevant policies in the NPPF and Local Plan.

## **12.0 RECOMMENDATION**

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

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:  
Plan reference:  
1662/3001 sheet 1 of 1 - Soft Landscaping Proposals  
received by the Local Planning Authority on 04.10.2021.  
SK02 (Rev C) - Proposed Amenity Block  
received by the Local Planning Authority on 28.07.2021.  
Option 3, Proposed Drainage Layout with Porous Paving in Car Park Area, 1964/500/005 RevB  
Lighting Design 1964/1300  
Proposed Site and Block Plan, 1964/102  
Proposed Hardstanding Area Plan, 1964/500/002  
Location Plan  
received by the Local Planning Authority on 15.06.2021.  
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or full specification of materials to be used externally including for the proposed amenity block, boundary treatments and street furniture have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, size, colour and texture of the materials including the method of jointing of any stone or brick work and coursing of any roof work and should be reflective of those within the surrounding area, unless otherwise agreed in writing by the Local Planning Authority.  
The development shall be carried out using only the agreed materials and method of construction and shall be retained at all times thereafter.  
Reason: To preserve the character and appearance of the Conservation Area and to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
4. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to

and approved in writing by the Local Planning Authority prior to the development becoming operational.

The landscape management plan shall be implemented in accordance with the approved details.

Reason: To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

5. Prior to the commencement of development, including demolition, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. Measures to minimise the impact on air quality should be explored such as avoiding diesel generators and vehicle idling. The approved Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.  
Reason: These details are required prior to the commencement of development in order to protect the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. A method statement and risk assessment, including details of any scaffolding works within 10m of the railway boundary, any proposed vibro-impact works, details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The development shall be implemented in full accordance with the agreed method statement and risk assessment.  
REASON: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway.
7. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.  
Reason: These details are required to be approved before the commencement of development to ensure any remains on site are properly recorded in accordance with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
8. Details of the number and location of bird nesting boxes and bat boxes to be incorporated into the scheme shall be submitted to and approved in writing by the Local Planning Authority. The bird and bat boxes shall be installed in accordance with the approved details prior to the bus station becoming operational and shall be retained at all times thereafter.  
Reason: In the interests of biodiversity conservation and to comply with Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Drainage Strategy received by the Local Planning Authority 15.06.2021 and Drainage Strategy Appendix G received by the Local Planning Authority on 20.08.2021. The development shall be completed in accordance with the approved details prior to the new bus station being brought into use.



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.

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

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

11. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes for the Reduction of Obtrusive Light; GN01/21 (2021).' The approved lighting scheme shall be implemented prior to the new bus station being brought into use and thereafter be permanently retained.

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.

12. All hard and soft landscape works shall be carried out in accordance with the approved details shown on 1662/3001. The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within 7 years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

## **Notes**

### 1. Network Rail Note

The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs.

Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer. The applicant /developer should submit the RAMs directly to: [AssetProtectionLNWNorth@networkrail.co.uk](mailto:AssetProtectionLNWNorth@networkrail.co.uk).

### Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

\*There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land or under the Network Rail boundary.

\*All buildings and structures on site including all foundations / fencing foundations must be constructed wholly within the applicant's land ownership footprint.

\*Buildings and structures must not over-sail Network Rail air-space.

\*Any future maintenance must be conducted solely within the applicant's land ownership.

\*Rainwater goods must not discharge towards or over the railway boundary

\*Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network

Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for

all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network

Rail reserves the right to refuse any works by an outside party that may adversely impact its land and infrastructure.

\*Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

### Scaffolding

Scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, they must have a minimum 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.

This is to ensure that the safety of the railway is preserved, and that scaffolding does not:

\*Fall into the path of on-coming trains

\*Fall onto and damage critical and safety related lineside equipment and infrastructure

\*Fall onto overhead lines bringing them down, resulting in serious safety issues (this is applicable if the proposal is above the railway and where the line is electrified).

### Vibro-Impact Machinery

If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement must be submitted to the Network Rail for agreement.

\*All works shall only be carried out in accordance with the method statement and the works will be reviewed by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling.

\*The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.

Maximum allowable levels of vibration - CFA piling is preferred as this tends to give rise to less vibration. Excessive vibration caused by piling can damage railway structures and cause movement to the railway track as a result of the consolidation of track ballast. The developer must demonstrate that the vibration does not exceed a peak particle velocity of 5mm/s at any structure or with respect to the rail track.

## Drainage proposals and Network Rail land

In order to comply with the NPPF, the applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. Therefore, the proposed drainage on site will include the following:

- \*All surface waters and foul waters must drain away from the direction of the railway boundary.

- \*Soakaways for the proposal must be placed at least 30m from the railway boundary.

- \*Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems.

- \*Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or runoff onto Network Rail's land and infrastructure.

- \*Proper provision must be made to accept and continue drainage discharging from Network Rail's property.

- \*Drainage works must not impact upon culverts, including culverts/brooks etc that drain under the railway. The applicant will not be permitted to direct surface or foul waters into culverts which run under the railway - any discharge of surface water under the railway via a culvert will require review and agreement from Network Rail who reserve the right to refuse use of any culverts.

- \*The developer must ensure that there is no surface or sub-surface flow of water towards the operational railway.

