



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Wednesday 22 December 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 **WEDNESDAY, 12 JANUARY 2022** 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** 627 - 628
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** 629 - 632
To receive as a correct record the minutes of the meeting held on the 25 November 2021.
- 7. PLANNING APPLICATIONS** 633 - 644
To consider the report of the Corporate Director of Place and Community.
- 7a 2021/0734/FUL - 38 GRANVILLE PARK, AUGHTON, LANCASHIRE** 645 - 654
To consider the report of the Corporate Director of Place and Community.
- 7b 2020/1134/FUL - YEW TREE FARM, HIGGINS LANE, BURSCOUGH** 655 - 660
To consider the report of the Corporate Director of Place and Community.
- 7c 2021/1063/ARM - FORMER HUNTERS AND SONS WAREHOUSE, MOORGATE, ORMSKIRK, LANCASHIRE** 661 - 672
To consider the report of the Corporate Director of Place and Community.
- 7d 2021/1142/FUL - 6-8 AUGHTON STREET, ORMSKIRK, LANCASHIRE** 673 - 682
To consider the report of the Corporate Director of Place and Community.
- 7e 2021/0179/FUL - TAYLORS FARM, HALL LANE, LATHOM, LANCASHIRE** 683 - 694
To consider the report of the Corporate Director of Place and Community.

- 7f **2021/0991/FUL - EDEN TEA ROOMS AND GALLERIES, COURSE LANE, NEWBURGH, LANCASHIRE** 695 - 708
To consider the report of the Corporate Director of Place and Community.
- 7g **2019/1199/FUL - SITE OF FORMER GREAVES HALL HOSPITAL, GREAVES HALL AVENUE, BANKS** 709 - 724
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

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

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

IF YOU DISCOVER A FIRE

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

ON HEARING THE FIRE ALARM

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

NOTES:

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

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

CHECKLIST FOR PERSON IN CHARGE

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

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

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

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

NOTE:

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

CHECKLIST FOR ZONE WARDEN

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

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

INSTRUCTIONS FOR DOOR WARDENS

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

Agenda Item 4

MEMBERS INTERESTS 2012

A Member with a disclosable pecuniary interest in any matter considered at a meeting must disclose the interest to the meeting at which they are present, except where it has been entered on the Register.

A Member with a non pecuniary or pecuniary interest in any business of the Council must disclose the existence and nature of that interest at commencement of consideration or when the interest becomes apparent.

Where sensitive information relating to an interest is not registered in the register, you must indicate that you have an interest, but need not disclose the sensitive information.

Please tick relevant boxes

Notes

	General		Notes
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i>
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a pecuniary interest because it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest or it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/> <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i> <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>
4.	I have a disclosable pecuniary interest (Dispensation 20/09/16) or a pecuniary interest but it relates to the functions of my Council in respect of: (i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease. (ii) school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends. (iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay. (iv) An allowance, payment or indemnity given to Members (v) Any ceremonial honour given to Members (vi) Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 15/09/20 – 14/09/24)	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
6.	I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>

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

Interest

Employment, office, trade, profession or vocation

Sponsorship

Prescribed description

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

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

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

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

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

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

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

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

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

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

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

'a connected person' means

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

'body exercising functions of a public nature' means

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

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

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

Agenda Item 6

PLANNING COMMITTEE

HELD: Thursday, 25 November 2021

Start: 19.00PM

Finish: 20.05PM

PRESENT:

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

Councillors: A Blundell E Pope
N Delaney J Thompson
D Evans J Upjohn
S Evans D Westley
A Fennell Mrs M Westley
G Owen

In Attendance: Councillor J Mee (Tarleton Ward)
Councillor G Johnson (Derby Ward)
Councillor N Furey (Skelmersdale North Ward)

Officers: Alan Houghton, Interim Head of Growth and Development
Catherine Thomas, Development, Heritage and Environment Manager
Mark Loughran, Principal Planning Officer
David Delaney, Legal Assistant (Planning)
Jill Ryan, Senior Member Services Officer
Chloe McNally, Apprentice Member Services

73 APOLOGIES

There were no apologies for absence received.

74 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillor Mrs Baybutt and the appointment of Councillor David Westley for this meeting only, thereby giving effect to the wishes of the Political Groups.

75 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no items of urgent business received.

76 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

77 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

78 MINUTES

RESOLVED: That the minutes of the meeting held on the 14 October 2021 be approved as a correct record and signed by the Chairman.

79 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 561 to 621 of the Book of Reports and on pages 623 to 626 of the Late Information Report.

(Notes:

1. In accordance with Regulatory Procedure Rule 7(a), Councillor Mee spoke in connection with planning application 0726/FUL, Land between 11 and 21 The Gravel, Mere Brow, Tarleton and left the meeting after consideration of this item.
2. In accordance with Regulatory Procedure Rule 7(a), Councillor Johnson spoke in connection with planning application 1095/FUL relating to 2A Vicarage Lane, Westhead.
3. 2 Objectors and the Agent spoke in connection with planning application 0726/FUL, Land between 11 and 21 The Gravel, Mere Brow, Tarleton and left the meeting after consideration of this item.)

80 2021/0726/FUL - LAND BETWEEN 11 AND 21 THE GRAVEL, MERE BROW, TARLETON

RESOLVED: That planning application 0726/FUL relating to Land between 11 and 21 The Gravel, Mere Brow, Tarleton be refused as below:-

The proposed development would result in the loss of existing open space which contributes to the character of Mere Brow and successful mitigation is not proposed, therefore the development is contrary to Policy EN3 of the West Lancashire Local Plan Development Plan Document 2012-27.

81 2021/0885/FUL - ELM TREE COMMUNITY PRIMARY SCHOOL, ELMERS WOOD ROAD, SKELMERSDALE

RESOLVED: That planning application 0885/FUL relating to Elm Tree Community Primary School, Elmers Wood Road, Skelmersdale be approved subject to the conditions and reasons as set out on pages 576 to 578 of the Book of Reports.

82 **2020/1006/FUL - LAND ADJACENT TO ASHVIEW, FROG LANE, LATHOM**

RESOLVED: That planning application 2020/1006/FUL relating to Land Adjacent to Ashview, Frog Lane, Lathom be approved subject to the conditions and reasons as set out on pages 588 to 591 of the Book of Reports and with the amendment to Condition 3 of the report as below:-

Condition 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
 09.00 – 13.00 Sundays and Public Bank Holidays

October to March inclusive
 08.00 – 18.00 Monday to Friday
 09.00 – 18.00 Saturdays
 09.00 – 13.00 Sunday and Public Bank Holidays

Reason

To safeguard the amenity of the adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2021-2027 Development Plan Document.

83 **2021/0782/FUL - BUS STATION, MOOR STREET, ORMSKIRK**

RESOLVED: That planning application 0782/FUL relating to the Bus Station, Moor Street, Ormskirk be approved subject to the conditions and reasons as set out on pages 597 to 603 of the Book of Reports

84 **2021/1095/FUL - 2A VICARAGE LANE, WESTHEAD, ORMSKIRK**

RESOLVED: That planning application 1095/FUL relating to 2A Vicarage Lane, Westhead be refused as per the reasons for refusal set out on page 608 of the Book of Reports.

85 **2020/1134/FUL - YEW TREE FARM, HIGGINS LANE, BURSCOUGH**

RESOLVED: Planning application 2020/1134/FUL relating to Yew Tree Farm, Higgins Lane, Burscough had been withdrawn by Officers.

86 2021/0506/FUL - LAND ADJACENT TO HIGGINS LANE, BURSCOUGH

RESOLVED: That in respect of planning application 0506/FUL relating to Land Adjacent to Higgins Lane, Burscough

1. 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 any additional ecology conditions as may be required.
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 620 to 621 of the Book of Reports and with an additional condition and reason as set out on page 626 of the Late Information Report.

.....
Chairman



PLANNING COMMITTEE
12 JANUARY 2022

Report of: Corporate Director of Place and Community

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

SUBJECT: PLANNING APPLICATIONS

Background Papers

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

Equality Impact Assessment

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

Human Rights

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

CONTENT SHEET

<u>Report No</u>	<u>Ward</u>	<u>Appn No</u>	<u>Site Location & Proposal</u>	<u>Recommendation</u>
1	Aughton And Downholland	2021/0734/FUL	38 Granville Park Aughton Ormskirk Lancashire L39 5DU Extensions to the property including part single-storey side/rear, part two-storey, part first floor and basement garage extensions to side	Planning permission be granted.
2	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.	Planning permission be granted.
3	Knowsley	2021/1063/ARM	Former Hunter And Sons Warehouse Moorgate Ormskirk Lancashire L39 4RT Reserved Matters - Erection of 2 no. blocks (part two, part two and a half storey and three storey development with parking), so as to provide up to 31 No. units of residential accommodation (C3) including details of appearance and landscape. Discharge of conditions 5, 6, 7, 8, 9, 10, 12, 14 and 16 from outline permission reference 2020/0263/OUT.	Reserved Matters be approved.
4	Knowsley	2021/1142/FUL	6 - 8 Aughton Street Ormskirk Lancashire L39 3BW Proposed mixed use development to create 2 ground floor commercial units and 50 student accommodation bedrooms. The applications includes the internal and external remodelling of the existing building and a two storey upper level extension.	Planning permission be granted.
5	Newburgh	2021/0179/FUL	Taylors Farm Hall Lane	Planning

			Lathom Ormskirk Lancashire L40 5UW Proposed grain processing building with concrete hardstanding area and landscaped areas.	permission granted.	be
6	Newburgh	2021/0991/FUL	Eden Tearoom And Galleries Course Lane Newburgh Wigan Lancashire WN8 7UB Variation of Condition No 1 of Planning Permission 2020/0439/FUL to allow the premises to operate later opening hours and in order to cater for functions at the weekends and to diversify the business. To extend operating hours to Sunday 08:00 - 21:00; Monday to Thursday 08:00 - 22:00; Friday to Saturday 08:00 - 00:00	Planning permission granted.	be
7	North Meols	2019/1199/FUL	Site Of Former Greaves Hall Hospital Greaves Hall Avenue Banks Lancashire Full planning application for the erection of 15 residential dwellings.	Planning permission granted.	be



PLANNING COMMITTEE

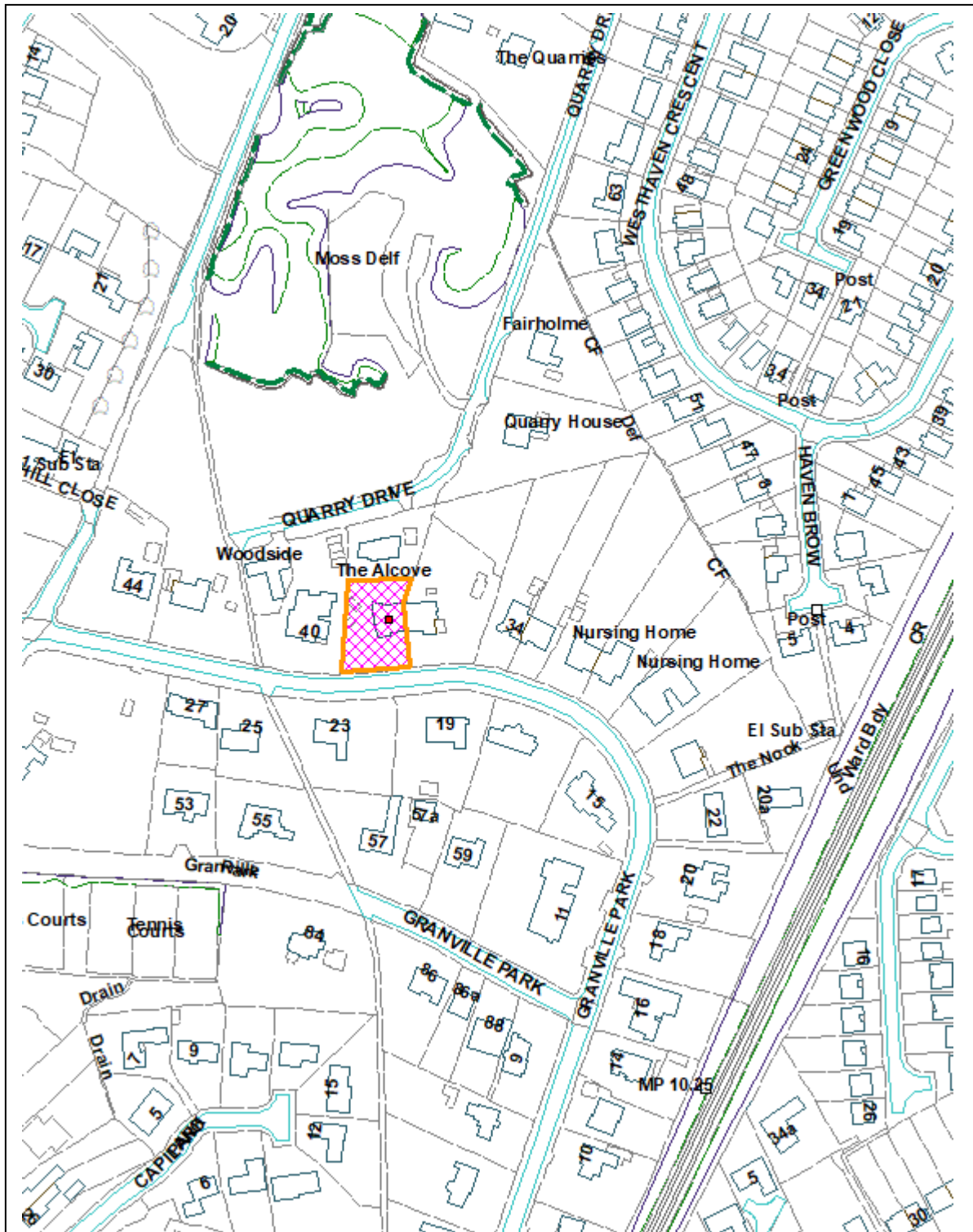
12th January 2022

(Agenda Item 7)