- \*Rainwater goods must not discharge in the direction of the railway or onto or over the railway boundary.

NB: Soakaways can materially affect the strength of soil leading to stability issues. A large mass of water wetting the environment can soften the ground, and a build-up of water can lead to issues with the stability of Network Rail retaining walls/structures and the railway boundary. Network Rail does not accept the installation of soakaways behind any retaining structures as this significantly increases the risk of failure and subsequent risk to the travelling public.

If the developer and the council insists upon a sustainable drainage and flooding system then the issue and responsibility of flooding, water saturation and stability issues should not be passed onto Network Rail.

The drainage proposals are to be agreed with Network Rail and surface water drainage on the site should be removed by a closed sealed pipe system.

The HSE identifies railways as a Major Hazard Industry. An earthwork failure within a high-hazard area has the potential to result in a catastrophic accident with multiple fatalities or long-lasting environmental issues. It should be noted that where the actions of an adjacent landowner have caused a landslip on the railway the loss adjusters are likely to advise recovery of Network Rail costs from the 3rd party, which would include costs of remediation and recovery of costs to train operators. Many railway earthworks were constructed in the Victorian period and are susceptible to failure by water saturation. Water saturation leads to an increase in pore water pressure within the earthwork material. Please also note that railways, and former railway land adjacent to it, is considered as contaminated land due to historic use of railways, which can affect the suitability of infiltration drainage.

## Excavation and Earthworks and Network Rail land:

In order to comply with the NPPF, the applicant will agree all excavation and earthworks within 10m of the railway boundary with Network Rail. Network Rail will need to review and agree the works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to agree the following:

- \*Alterations to ground levels

- \*De-watering works

- \*Ground stabilisation works

- \*Works to retaining walls
  - \*Construction and temporary works
  - \*Maintenance of retaining walls
  - \*Ground investigation works must not be undertaken unless agreed with Network Rail.
  - \*Confirmation of retaining wall works (either Network Rail and/or the applicant).
  - \*Alterations in loading within 15m of the railway boundary must be agreed with Network Rail.
  - \*For works next to a cutting or at the toe of an embankment the developer / applicant would be required to undertake a slope stability review.
- Network Rail would need to review and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. The council are advised that the impact of outside party excavation and earthworks can be different depending on the geography and soil in the area.
- The council and developer are also advised that support zones for railway infrastructure may extend beyond the railway boundary and into the proposal area. Therefore, consultation with Network Rail is requested. Any right of support must be maintained by the developer.

### 3m Gap

Network Rail requires that the developer includes a minimum 3 metres gap between the buildings and structures on site and the railway boundary. Less than 3m from the railway boundary to the edge of structures could result in construction and future maintenance works being undertaken on Network Rail land, and close to the railway boundary potentially impacting support zones or lineside cabling. All the works undertaken to facilitate the design and layout of the proposal should be undertaken wholly within the applicant's land ownership footprint including all foundation works. Network Rail requires a minimum 3m easement between structures on site and the railway boundary to ensure that we can maintain and renew our boundary treatments.

### Parking / Hard Standing Area

As the proposal calls for the following adjacent to the boundary with the operational railway, running parallel to the operational railway or where the existing operational railway is below the height of the proposal site:

- \*hard standing areas
- \*turning circles
- \*roads, public highways to facilitate access and egress from developments Network Rail requests the installation of suitable high kerbs or crash barriers (e.g. Armco Safety Barriers).

This is to prevent vehicle incursion from the proposal area impacting upon the safe operation of the railway.

### BAPA (Basic Asset Protection Agreement)

As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent. The applicant / developer should liaise directly with Asset Protection to set up the BAPA on this email [AssetProtectionLNWNorth@networkrail.co.uk](mailto:AssetProtectionLNWNorth@networkrail.co.uk)

No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.

Should the above proposal be approved by the council and should there be conditions, where the proposal interfaces with the railway the outside party is advised that a BAPA (Basic Asset Protection Agreement) must be in place, in order for Network Rail to review and agree the documentation and works outlined in conditions (and those areas covered by the discharge of conditions).

The applicant is advised that before the proposal progresses (should it be approved) they will be required to submit the development form to Network Rail's Asset Protection team and agree the BAPA before any works commence on site.

Network Rail is a Government funded Organisation and we are expected to recover our involvement costs from this type of interface, to proceed in more detail with discussions a signed Basic Asset Protection Agreement (BAPA) would be required to be in place.

Permanent impacts of development are usually material considerations (such as the position of permanent structures, or drainage design etc) and where these are likely to occur, requests for planning conditions or scheme amendments are requested to protect the existing railway infrastructure from the impacts of the works on site and as a permanent arrangement. Controls on the temporary impact of construction to outside party land should also be picked up via building control, or in some cases a party wall surveyor. Once the attached Asset Protection Questionnaire has been completed and forwarded to the team the enquiry will then be processed and an email sent to the applicant giving a project reference number and name of person with the asset protection team that will deal with the enquiry.

For further information on interfacing with Network Rail please see 'Working by the railway - Network Rail'.