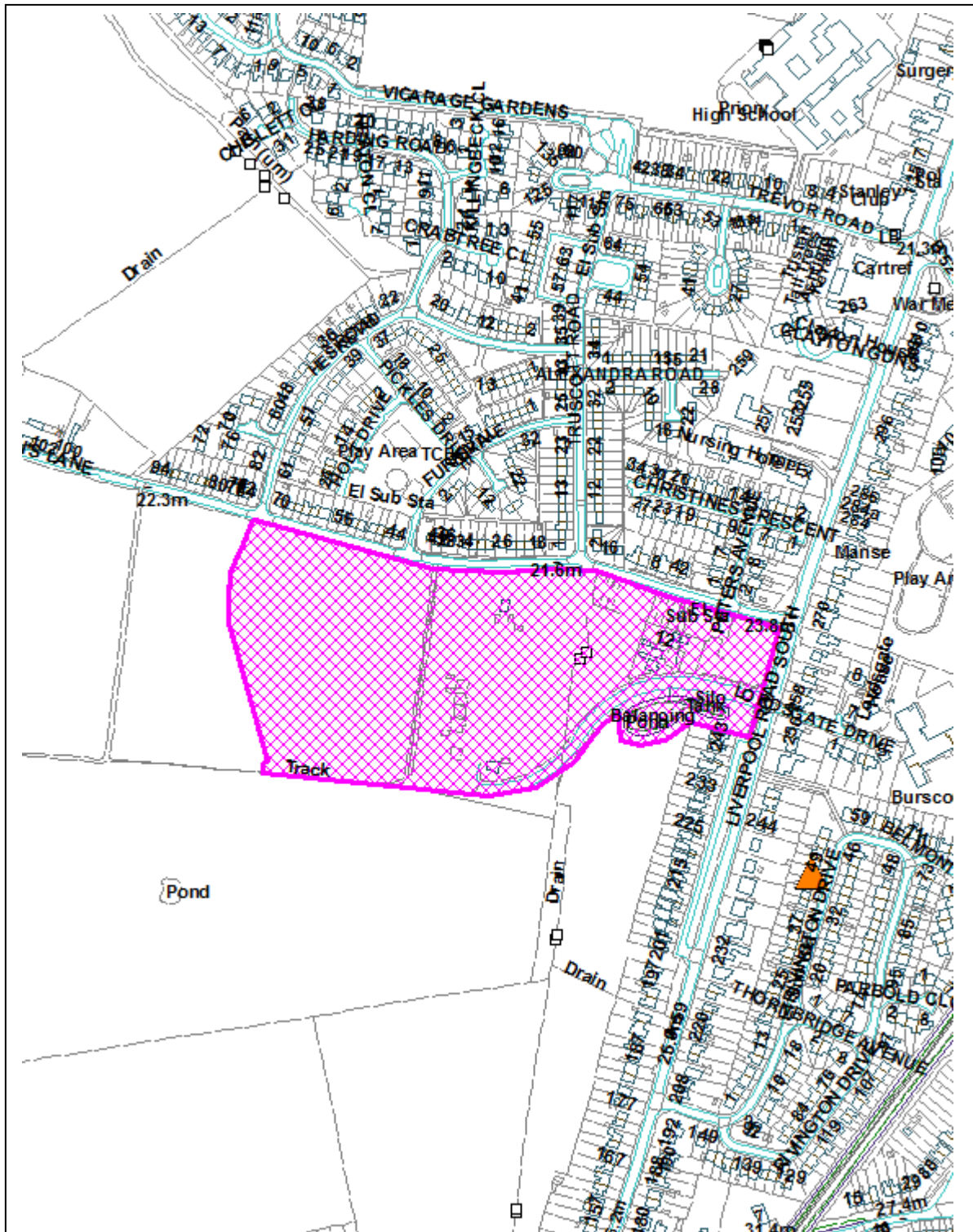
PLANNING APPLICATION ITEMS

LOCATION PLANS

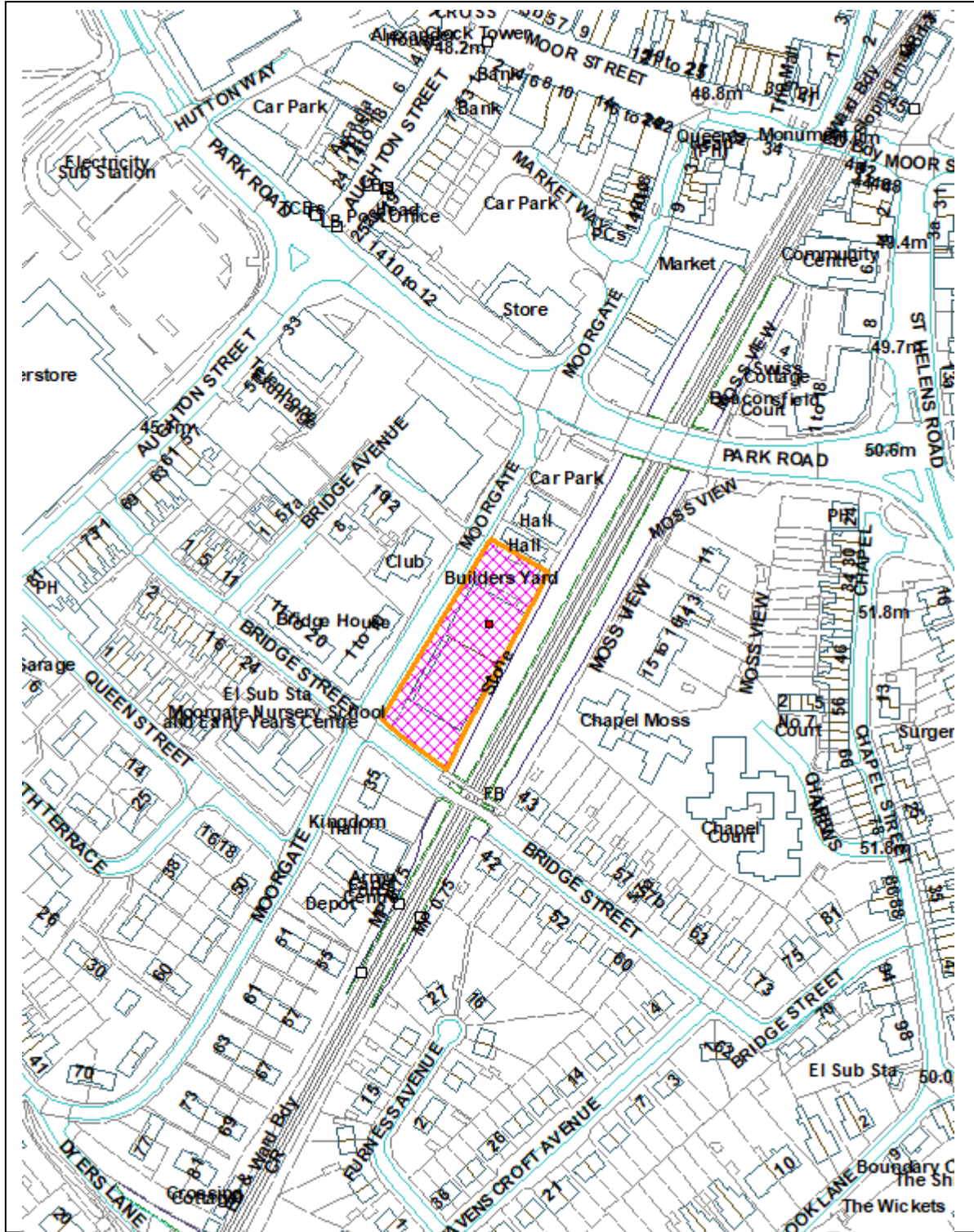
38 Granville Park, Aughton, Ormskirk, L39 5DU.



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

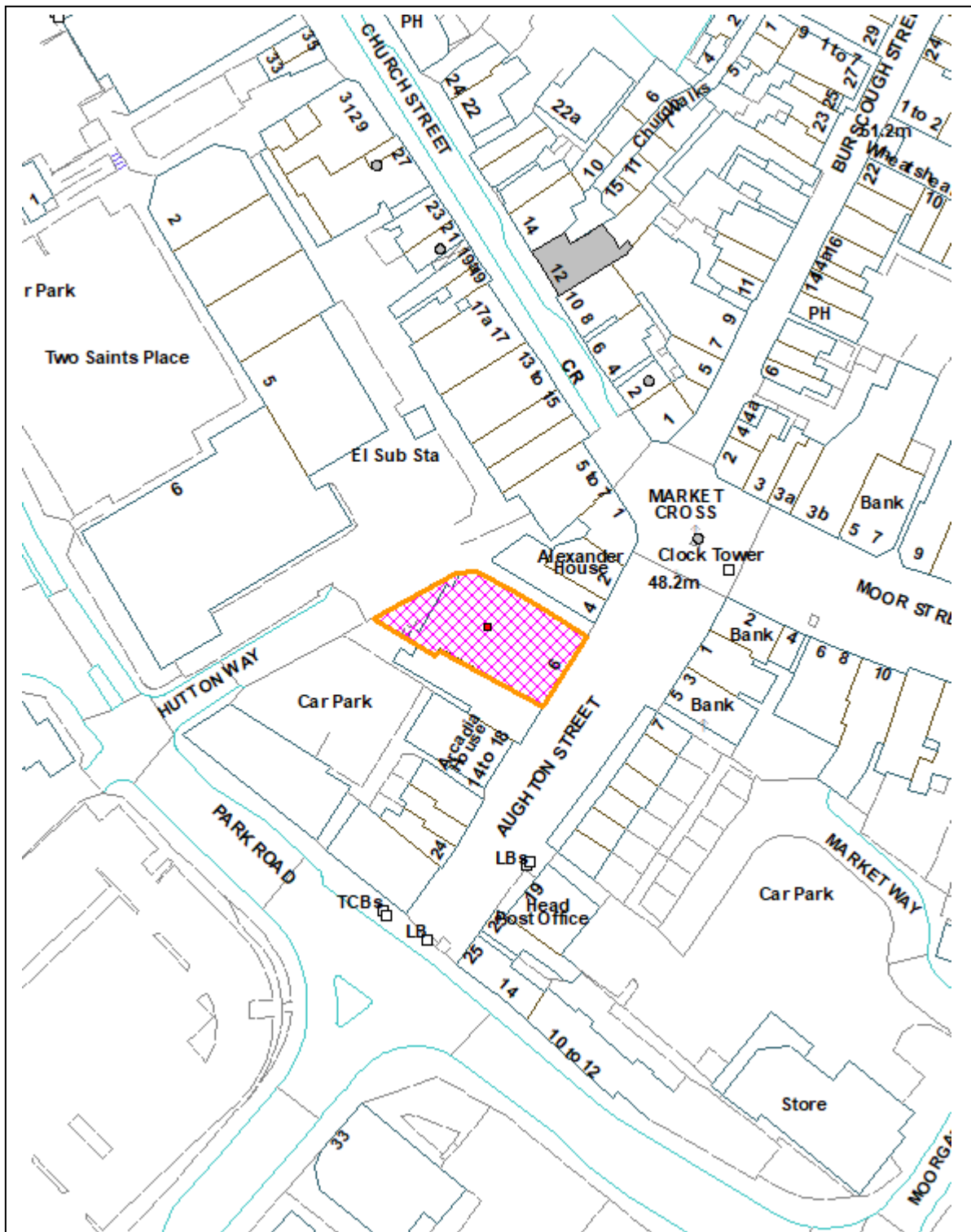


Former Hunter And Sons Warehouse, Moorgate, Ormskirk, L39 4RT.



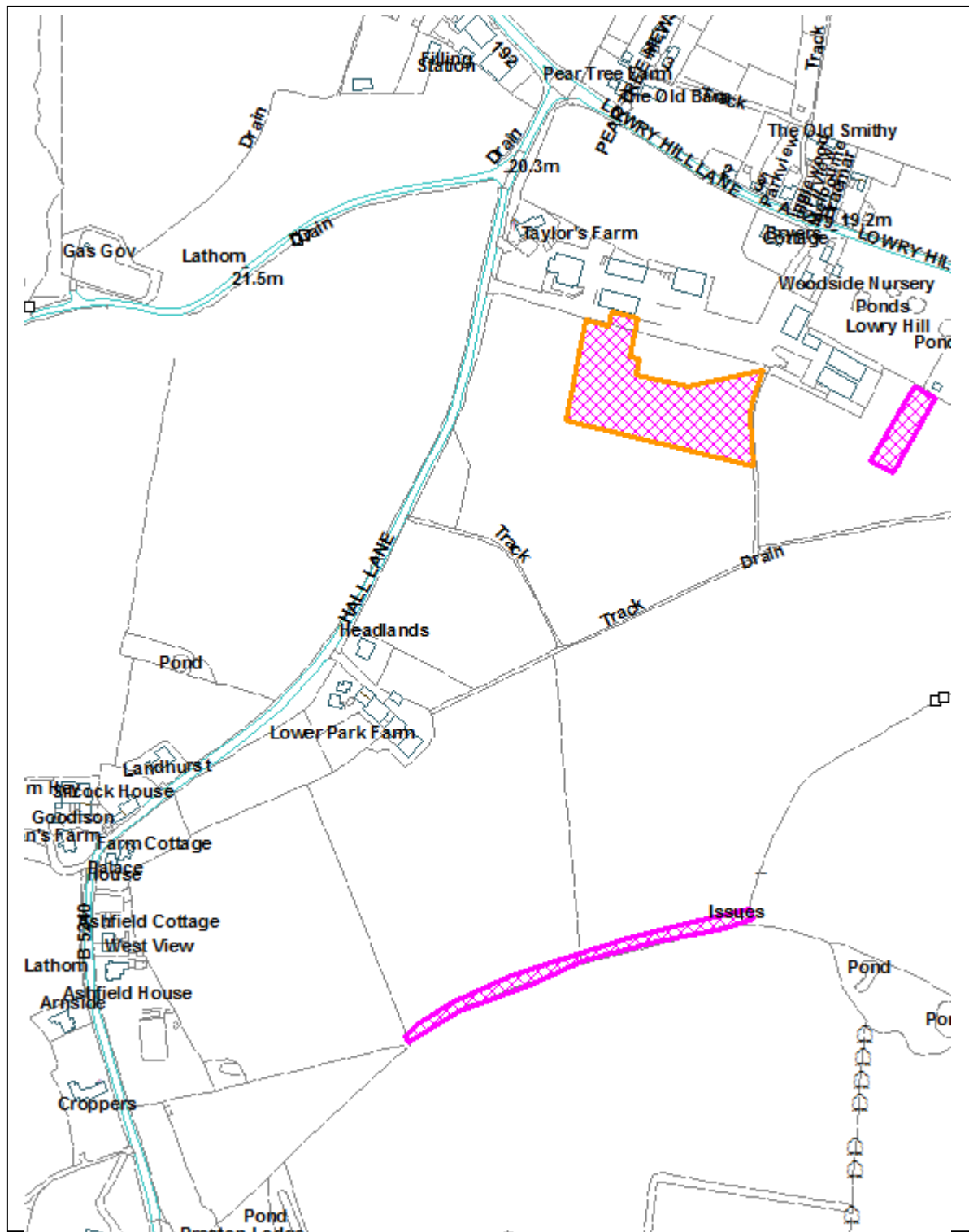
Report 4 : 2021/1142/FUL

6 - 8 Aughton Street, Ormskirk, L39 3BW

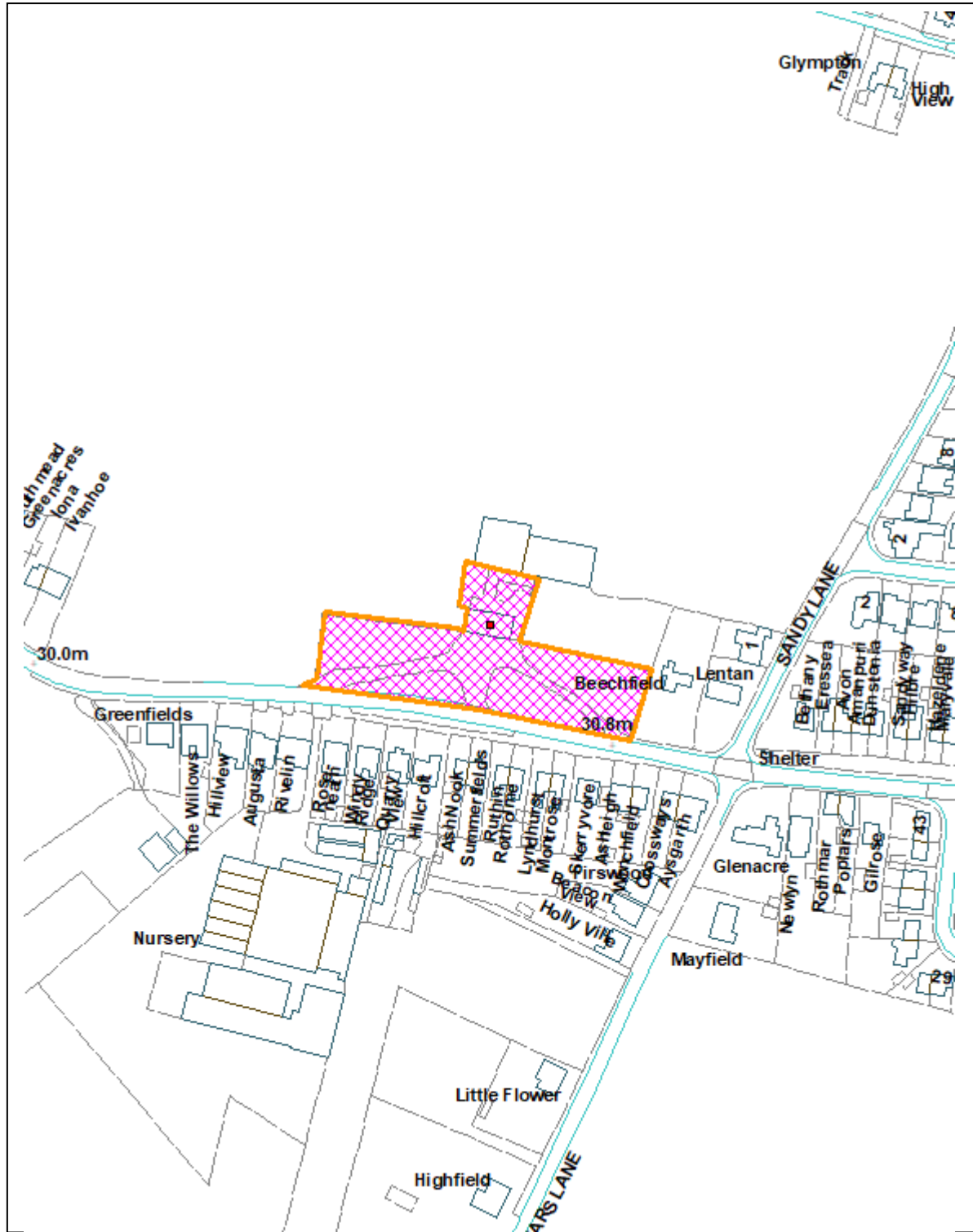


Report 5 : 2021/0179/FUL

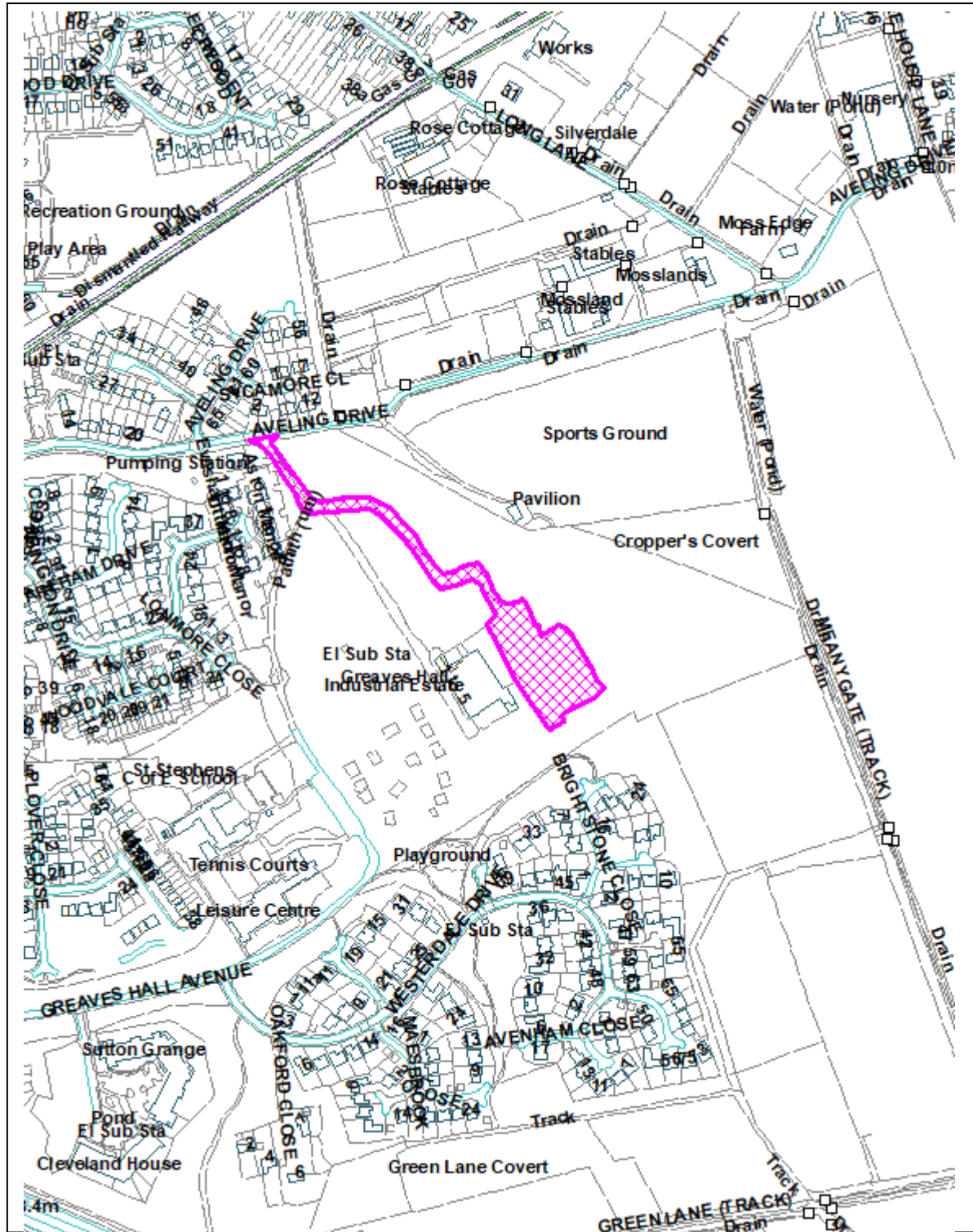
Taylor's Farm, Hall Lane, Lathom, L40 5UW



Eden Tearoom And Galleries, Course Lane, Newburgh, WN8 7UB.



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



Agenda Item 7a

No.1	APPLICATION NO.	2021/0734/FUL
	LOCATION	38 Granville Park Aughton Ormskirk Lancashire L39 5DU
	PROPOSAL	Extensions to the property including part single-storey side/rear, part two-storey, part first floor and basement garage extensions to side
	APPLICANT	Mr + Mrs McNeill
	WARD	Aughton And Downholland
	PARISH	Aughton
	TARGET DATE	29th July 2021

1.0 **DEFERRAL**

- 1.1 This application was considered by the Council's Planning Committee at the October meeting. Members deferred the item to allow an organised site visit to be carried out to the adjoining property and to allow officers to discuss with the applicant the possibility of retaining the conifer hedge along the site boundary with number 40 Granville Park.
- 1.2 The agent has provided additional information since the last Committee and has advised that having discussed the application with his client, potential amendments to the plans to facilitate retention of the Leylandii Hedge would compromise the development to a significant extent as substantial design changes would be necessary. The applicant is of the view that the hedge is of limited value in terms of the character and appearance of the Conservation Area and that the scheme as submitted affords appropriate protection to the amenities of nearby residents. The applicant would like the Committee to determine the application on the basis on which it has been submitted.

2.0 **SUMMARY**

- 2.1 On balance the proposed development, comprising part single-storey side/rear, part two-storey, part first floor and basement garage extensions to side is considered acceptable in principle. It is considered the proposal would not have a significant impact on the amenity of neighbouring properties and would not adversely impact upon the character of the property or the character and appearance of the Granville Park Conservation Area. The proposal is considered to be compliant with the requirements of the NPPF and Policies GN3, EN2, EN4 and IF2 of the West Lancashire Local Plan DPD (2012-2027) and the SPD Design Guide.

3.0 **RECOMMENDATION: APPROVE with conditions.**

4.0 **THE SITE**

- 4.1 The application site relates to a modern 1970's detached property located to the north side of Granville Park, Aughton at the front of the property there is a high level brick wall and entrance gates. The property is amongst a mix of large traditional Victorian properties, Arts and Crafts style properties, and properties that have previously been or are in the process of being modernised within an established residential area of Aughton. The property is located within the Granville Park Conservation Area.

5.0 **THE PROPOSAL**

- 5.1 This application seeks planning permission for extensions to the property including part single-storey side/rear, part two-storey, part first floor and basement garage extensions to side

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2005/1141 - Conservation Area Consent - Demolition of front boundary wall GRANTED (11/11/2005)
- 6.2 2005/1140 - Erection of replacement front boundary wall (max. 1m high). Erection of galvanized steel fence (max. 1.5m high) behind existing hedge GRANTED (11/11/2005)
- 6.3 2005/0507 - Detached double garage. New hardwood timber entrance gates and brick piers (max. 2.3m high) GRANTED (10/06/2005)

7.0 CONSULTEE RESPONSES

- 7.1 None received.

8.0 OTHER REPRESENTATIONS

- 8.1 Aughton Parish Council (13/07/2021) – raise no objections in principle to proposal.
- 8.2 Letters of objection have been received which can be summarised as:

Scale of development almost doubles size of property;
Reduced green space;
Additional larger rear windows in house will increase overlooking;
Overall this development is too large for the site and loss of green space is not in keeping with conservation area;
Single-storey extension in excess of permitted 4m beyond existing rear;
Side extension should only be single-storey;
Property to rear adversely affected by close proximity of development through noise and disruption by large room shown as living area;
No. 40 adjacent is one of the oldest in the Granville Park CA and one of the most significant from a heritage point of view;
Extension positioned too close to no 40;
Loss of boundary conifer hedge resulting in significant visual and privacy impact on No. 40;
The close juxtaposition of modern and Victorian styles with no buffer between them would present a visual clash that would erode the current view from the streetscene;
Spaciousness between adjacent properties should be considered;
Very close proximity of proposed structure to the boundary wall and limited boundary treatment would substantially erode privacy of No.40;
Propose structure would result in narrow corridor between proposed structure and west boundary wall with No. 40;
Architect's heritage assessment state proposal sympathetic to the asset its site and surroundings and proposed development considered to have minimal impact on locally and immediate neighbouring properties; this would only be true if boundary evergreen trees were left in place;
Sewerage drain crosses neighbouring property;
The extension would require a building over agreement and there is no evidence this has been sought or could be achieved;
The proposal shows an attractive modern structure that relates to other modern designs;

Not against development or improvements but needs to be right balance in terms of impact on adjacent properties.

9.0 SUPPORTING INFORMATION

- 9.1 Design and Access statement including Heritage statement (03/06/2021)
- 9.2 Tree Survey report (03/06/2021)
- 9.3 Tree survey Arboricultural Impact Assessment and method statement (03/06/2021)

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.
- 10.2 The application site is located within the Key Service Area and the Granville Park Conservation Area as designated in the West Lancashire Local Plan Proposal Map.
- 10.3 National Planning Policy Framework (NPPF)
Chapter 12 – Achieving well designed places.
Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 – Conserving and enhancing the historic environment
- 10.4 West Lancashire Local Plan 2012-2027 DPD
Policy SP1 - A Sustainable Development Framework for West Lancashire
Policy GN1 - Settlement Boundaries
Policy GN3 - Criteria for Sustainable Development
Policy IF2 - Enhancing Sustainable Transport Choice
Policy EN2 – Preserving and Enhancing West Lancashire's Natural Environment
Policy EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets.

Supplementary Planning Document, Design Guide (Jan 2008)

Supplementary Planning Document, Granville Park Conservation Area Design Guide (June 2017)

Granville Park Conservation Area Appraisal (June 2017)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

- 11.1 The main considerations in the assessment of this application are:

Visual appearance and design/impact upon the Conservation Area
Impact on residential amenity
Impact on highway safety
Trees/landscape
Drainage

Visual appearance and design/impact upon the Conservation Area

- 11.2 The property lies within the Granville Park Conservation Area. The principle statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. Local Planning Authorities

should in coming to decisions consider the principle act. In relation to Conservation Areas, section 72(1) of the Act advises that in undertaking its role as a planning authority the Council should in respect to conservation areas pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

- 11.3 In relation to conservation areas decision makers should consider the impacts on the character and appearance of a conservation area separately and that development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable.
- 11.4 The NPPF advises that in determining planning applications, LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 199 states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied.
- 11.5 Policy EN4 in the Council's Local Plan provides a presumption in favour of the conservation of designated heritage assets. Development will not be permitted that adversely affects a conservation area. Policy GN3 in the Local Plan provides detailed criteria relating to the design and layout of development, in particular development should relate well to adjacent buildings the area generally and natural features of the site in terms of siting, scale, orientation, design, detailing, materials and residential amenity.
- 11.6 The Council's SPD advises that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the streetscene because of their height, scale or roofline. The SPD also advises that development, which affects a building of historic interest including its setting or a conservation area needs to be sensitive to the character of the historic environment, be of high quality in terms of design and the materials used and aim to enhance the character and appearance of the wider area.
- 11.7 The property lies within the Granville Park Conservation Area and is a modern 1970's detached dwelling, which has a neutral impact on the character and appearance of the Conservation Area. The property has been the subject of pre-application discussion with a number of sketch options circulated to extend the property. Previously, issues had been raised regarding massing and subservience and the agent has responded to concerns raised to arrive at the current scheme through a revised design.
- 11.8 The existing dwelling is of a split level design, characteristic of its era and is not centrally located in the plot. It is a typical 1970's brick design with an asymmetrical roof and a projecting front outrigger in contrasting material. The property sits close to the eastern boundary of the site and adjacent property no. 36 Granville Park. At present the property has a side drive to the west and the party boundary with number 40 is delineated by an extensive conifer hedge. There are significant changes in levels across the site.
- 11.9 This application proposes substantial extension and renovation works to the property, with the provision of side and rear extensions. Due to the difference in levels, the applicant proposes to create a basement garage with part single storey, part 2 storey extension above. The single storey extension would project into the rear garden to form a lounge area. When viewed from Granville Park, the scheme would see the removal of an existing side dormer window and the creation of a new 2 storey gable, which would mirror the pitch of the existing roof and would facilitate the provision of additional bedroom accommodation at first floor. The scheme also includes a flat roofed element above the

proposed subterranean garage which would extend closer to the party boundary with number 40 and project past the rear building line of the existing house. This additional accommodation would be used as a gym, home office and lounge area.

- 11.10 On balance I am of the view that the massing of the proposed extensions is appropriate. The property lies between two much more substantial buildings. The proposed extensions would be subservient to the host building and respect the existing roof form and design, continuing and mirroring the shallow roof pitch. This will result in a harmonious appearance and I consider the general design to be acceptable. The fenestration respects the vertical proportions of the existing windows and retains the rhythm and arrangement. The proposal would introduce a more contemporary palette of materials, which would create a modern appearance, consistent with a number of more recent new builds in the Conservation Area.
- 11.11 The Granville Park Conservation Area is generally characterised by properties situated on large plots and the size and form of its buildings contribute towards the feeling of spaciousness and openness. In this particular case, the application plot is relatively modest in scale. Whilst I appreciate the proposed side extension would fill the width of the plot and would include the removal of the conifer hedge along the side boundary, it is my view that on balance any harmful appearance and impact upon the character and appearance of the Conservation Area is mitigated through the proposed design. The extension along the common boundary with No. 40 is primarily of a low rise, flat roofed appearance with the two storey element stepped in from the common boundary, providing a visual break when viewed from Granville Park and given the position of the property set back from the road, I consider this to be acceptable.
- 11.12 Overall, I am of the view the design of the proposal is acceptable. I consider the proposal would meet the statutory test 'to preserve' and would not cause any harm to the significance of the character and appearance of the Granville Park Conservation Area. As such, the proposal meets the objectives of Chapter 16 of the NPPF and accords with Policy EN4 of the West Lancashire Local Plan and the Council's statutory duty.

Impact on residential amenity

- 11.13 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring and proposed properties.
- 11.14 I acknowledge the comments received from local residents who have raised concerns regarding loss of privacy, loss of the existing boundary conifer hedge and the impact the development would have on neighbouring properties.
- 11.15 The property to the rear of the site is The Alcove, Quarry Drive. The proposed part first floor/part two storey element of the extension would introduce three additional windows at first floor level in the rear elevation of the proposal and increase the length of the existing windows in the rear elevation at first floor level of the main dwelling. In terms of the increase in length of the existing windows in the main dwelling I do not consider that this would result in any further impact on residential amenity than that which currently exists.
- 11.16 In terms of the introduction of three windows in the proposed extension at first floor level, two of these windows would be obscurely glazed as they are to serve en-suite bathrooms, the other window would serve a bedroom. Noting the separation distance of approx. 22m from the rear of the proposed extension to the rear elevation of The Alcove Quarry Drive, the presence of existing first floor rear facing bedroom windows in the property and the

existing high hedge boundary treatment which is to be retained, I do not consider that any significant loss of residential amenity would occur.

- 11.17 I am also satisfied that the single storey rear lounge extension would have no significant impact on the amenities of residents of The Alcove or number 36 Granville Park due to its flat roof design, position away from the party boundary and the existing boundary screening.
- 11.18 In relation to the adjacent neighbour No. 40 Granville Park the proposed single-storey side extension would be set in approx. 2.0m at its widest point (front) from the common boundary with No. 40 and approx. 0.4m at its smallest point (rear). Given the flat roofed design of the side extension, I am satisfied this element of the proposal would not be overbearing or result in overshadowing to the neighbouring property. The proposed single-storey side extension proposes three windows in this side elevation to serve landing/hall, study room and secondary window serving the rear lounge. This side boundary currently benefits from a high conifer hedge boundary treatment. Since the submission of the application, to overcome the concerns of the neighbouring properties in relation to loss of privacy the application proposes a 1.8m high boundary fence that would replace the existing conifer hedge along with native indigenous shrubs/mixed hedge evergreen planting along this section of the western boundary. As such I do not consider that any significant loss of residential amenity would occur through loss of privacy.
- 11.19 In relation to the part two-storey side extension this would be set in approx. 5.m (front) and 4.0m (rear) from the common boundary with No. 40. No first-floor side facing windows are proposed. Three skylights approx. 3.4m above floor level would be introduced on this side elevation however owing to their overall height I do not consider that any significant loss of residential amenity would occur. Given the separation distance of this 2 storey element from the adjacent property, I am satisfied that it would not be overbearing or result in significant loss of light to number 40.
- 11.20 Owing to the separation distance and off-set position of properties to the front of the site I do not consider that any significant loss of amenity would result.
- 11.21 On balance I consider the proposed development would not have any significant adverse impact on the residential amenity of the occupiers of neighbouring properties caused by overlooking, overshadowing or dominance. The proposal in my view would comply with Policy GN3 of the Local Plan in this respect.

Impact on highway safety

- 11.22 Policy IF2 of the West Lancashire Local Plan DPD (2012-2027) states that development should ensure that parking provision is made in line with the standards set out in the Local Plan.
- 11.23 Policy IF2 states that dwellings with four or more bedrooms require three off-street parking spaces per dwelling. As a result of the proposal the property would remain a four bedroom property. I am satisfied there would be provision for three parking spaces within the front driveway and garage. The proposal would therefore comply with Policy IF2 of the Local Plan.

Trees/Landscape

- 11.24 Policy EN2 of the West Lancashire 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.

- 11.25 The Council's tree officer has been consulted as part of the application as the proposal to develop extensions to both side and rear will have an impact upon the existing hedges on the site, however, no trees are to be removed to facilitate the development proposals.
- 11.26 The applicant has submitted detailed information relating to the trees and hedges in the form of an Arboricultural Impact Assessment that includes a Tree Survey and Arboricultural Method Statement (AMS). The trees on the site frontage, two Holly and one Sycamore will be retained and protected during construction.
- 11.27 The development will require removal of the Leylandii hedgerow (4H) on the Western boundary and a Laurel Hedge (6H) in the rear garden. These hedges are limited in terms of biodiversity, are not of native species and do not make a significant contribution to the appearance of the Conservation Area. Replacement planting is proposed. The Council's Tree Officer has no objection to the proposals. The development is therefore considered to comply with Policy EN2 of the local plan.

Drainage

- 11.28 Neighbours have raised concern regarding the siting of a sewer and the potential need for a building over agreement. This would be a matter for consideration under the Building Regulations.
- 11.29 The Council's drainage engineer has been consulted with regard to the application and has no objections in principle to the proposal.
- 11.30 Given the above I consider the proposal acceptable and compliant with Policy GN3 of the Local Plan.

Summary

- 11.31 On balance the proposal is considered to meet the requirements of Policies GN3, EN2, EN4 and IF2 in the West Lancashire Local Plan DPD (2012-2027) and the Council's SPD Design Guide.

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:
Dwg No. 221MCN01-10 - Ground floor layout plan;
Dwg No. 221MCN01-11 - First floor layout plan;
Dwg No. 221MCN01-12 - Lower ground floor layout plan;
Dwg No. 221MCN01-15 - Proposed elevations sheet one;

Dwg No. 221MCN01-16 - Proposed elevations sheet two;

All received by the Local Planning Authority on 3rd June 2021.

Dwg No. 221MCN01-05 Rev A - Proposed site layout plan;

Received by the Local Planning Authority on 16th 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. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, size, colour and texture of the materials including the method of jointing of any stone or brick work and coursing of any roof work and should be reflective of those within the surrounding area/match those on the Listed Building, unless otherwise agreed in writing by the Local Planning Authority. The development shall be carried out using only the agreed materials and method of construction and shall be retained at all times thereafter.
Reason: To preserve the character and appearance of the Granville Park Conservation Area and to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
4. No development shall take place until a strategy for surface water drainage is approved in writing by the Local Planning Authority. The drainage scheme shall be completed in accordance with the approved details prior to the proposed extension being brought into use.
Reasons: To ensure that there is no increase in flood risk on or off the site resulting from the proposed development in accordance with policy GN3 of the Local Plan.
5. All rooflights shall be of a 'conservation' grade flush slim line fitting type only. The development shall be carried out using only the agreed materials and method of construction and shall be retained at all times thereafter.
Reason: To preserve the character and appearance of the Granville Park Conservation Area and to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
6. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full specification of materials to be used externally on all hard surfaces within the development site have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.
The development shall be carried out using only the agreed materials.
Reason: To ensure that the external appearance of the site is satisfactory and to preserve the character and appearance of the Granville Park Conservation Area and to comply with Policies GN3 and EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
7. Prior to commencement of any works the existing trees to be retained shall be protected with stout fencing constructed to BS5837:2012, to contain the branch spread of the trees. Such fencing shall remain and be adequately maintained for the duration of the development operations. Within this fencing no development operations may take place including the storage or dumping of materials or plant, the lighting of fires, the siting of temporary huts or the raising or lowering of ground levels. All dead or damaged existing trees specified for retention shall be replaced with trees of such size and species approved in writing by the Local Planning Authority.

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

8. The development hereby permitted shall be implemented in accordance with the submitted Arboricultural Method Statement ref MG/6601/AIA&AMS/APR21 received by the Local Planning Authority on 3rd June; 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.

Note

1. The developer is advised that no tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance or building works should take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present.

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 IF2 - Enhancing Sustainable Transport Choice

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

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

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

No.2	APPLICATION NO.	2020/1134/FUL
	LOCATION	Yew Tree Farm Higgins Lane Burscough Lancashire
	PROPOSAL	Variation of condition no. 1 imposed on planning permission 2017/0431/ARM to retain as-built/revised floor levels and retaining walls.
	APPLICANT	Redrow Homes
	WARD	Burscough West
	PARISH	Burscough
	TARGET DATE	15th February 2021

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 conditions, 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. Following the occupation of some of the plots it became apparent that "as built" levels throughout phase 1a were different to those on the approved plans. A variation to the approved finished floor levels has resulted which this application seeks to regularise.

- 5.2 As a consequence of differing finished floor levels and in order to create level garden areas, a number of retaining walls have been introduced between dwellings on the site and these vary in materials 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, 22 Chancel Way

has been "handed" on the plot to that approved and the associated detached single garage swapped 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 500m² of A1, A2, A3, A4 and A5 floorspace; and community uses); the construction of 4.6 hectares of Employment Development (up to 13,800m² 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
- block 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 better slopes to boundaries exist
- no survey of existing garden levels has been carried out

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 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 of the retaining boundary treatments vary dependent upon the levels of adjoining plots. For example, the difference between finished floor levels of 12 Chancel Way and the adjoining finished floor levels of 11-19 Higgins Lane is approximately 1.2m, with gardens at a similar level, this results in a retaining concrete panel and fence structure of approximately 3m high when viewed from the gardens on Higgins Lane. Whereas the finished floor level difference between the 12 Chancel Way and 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, finished floor levels between dwellings and associated gardens vary. However, the overall layout and siting of the dwellings on this phase remains unaltered from the approved plan, except for the layout of 22 Chancel Way. Even where finished floor levels are up to 1.2m 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 does 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 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. The Lead Local Flood Authority has been consulted and confirms that there is no evidence that the altered site levels affect the surface water drainage strategy and has therefore raised no objection. On the above basis, I am of the opinion that the proposed development meets the requirements of Policy 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 is 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 conditions and reasons:

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.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages on the site shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority.