### **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

EN1 - Low Carbon Development and Energy Infrastructure

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

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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



# Agenda Item 7e

<b>No.5</b>	<b>APPLICATION NO.</b>	2021/1095/FUL
	<b>LOCATION</b>	2A Vicarage Lane Westhead Ormskirk Lancashire L40 6HQ
	<b>PROPOSAL</b>	Construction of car port
	<b>APPLICANT</b>	Mr Ian Tomlinson
	<b>WARD</b>	Derby
	<b>PARISH</b>	Unparished - Ormskirk
	<b>TARGET DATE</b>	18th November 2021

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## **1.0 REFERRAL**

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

## **2.0 SUMMARY**

- 2.1 The proposed development of a car port to the side and front of the property is unacceptable in principle. It is considered the proposal would materially harm the openness of the Green Belt and would not be in keeping with the area. The proposed development is considered to not be compliant with the NPPF and Policies GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD.

## **3.0 RECOMMENDATION: REFUSE.**

## **4.0 THE SITE**

- 4.1 The application site relates to a relatively recent conversion of a detached bungalow to a modern detached two storey dwelling, planning permission reference 2018/0383/FUL. The property is located to the south west of Vicarage Lane with a driveway to the front, integral garage and garden to the rear. The dwellinghouse is located within the Green Belt.

## **5.0 THE PROPOSAL**

- 5.1 The application is seeking permission for a car port measuring approx. 9.757m in length x 4.745m in width x 2.653m in height.

## **6.0 PREVIOUS RELEVANT DECISIONS**

- 6.1 2018/0383/FUL - Conversion of a bungalow to house including raising of roof and single storey extensions with balcony above (part retrospective) – Granted
- 6.2 8/5/5059 - Detached bungalow - Granted (20.11.1969)

## **7.0 CONSULTEE RESPONSES**

- 7.1 Cadent Gas – 13<sup>th</sup> October 2021 – holding objection whilst the information is reviewed.

## **8.0 OTHER REPRESENTATIONS**

- 8.1 None.

## **9.0 SUPPORTING INFORMATION**

- 9.1 Supporting Statement – 15<sup>th</sup> September 2021
- 9.2 Green Belt Assessment – 23<sup>rd</sup> September 2021

## **10.0 RELEVANT PLANNING POLICIES**

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

### **National Planning Policy Framework**

Chapter 12 – Achieving well-designed places

Chapter 13 – Protecting Green Belt Land

### **West Lancashire Local Plan Policies**

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

EN2 - Preserving and Enhancing the Natural Environment

**Supplementary Planning Document - Design Guide (January 2008)**

**Supplementary Planning Document - Development in the Green Belt (October 2015)**

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

The main considerations for this application are

Impact on the Green Belt  
Visual appearance/design/layout  
Impact on residential amenity  
Impact on trees

### *Impact on the Green Belt*

- 11.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed. National policy for the control of development in the Green Belt is set out in paragraph 149 and 150 of the NPPF. This lists the types of development which are considered to be appropriate within the Green Belt.
- 11.2 Paragraph 149 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 6 exceptions to this rule including “the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.”
- 11.3 As stated within the officer's report for the approved conversion of the property, 2018/0383/FUL, the existing dwelling has reached the upper limits of the total volume increase advised in the Council's SPD - Development in the Green Belt. The cumulative volume increase with the proposed car port would be approx. 65% over and above the size of the original dwelling. Therefore, the proposal would constitute a disproportionate addition to the original dwellinghouse.



- 11.4 The 40% increase is provided as only a guide and in accordance with the Council's adopted SPD Development in the Green Belt, other factors must also be considered when assessing the impact of the proposal on the Green Belt. In this particular case the application site is surrounded by residential buildings to the west, south and east with open fields to the north. The proposal would project 5.76 metres forward further than the existing front building line of the dwelling and also towards the north away from the existing residential built forms. Due to the, position in relation to the existing dwelling, and the overall projection and scale of the proposed development, I consider the impact of this form of extension would be a disproportionate extension that materially harms the openness of the Green Belt. Therefore, the proposed car port would constitute inappropriate development in the Green Belt and in my view would not comply with the requirements of the NPPF and Policy GN1 of the West Lancashire Local Plan (WLLP).
- 11.5 The NPPF explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 147 clarifies that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
- 11.6 No very special circumstances have been submitted as part of the application and I have not identified any, as part of my assessment. As such the proposal remains inappropriate development and therefore contrary to Policy GN1 and the NPPF.

*Visual appearance/design/layout*

- 11.7 Policy GN3 of the West Lancashire Local Plan 2012-2027 (DPD) requires that new development should be of scale, mass and built form, which responds to the characteristics of the site, its surroundings and also in the case of extensions or alterations to existing buildings, the proposal should relate to the existing building, in terms of design and materials.
- 11.8 The proposed materials are to match with the existing dwelling. Although these will be in keeping with the existing property, the proposed development projects out towards the front and will be visible as part of the street scene. I consider the proposed development would not be in keeping with the rural area and characteristics of the surroundings. Further to this, due to its position and projection from the principal elevation, I am of the opinion, the proposed development would appear as an incongruous addition to the property and would not be compliant with Policy GN3 of the WLLP and the Councils SPD – Design Guide.

*Impact on residential amenity*

- 11.9 Policy GN3 of the Local Plan requires that new development should retain reasonable levels of privacy and amenity for occupiers of the neighbouring properties.
- 11.10 The neighbour closest to the proposed development would be Bluebell Cottage, no. 2 Vicarage Lane. I do not consider, given the height of the proposed development, there would be any negative impact on the residential amenities of any neighbouring properties.

*Impact on Trees*

- 11.11 There are a number of trees with Tree Preservation Orders within the application site and adjacent. I am satisfied the proposed development would have no impact on these trees.

## **12.0 CONCLUSION**

- 12.1 The proposed extension would be disproportionate and by virtue of its projection in front of the principal elevation would result in harm to the openness of the green belt and the visual appearance of the property.

## **13.0 RECOMMENDATION**

- 13.1 That planning permission be REFUSED.

### **Notes**

1. Despite the requirements of Paras 38-46 of the National Planning Policy Framework it has not been possible to reach a positive agreed solution through the Council's adopted and published procedures, which advise that pre-application advice should be sought prior to the submission of an application. This application was submitted without the applicant/agent having entered into meaningful pre-application discussions in relation to the planning policies and material considerations that apply to the proposal and the development shows insufficient regard to the policy requirements as detailed in the reasons above.

### **Reasons for Refusal**

1. The proposed development is contrary to Policy GN1 in the West Lancashire Local Plan (2012-2027), Section 13 of the NPPF, SPD Design Guide (January 2008), and Supplementary Guidance on Development in the Green Belt (October 2015), in that, by virtue of its location, projection and scale the proposed car port would result in a disproportionate addition to the dwelling to the detriment of the openness of the Green Belt and constitute an inappropriate form of development in the Green Belt. The application fails to demonstrate any special circumstances which would outweigh the harm to the green belt.
2. The proposed car port conflicts with Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD and Policy DP5 of the SPD - Design Guide in that by reason of its position and projection from the principal elevation, it would not be in keeping with the characteristics of the area and would result in an incongruous addition to the dwelling.

# Agenda Item 7f

<b>No.6</b>	<b>APPLICATION NO.</b>	2020/1134/FUL
	<b>LOCATION</b>	Yew Tree Farm Higgins Lane Burscough Lancashire
	<b>PROPOSAL</b>	Variation of condition no. 1 imposed on planning permission 2017/0431/ARM to retain as-built/revised floor levels and retaining walls.
	<b>APPLICANT</b>	Redrow Homes
	<b>WARD</b>	Burscough West
	<b>PARISH</b>	Burscough
	<b>TARGET DATE</b>	15th February 2021

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## **1.0** **SUMMARY**

- 1.1 This is a retrospective application on part of the first phase of residential development at the Yew Tree Farm strategic site. It is considered that, subject to a condition, the proposed development is acceptable. There are no significant visual amenity or drainage concerns and I therefore consider that the proposed development is compliant with the NPPF, the Local Plan and the Burscough Parish Neighbourhood Plan.

## **2.0** **RECOMMENDATION: APPROVE with conditions**

## **3.0** **BACKGROUND**

- 3.1 Reserved Matters Approval was granted for 131 dwellings on this site in 2017 and 2019 following the granting of outline planning permission. The dwellings have all been constructed and occupied. In 2020 it came to light that a number of retaining walls/fences had been erected between plots to address differing land levels to those originally approved. This current application seeks to regularise the retaining walls/fences and levels through the variation of approved plans.

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

- 4.1 The site forms Phase 1a of the Redrow Yew Tree Farm development. It is bound by Higgins Lane to the North, Liverpool Road South to the east, Chancel Way to the south and a watercourse to the west separating Phase 1a with Phase 1b. The properties affected by the application to regularise levels include 1 to 19 (odd) Higgins Lane and 2 to 24 (even) Chancel Way.

## **5.0** **PROPOSED DEVELOPMENT**

- 5.1 External ground levels, finished floor levels and boundary treatments of the original development were approved through plans ENG450 (levels plan) and 4205/ENG010-3 (external works) relating to discharge of condition application 2017/1080/CON and numerous boundary treatment plans approved on 2017/0431/ARM. As a result of complaints, it became apparent that "as built" levels throughout phase 1a were not in accordance with the approved plans. This results in a variation of finished floor levels between 0 and 0.95m and a variation of ground levels between 0 and 1.2m.

- 5.2 As a consequence of differing ground levels, a number of retaining walls have been introduced and these vary from brick to the rear of 18 to 24 (even) Chancel Way to concrete panel with close boarded fence on top to the rear of 2 to 19 (odd) Higgins Lane and around the substation between 9 and 11 Higgins Lane. In addition, the 22 Chancel Way has been "handed" to that approved and the associated detached single garage

swopped to the north rather than the south of the dwelling.