Reason: The character and location of the properties are such that the Local Planning Authority wish to exercise maximum control over future development and to ensure there is sufficient parking for each dwelling in order to 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:
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 7c

No.3	APPLICATION NO.	2021/1063/ARM
	LOCATION	Former Hunter And Sons Warehouse Moorgate Ormskirk Lancashire L39 4RT
	PROPOSAL	Reserved Matters - Erection of 2 no. blocks (part two, part two and a half storey and three storey development with parking), so as to provide up to 31 No. units of residential accommodation (C3) including details of appearance and landscape. Discharge of conditions 5, 6, 7, 8, 9, 10, 12, 14 and 16 from outline permission reference 2020/0263/OUT.
	APPLICANT	Jigsaw Homes North
	WARD	Knowsley
	PARISH	Unparished - Ormskirk
	TARGET DATE	27th December 2021

1.0 REFERRAL

- 1.1 The previous outline application was called in to Planning Committee and the reserved matters has therefore been listed for Committee consideration.

2.0 SUMMARY

- 2.1 The site relates to a former builders yard, currently used for leisure uses, on the east site of Moorgate at its junction with Bridge Street. This proposal follows an outline consent for residential development which approved details of access, layout and scale for 31 apartments. This reserved matters application for appearance and landscaping has being designed in accordance with the requirements of Policy GN3 so as not to cause significant harm to residential amenity and to provide an acceptable design and appearance.

3.0 RECOMMENDATION: APPROVE with conditions

4.0 THE SITE

- 4.1 The site relates to a former builders yard and part single storey commercial building on the northern part of the site which is attached to a two storey building formerly used as a builders merchants and bathroom/kitchen showroom on the southern part of the site. The buildings have recently been used for a variety of A2/D1/D2 uses incorporating a gym, exercise rooms and beauty salon and previously an unauthorised A4 bar.
- 4.2 The two adjoined buildings have a combined floor area of 1486sqm. There are car parking areas to the north and south of the buildings which can accommodate 18 and 14 car parking spaces respectively. There are an additional 21 car parking spaces at the front of the buildings. Moorgate is a one-way street and there are on-street parking restrictions that permit parking for one-hour only during the hours of 8am to 6pm Monday to Friday.
- 4.3 The site lies approximately 30 metres to the south of Ormskirk Town Centre. To the north of the site is a hall/guide hut, to the east is a railway line, to the west is West Lancs Wellbeing Centre (Age UK) and residential units on Moorgate and Bridge Avenue, and, to the south are residential properties and Moorgate Nursery School and Early Years Centre.

5.0 PROPOSAL

- 5.1 The proposal is a reserved matters application for appearance and landscaping in connection with residential development for 31 apartments.
- 5.2 The reserved matters application follows the outline application with 2 no. blocks of accommodation fronting Moorgate which are part two storey rising to 3 storey (Block 1) and the three storey along Moorgate and the Bridge Street frontage (Block 2).
- 5.3 Red brick facades with blue grey composite roofs are proposed, the existing boundary wall is to be retained on 3 sides with a proposed 1m wall and railings to Moorgate.
- 5.4 The layout plan shows that there is parking for 33 cars plus cycle provision and bin storage.
- 5.5 Discharge of conditions 5 (surface water drainage), 6(finished floor levels),7 (contaminated land assessment and remediation), 8 (vehicular access), 9 (access drive bound materials), 10 (implementation of highway works), 12 (cycle and motorcycle parking), 14 (noise protection) and 16 (landscaping works) from outline permission reference 2020/0263/OUT is also sought.

6.0 SUPPORTING INFORMATION

- 6.1 The application has the following accompanying documents

Noise Impact Assessment
Phase 2 Geo Environmental Site Assessment
Preliminary Roost Assessment

7.0 CONSULTEE RESPONSE

- 7.1 LANCASHIRE CC (Highways) – (15.10.2021) The access, layout and scale for the site have previously been approved under planning outline application 2020/0263/OUT. The capacity and safety impact on the local highway network and sustainability of the site were covered under the outline planning permission. Conditions recommended.
- 7.2 LANCASHIRE CC (LLFA) (25.10.2021) In relation to condition 5, the drainage strategy proposes to discharge to the existing United Utilities asset. An agreement with United Utilities is therefore required.
- 7.3 Network Rail (05.10.2021) - Network Rail requests that the developer ensures there is a minimum 3m gap between the proposed building and the Network Rail land. The minimum gap is to allow for all construction works on site and any future maintenance to be carried out wholly within the applicant's own land ownership.
- 7.4 LANCASHIRE CONSTABUARY (05.10.2021) – advice provided
- 7.5 Arboricultural Officer (18.10.2021) No objections
- 7.6 Environmental Health (26.10.2021 and 29.10.2021) No objections. Noise assessment - no adverse impact is expected due to rail and road traffic sound. - condition 14.Land Contamination A Phase I Geo-environmental Site Assessment completed– condition 7

8.0 OTHER REPRESENTATIONS

- 8.1 Objections received from neighbouring residential properties and uses raise the following concerns:

Scale and Appearance

Height of the building at 2 storey more appropriate to character of area.

Residential amenity

Required interface distances not achieved;

20 windows on the Bridge Street end of the development that are now going to be overlooking our (private) garden. Spoil enjoyment of garden;

Overlooking from too high building. New development looks like it is going to be a lot closer to our property than the existing building and will affect our privacy;

Lighting and CCTV;

Noise levels louder more people, car horns etc;

Increase in litter which is ever-increasing over recent years;

Noise and mess from the commencement and duration of building works.

Traffic and parking

Parking problematic and inadequate already in Moorgate. Scheme not providing enough spaces for the 31 flats- where are they going to park except on the roads around property;

Guide Leaders and other users of the Guide HQ are unable to park outside our HQ and loading/unloading equipment is extremely difficult & hazardous;

Concerns about safety for children using guide hut and senior citizens;

Constantly aware of cars being driven in the wrong direction along Moorgate to avoid the queue of traffic on Park Road;

Increased risk of accidents and congestion;

Proposed access arrangements will increase problems;

People already block drives and park on pavements on Moorgate.

9.0 RECENT RELEVANT PLANNING HISTORY

- 9.1 2020/0263/OUT Outline Planning Permission for the erection of 2 no. blocks (part two, part two and a half storey and three storey development with parking), so as to provide up to 31 No. units of residential accommodation (C3) including details of access, layout and scale. (all other matters reserved)
- 9.2 2019/0111/OUT Outline - Residential development consisting of apartments following demolition and site clearance including details of access (all other matters reserved).WITHDRAWN
- 9.3 2018/1006/FUL REFUSED (Jan 2019) Change of use to flexible use consisting of use classes A2, D1, D2 and A4 and alteration/extension of building to provide bar lounge and outdoor seating area.
- 9.4 E/2017/0210/UAU – Enforcement Authorised (8 October 2018) Without planning permission the change of use of land and building to a drinking establishment (A4 Use) and the erection of a building extension.
- 9.5 2015/0810/COU GRANTED (14.12.2015) Change of use from child's soft play centre to gym with beauty salon and separate building with flexible mixed usage of A2 / D1 & D2 (part retrospective).

10.0 RELEVANT PLANNING POLICIES

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

- 10.2 The site is located within a Key Service Centre (Settlement area) as designated in the West Lancashire Local Plan.
- 10.3 **National Planning Policy Framework policies:**
Building a strong, competitive economy
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
- 10.4 **West Lancashire Local Plan (2012-2027) policies:**
SP1 – A Sustainable Development framework for West Lancashire
GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
GN4 – Demonstrating Viability
EC1 – The Economy and Employment Land
RS1 – Residential Development
RS2 – Affordable and Specialist Housing
IF1 – Maintaining Vibrant Town and Local Centres
IF2 – Enhancing Sustainable Transport Choice
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
- 10.5 **Supplementary Planning Documents:**
Design Guide (Jan 2008)

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

- 11.1 The previous outline application addressed the following issues;

Principle of Development – Residential Development
Principle of Development – Loss of Employment
Affordable housing and provision of accommodation for the elderly
Impact on visual amenity layout, scale and character of the area
Implications for surrounding residents and adjoining land uses
Highways, Access and Parking
Ecology
Drainage
Contamination

- 11.2 The outline consent established the principle of residential development and approved details of access, layout and scale for 31 apartments. I am satisfied that the reserved matters application follows the principles established by the outline application. The reserved matters application is for appearance and landscaping so the issues principally relate to:

- i) Impact on visual amenity and character of the area
- ii) Implications for surrounding residents and adjoining land uses
- iii) Other matters and conditions

Impact on visual amenity and character of the area

- 11.3 Policy GN3 of the West Lancashire Local Plan (2012-2027) states that all development should be of high quality design in keeping with the West Lancashire Design Guide SPD and have regard to visual amenity and compliment or enhance attractive attributes and

local distinctiveness through sensitive design including appropriate siting, orientation, scale, materials landscaping and boundary treatments.

- 11.4 The plans submitted follow an almost identical layout to that approved as part of the approved outline application and the development at 11.5m is at the same height as on the outline application. The 2 no. blocks of accommodation fronting Moorgate are part two storey rising to 3 storey (Block 1) and three storey along Moorgate and return to Bridge Street frontage (Block 2). This scheme is slightly different to the indicative design submitted at outline stage which showed parts of the middle part of the Moorgate frontage be 2 and a half storey in design. There is a mixture of heights and development types on Moorgate, and I consider the proposed design would not be out of character with the surrounding area.
- 11.5 The elevation plans now show a more articulated design than at the outline stage, with the introduction of gable roofs along the length of the proposed pitched ridged roofscape and the red brick facing and blue grey roofs are characteristic of the area. The boundary treatment along Moorgate will mirror the wall and railings on the residential apartments opposite with similar landscaping with some tree planting. The Arboricultural Officer has commented that 7 appropriate garden tree species are to be planted (along Moorgate) and significant areas of shrubs and native hedging will be provided. The planting schedule and specification details are all present as is the information on maintenance and management that will allow the scheme to become established.
- 11.6 I consider the appearance of the 2 residential blocks of accommodation to reflect the character of the area and to be acceptable and the landscape proposals are appropriate and meet the requirements of Policy GN3 in respect of visual amenity.

Implications for surrounding residents and adjoining land uses

- 11.7 Paragraph 180 of the NPPF states that planning decisions should aim to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life. Policy GN3 of the Local Plan states that developments should ‘retain reasonable levels of privacy and amenity for occupiers of the neighbouring and proposed properties.’
- 11.8 There are residential properties opposite the site on Moorgate and along Bridge Street, on Bridge Ave to the northwest and on Moss View on the eastern side of the railway line. The applicant has demonstrated that acceptable windowed spatial separation of 21.5m can be provided across Moorgate to Bridge House as recommended in the Council’s SPD Design Guide. I have received detailed objections from 35 Moorgate which is located on the opposite side of Bridge Street. The proposed development shows 3 floors of windows on the facing elevation but these are some 16.5m to the boundary and over 21.5m to the gable elevation of no 35 which includes a landing and bathroom window. There are ground floor windows in the side of rear extension of no 35 but these are currently masked by boundary fence/hedging, garage and outbuildings. Given these relationships and distances I do not consider the proposed development would have a significant impact on privacy or overlooking of gardens or windows.
- 11.9 The premises adjoin on its eastern boundary the Ormskirk to Liverpool Rail line which is in cutting at this point. The applicant has submitted a Noise Assessment for both rail and road noise. This report has advised on glazing and ventilation requirements for all floors and facades and indicates that a whole dwelling ventilation system is required. The assessment has shown that, with the recommended façade treatments, no adverse

impact is expected due to rail and road traffic sound. The Council's Environmental Health Officer agrees with this assessment.

11.10 I am satisfied that the proposed residential development has been designed in accordance with the requirements of Policy GN3 so as not to cause significant harm to the residential amenities of neighbouring and proposed properties.

Other Matters and Conditions

11.11 Residents have raised concerns over traffic and parking. The layout plan still shows that there is parking for 33 cars plus extensive cycle provision and bin storage as agreed at outline stage. In this context, capacity and safety impact on the local highway network and sustainability of the site were fully addressed and approved under the outline planning permission and cannot be reassessed under this reserved matters application.

11.12 The applicant has submitted details to address conditions on the outline permission. The details submitted in respect of finished floor levels (condition 6), contaminated land assessment and remediation (condition 7) and noise protection (condition 14) can be varied to reflect the approval of details. The other conditions are not discharged as further information is required and they are therefore restated on the decision notice.

12.0 CONCLUSION

12.1 This proposal follows an outline consent for residential development which approved details of access, layout and scale for 31 apartments. This reserved matters application for appearance and landscaping accords with the Council's planning policies, the scheme is of an appropriate design, provides suitable landscaping and will not have a significant impact on the amenities of nearby residents.

13.0 RECOMMENDATION

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

Conditions

1. The development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:
Proposed Elevations - Block One 20089-104-D
Proposed Elevations - Block Two 20089-105-D
3D view Proposed scheme Rel 01/05
received by the Local Planning Authority on 29 Nov 2021
Interface Distances Plan 20089-109 received by the Local Planning Authority on 11 Oct 2021
Proposed Site Layout 20089-100-H
Proposed Floor Plans - Block One 20089-101-G
Proposed Ground & First Floor Plan - Block Two 20089-102-G
Proposed Second Floor & Roof Plan - Block Two 20089-103-F
received by the Local Planning Authority on 15 September 2021
Site Sections 20089-107

Boundary Treatments 20089-108

3D views Street scene 20089-106-C

Landscape General Arrangement Plan UG_1248_LAN_GA_DRW_P02

Hard Landscape Plan UG_1248_LAN_HL_DRW_02 Rev P02

Soft Landscape Plan UG_1248_LAN_SL_DRW_03 Rev P02

Landscape supporting Notes UG_1248_LAN_LSN_DRW_04 A1 Rev P01

received by the Local Planning Authority on 06 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. The materials to be used on the external surfaces of the development (brickwork, cladding and roofing materials along with materials used in any hard surface) shall be as outlined on the following plans and documents:

Proposed Elevations - Block One 20089-104-D

Proposed Elevations - Block Two 20089-105-D

received by the Local Planning Authority on 29 Nov 2021

and Hard Landscape Plan UG_1248_LAN_HL_DRW_02 Rev P02

received by the Local Planning Authority on 06 September 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. All boundary treatments shall be constructed in accordance with the details and in the positions shown on the submitted drawings Boundary Treatments 20089-108 before occupation of any dwelling/apartment hereby approved.

Reason: To ensure satisfactory privacy for occupants of the proposed dwellings, in the interests of visual amenity and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

5. No development on the construction phase shall commence until details of the design of the surface water drainage system, based on sustainable drainage principles, have been submitted to and approved in writing by the Local Planning Authority. Those details should include:

a) A drainage strategy confirming the proposed means of surface water disposal together with a SuDS management and maintenance plan, if applicable;

b) Evidence of the existing site topography to include any existing surface water flow routes, drains, sewers and watercourses in a readable 3D Autocad .drawing format;

c) Evidence of site investigation, test results to confirm soil infiltrations rates and calculations to indicate existing SW runoff rates and volumes;

d) Demonstration that SW run-off will not exceed pre-development run-off rates and volumes and, for formerly developed land, that the requisite reduction in runoff will be achieved;

e) Demonstration that existing natural land drainage water (e.g. spring water, ground water or surface runoff) from surrounding areas that enters the site is managed in such a way to have no material impact by leaving the site in terms of nuisance (e.g. exacerbation of existing flooding) or damage;

f) Design calculations using relevant storm periods and intensities (e.g. 1 in 30 and 1 in 100 year + agreed allowance for climate change), runoff discharge rates and volumes (both pre and post development), facilities for temporary storage, the methods employed to delay and control SW discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in metres AOD;

g) Evidence that flood flows will be effectively managed within the site during the lifetime of the development including the construction period, will have no material impact by

leaving the site in terms of nuisance or damage, or increase watercourse flows during periods of river flooding;

h) In addition to the normal printed input/output files supporting calculations for existing discharge rates (if applicable) and drainage proposals are to be submitted in an electronic format suitable for use in MicroDrainage software (e.g. mdx file format). Any flow control details should be modelled using the Depth/ Flow Relationship for the Control Type for MicroDrainage version 2015 or earlier;

i) Existing and proposed 3D level data submitted in a suitable format i.e. CSV or Autocad .drawing; and

j) Existing and proposed catchment areas in a suitable format i.e. Autocad drawing.

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

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

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

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

6. The development and specifically the finished floor levels and building heights shall be implemented in accordance with the approved Site Sections 20089-107 received by the Local Planning Authority on 06 September 2021

Reason: To ensure the satisfactory visual appearance of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

7. No development approved by this permission shall be commenced until a contaminated land assessment and associated remedial strategy, together with a timetable of works, has been submitted to and agreed in writing by the Local Planning Authority:

a. The contaminated land assessment shall include a detailed Phase II intrusive Geo-Environmental Ground Investigation based on the recommendations of the approved Phase I Geoenvironmental Site Assessment by E3P received on 06 September 2021

b. The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with current guidance and best practice. The identity of the person shall be notified to and be approved by the Local Planning Authority prior to the site investigations commencing.

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

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

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

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

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

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

8. The development hereby approved shall not be occupied until the means of vehicular access has been constructed in accordance with the approved plans drawing Proposed Site Layout 20089-100-H received by the Local Planning Authority on 15 September 2021.
Reason: To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. The development hereby approved shall not be occupied until the access drive for the first 5m from the highway is surfaced in bituminous or cement bound materials, or otherwise bound.
Reason: In the interests of highway safety and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document
10. No part of the development shall be occupied until all the highway works including the closure and reinstatement of the footpath across the existing two access points on Moorgate and additional "One Way" signage within the adopted highway have been constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority.
Reason: In the interests of public & highway safety and the appearance & character of the streetscape 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
11. No dwelling or apartment shall be occupied until the areas for the movement, loading, unloading and parking of vehicles have been provided, constructed and surfaced in complete accordance with the plans Proposed Site Layout 20089-100-H
These areas shall be retained at all times thereafter.
Reason: To ensure that adequate on site vehicle parking/manoeuvring facilities are provided in the interests of highway safety and amenity, and to comply with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document
12. The approved scheme for cycle parking shown on Proposed Site Layout 20089-100-H shall be implemented for each plot/dwelling before any part of that development is brought into use and shall be retained as such thereafter.