## **6.0 RELEVANT APPLICATIONS**

- 6.1 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. APPROVED SUBJECT TO DEED OF VARIATION
- 6.2 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
- 6.3 2017/1080/CON - Approval of Details Reserved by Condition No's. 5, 8, 9, 28, 29 and 31 of planning permission 2015/0171/OUT relating to a construction method statement, highway details, details of the signalised junction at the main entrance to the site, details of the foul drainage scheme, details for a surface water regulation system, details of the finished levels of all parts of the site within that phase, including the floor levels of all buildings. APPROVED
- 6.4 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
- 6.5 2015/0171/OUT - Demolition of the existing buildings, and outline planning permission (including details of access) for the erection of up to 580 dwellings (C3); Extra Care or Care Accommodation (C2); a Local Centre (comprising up to 500m<sup>2</sup> of A1, A2, A3, A4 and A5 floorspace; and community uses); the construction of 4.6 hectares of Employment Development (up to 13,800m<sup>2</sup> of B1, B2 and B8 floorspace); the provision of open space and associated recreation facilities (including parkland, allotments, play areas, a linear park, cycle and pedestrian facilities); together with the provision of related infrastructure including the construction of drainage works (including sustainable urban drainage systems), roads, services and related utilities; and associated works. APPROVED SUBJECT TO A S106 AGREEMENT
- 6.6 2014/1054/SCO - Scoping Opinion - Residential-led mixed-use development - Development IS EIA development (25.11.2014)

## **7.0 CONSULTEE RESPONSES**

- 7.1 LLFA (15.10.2021) – no comment
- 7.2 LCC Highways (21.12.2020) – no objection
- 7.3 MEAS (18.12.2020) – no objection
- 7.4 Natural England (11.12.2020) – no comment

## **8.0 OTHER REPRESENTATIONS**

8.1 A number of objections have been received from the residents raising the following issues:

- flooding of garden and driveway
- concrete retaining wall failing and water seeping through
- retaining wall structurally unsound
- black paving and arco drains should be installed
- incorrect land levels should be put right
- work undertaken contravenes Building Regulations
- no land drains installed
- drainage not in accordance with approved plans
- footings of houses could be undermined
- retaining wall should be brick with waterproof membrane
- stated as built levels are incorrect
- lack of top-soil in gardens and no clarity on whether batter slopes to boundaries exist

## **9.0 SUPPORTING INFORMATION**

9.1 Levels and fencing plans.

## **10.0 RELEVANT PLANNING POLICIES**

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

10.2 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.

10.3 The following policies apply:

### National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development

Section 12 Achieving well-designed places

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

### 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

### Burscough Parish Neighbourhood Plan

BPI2: Surface Water Drainage

BPD1: Design and Accessibility Principles

BPD2: Detailed Design Elements

As the site lies within a mineral safeguarding area, Policy M2 of the Lancashire County Council Minerals and Waste Site Allocation and Development Management Policies DPD is also relevant

- 10.4 The following supplementary planning documents are also relevant:  
SPD – Yew Tree Farm Masterplan (Feb 2015)  
SPD – Design Guide (Jan 2008)

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

- 11.1 In my opinion the main considerations in assessing the proposals are:

Principle of Development  
Visual Impact  
Impact on Neighbouring Land Uses  
Drainage  
Any Other matters

### Principle of Development

- 11.2 Whilst this application has been submitted to regularise varying levels and boundary treatments to the approved development, I am satisfied that the principle of the development remains acceptable and in accordance with relevant national and local plan policies. Matters of layout, house-type, design, highways, ecology and the overall drainage scheme for the site have not changed since original approval of the development, with the exception of plot the dwelling at 22 Chancel Way which has been "handed". However, interface distances between surrounding dwellings remain in accordance with guidelines advised in the Council's Supplementary Planning Guidance: Design Guide.

### Impact of amended levels/boundary treatment on visual amenity

- 11.3 Policy GN3 in the Local Plan together with the Council's SPD Design Guide states that new development should be of a built form that responds to the characteristic of the site and its surroundings. New development is required to have regard to visual amenity and complement its surroundings through sensitive design, including appropriate siting, orientation and scale.
- 11.4 Retaining boundary treatment has been implemented between rear and side garden boundaries on a number of plots. Around nos. 18, 20, 22 and 24 this comprises of a masonry brick wall and around the rear of 3 to 19 Higgins Lane and the electricity substation it comprises of concrete panels with a 1.8m high timber fence above. Heights vary of the retaining boundary treatment dependent upon the levels of adjoining plots. For example, the level difference between the rear garden of 12 Chancel Way and the adjoining rear gardens of 11-19 Higgins Lane is approximately 0.6m therefore the retaining concrete panel and fence structure is approximately 2.4m high when viewed from the gardens on Higgins Lane. Whereas the level difference between the rear garden of 12 Chancel Way and the rear garden of 24 Chancel Way is approximately 1m, therefore the retaining wall is approximately 2.8m high when viewed from the garden of no.24.
- 11.5 In my view, although some of the retaining structures are high, they are contained to the rear of dwellings and are necessary to avoid issues of overlooking. Furthermore, although comments have been raised that the concrete panel structures should be replaced with brick retaining walls, as they are located to the rear of properties and are not readily visible from public viewpoints, I am satisfied that the design of the boundary treatments would not warrant refusal of the application on the grounds of visual amenity.

### Impact of amended levels/boundary treatment on neighbouring dwellings

- 11.6 As described above, levels between gardens and dwellings vary. However, the overall layout and siting of the dwellings on this phase remains unaltered from the approved plan. Even where levels are up to 1m difference between properties, I am satisfied that adequate interface distances between habitable room windows remain acceptable and in accordance with the Council's SPD Design Guide.

### Impact of amended levels/boundary treatment on drainage

- 11.7 There is an approved surface water drainage scheme for the site and the variation in levels now implemented do not impact upon the approved scheme. This is because the issues residents refer to in their objections relate to drainage within gardens (waterlogging). It is known that the soil structure in this area is heavy clay and this, coupled with a relatively high ground water table, results in waterlogging on occasions. The NPPG advises that when assessing development and flood risk, only impermeable surfaces should be considered (e.g. driveways, roofs, roads) not gardens. Therefore, garden drainage does not fall within the planning regime, it is a matter for individual landowners and the developer as a civil matter. The Lead Local Flood Authority have been consulted and confirm that there is no evidence that the altered site levels affect the surface water drainage strategy and have therefore raised no objection. On the above basis, I am of the opinion that the proposed development meets the requirements of Policies GN3 of the Local Plan with regards drainage.

### Other Matters

- 11.8 Concern has been raised that the retaining walls are structurally unsound and that footing of dwellings may be undermined by excessive waterlogging. However, these are matters governed by Building Regulations and I note that these issues have already been raised by residents with the NHBC and the developer as a civil matter.

### Summary

- 11.9 In summary, it is considered that the amended levels and incorporation of retaining boundary treatment around some plots on this phase of development are acceptable and in accordance with the NPPF, the Local Plan and the Burscough Parish Neighbourhood Plan.

## **12.0 RECOMMENDATION**

- 12.1 That planning permission be GRANTED subject to the following condition and reason:

### **Conditions**

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:  
External Works Layout Sht 3 4205/ENG010-3 Rv J received by the Local Planning Authority on 16th November 2020;  
External Works Layout Sht 11 4205/ENG/010-11 received by the Local Planning Authority on 16th November 2020;  
Section through back garden plots 4205/ENG010-6 received by the Local Planning Authority on 16th November 2020;  
Fence details 4205/EBG010-8 received by the Local Planning Authority on 16th November 2020

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

### **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

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



# Agenda Item 7g

<b>No.7</b>	<b>APPLICATION NO.</b>	2021/0506/FUL
	<b>LOCATION</b>	Land Adjacent To Higgins Lane Burscough Lancashire
	<b>PROPOSAL</b>	Temporary planning permission three years for the stationing of caravans static and mobile for residential occupation by travelling showpeople with the provision of associated hardstanding a storage area boundary fencing and a temporary access from Swordfish Close along with full planning permission for the construction of a vehicular access from Higgins Lane.
	<b>APPLICANT</b>	Mr David Crompton
	<b>WARD</b>	Burscough West
	<b>PARISH</b>	Burscough
	<b>TARGET DATE</b>	22nd July 2021

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

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Dereli has requested it be referred to the Planning Committee to consider the lack of waste disposal and drainage, and whether the site can be maintained in a tidy state.

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

- 2.1 The application is for a temporary three-year consent for the land to be used for the siting of caravans for residential occupation by Travelling Showpeople and for storage of equipment. Hardstanding would be laid on the site and a landscape strip would be installed on the Higgins Lane frontage. The site is within the Yew Tree Farm Strategic Development Site which is allocated for mixed use development under the Local Plan, with this area being intended for employment use. Whilst the proposal is contrary to policy, given that the Council do not have adequate provision for Travelling Showpeople within the Local Plan and the use would be for a temporary period only (thereby not prejudicing delivery of employment uses on the site), I am satisfied that the principle of development is acceptable. I am satisfied that the development would not cause unacceptable harm to highway safety or visual amenity and an appropriate drainage solution is provided. A Preliminary Ecological Appraisal has been submitted and is currently under review, subject to the findings of this survey being satisfactory I recommend that planning permission be granted.

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

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

- 4.1 The application site is roughly triangular in shape and is flat grassland. It is bounded by Higgins Lane and open countryside beyond to the north, Merlin Business Park to the south and to the west Swordfish Business Park.

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

- 5.1 The application seeks a temporary three-year consent for the stationing of caravans (both static and mobile) for residential occupation by Travelling Showpeople. The use of the site would involve the provision of a direct access taken from Higgins Lane with the western most part of the site used for residential purposes (caravans) and for equipment storage and the east of the site used for the open storage of HGVs/coaches and cars.

Hardstanding made up of recycled plainings is proposed across the site and there would be a 2.4m high green paladin mesh fence around the perimeter to provide security and a 10m wide landscape buffer on the Higgins Lane frontage.

## **6.0 PREVIOUS RELEVANT DECISIONS**

6.1 None.

## **7.1 CONSULTEE RESPONSES**

7.1 Highway Authority (02.06.2021) – No objection.

7.2 Principal Engineer (02.07.2021 and 13.09.2021) – No objection.

7.3 Merseyside Environmental Advisory Service – Comments awaited.

## **8.0 OTHER REPRESENTATIONS**

8.1 Burscough Parish Council (03.06.2021)

Concern that travelling show people do not have a permanent site located within the Burscough area; a permanent site should be agreed through the local plan process.

What happens at the end of three years?

How many static and mobile units?

How many occupants?

Provision for rubbish disposal?

Will occupants pay Council Tax or will this come to the authority via a pitch fee or other charges?

Provision for schooling and medical registration?

What items will be in storage?