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

13. A whole dwelling ventilation system is required for all apartments in accordance with Section 5. MITIGATION Noise and Vibration Impact Assessment by E3P
All habitable rooms shall be fitted with glazing and ventilation sufficient to achieve internal noise levels of 30 dB LAeq,8hrs in bedrooms at night and 35 dB LAeq,16hrs for living spaces during the day. Individual noise events should not exceed 45 dB LAFmax in bedrooms at night.
A whole dwelling ventilation system shall be completed for each affected dwelling before the dwelling is occupied.
Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
14. All hard and soft landscape works shall be carried out in accordance with the approved details shown on
Landscape General Arrangement Plan UG_1248_LAN_GA_DRW_P02
Hard Landscape Plan UG_1248_LAN_HL_DRW_02 Rev P02
Soft Landscape Plan UG_1248_LAN_SL_DRW_03 Rev P02
Landscape supporting Notes UG_1248_LAN_LSN_DRW_04 A1 Rev P01
received by the Local Planning Authority on 06 September 2021
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

Note

1. The applicant is advised that the conditions imposed on outline application 2020/0263/OUT remain unless varied by this permission

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:
SP1 - A Sustainable Development framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
GN4 - Demonstrating Viability
EC1 - The Economy and Employment Land
RS1 - Residential Development
RS2 - Affordable and Specialist Housing
IF1 - Maintaining Vibrant Town and Local Centres
IF2 - Enhancing Sustainable Transport Choice
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
together with Supplementary Planning Guidance and all relevant material considerations.
The Local Planning Authority considers that the proposal complies with the relevant Policy

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

Agenda Item 7d

No.4	APPLICATION NO.	2021/1142/FUL
	LOCATION	6 - 8 Aughton Street Ormskirk Lancashire L39 3BW
	PROPOSAL	Proposed mixed use development to create 2 ground floor commercial units and 50 student accommodation bedrooms. The applications includes the internal and external remodelling of the existing building and a two storey upper level extension.
	APPLICANT	Vici Property Group Ltd
	WARD	Knowsley
	PARISH	Unparished - Ormskirk
	TARGET DATE	24th November 2021

1.0 SUMMARY

- 1.1 Planning permission was granted in September 2021 under application reference 2021/0811/FUL to subdivide the existing ground floor shop into two retail/commercial units and change the use of the rear section of the ground floor into student accommodation. Permission was also granted to change the use of the first and second floors to student accommodation. A total of 23 student bedrooms would be provided under that permission.
- 1.2 This application seeks permission to extend the existing building to create a full second floor and new third floor to create a four-storey building. A total of 50 student bedrooms will be provided. The current building is shown in the Conservation Area Character Appraisal Update as having a neutral contribution to the character and appearance of the Conservation Area and the building is of limited architectural merit. I do not consider the alterations to the façade and the inclusion of a sensitively designed upper floor will cause harm to the character or appearance of the Ormskirk Town Centre Conservation Area or the street scene. Although the proposed two storey extension would be visible across the service yard to the west of the site, views would be largely contained by the existing buildings which surround the service yard. From Aughton Street the rear extension would be largely unseen, save for a glimpsed view down the passageway. Subject to suitable planning conditions, I consider the scheme to be acceptable in principle and compliant with policies GN1, GN3, RS3, EN4 and IF2 of the Local Plan.

2.0 RECOMMENDATION: **APPROVE with conditions.**

3.0 THE SITE

- 3.1 The site comprises a part two storey part three storey flat roofed building located in the middle of Aughton Street. The building is located within the Primary Shopping Area and Ormskirk Town Centre Conservation Area. The ground floor currently comprises of an empty commercial unit (formally occupied by Iceland).

4.0 THE PROPOSAL

- 4.1 Planning permission is sought to extend the existing part two storey / part three storey building to create a full second floor and new third floor to create a four storey building.
- 4.2 The ground floor will be split into two commercial units with student accommodation to the rear. The first, second and third floors will be occupied by student accommodation. A total of 50 student bedrooms will be provided.

- 4.3 Planning permission has previously been granted in September 2021 under application reference 2021/0811/FUL to subdivide the existing ground floor shop into two retail/commercial units and change the use of the rear section of the ground floor into student accommodation. Permission was also granted to change the use of the first and second floors to student accommodation. A total of 23 student bedrooms would be provided under that permission. The proposal also involved remodelling the shop fronts, extending the staircase extension at the rear of the building and alterations to the window fenestration on the rear and side elevations.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2021/0811/FUL GRANTED Change of use of part of the rear section of the ground floor plan, first floor and second floor from the former Iceland Shop Unit into 23 Student accommodation bedrooms. The subdivision of the ground floor shop into two retail/commercial units. Remodelling of shop fronts, the creation of a new stair extension at the rear of the building to replace an existing single flight stair and alterations to the window fenestration on the northern and western elevations

6.0 CONSULTEE RESPONSES

- 6.1 LCC Highways (20.10.2021) No Objections subject to conditions
- 6.2 Cadent Gas (07.10.21) No Objection

7.0 OTHER REPRESENTATIONS

- 7.1 None received

8.0 SUPPORTING INFORMATION

- 8.1 Design and Heritage Statement
Marketing Information
Student Accommodation Statement

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 Town Centre of Ormskirk 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
RS1 – Residential Development
RS2 – Affordable and Specialist Housing
GN1 – Settlement Boundaries
GN2 – Safeguarded Land
GN3 - Criteria for Sustainable Development
GN4 – Demonstrating Viability
IF2 – Enhancing Sustainable Transport Choice
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 site is located outside the Primary Shopping Area but still within the Town Centre boundary. Policy IF1 advises *"Within town centres, a diversity of uses will be encouraged outside the Primary Shopping Area, and above ground floor level within the primary shopping area, in order to maximise centres' vitality and viability, to encourage an evening economy, and to improve safety and security by increasing natural surveillance of the centre. Such uses may include (inter alia) residential uses and student accommodation"*.
- 10.2 The site is considered to be in a highly sustainable location within the town centre and easily accessible by public transport. As such, the principle of the redevelopment of the site for retail use at ground floor and residential use including student accommodation above ground floor is therefore acceptable in principle within town centres, provided there is no conflict with other Local Plan policies.

Principle of Development Student Accommodation

- 10.3 The principle of student accommodation in this location was considered under the recently granted scheme 2021/0811/FUL and was deemed acceptable for 23 units. This scheme seeks to increase the number of units to 50.
- 10.4 Policy RS3 (Provision of Student Accommodation) in the Local Plan refers specifically to proposals for student accommodation. It states that the development of purpose built student accommodation outside of the University Campus will be restricted, except where *i) an over-riding need for such accommodation is demonstrated; ii) demand for the conversion of existing dwelling houses to HMOs will be demonstrably reduced; and iii) it will not negatively impact the amenity of surrounding uses*. When assessing the potential impact of purpose-built student accommodation on the amenity of the surrounding areas, the Council will also have regard to the presence of any HMOs in the vicinity. In addition, Policy RS3 refers to taking into account the effects of clustering of HMOs to ensure there is no unacceptable impact on residential amenity or the supply of accommodation for other town centre uses such as offices, storage and ground floor retail.
- 10.5 The application site is located within the primary shopping area of the town centre and Policy RS3 specifically allows for a greater proportion of HMO's within town centre accommodation and importantly, Policy IF1 of the Local Plan states that in order to maximise the vitality and viability and improve natural surveillance of the town centre student accommodation will be acceptable above ground floor level.
- 10.6 With regards to the implementation of Policy RS3, at present the amount of HMOs within the Primary Shopping Area is significantly in excess of the 15%, however, the policy specifically allows for a greater proportion of HMOs within this part of the town centre and importantly, Policy IF1 of the Local Plan states that in order to maximise the vitality and viability and improve natural surveillance of the town centre, student accommodation will be acceptable above ground floor level.
- 10.7 In terms of the impact on the supply of accommodation for other town centre uses, the proposed ground floor units are to remain in retail use; however the existing first floor storage space will be lost. As there are currently a number of vacant units to let within the town centre, I am satisfied that the loss of the existing first floor storage space would not result in a detrimental impact on the provision of such uses within the town centre.

- 10.8 The applicant has stated there remains a need for purpose-built student accommodation because Edge Hill University continues to grow in popularity despite a dip in university student numbers nationally in recent years. The Universities and Colleges Admissions Service (UCAS) state the demand for higher education remains strong and there was a rise in 18 year olds applying for UK higher education for 2020/2021 academic year. It is also expected the demand for places at Edge Hill will increase with the continual development and expansion of Edge Hill University particularly with the opening of the standalone Medical School last year in 2020.
- 10.9 As a result in recent growth in campus accommodation, Edge Hill now guarantees a place in the on campus halls of residence to all new full time first year undergraduate students from the UK and EU. However, the University does not provide sufficient accommodation for all applicants and there is a deficit in accommodation for 2nd, 3rd year and mature students looking for accommodation on or close to campus. Many students who have lived in new build accommodation on campus in their first year wish to continue to live in similar purpose built development either on campus or within the town centre. There is evidence to show there is both a short and long term over-riding need for purpose built student accommodation for Edge Hill University. Furthermore, Ormskirk has seen a substantial increase in off campus accommodation over the last 20 years particularly in the conversion of dwelling houses to HMOs within the residential areas of Ormskirk. In this respect, the provision of purpose-built student accommodation in the town centre will be likely to reduce the need for conversions of existing dwelling houses. In terms of the impact on the supply of accommodation for other town centre uses, the ground floor units will remain in a commercial use as part of the proposal. Therefore, I am satisfied that the proposed development will not unduly compromise the vitality or viability of the town centre and the principle of student accommodation as proposed is acceptable.

Principle of Development – Subdivision and reduction in retail floor space

- 10.10 The application site is located within the Primary Shopping Area. Whilst the scheme would retain a commercial / retail use at ground floor, the existing unit would be split into two smaller units and it is proposed to reduce the retail floor space compared to the existing use as the rear section of the ground floor is proposed to be used for student accommodation.
- 10.11 The principle of the reduction in retail floor area at ground floor for student accommodation was considered under the recently granted scheme 2021/0811/FUL and deemed to be acceptable. The site has been unsuccessfully marketed for retail / commercial use since October 2019 and the premises has been vacant in excess of 6 months. Furthermore, the majority of the ground floor will be retained as commercial floor space and split into two smaller units to attract an occupier. More importantly, the ground floor will retain a pedestrian level shop frontage. Therefore, the previous application concluded the proposed development would not unduly compromise the vitality and viability of the town centre and will help maintain the retail / commercial function of the town. Paragraph 86 of the NPPF requires planning decisions to recognise that residential development often plays an important role in ensuring the vitality of centres and to encourage residential development on appropriate sites.

Scale, Appearance and Heritage Impacts

- 10.12 Policy EN4 of the Local Plan is relevant as is the guidance contained in the NPPF in terms of the impact of the proposed development on heritage assets. The NPPF, in determining such planning applications, advises Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting

them to viable uses consistent with their conservation. Paragraph 206 advises that Local Planning Authorities should look for opportunities for new development within the historic environment and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting, that make a positive contribution to or better reveal their significance should be treated favourably.

- 10.13 Local Planning Authorities should in coming to decisions refer to the principle act which requires in this case to have special regard to the desirability of preserving any listed buildings or their setting (s.66) and preserving the character or appearance of a Conservation Area (s.72). Recent Court judgements have shown that the statutory duty prescribed under the Planning (Listed Buildings and Conservation Areas) Act 1990 should always be given considerable weight in decision making. Paragraph 124 of the NPPF advises the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 10.14 The site comprises a part two storey part three storey flat roofed building located in the middle of Aughton Street and is identified as making a neutral contribution to the character and appearance of the Conservation Area. The scheme involves improving the façade of the building by retaining a traditional red/brown brick surround and introducing a vertical emphasis to the existing windows whilst introducing contemporary materials such as aluminium framed windows with dark grey metal cladding between the windows.
- 10.15 The front of the building is already viewed as a three-storey building and in order to minimise the impact of an additional floor, the proposed third floor has been set back 2m from the front elevation and designed to be lightweight and clad in dark grey cladding to offer a contemporary contrast to the main elevation. In my view the scale, massing and appearance of the proposed building harmonises with the surrounding properties along Aughton Street whilst introducing a contemporary appearance.
- 10.16 Presently, the rear of the existing building is viewed as a two-storey building with three storey high brick pillars to the west. The principal view of the rear elevation is from a spacious service yard and car park which serves the surrounding commercial properties. The rear of the building in its current form does not make a positive contribution to the appearance of the area. The buildings which back onto this service yard vary in age, style and scale and do not contribute to the character and appearance of the Conservation Area or the street scene. It is proposed to extend across the two-storey rear elevation with a two storey extension to mirror the front of the building. In order to minimise the scale and massing of the proposed four storey building, the lightweight clad third floor has been designed to be set back from the rear elevation by 1.3m. The use of red/brown brick to mirror the existing building ensures the extension respects its context whilst the use of contemporary materials such as aluminium frames and Juliet balconies offer modernising features. Visually it is considered that the proposed external treatment will be acceptable and the mix of window styles, contrasting soldier course and staggered elevation provides interest and avoids creating a single uniform block appearance. Although the proposed two storey extension would be visible across the service yard to the west, views would be largely contained by the existing buildings which surround the service yard. From Aughton Street the extension would be largely unseen, save for a glimpsed view down the passageway.
- 10.17 The northern elevation proposes a remodelling of the façade to the first and second floor, to be remodelled in brick to match the existing to create new angled windows with a north easterly aspect and low-level planting. The southern elevation alterations comprise of new internal fenestration with internal light atrium space to the first and second floor. Given the

north and southern position, of the building these alterations will be imperceptible to passers-by along Aughton Street.

- 10.18 A small communal amenity space will be created at first floor by pulling back the south side elevation which will in turn allow the proposed windows to be set back away from neighbouring commercial uses. This is considered acceptable. A bin storage area is located to the rear of the property to serve both the commercial and residential uses. An internal bike store is proposed on the ground floor lobby area.
- 10.19 Considering the scale and appearance of the existing building and the proposed improvements to the facade of the building and the sensitively designed set back of the third floor, I do not consider the proposal will cause harm to the character or appearance of the Ormskirk Town Centre Conservation Area or the setting of the nearby listed clock tower. On this basis I feel the proposal will meet the statutory duty to 'preserve' as required under s.66 and s.72 of the Planning (LBCA) Act, Chapter 16 of the NPPF and Policy EN4 of the Local Plan. Furthermore, I consider that the scale, design and appearance of the development meets with the requirements of policy GN3 of the Local Plan.

Residential Amenity

- 10.20 This area of the town centre comprises of a mix of commercial and residential properties. Immediately to the north of the site is 4 Aughton Street, a commercial unit on the ground floor with student accommodation above and to the south is 10-12 Aughton Street which comprises of commercial units on the ground and upper floors.
- 10.21 In order to avoid direct overlooking from the proposed windows on the northern elevation which will serve the proposed living accommodation to the existing student accommodation windows in 4 Aughton Street, angled windows have been introduced which will look directly down the passageway to avoid directly overlooking the adjacent residents. This is considered to be an acceptable solution. In respect of the proposed windows on the rear elevation, these will overlook an existing service yard and is considered acceptable.
- 10.22 Noise from the commercial use and the impact upon residential units in the adjoining rooms was considered under the previous application. In order to ensure future residents are fully protected from noise, sound insulation measures will need to be introduced between the commercial and residential uses as well as between each residential unit. Furthermore, residents will need to be protected from noise from the adjacent car park, nearby commercial uses including deliveries and plant / equipment. Therefore, I consider it is appropriate to impose a condition requiring sound insulation mitigation measures to be submitted and installed prior to the first occupation of the premises.
- 10.23 Subject to the imposition of conditions, I am satisfied that the proposed development can be delivered while retaining reasonable levels of amenity for the occupiers of neighbouring properties and without detriment to the amenities of nearby residents. A mixed commercial and residential use is an appropriate use for this town centre location and will maximise Ormskirk's vitality and viability, complementing existing uses and will not result in significant noise disturbance to neighbouring uses.

Highways and Parking

- 10.24 In respect of parking issues, the scheme does not provide any on-site parking. However, it is recognised that the site is in a highly sustainable location and government guidance encourages development in those locations. It is considered that the demand for parking

with student accommodation in such a central location would be low, particularly as there is a regular bus service from the town centre to Edge Hill University and no University parking permits would be issued to residents in this location. Furthermore, there are public car park nearby for any visitors or customers to the commercial units. The layout of the development will utilise the existing delivery and servicing area to the rear. Secure cycle storage will be provided within the main student lobby area. Thus, it is considered that there will not be any undue adverse impact on the level of parking provision or highway safety issues.

Drainage

- 10.25 The existing drainage arrangements at the site will be utilised and the Council's Drainage engineer is of the view that the proposed development should have a negligible impact on flood risk within the immediate vicinity of the site.

Conclusion

- 10.26 The proposed development is considered acceptable in principle, would contribute to the vitality and viability of Ormskirk Town Centre without harming the character of the area. The proposal satisfactorily meets the requirements of the NPPF and Policies GN1, GN3, RS3, EN4, IF1 and IF2 of the West Lancashire Local Plan 2012-2027 DPD and is recommended for approval.

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 Proposed Elevations L108_P2, Proposed Ground Floor and First Floor Plan L105_P2 and Proposed Second floor and Third Floor Plan L106_P2 received by the Local Planning Authority on 9th December 2021.
Plan reference Site Location Plan L100 and Existing & Proposed Site Block Plans L101 received by the Local Planning Authority on 24th 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. Notwithstanding any description of materials in the application, no external construction works shall take place until samples and / or full specification of materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials and should be reflective of those within the surrounding area, unless otherwise agreed in writing by the Local Planning Authority.
The development shall be carried out only in accordance with the agreed schedule of materials and method of construction.

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

4. No part of the development hereby permitted shall be commenced until a scheme for the protection of the proposed residential accommodation from noise from external road traffic and existing and proposed commercial uses have been submitted to and approved in writing by the Local Planning Authority.

All habitable rooms exposed to external road traffic noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows.

Sound insulation of the floor/ceiling /wall structures separating different types of rooms/ uses in adjoining residential units, namely [e.g. living room and kitchen above bedroom of separate unit] shall demonstrate that the sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ is enhanced by at least 5dB above the Building Regulations value.

Sound insulation of the floor/ ceiling/ walls separating the commercial part(s) of the premises from noise sensitive premises shall demonstrate that the sound insulation value $D_{nT,w}$ [and $L'_{nT,w}$] is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the noise sensitive premises.

No residential unit shall be occupied until the approved sound insulation and ventilation measures have been installed in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.