What provision for safe storage of fuel and other hazardous materials?

Arrangement for disposal of waste and surface water?

What material will form the surface of the area?

Will there be trees or other screening on the Higgins Lane boundary?

Proposed new permanent access from Higgins Lane suggests that vehicles will be entering via the route through the industrial estate making a right turn into the facility. Has there been any consideration regarding large vehicles turning right out of the junction, and then heading to the site, the visibility lines both ways are extremely poor will these be improved to provide safe passage for all?

## **9.0 SUPPORTING INFORMATION**

9.1 Supporting Letter.  
Preliminary Ecological Appraisal

## **10.0 RELEVANT PLANNING POLICIES**

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

10.2 The application site is located at the north-west corner of the Yew Tree Farm Strategic Development Site, which is allocated for mixed-use development under the West Lancashire Local Plan 2012- 2027 policy SP3. The site is marked in the adopted Yew Tree Farm Masterplan SPD as being intended for employment uses in the longer term and

is safeguarded to be delivered beyond 2027 under both the Yew Tree Farm Masterplan and the Local Plan.

### ***National Planning Policy Framework***

Building a strong competitive economy  
Delivering a sufficient supply of homes

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

SP1 – A Sustainable Development Framework for West Lancashire  
SP3 – Yew Tree Farm, Burscough  
GN1 – Settlement Boundaries  
GN2 – Safeguarded Land  
GN3 – Criteria for Sustainable Development

Yew Tree Farm Masterplan SPD

### ***Burscough Local Plan***

BPI1 – Development and Infrastructure  
BPI2 – Surface Water Drainage  
BPH1 – New Residential Development  
BPE1 – Burscough Industrial Estate

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

### **Principle of Development**

- 11.1 The site is located within the Yew Tree Farm (YTF) Strategic Development Site, which is allocated for mixed use development under the Local Plan, with this particular part of the wider site being intended for employment uses in the longer term (as detailed in the YTF Masterplan) and is safeguarded to be delivered beyond 2027 under both the YTF Masterplan and the Local Plan.
- 11.2 Local Plan Policy GN2 deals with safeguarded land and advises that '*land identified on the Policies Map as safeguarded land is within the settlement boundaries but will be protected from development and planning permission will be refused for development proposals which would prejudice the development of this land in the future.*' Therefore, Policy GN2 protects the site from development, however it is necessary to consider the need to accommodate Travelling Showpeople within the Borough. National planning policy places a requirement on local authorities to objectively assess the need for all types of residential accommodation in their area, including for Gypsies and Travellers and Travelling Showpeople, and to ensure provision of a deliverable five year supply of pitches/plots to meet these needs, as well as a developable ten/fifteen year supply of sites. The latest Gypsy and Traveller Accommodation Assessment for West Lancashire (2017) identifies a need for 5 Travelling Showpeople plots in the Borough.
- 11.3 In 2012/13, the emerging Local Plan contained a criteria-based policy on Traveller accommodation but did not propose the allocation of any actual Traveller sites. At the examination, the Inspector advised that the policy could not be found sound without specific deliverable site allocations to meet identified Traveller accommodation needs. It was recommended that the Traveller accommodation policy be deleted in its entirety from the Plan and that the Council instead commit to preparing a Traveller site allocations development plan document (DPD) as soon as possible in order to meet need. In 2016, before the DPD reached Publication stage, work on the document was ceased, with the

matter to be addressed instead in the new Local Plan Review, commencing 2016. The Local Plan Review was ceased in September 2019, and work on a new West Lancashire Local Plan is currently at an early stage. No sites have yet been identified to meet the identified Travelling Showpeople need in the Borough.

- 11.4 Over approximately the last two years, a Travelling Showpeople family have been occupying a plot of land at the corner of Tollgate Road / Ringtail Road, adjacent to the west of the YTF site. This plot of land has recently been granted full planning permission for employment uses (2021/0369/FUL, granted 18 June 2021) and according to the information submitted with this application an occupier has been secured for the site. Therefore, the existing occupants will shortly need to move from that site. Given the above, it is my view that national policy on provision of accommodation, the unmet need for Travelling Showpeople accommodation in the Borough, and the current circumstances of the local Travelling Showpeople family, are an important material consideration relating to this planning application.
- 11.5 Given there is a proven unmet need for Travelling Showpeople accommodation in the Burscough area, and a lack of alternative sites have been identified over the years since the current Local Plan was adopted, and taking account of the fact that this application is for a temporary period and would therefore not prejudice the potential development of the site in the future, I consider the temporary use of the site by Travelling Showpeople to be acceptable in principle.

#### **Visual Amenity**

- 11.6 The site is currently open and flanked by commercial buildings to the side/rear. There is a hedge to the rear of the site and a group of trees to the east which would be retained as part of the development. The site would be occupied by residential caravans, equipment and also vehicles, and in order to soften the appearance of this it is proposed to install a landscape strip to the site frontage along Higgins Lane. Although the site is currently open land it is viewed in the context of the surrounding employment uses and the proposed development would only be for a temporary period. Given that landscaping would be retained/introduced to soften the appearance of the proposed development I am satisfied that the proposal would be acceptable in terms of visual amenity in accordance with Policy GN3 of the Local Plan.
- 11.7 Although the land is allocated for employment purposes the Council do not have any control in respect of when the site is likely to be developed for employment uses and given its relatively large size and visibility from the surrounding area, I consider it necessary to impose a condition to ensure that the land is reinstated to its former use (grassed) on expiry of the temporary three-year consent.