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

5. The ground floor commercial units shall not be open for business between the hours of 2200 hours and 0800 hours 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.

6. No servicing, deliveries, or waste collections shall be taken or received at the site except between the hours of 07.30 and 20.00 Monday to Saturday and at no time on Sundays and 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.

7. The ground floor commercial units shall not be occupied for the sale of food and drink until details of a scheme to control the emission of fumes and odours from the premises including:

- a. the provision of odour filters;
- b. the siting of any external ventilation stack; and,
- c. details of any measures which are necessary to attenuate noise from the ventilation stack;

have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully installed and operating prior to commercial premises being

brought into use for the sale of food or drink. It shall thereafter be retained , maintained and operated to the approved specification.

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

8. 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.
9. The student accommodation shall not be occupied by more than 50 residents at any one time.
Reason: To ensure a suitable standard of residential amenity for future occupants, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
10. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan/statement shall provide:
 - Details of the parking of vehicles of site operatives and visitors;
 - Details of loading and unloading of plant and materials;
 - Measures to protect vulnerable road users (pedestrians and cyclists);
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing facilities;The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.
Reason: These details are required prior to the commencement of development in the interests of public & highway safety and to comply with the provisions of Policies GN3 and IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document
11. Prior to the occupation of development hereby permitted full details (including elevations, materials and colour) of the bin stores/sheds shall be submitted to and approved in writing by the Local Planning Authority.
The bin stores/sheds shall be constructed in accordance with the approved details prior to the first occupation of the building.
Reason : In the interests of residential amenity and to ensure compliance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
12. The indoor cycle store on the ground floor as shown on plan reference L105_P2 shall be retained for the duration of the development.
Reason: To ensure that adequate provision is made for parking cycles on the site in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

Reason for Approval

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

SP1 - A Sustainable Development Framework for West Lancashire
RS1 - Residential Development

RS2 - Affordable and Specialist Housing
GN1 - Settlement Boundaries
GN2 - Safeguarded Land
GN3 - Criteria for Sustainable Development
GN4 - Demonstrating Viability
IF2 - Enhancing Sustainable Transport Choice
EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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

Agenda Item 7e

No.5	APPLICATION NO.	2021/0179/FUL
	LOCATION	Taylors Farm Hall Lane Lathom Ormskirk Lancashire L40 5UW
	PROPOSAL	Proposed grain processing building with concrete hardstanding area and landscaped areas.
	APPLICANT	Mr Webster
	WARD	Newburgh
	PARISH	Lathom
	TARGET DATE	1st June 2021

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 highway safety, impact on the Green Belt, impact on the environment and whether the use is appropriately sited in this location.

2.0 SUMMARY

- 2.1 The development is considered to be inappropriate development in the Green Belt as it is a mixed use development and therefore does not comply with any of the stated exceptions in the NPPF. The harm that results from inappropriateness is considered to be limited. In addition it is identified that there would be 'less than substantial' harm to the setting of the Listed Building and limited visual harm. Following assessment of the whole submission it is considered that the applicant has demonstrated very special circumstances and public benefits of the development that outweigh the limited harm to both the Green Belt ,the Listed Building and visual amenity. The design of the building is considered to be appropriate to the proposed use and location and, subject to the proposed landscaping scheme, will not have a significant impact on the character or appearance of the area. Subject to conditions the proposal would not result in adverse impacts on neighbour amenity or flooding/drainage within the local area. In terms of matters relating to highways the proposal is acceptable. The proposed development is considered to be compliant with the NPPF and Policies EN2, EN4, EC2, IF2, GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD.

3.0 RECOMMENDATION: APPROVE subject to conditions.

4.0 THE SITE

- 4.1 Taylors Farm lies within land designated as Green Belt and is located to the east of Hall Lane, Lathom 50m to the south of its junction with Lowry Hill Lane. The site comprises of a farmhouse (Grade II Listed), traditional stone farm buildings and a number of modern agricultural buildings. The surrounding land is open fields.
- 4.2 A farm shop and butchers business is run from the site and is housed in the traditional outbuilding. The farm shop building has recently been extended to create a larger retail area. There is an existing car park serving the farm shop, with approx. 30 spaces, located to the north of the main site entrance driveway. Staff parking, approx. 18 spaces, is located to the rear and side of the farm shop building within the private farm site. The holding farmed by the applicants extends to 252 hectares of land which are used to grow winter wheat, winter barley, oilseed rape, spring barley and oats in rotation.
- 4.3 The land subject of this application is located adjacent to the existing agricultural buildings.

5.0 THE PROPOSAL

- 5.1 The application proposes the erection of a building for the storage and processing of grain. The proposed building would be approximately L-shaped and would adjoin an existing agricultural building at the farm. The building would have a maximum height of 12.1m however some parts of the building would be lower at 11.5m and 10.7m. The elevation facing south towards the field would be 91m in length and the elevation facing Hall Lane would be 54m.
- 5.2 The proposal also includes the construction of an extension to the existing concrete yard to the east of the proposed building. The yard would be approx. 1470 sqm in size.
- 5.3 A landscaping belt is proposed to be planted alongside the western and southern sides of the building. Further tree and under-planting is proposed within a 15m wide area approx. 160m to the east of the proposed building and also tree planting approx. 400m to the south of the building in an area approx. 280m in length.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2020/1103/FUL - Proposed erection of a rural workers dwelling - Refused
- 6.2 2019/0713/FUL - Laying of concrete surfacing in place of existing compacted hardcore - Granted
- 6.3 2019/0619/CON - Approval of Details Reserved by Condition No. 4 of planning permission 2019/0265/FUL relating to a landscaping scheme - Approved
- 6.4 2019/0607/CON - Approval of Details Reserved by Condition No. 3 of planning permission 2019/0265/FUL relating to details of facing and roofing materials -Approved
- 6.5 2019/0556/NMA - Non-Material amendment to planning permission 2019/0265/FUL - Elevational changes - Approved
- 6.6 2019/0265/FUL - Construction of extension to existing farm shop, plus associated landscaping - Granted
- 6.7 2018/1276/PNP - Application for Determination as to Whether Prior Approval is Required for Details - Agricultural building - Details approved
- 6.8 2017/0943/FUL - Construction of new building [manure shed] and areas of hard-standing - Granted
- 6.9 2017/0009/FUL - Construction of new storage building and area of hardstanding - Granted
- 6.10 2016/1011/PNP - Application for Determination as to Whether Prior Approval is Required for Details - Agricultural storage building - Details approved
- 6.11 2015/0720/FUL - Extension to existing farm shop - Granted
- 6.12 2015/0469/FUL - Extension to existing farm shop (re-submission of 2014/1270/FUL - reduced scheme) - Granted
- 6.13 2014/1270/FUL - Extension to existing farm shop - Granted

- 6.14 2014/0823/FUL - Removal of Condition No. 6 imposed on planning permission to allow sale of produce grown outside an 8km radius of the site - Granted
- 6.15 2014/0435/FUL - Extension to an existing agricultural building - Granted
- 6.16 2013/0185/FUL - Replacement of existing silage clamp with covered silage clamp and lean-to building - Granted
- 6.17 2011/1369/FUL - Agricultural worker's dwelling - Granted
- 6.18 2011/0810/FUL - Erection of agricultural building - Granted
- 6.19 2011/0775/PNP - Application for Determination as to Whether Prior Approval is Required for Details - Erection of agricultural building for the storage of grain - Details approved
- 6.20 2009/0834/CON - Approval of Details Reserved by Condition Nos. 2, 3, 4, 8, 9 and 10 of Planning Permission 2008/0951/COU. Discharge of Condition No. 1 on Planning Permission 2008/0951/COU.
- 6.21 2008/0994/LBC - Listed Building Consent - Conversion and single storey extensions to barn to form farm shop; conversion and alterations to existing farm shop and butchery to café - Granted
- 6.22 2008/0951/COU - Conversion and single storey extensions to barn to form farm shop; conversion and alterations to existing farm shop and butchery to café; erection of one new agricultural building and two replacement agricultural buildings; new access off Hall Lane and provision of car parking - Granted
- 6.23 2008/0709/COU - Change of use of part of agricultural building to provide refrigeration facilities for use associated with the existing farm shop - Granted
- 6.24 2007/1277/COU - Part conversion and part re-build of agricultural buildings to form farm shop and cafe. Removal of two existing agricultural buildings and replacement with three agricultural buildings. Erection of car port/store; new access track to Lowry Hill Lane and associated parking areas - Withdrawn
- 6.25 2008/0303/LBC - Listed Building Consent - Part conversion and part re-build of agricultural buildings to form farm shop and cafe. Provision of associated parking areas - Withdrawn
- 6.26 2000/1228 - Consideration of Details for Prior Approval - Extension to agricultural building for storage of hay and straw - Details approved
- 6.27 1998/0336 - Erection of agricultural building for use as cattle shelter - Granted

7.0 CONSULTEE RESPONSES

- 7.1 Lancashire Police – Advice provided.
- 7.2 Cadent - Cadent Gas has a major accident hazard pipeline in the vicinity, Shevington/Ormskirk. From the information provided, it does not appear the proposed works will directly affect the above pipeline.
- 7.3 Shell UK - No effect to the Shell pipeline.
- 7.4 British Pipeline Agency – No comments to make.

- 7.5 LCC Highways - There are no highway objections to the proposed application. In terms of vehicle movements, the proposal will include a separation of deliveries, with the grain processing building being accessed from the existing access on Lowry Hill Lane and the farm shop to continue being served from the existing entrance on Hall Lane.

The existing access point is formalised and wide enough to accommodate traffic associated with the site. The operation of the site according to the agricultural statement already has 50 existing farming customers who do not have the facility to process and store grain. Therefore, concentration of one site is likely to consolidate traffic movements rather than spread movements across the areas. The facility being proposed is responsible for storage and processing on the site which will be time dependent and therefore unlikely to result in constant movements of HGV's.

- 7.6 Environmental Health Officer - No objections in principle. The findings of the noise assessment is satisfactory.
- 7.7 Lead Local Flood Authority – No objection to the proposed development. Conditions recommended.
- 7.8 ADAS- No objections. The development is justified by an identified agricultural need.

8.0 OTHER REPRESENTATIONS

8.1 Lathom Parish Council

Lathom Parish Council are supportive of the Taylors Farm business however we have concerns regarding the scale of this development and have the following comments and questions

1. Large scale building on an already extensive site. Height will be considerably higher than all other buildings and clearly visible from a distance.
2. This is described as a processing unit and we would ask officers to consider the nature of the operation and impact including hours of use. Impact on residential properties from operating noise of both the plant and increased traffic in and out of site. If allowed nothing to prevent operations being extended to provide feed to other end users.
3. Impact on this special historical setting especially Lathom Park and the remaining part of Lathom House

- 8.2 Letters of representation have been received which can be summarised as follows:
- Objection to the proposal
 - Concerns about the additional traffic and impact on roads and also households nearby
 - Taylors Farm has diversified with the addition of the farm shop
 - Grain cleaning is not exclusively a farming operation. Consider it could be carried out on a premises away from the farm site.
 - Concern regarding content of "Noise Abatement Report"
 - Raise concern regarding number of existing buildings and consider that the site already looks like an industrial site
 - Query if Council check what the existing buildings are used for
 - Concern at height of buildings and that the buildings will be visible from residential properties.
 - Drainage issues

9.0 SUPPORTING INFORMATION

- 9.1 The application has been supported by the following documents:

- Agricultural Needs Report
- Design and Access Statement
- Heritage Statement
- Landscape and Visual Impact Assessment
- Planning Statement
- Response to Conservation Officer comments
- Noise Impact Assessment

10.0 RELEVANT PLANNING POLICIES

10.1 The application site is located within the Green Belt as designated in the West Lancashire Local Plan Proposal Map.

10.2 National Planning Policy Framework (NPPF)

West Lancashire Local Plan 2012-2027 DPD

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

EC2 - The Rural Economy

IF2 - Enhancing Sustainable Transport Choice

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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

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

Principle of development - 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.

11.2 Paragraph 145 in the National Planning Policy Framework states that "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt." There are 7 exceptions to this rule including a) "*buildings for agriculture and forestry*". Policy EC2 of the Local Plan supports development associated with the agricultural use of the land.

11.3 The site is currently in agricultural use and the building would be sited adjacent to existing buildings which are used for agricultural purposes. The proposed building would be used for processing and storage of grain that is produced on the farm. This use is considered to be agricultural in nature and would comply with the requirements of the NPPF. However the submission also proposes that Taylors Farm would process and store grain on behalf of other farmers. This part of the development, whilst strongly related to agricultural uses, is considered to be an industrial use. Overall the proposed use of the building would be mixed. On that basis the proposal is considered to be inappropriate development in the Green Belt as it does not comply with any of the stated exceptions set out within the NPPF.

11.4 In terms of the proposed concrete yard paragraph 150 sets out that certain forms of development are not inappropriate in Green Belt provided they preserve the openness of

the Green Belt and do not conflict with the purposes of including land within it. One such form of development is “*engineering operations*”.

- 11.5 The proposed concrete yard would be located close to the existing and proposed agricultural buildings and adjacent to the existing concrete yard. It would be relatively enclosed by the existing development and is required to allow access to the new building. It is my view that this area of hardstanding does not result in an adverse impact on the openness of the Green Belt and therefore complies with the requirements of paragraph 150 of the NPPF.
- 11.6 Paragraph 148 of the NPPF states that "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The applicant has put forward a case for very special circumstances to outweigh the green belt harm arising from the proposed development which will be considered later in this report.

Design/Impact on Listed Building

- 11.7 Policy GN3 supported by the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings. The site is located within the wider setting of a Grade II listed farmhouse. Local plan policy EN4 is therefore relevant and states that development will not be permitted that will adversely affect a listed building or conservation area.
- 11.8 The listed building is situated relatively close to the road (Hall Lane) and the farm buildings, both modern and historic, are situated to the east of the farmhouse. Lathom Park Conservation Area is located approx. 500m to the south of the site. The proposed building would be wrapped around the southern and western elevations of one of the existing farm buildings. It would be set back from Hall Lane by approx. 95m and would be approx. 90m to the south-east of the listed building with modern and historic structures located in the intervening space. Views of the listed building are currently somewhat obscured from Hall Lane to the south due to the presence of hedgerows and from the public footpath to the east views of the farmhouse are obscured by the existing modern buildings.
- 11.9 The design and materials of the proposed building are typical of agricultural buildings in the local area and would match the existing modern buildings on the Taylors Farm site. The buildings closest to the farmhouse will still be the domestic outbuilding and historic barn currently operating as the farm shop and this grouping would be the main view from Hall Lane. It is acknowledged that the footprint of the proposed building is large however, in my view, due to its position and the intervening development any adverse impact on the listed building is limited. Due to the distance from Lathom Park the proposal is not considered to significantly impact on heritage assets within that area including the Conservation Area itself. I consider the harm caused by the erection of the proposed building to be 'less than substantial' and therefore this harm needs to be weighed against public benefits of the proposal.

Landscape and Visual Impact Assessment

- 11.10 The applicants have acknowledged that the building is higher than the existing ones currently on site however this is required to allow trailers to be tipped undercover. The current buildings are not tall enough to allow this therefore grain tipping (unloading) is done externally and can only take place in appropriate weather. The proposed building will

allow tipping to take place inside the new building which is approximately 3.8m taller than the adjoining building. It is my view the applicants have provided suitable justification for the proposed height. The proposal includes significant amount of new landscaping both close to the building and further away to mitigate any adverse impact on the wider landscape.

- 11.11 The Council's Tree and Landscape Officer has assessed the proposed landscaping scheme. Due to the size and scale of the proposed development, and the nature of the flat low lying landscape which has limited existing trees and vegetation within the immediate vicinity, the development will have some impact on the landscape and visual amenity of the area. The submitted Landscape Visual Impact Assessment clarifies the impacts from various viewpoints in the immediate vicinity, and medium to long views. The submitted landscape plan is considered to assist in mitigating against some of the visual impact although it is acknowledged it will take some years for this planting to reach maturity and fully mitigate against the visual impacts. Whilst there will be some remaining gaps where the site will be visible from wider views, the development will be set against the backdrop of the existing farm complex. On balance it is considered that the proposal would not have a significant adverse impact on the wider landscape subject to the landscaping scheme being implemented in full.

Impact on residential amenity

- 11.12 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of amenity for occupiers of neighbouring properties.
- 11.13 Given the siting of the building and the proposed use of the access off Lowry Hill Lane, concern has been expressed by local residents regarding the impact of noise from the use of the access and the grain processing on households nearby. Following the receipt of a noise assessment, I have consulted the Council's Environmental Health Officer who raises no objection to the proposed building or its uses. Due to the position of the building, I am satisfied that there would be no impact on neighbouring properties caused by overshadowing, overlooking or loss of privacy.
- 11.14 I am satisfied the development would comply with the requirements of policy GN3 1(iii).

Highways

- 11.15 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards. Adequate parking should be provided in accordance with policy IF2.
- 11.16 The building would be used in connection with the existing agricultural business that operates from the site and by other farmers in the locality. The farm shop will continue to be accessed from Hall Lane and the existing access onto Lowry Hill Lane, an A-road, would be used by vehicles using the proposed facility. I have consulted the Highway Authority who have indicated they have no objection to the scheme and consider that the existing access onto Lowry Hill Lane is suitable for the expected level of traffic movements. The existing and proposed hardstanding will provide suitable turning areas within the site for HGVs. Staff parking is already provided within the site.
- 11.17 The Highway Authority advise that existing access point is formalised and wide enough to accommodate traffic associated with the site. LCC as Highway Authority comment that the operation of the site according to the agricultural statement already has 50 existing farming customers who do not have the facility to process and store grain. Therefore,

concentration on one site is likely to consolidate traffic movements rather than spread movements across the area. The facility being proposed is responsible for storage and processing on the site which will be time dependent and therefore is unlikely to result in constant movements of HGV's.

- 11.18 Given this advice, I am satisfied the proposal would comply with the relevant requirements of local plan policies GN3 and IF2.

Drainage

- 11.19 The Council's drainage engineer has reviewed the application with regard to the drainage of surface water and the flood risk associated with this application. The submission indicates that rain water from the building will be kept separate and will drain to the farm's recycling system for using rainwater within the dairy for cleaning and drinking water. Any surplus will go to the existing drainage system.
- 11.20 It is accepted that infiltration for the disposal of surface water runoff is unlikely to work however the site of the new development is predominately greenfield and, as such, flows will be restricted to the Greenfield runoff rate. Both the LLFA and the Council's Drainage Engineer recommend that further details of the proposed drainage scheme and a SuDS maintenance strategy are required by condition.

Very Special Circumstances

- 11.21 Paragraph 148 of the NPPF states that "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 11.22 I have identified that the proposed new building would be inappropriate development in the Green Belt however the submission puts forward justification for the building and its uses in this location. The applicant advises that even if the building was not used for processing and storing grain from other farms, it is still required for the agricultural uses described above that are connected with the existing Taylors Farm grain business. The processing unit has been installed at Taylors Farm for over a year and the applicants have been processing/drying their own grain during that time. The existing building in which the equipment is located is not high enough to allow tipper trailers to tip under cover. As a result, bad weather limits the times when grain can be tipped. A new higher building is therefore needed. On that basis the height of the building would be the same as proposed whether grain from other farms is processed or not.
- 11.23 The applicant puts forward the case that the proposed use in connection with grain from other farms has been demonstrated within the submission to be a minority use of the building. The applicant states that the grain processing side of the business has approximately 40-50 farmer customers including:
- local farmers who grow only combinable crops on predominantly rented land and do not have sufficient grain storage on their own land for the area farmed;
 - local farmers who grow combinable crops and root and vegetable crops but who use their buildings primarily for storing and processing vegetables;
 - local farmers who produce only relatively small volumes of grain and who cannot justify investment in grain storage for the volume produced.
- 11.24 The applicant indicates that utilising this building to process and store grain from other farms reduces the likelihood that those farms will need to have the same

equipment/storage on their own Green Belt premises and represents a sustainable local solution for the farming community.

11.25 The applicant indicates that they have consulted a local land agent, Fitton Estates, who have advised there are no buildings either existing or under construction at Burscough Industrial Estate which have a suitable height to accommodate the machinery and vehicles that the applicants use to process the grain. A significant proportion of the grain to be processed will be grown on the Taylors Farm holding of 252 hectares. This activity is already taking place on the land in connection with the existing farm holding and the applicant states it will not be possible to relocate the whole operation. The applicant puts forward a supporting case that Policy EC2 in the Local Plan looks to support the rural economy and permits the loss of open agricultural land where the proposed development is associated with the agricultural use of the land, as is the case here.

Conclusion on very special circumstances

11.26 The Council's agricultural consultant, ADAS, has reviewed the application and considers that the application has strong agricultural merits. A meeting has been held between officers and the agricultural specialists at ADAS to discuss the proposal. ADAS have now submitted a formal response and advise that the development will provide a much-needed resource to store and process grain in the District and it will bring significant benefits in supporting the agricultural economy to sustain the rural character of West Lancashire. ADAS indicate that the proposed development will provide a conveniently located and sited facility for an essential agricultural requirement at a well-established farmstead in a location which is easy to access by other agricultural businesses.

11.27 ADAS advise that the farming industry faces several challenges, due to Brexit and structural changes within the industry and these types of grain processing facilities are needed to sustain arable farming and assist farmers in sustaining their livelihoods and ensure they get the best price for their crop.

11.28 ADAS confirm that the scale of the proposal is commensurate with the stated information in the applicants submitted Agricultural Needs Report and consider the submitted report provides a solid explanation of the requirements for the building and demonstrates the importance of the proposal. ADAS are of the view that the local farming community will benefit significantly from the proposal, they have no objections to the scheme and confirm that the proposed development is justified by identified agricultural need.

11.29 The processing machinery is already located at Taylors Farm and has been for over a year. Allowing the machinery to be housed in a building with an appropriate height to tip under cover will increase the capacity of the farm to dry its own grain and allow other farmers to use this facility. This will support the agricultural economy in the Borough, supporting less affluent farm business and will also mean that the other farms are less likely to need to have similar buildings thereby reducing the overall impact on the Green Belt. The other farms would be able to reduce transport distances, and also costs, as they would not have to transport their grain to facilities outside of the borough. The proposal also supports existing jobs within the Taylors Farm enterprise and will result in five additional jobs.

11.30 It is my view that the submission sets out sufficient very special circumstances which are considered to outweigh the identified limited harm to the Green Belt resulting from the proposal.

Planning balance

11.31 The development is considered to be inappropriate development in the Green Belt as it is a mixed-use development and results in harm to the Green Belt by reason of its inappropriateness. In addition, there would be 'less than substantial' harm to the setting of the Listed Building and some limited visual harm. However, in my view the submission identifies adequate very special circumstances and public benefits of the development that outweigh the limited harm to the Green Belt, the Listed Building and visual amenity. The proposal will provide economic benefits and comprises the diversification of the existing farm. It will support jobs within the rural economy and provide a service to other farmers in the locality. It is my view that the public benefits of the development outweigh the identified harm. In terms of matters relating to drainage, highways and neighbour amenity I have found the proposal to be acceptable subject to recommended conditions. On that basis the development would comply with the guidance contained in the NPPF, Policies EN2, EN4, EC2, IF2, GN1 and GN3 of the Local Plan and the Council's Design Guide SPD.

12.0 RECOMMENDATION

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

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:
Plan reference A100 rev2, A101 rev3, A102 rev4, A103, D8602.001, D8602.002, D8602.003, D8602.004 and D8602.005 received by the Local Planning Authority on 11th February 2021.
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. No development shall take place until a strategy for the separate foul and surface water drainage of the development is, including any necessary infiltration measures, attenuation measures, maintenance management proposals, and phasing of delivery if applicable, 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 approved drainage system shall be retained, managed and maintained in accordance with the approved details at all times for the duration of the development.
Reason: These details are required prior to the commencement of development to ensure adequate drainage for the proposed development and to ensure that there is no flood risk on- or off-the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. The materials to be used on the external surfaces of the building hereby permitted shall match those of the existing buildings in type, size, colour and texture. If the applicant or developer has any doubts as to whether the proposed materials do match they should check with the Local Planning Authority before commencement of the building works.

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

5. All hard and soft landscape works shall be carried out in accordance with the approved details shown on drawing no. D8602.001, D8602.002, D8602.003, D8602.004 and D8602.005. The works shall be carried out within the first available planting season following commencement of development 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.

6. No raw materials, finished or unfinished products or parts, crates, materials, waste, refuse or any other item shall be stacked or stored on the hereby approved hardstanding or outside the approved building without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of visual amenity and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

7. The means of vehicular access/egress to the development hereby approved shall be from Lowry Hill Lane only.

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

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

EC2 - The Rural Economy

IF2 - Enhancing Sustainable Transport Choice

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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

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

Agenda Item 7f

No.6	APPLICATION NO.	2021/0991/FUL
	LOCATION	Eden Tearoom And Galleries Course Lane Newburgh Wigan Lancashire WN8 7UB
	PROPOSAL	Variation of Condition No 1 of Planning Permission 2020/0439/FUL to allow the premises to operate later opening hours and in order to cater for functions at the weekends and to diversify the business. To extend operating hours to Sunday 08:00 - 21:00; Monday to Thursday 08:00 - 22:00; Friday to Saturday 08:00 - 00:00
	APPLICANT	Parsons
	WARD	Newburgh
	PARISH	Newburgh
	TARGET DATE	20th October 2021

1.0 SUMMARY

- 1.1 I remain concerned that the temporary permission granted under reference 2020/0439/FUL has not provided sufficient opportunity for the venue to hold a reasonable number of evening events which would enable a full assessment of impacts of the proposal upon neighbouring properties to be carried out. I therefore recommend that a further 1 year temporary permission be granted.

2.0 RECOMMENDATION: APPROVE subject to conditions.

3.0 THE SITE

- 3.1 The application relates to Eden Tea Rooms and Gallery which is located to the northern side of Course Lane. The building itself is set back from the road frontage by about 15 metres. There are 3 egresses to the site which all lead to an area of hardstanding / parking to the front of the unit. The remainder of the frontage is grassed.
- 3.2 To the rear, north of the site is an agricultural building and beyond this is agricultural land. To the east and south are residential dwellings. To the west is agricultural land.
- 3.3 The building operates as a gallery on the ground floor with tea rooms above. The main entrance is via a front access doorway which serves both the gallery and tea rooms. The business employs 20 local people on a part time and full time basis.
- 3.4 The site is located within the Green Belt but lies adjacent to the settlement boundary of the Rural Sustainable Village of Newburgh.

4.0 THE PROPOSAL

- 4.1 Temporary planning permission was granted on the 12.11.2020 to allow for a variation of the hours permitted under application 2016/1151/FUL to allow the business to open later into the evening. This temporary period ended on the 12.11.2021 and as such the application has been submitted to obtain full permission for the extended opening hours.
- 4.2 Planning permission is sought for the variation of condition no. 1 imposed on planning permission 2020/0439/FUL. Condition number 1 reads:

'The hours hereby permitted (08:00 - 21:00, Sunday; 08:00 - 22:00 Monday to Thursday; 08:00 - 00:00 Friday and Saturday) shall be discontinued on or before the expiry of the period ending on 12.11.2021. Thereafter the premises shall only be open to customers between the hours of 0800 and 1800 Monday to Saturdays and 0900 and 1800 on Sundays and Public/Bank holidays.

Reason: To enable the Local Planning Authority to re-assess the proposal on the expiry of the permission having regard to Policy GN3; of the West Lancashire Local Plan 2012-2027 Development Plan Document.'

- 4.3 The current application seeks to extend these hours on a permanent basis.
- 4.4 A Licence application was approved by the Council on the 09.09.2020. The hours approved under the Licence differ from the planning permission granted and are as follows; Sunday to Thursday 08:00 to 23:00, Friday and Saturday 08:00 to 23:00 unless there is a pre-arranged function when the terminal hour will be 01:00. The licence grants permission for alcohol to be served on the premises and for live and recorded music indoors. The licence is subject to strict conditions. However planning and licensing are separate legislative regimes and the existence of a licence does not override the need for the applicant to obtain planning permission for extended opening hours.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2021/0745/CON - Approval of details reserved by condition no 3 of planning permission 2020/0785/FUL relating to a signage scheme to prevent users of the premises from over spilling onto adjacent land.
CONDITION APPROVED
- 5.2 2021/0626/CON - Approval of Details Reserved by Condition Nos. 6, 7 and 12 of planning permission 2020/0439/FUL relating to details of outdoor seating and smoking areas; a scheme detailing the layout and surfacing of the parking and turning areas and details of additional external lighting.
PENDING CONSIDERATION
- 5.3 2021/0365/FUL - Retention of grass protection mesh.
GRANTED
- 5.4 2021/0242/FUL - Retention of hardstanding to the side and rear of the existing building.
REFUSED
- 5.5 2020/1242/CON - Approval of Details Reserved by Condition Nos. 6, 7 and 12 of planning permission 2020/0439/FUL relating to details of outdoor seating and smoking areas; a scheme detailing the layout and surfacing of the parking and turning areas and details of additional external lighting.
REFUSED DISCHARGE OF CONDITION
- 5.6 2020/0808/ADV - Retention of V sign on the forecourt and retention of the internally and externally mounted signs on the front face of the building.
ADVERTISEMENT CONSENT GRANTED
- 5.7 2020/0786/FUL - Retention of hardstanding to side of existing building.
WITHDRAWN
- 5.8 2020/0785/FUL - Retrospective application for the retention of the changes from the approved plans of planning permission 2016/1151/FUL - retention of metal gates and

fencing to the frontage of the site, aggregate to the car parking surface, relocation of cycle rack and bin store provision, marking out of car parking spaces and not to install 1m & 2m high fencing to side and rear of grassed area.

GRANTED

- 5.9 2020/0727/FUL - Retention of two satellite dishes on the front elevation of the building.
GRANTED
- 5.10 2020/0624/CON - Approval of Details Reserved by Condition No 8 of planning permission 2016/1151/FUL relating to details of mechanical ventilation and odour filtration systems.
CONDITION APPROVED
- 5.11 2020/0546/FUL - Variation of Condition No 2 imposed on planning permission 2016/1151/FUL to substitute approved plan 04 for plan reference 1499-005 to incorporate an outdoor seating area and a pergola.
WITHDRAWN
- 5.12 2020/0515/NMA - Non-material amendment to planning permission 2016/1151/FUL - Relocate disabled parking bays.
WITHDRAWN
- 5.13 2020/0439/FUL - Variation of condition no 7 imposed on planning permission 2016/1151/FUL to allow the premises to operate later opening hours and in order to cater for functions at weekends to diversify the business. To extend operating hours to Sunday 08:00 -21:00; Monday to Thursday 08:00 - 22:00; Friday - Saturday 08:00 -00:00.
TEMPORARY PERMISSION OF 1 YEAR GRANTED
(relates to this application)

Appeal:

2020/0045/02 - Variation of condition no 7 imposed on planning permission 2016/1151/FUL to allow the premises to operate later opening hours and in order to cater for functions at weekends to diversify the business. To extend operating hours to Sunday 08:00 -21:00; Monday to Thursday 08:00 - 22:00; Friday - Saturday 08:00 -00:00.

APPEAL DISMISSED

- 5.14 2017/0950/CON - Approval of Details Reserved by Condition No's. 3, 9 and 10 of planning permission 2016/1151/FUL relating to sustainable drainage principles and surface water sustainable drainage scheme, external lighting, and one-way system.
CONDITION APPROVED
- 5.15 2017/0651/CON - Approval of Details Reserved by Condition Nos. 3, 4, 5, 9, 10, and 11 of planning permission 2016/1151/FUL relating to sustainable drainage principles & surface water sustainable drainage scheme, external facing & roofing material, landscaping scheme, external lighting, one-way system, access, and parking & turning areas
PART APPROVED / PART REFUSED
- 5.16 2016/1151/FUL - Internal and external works to building including extensions to front and rear; recladding and glazing; revised roof and creation of mezzanine floor; car parking; to create retail and cafe units and ancillary facilities
GRANTED
- 5.17 2013/1338/PNC - Application for determination as to whether prior approval of details is required - Change of use to a flexible use of Class A1 (Shops), Class A2 (Financial and Professional Services), Class A3 (Restaurants and Cafes), Class B1 (Business), Class B8 (Storage or Distribution), Class D2 (Assembly or Leisure) from an agricultural building

GRANTED

- 5.18 2010/1215/COU - Change of use of existing farm shop to B1 and/or B8 uses. (Re submission of planning permission 2009/0701/COU including details of hours of operation)
GRANTED
- 5.19 2009/0701/COU - Change of use of existing farm shop to B1 and/or B8 use REFUSED
(Dismissed at appeal)
- 5.20 1997/0036 - Use of building for farm shop/sale of garden requisites/local needs provisions, creation of car park and alterations to access
REFUSED
- 5.21 1993/0888 - Application for determination as to whether prior approval is required for details - glasshouse
GRANTED

Adjacent barn / land to the rear

- 5.22 2021/1248/FUL - Use of vacant barn as a location for artisan retail stalls.
PENDING CONSIDERATION
- 5.23 2020/0809/FUL - Use of the building for storage and staff facilities in association with adjacent cafe and gallery and occasional use for public events such as an artisan market (no more than 21 days each year) together with the retention of hard standing areas, the enlargement of fire doors and the use of the neighbouring field as an overspill car park (only to be used for days of the public event).
REFUSED
- 5.24 2018/0072/CON - Approval of Details Reserved by Condition Nos 3, 4, and 6 of planning permission 2017/0738/FUL relating to a scheme for the separate foul and surface water drainage of the site; external facing and roofing materials and details of the materials to be used in the construction of the hardstanding.
CONDITIONS APPROVED
- 5.25 2017/0738/FUL - Replace existing greenhouses with new agricultural building. GRANTED
- 5.26 2016/1245/FUL - Replace existing greenhouse with new agricultural storage building
GRANTED
- 5.27 2016/0951/PNP - Application for Determination as to Whether Prior Approval is required for Details - Agricultural storage building
WITHDRAWN

6.0 CONSULTEE RESPONSES

- 6.1 LCC Highways authority – 08.09.2021
No objection

7.0 OTHER REPRESENTATIONS

- 7.1 **Newburgh Parish Council** – 23.09.2021
Newburgh Parish Council has previously objected to the late opening hours on the grounds of the impact on neighbour amenity. This objection still stands. In relation to the current application, the Council contends that during the period from 13.11.20 to present

there has been no opportunity for the Local Planning Authority to make any assessment of the impact on neighbour amenity as the business has been affected by Covid restrictions and has not operated events requiring the longer opening hours. The Parish Council therefore recommends that the condition to operate the hours applied for should be limited to a further period of 12 months so that the original assessment having regard to Policy GN3 can be undertaken. There should also be clarity on how the business is to be monitored in order to make the assessment.

7.2 Neighbours representations

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

Principle of development

Application reference 2016/1151/FUL granted opening hours until 6pm. This meant that neighbouring amenity would be maintained. Nothing has changed since the granting of this permission so the opening hours should not be changed.

Precedents

Applecast is a similar establishment in Newburgh. It is less obvious and has no close neighbours however a condition to close at 8pm every night has been imposed in order to prevent its use during unsociable hours;

A recent application for a wedding venue at Ring O Bells which is in a comparable location was refused. One of the reasons was because of noise impacts to nearby residential amenity;

It is recognised that there are two existing premises with late night licences in the village (Red Lion and Sports Club) but this is considered irrelevant because neither premises are in the unique Green Belt location enjoyed by Eden Tearooms and have never been subject to a condition requiring them to close at 6pm.

Trial period:

The previous 12 months has not been a fair representation of 'normal' business due to the pandemic and the restrictions forced on businesses such as the Eden Tearooms;

A 1 year trial period should be implemented so neighbouring residents can see what the true impact of the extended hours would be;

People have still been cautious so numbers attending would not be a true reflection on what a 'normal' footfall would be;

Eden have had insufficient time to test the robustness of the noise management plan and I believe it is not fit for purpose due to covid restrictions causing noise with front doors;

The council's conditions have not been implemented on a regular basis, it is sporadic depending on staffing;

Temporary permission (2020/0439/FUL) was granted under the understanding that it would allow a full assessment of whether the Noise Management Plan (NMP) is completely effective in protecting nearby residents from disturbance and whether the premises are being managed effectively. Due to Covid it has prevented, or limited, the applicant from holding late night evening events in order that the NMP can be robustly assessed;

Only one Late event has taken place on the 12 June 2021, which appeared low key and without disruption.