#### **Highways**

- 11.8 The proposal includes a new permanent access off Higgins Lane with a temporary access constructed off Swordfish Close to allow for the creation of hardstanding areas and the creation of the permanent access. Currently Higgins Lane has a maximum weight restriction of 7.5 tonnes in place along the full length from its junction with Liverpool Road South to the east of the site to its continuation with New Lane to the west. A 20mph speed restriction together with traffic calming measures is in place on Higgins Lane for approx. 650m from the junction with Liverpool Road South making the road unsuitable for HGVs.
- 11.9 Due to these traffic calming measures on the length of Higgins Lane from its junction with Liverpool Road South, HGVs will need to access the site via Burscough Industrial Estate and Langley Road to the north west of the proposed access. The application includes a

swept path analysis for the proposed access off Higgins Lane together with details of the required visibility splays which are considered acceptable.

- 11.10 The Highway Authority have been consulted with regard to the proposal and raise no objections. I am satisfied that the proposed development is acceptable in terms of highway capacity and highway safety.

### **Drainage**

- 11.11 Surface water on the site would be drained via a drainage pipe set within a gravel trench across the site which would connect to an existing culvert at a controlled flow rate. The surfacing on the site would be laid to fall towards the drainage pipeline route. The Council's Drainage Engineer has assessed the proposals and is satisfied that they are suitable for the proposed use and will not result in increased flood risk either on or off site.
- 11.12 In terms of foul drainage, the Planning Agent has confirmed that the accommodation is equipped with toilets with waste then stored in tanks. The tanks would then be collected/emptied by a private company. As such, the proposals do not include the provision of any separate infrastructure for this.
- 11.13 Given the information provided, I am satisfied that an appropriate foul and surface water drainage solution would be provided for the proposed temporary use and consider the scheme to be compliant with Policy GN3 in the Local Plan.

### **Ecology/Landscaping**

- 11.14 A Preliminary Ecological Appraisal has been submitted with the application. The Appraisal concludes that provided reasonable avoidance measures are undertaken during the course of construction terrestrial mammals and Great Crested Newt will not be adversely affected by the proposed development. The Appraisal identifies the western and southern most boundaries of the site as being important wildlife features which provide foraging opportunities for rural birds and bats and goes on to recommend further planting within the site to improve its biodiversity value.
- 11.15 The ecology survey is currently under review by the Council's ecology advisors MEAS. As ecology is now the only outstanding matter remaining it is suggested that the application is recommended for approval subject to MEAS being satisfied that there would be no detrimental impact on biodiversity as a result of the development and securing any potential avoidance/mitigation measures and enhanced landscaping that may be deemed necessary by imposition of planning conditions.

### **Other Matters**

- 11.16 Concern has been raised about the provision of schooling and medical facilities, whilst this is not directly a planning matter the application is to provide for relocation of existing Burscough residents
- 11.17 The Parish Council have questioned how waste is disposed of from the site. The Planning Agent has confirmed that on the current site the usual domestic waste collection service is used, and as the occupants pay Council Tax this arrangement would continue on the Higgins Lane site.

### **Summary**

11.18 On balance taking into account the temporary nature of the consent and the lack of provision of sites for Travelling Showpeople I am satisfied that the principle of development is acceptable. The proposed development would not lead to unacceptable harm to highway safety or visual amenity and adequate drainage will be provided on the site. Matters relating to ecology are currently under review and provided these are addressed satisfactorily I consider that the proposed development accords with all relevant national and local plan policies.

## **12.0 RECOMMENDATION**

12.1 That the decision to grant planning permission for a temporary period of three years be delegated to the Corporate Director of Place and Community subject to confirmation that the submitted ecology survey is satisfactory and subject to the following conditions and any additional conditions being added in respect of ecology.

### **Conditions**

1. The use hereby permitted shall be for a limited period being the period of 3 years from the date of this decision. The use hereby permitted shall be discontinued and any buildings, structures, hardstandings, enclosures or groundworks other than soft landscaping associated with the use shall be removed and the land restored to its former condition, on or before the expiry of this permission, in accordance with a scheme that shall first have been submitted to approved by the local planning authority.  
Reason: To enable the Local Planning Authority to re-assess the proposal on the expiry of the permission having regard to Policy SP3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:  
Plan reference:  
Location Plan  
010, Rev P2 - Anson Business Park Planting Plan  
L01 - Site Layout  
received by the Local Planning Authority on 19.04.2021.  
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. All hard and soft landscape works shall be carried out in accordance with the approved details shown on plan L01. The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within 7 years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.  
Reason: To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
4. No part of the development hereby permitted shall be occupied or brought into use until the sustainable drainage scheme for the site has been completed in accordance with the submitted details.  
The approved works shall be retained as such thereafter.

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.

### **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 - Yew Tree Farm, Burscough

GN1 - Settlement Boundaries

GN2 - Safeguarded Land

GN3 - Criteria for Sustainable Development

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