Noise and disturbance:

00:00 is too late as people exiting the building at this time will impact cause noise to neighbouring residents;

The A5209, which separates the Eden Tearoom business and car park area from neighbouring residential housing is an extremely busy highway throughout the day, however from 7pm onwards this quietens down and residents can then benefit from the peaceful nature of the evenings in this rural green belt area;

Noise and disturbance from vehicles and their occupants outside of recognised 'office hours' seven days per week;

Noise has the potential to be 14+ hours every weekday and 16+ hours every Friday and Saturday;

When exiting the building visitors may move towards the road to be picked up bringing noise closer to neighbouring properties;

Once customers have left the car park they are outside the control of the premises;

There are no sound proofing or blinds to block the light shining late at night into neighbouring houses;

The Sustainable Acoustic report which was commissioned by Eden Tea Room to counter residents concerns appears to have many shortcomings which undermine the confidence in the report. It does not robustly demonstrate that noise levels can be controlled from within or outside the building. Noise nuisance is therefore likely to be expected. A critique of the report was presented under application 2020/0439/FUL and included the following points:

the breakout tests can not substantiate the report's claim that "there would be little or no impact to local residents even if the premises was operated with the current sound system set at its full capacity at 01.00 hours" because the tests did not consider worst case conditions with the door open, where not carried out at night, when sound travels further, and a dance track with bass beat was not used;

there is a risk of sound from within the building being heard at neighbouring property boundaries when the front door is opened. Visitors are likely to arrive and leave at different times and there would be a number of comings and goings to the building throughout the evening. There would be frequent opening and closing of the front door; the report cannot/does not make a case that sound from people and vehicles outside the building will not be heard at neighbouring property boundaries. The noise nuisance would often be short term at a high level particularly late at night. It would cause an adverse effect on the sleep, health and amenity of neighbours.

Noise Management Plan

The noise management plan (NMP), put forward to control noise during late night events, has 21 conditions. Please note the following:

conditions cannot guarantee that amplified noise, emanating from inside the building, could be controlled sufficiently to prevent noise nuisance. Doors would be opened, DJs would want to use their own equipment rather than the in-house system, people at weddings, anniversary parties etc would want loud music etc;

conditions cannot guarantee that noise emanating from outside areas can be controlled sufficiently to prevent noise nuisance. Some clientele will be noisy whilst outside smoking, when arriving and leaving or getting something from the car - they are likely to get louder after a few drinks;

the condition that "noise from entertainment (including any music and/or amplified voices) shall not exceed 30dB LAeq 5mins at the boundary of any nearby residential property at any time" is unworkable for a number of reasons. It does not consider bass beat, residents would need calibrated monitors to check, complaints would be retrospective, there is no incentive for the licensee to monitor and any discernible noise measured from the venue could be argued as background. At 30dB the noise will be discernible because the background is less than that (table 3 of the acoustic report shows a typical background 27dB);

a strong reliance is placed on the use of marshalls, and the use of the downstairs area as a holding zone, to control noise nuisance caused by people when waiting for taxis. People congregating in front of the building would be unacceptable due to the close proximity to neighbouring properties. The proposed solution to require people to stay within the confines of the building at the end of the evening, in particular when the weather is warm, may be difficult to enforce;

the NMP could not stop the noise nuisance generated by cars, taxi's, coaches etc as they drive over the aggregate surface of the car park and accelerate away late at night. It is unrealistic that any licensee could ensure that the 21 conditions in an NMP are adhered to so that all noise nuisance is prevented during every late night event.

Light Pollution

Lights are often not turned off and with so much window area the light pollution is considerable shining into the upstairs rooms at the front of the houses opposite. If hours were extended this would be a frequent issue;

The building was designed as a farm shop that closed at 6pm. It has large ground floor and first floor windows over the full width of the building. When lit up late at night would cause considerable disturbance. This would be exacerbated should strobe and flashing lights be used at the proposed functions;

vehicle headlights shine directly into the front rooms of the neighbouring properties opposite when leaving the car park;

There is currently a condition that requires external lights to be operated within the times from 8am ON to 6pm OFF - 2017/0950/CON. These hours were imposed to protect neighbouring properties from light nuisance. Nothing has changed since 2017 so there appears no reason to change this condition now.

Loss of Privacy

The building has large ground floor and first floor windows over the full width of the building. Visitors would be able to look directly into the lit front rooms of the neighbouring properties opposite;

visitors could look directly into the lit front rooms of the neighbouring properties from the car park;

loss of privacy, a basic right of everyone.

Parking / highways

When larger events are put on parking is an issue;

Parking sometimes encroaches partly onto driveway accesses of the properties opposite;

Highways comments state "the proposal should have a negligible impact on highway safety". How have they assessed this? Have they just looked at photos of the area? These comments need to be more specific;

Market days cause dangerous traffic pulling out of entrance near mini roundabout as customers ignore the one way system, block residents drives and park anywhere they like.

Character of the area / Green Belt

Newburgh is a quiet, rural village, surrounded by green belt land, something we have fought for on numerous occasions over the years.

Points raised within the appeal

The sound from inside the premises has the potential to be heard at the nearest residential properties and as this noise could be often and unpredictable in its occurrence,

there is potential for harm to occur to the living conditions of the occupiers of the nearest residential dwellings;

The inspector found that the information submitted does not demonstrate what the impact from noise would be "in the likelihood that the doors to the building are frequently opened. Furthermore, it is uncertain as to whether the measures to mitigate against noise generated from people arriving and leaving the site, in particular those later into the evening, are practical and will serve their intended purpose. Whilst I note that there are a number of other conditions attached to the planning permission, I am not persuaded that these would adequately address the impacts arising in either of these respects.";

Inspector comments:

"As visitors are likely to arrive and leave at different times there would therefore be a number of comings and goings to the building throughout the periods of operation. Furthermore, the doors would need to be opened so people could move to and from the outdoor seating areas and smoking areas. This means that it is likely that there would be frequent opening and closing of the doors";

"As this raises the potential of sound from inside the premises being heard at the nearest residential properties, and as this noise could be often and unpredictable in its occurrence, there is potential for harm to occur to the living conditions of the occupiers of the nearest residential dwellings";

"There would be noise from movements to and from the site from vehicles. The Acoustic Impact Assessment Report (AIAR) suggests that, in times of non Covid-19 restrictions, the capacity of the building would be up to 70 people. It is likely that a number of these people would arrive and leave the premises by motor vehicle, including taxis";

"The distance between the frontage and the nearest dwellings is close enough to mean that noise from people congregating in such a way could cause harm to the living conditions of their occupiers. Requiring people to stay within the confines of the building at the end of the evening, in particular when the weather is warm, may be difficult for the proprietor to enforce. Furthermore, based on the information before me in the NMP, it appears that the marshalling arrangement would not be in force to prevent noise issues at all of the closing times that the appellant is seeking"

Endangered Species

There are bats in the area. The noise levels and light pollution into the evenings will affect local bats.

Other matters

The applicants knew the opening times when taking on the building and should have factored that into their business plan

8.0 SUPPORTING INFORMATION

8.1 **Planning statement**, Cass Associates (July 2021). Received by the Local Planning Authority on the 13.08.2021.

8.2 **Noise monitoring at a test event**, Sustainable Acoustics. Received by the Local Planning Authority on the 08.09.2020.

8.3 List of evening workshops undertaken

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.
- 9.2 The site is located in the Green Belt.
- 9.3 **NPPF**
Building a strong and competitive economy
Protecting green belt land
Conserving and enhancing the natural environment
- 9.4 **West Lancashire Local Plan (WLLP) 2012-2027 DPD**
Policy GN1 – Settlement Boundaries
Policy GN3 – Criteria for Sustainable Development
Policy EC2 – The Rural Economy
Policy EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
Policy IF2 - Enhancing Sustainable Transport Choices
- 9.5 **Supplementary Planning Document**
Design Guide (2008)
Development within the Green Belt (2015)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Background and context

- 10.1 Planning permission was granted for the conversion of the building from an agricultural building to retail and café uses and ancillary facilities under application reference 2016/1151/FUL. Condition 7 of this permission restricted the hours of opening to between the hours of 08:00 – 18:00 Monday to Saturday and 09:00- 18:00 on Sundays and Public / Bank Holidays. These hours were those requested by the previous applicant at the time.
- 10.2 Application 2020/0439/FUL sought permission to extend these hours on a permanent basis to opening hours of Sunday 08:00-21:00; Monday to Thursday 08:00 – 22:00; Friday to Saturday 08:00 – 00:00. The Council assessed the application and concluded that a 1-year temporary permission should be granted so that the business could operate with the hours requested and the Council could carry out an assessment as to whether the conditions of the planning application and licence were effective in preventing noise and disturbance to neighbouring properties.
- 10.3 The applicants appealed the Councils decision to apply a temporary permission. This appeal was dismissed.
- 10.4 The 1-year temporary permission expired on the 12.11.2021 and as such the applicant submitted this current application in August. This application now seeks permission on a permanent basis for the extension of hours to Sunday 08:00-21:00; Monday to Thursday 08:00 – 22:00; Friday to Saturday 08:00 – 00:00.
- 10.5 To support the application a noise monitoring test has been submitted which monitored the acoustics from a late-night event at Eden Tea Rooms held on the 12th June 2021. The results of this test will be discussed later in this report. A list of events / functions which have taken place has also been provided to the Council.

Event / function	Date	No of guests	Times
Cheese and wine night	12.06.2021	29	19:00 – 23:00
Wake	06.07.2021	20	16:30 – 21:00
Baby shower	21.08.2021	26	18:00 – 21:30
Baby shower	22.08.2021	28	17:00 – 20:30

- 10.6 A list of evening workshops that have taken place has been submitted. Evening workshops have only a small number of people attending usually about 6 at each session.

Late PM / evening workshop	Date	Times
Pottery wheel throwing session	24.09.2021	18:00 – 20:00
Clay coil pottery workshop	29.09.2021	18:00 – 20:00
Wheel throwing taster	04.10.2021	17:30 – 18:00
Wheel throwing taster	04.10.2021	19:00 – 20:00
Make a clay fairy door	08.10.2021	17:30 – 19:30
Clay coil pottery workshop	09.10.2021	18:00 – 20:00
Wheel throwing taster	19.10.2021	17:30 – 18:30
Wheel throwing taster	19.10.2021	19:00 – 20:00

- 10.7 A number of other events are also booked in for next year such as a wedding, Christening and various evening engagements. Workshops are also proposed to continue.

Impact upon amenity

- 10.8 The main issue in relation to this application is the effect that permitting the extended opening hours on a permanent basis would have on the living conditions of the residents of neighbouring dwellings with particular reference to noise and disturbance.
- 10.9 Policy GN3 of the Local Plan states that proposals for development should retain reasonable levels of amenity for neighbouring properties.
- 10.10 The temporary permission of 1 year for extended opening hours was intended to provide a sufficient time period for the business to operate late night workshops / events and functions and to allow the Council to be able to assess the effectiveness of the conditions put in place to protect the amenity of neighbouring properties. However, shortly after permission was granted the United Kingdom was placed into a lockdown as a result of the Covid 19 pandemic. As such the business premises have only be able to operate under the allowance of the extended hours for a limited period. Furthermore some people have been naturally cautious about attending indoor crowded events, even when possible during the last year. From the evidence provided to support the application it is clear that a number of workshops and some late night events / functions have taken place at the site. It does appear that the workshops and events that have been undertaken have done so without much impact to the neighbouring properties. However the number of attendees have been limited and events sporadic.
- 10.11 To demonstrate that the premises can operate a late night event / function without impacting upon neighbouring properties and within the applied conditions of application ref 2020/0439/FUL the applicant has submitted a noise monitoring test for an event held on the 12th June 2021. The event was a cheese and wine night and had 29 guests. The event took place between the hours of 19:00 and 23:00. During the event noise levels at different points around the site and on points outside the site were taken. The recordings

found that noise from the event was inaudible except for one instance of patron noise being audible due to a rear door being temporarily opened. The report concludes that the acoustic consultant considers that future events, if run in the same manor, should not interfere with residential amenity in the surrounding area.

- 10.12 Whilst the information submitted provides some indication of how the site could function and has been functioning at workshops and at later night events. I do not consider that it provides a full or robust assessment of potential noise and disturbance impacts that could be felt by neighbouring properties as a result of permitting later hours on a permanent basis.
- 10.13 I come to this conclusion for a number of reasons. Firstly, the events that have taken place so far have been limited in number and potentially in numbers attending as a direct result of the Covid pandemic. Secondly, only a handful of the later night events have taken place. It is these types of events that cause significant concern to the Council in regard to how these will be managed to prevent noise and disturbance to neighbours when the general background noise is lower owing to the time. Thirdly, the submitted acoustic report from the event on the 12th June indicates that when the rear door was left open noise was audible from the premises. A main concern that has been consistently identified by the Environmental Health team is the impact to neighbouring properties when the front door or indeed side or rear doors are opened during an event to allow egress to the building. The noise management plan identifies that this will be managed largely by the use of marshalling and training of staff. Concern does arise that this may be difficult for the proprietor to enforce and the Council considers that more evidence of these events taking place without disruption to neighbouring properties is required. Lastly, the cheese and wine night event that was the subject of the noise monitoring test had 29 attendees. The capacity of the building is 70 people and as such other later night events could have a much higher attendee level and potentially result in greater disruption.
- 10.14 Therefore I do not consider that the temporary period previously granted has been long enough (as a result of the Covid restriction and lockdowns) for the applicant to be able to demonstrate sufficiently that the permanent allowance of later opening hours would not have a detrimental impact on neighbouring properties. Consequently, I do not consider that it has been sufficiently demonstrated that the proposal would accord with Policy GN3 of the Local Plan and I would therefore suggest that a further 1 year temporary permission be permitted. This would allow the applicants to continue to operate and run the later events and workshops and also allow them to provide the Council with the required comfort that the site can operate without impact and disturbance to neighbouring properties.

Other matters

- 10.15 Matters of highways and parking, ecology, impact to the Green Belt, and drainage were all assessed under application ref 2020/0439/FUL and were all found to be acceptable. As part of this submission these matters remain as previously approved and as such, I am satisfied that these elements remain acceptable under this proposal.

Summary

- 10.16 Based upon the above I consider that a further temporary planning permission of 1 year should be granted to allow the applicant the opportunity to demonstrate that the site can operate more extensive late night events in accordance with Policy GN3 of the Local Plan.

12.0 RECOMMENDATION

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

Conditions

1. The hours hereby permitted (08:00 - 21:00, Sunday; 08:00 - 22:00 Monday to Thursday; 08:00 - 00:00 Friday and Saturday) shall be discontinued on or before the expiry of the period ending on 13.01.2022. Thereafter the premises shall only be open to customers between the hours of 0800 and 1800 Monday to Saturdays and 0900 and 1800 on Sundays and Public/Bank holidays.
Reason: To enable the Local Planning Authority to re-assess the proposal on the expiry of the permission having regard to Policy GN3; of the West Lancashire Local Plan 2012-2027 Development Plan Document.
2. Deliveries / collections shall only be made between the hours of 08:00 - 18:00 Monday to Saturday and 09:00 - 18:00 Sundays 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.
3. Noise from entertainment (including any music and/or amplified voices) shall not exceed 30dB LAeq 5mins at the boundary of any nearby residential property at any time.
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 sound / audio system installed in the premises shall not be replaced or altered without a scheme being submitted for prior approval by the Local Planning Authority. Thereafter only sound/audio equipment approved in writing by the Local Planning Authority should be used within the premises.
Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local plan 2012-2027 Development Plan Document.
5. No additional mechanical ventilation/extraction, odour filtration systems or refrigeration equipment shall be installed on or within the building until details of that equipment have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in its entirety and the equipment shall be properly maintained and operated for the duration of that use.
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. Within two months of the date of this decision, details of the outdoor seating and smoking areas shall be submitted for approval in writing by the Local Planning Authority. Outdoor seating and smoking areas shall be laid out in accordance with the approved details. Customers will not be permitted to use the outside seating areas after 21:00 and before 08:00 hours Monday - Sunday, except for smoking in the designated areas.
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.
7. Within two months of the date of this permission a scheme detailing the layout and surfacing of the parking and turning areas shall be submitted to and approved by the Local Planning Authority. Within two months of the date of that approval, the parking and

turning areas shall be provided in accordance with the approved details and retained thereafter for the duration of the development.

Reason: To allow for the effective use of parking areas and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

8. The foul and surface water drainage from the site shall be in accordance with the details submitted on the 05.09.2017 and agreed under application reference 2017/0950/CON which was discharged on the 02.11.2017.
Reason: to ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 and IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. The external materials for the building shall be in accordance with the details submitted as part of application reference 2017/0651/CON and discharged on the 24.08.2017. i.e. Roof and vertical cladding: Kingspan cladding panels - Basalt RAL 7012, Horizontal cladding: Havwoods H02150 Trekker Cladding Anthracite and Bricks: 65mm Forterra Wentworth Mixture as per document titled 'Discharge of conditions' received by the Local Planning Authority on 13.07.2017.
Reason: To ensure that the external appearance of the building is satisfactory and to prevent unsightliness and visual intrusion and so ensure that the development complies with the provisions of Policies GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. The landscaping scheme for the site shall be in accordance with drawing no 07A and document titled 'Discharge of conditions' received by the Local Planning Authority on 13.07.2017 and agreed under application reference 2017/0651/CON, discharged on the 24.08.2017.
Reason: To ensure that the landscaping of the site is satisfactory and that the development, therefore, complies with the provisions of Policies GN3 and EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. Mechanical ventilation and odour filtration systems shall be in accordance with the details agreed under 2020/0624/CON, discharged 28.09.2020. i.e.
Systemair AE53.2-1,5KW,D, Control Unit brochure received by the Local Planning Authority on 16.09.2020
Systemair AW 315E4 Sileo Axial fan brochure received by the Local Planning Authority on 16.09.2020
Email from agent with supporting information received by the Local Planning Authority on 16.09.2020.
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.
12. External lighting shall be in accordance with the details submitted on the 25.10.2017 and agreed under application reference 2017/0950/CON, discharged on 02.11.2017. No additional external lighting shall be installed on site without the prior written consent of 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.
13. The one way system and associated signage shall be in accordance with drawing no 08 submitted on the 05.09.2017 and agreed under application 2017/0950/CON, discharged on 02.11.2017.

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

14. The bound material (tarmac) for the access shall be in accordance with drawing no 07A submitted on the 13.07.2017 agreed under application 2017/0651/CON, discharged on 24.08.2017.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users 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:

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

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 7g

No.7	APPLICATION NO.	2019/1199/FUL
	LOCATION	Site Of Former Greaves Hall Hospital Greaves Hall Avenue Banks Lancashire
	PROPOSAL	Full planning application for the erection of 15 residential dwellings.
	APPLICANT	Seddon Homes Limited
	WARD	North Meols
	PARISH	North Meols
	TARGET DATE	22nd July 2021

1.0 REFERRAL

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

2.0 SUMMARY

- 2.1 The application site forms part of a wider development site at Greaves Hall where residential development is currently underway. The replacement of the approved B1 units with the erection of 15 dwellings on the site is considered acceptable. The layout/design of the properties is appropriate, and I am satisfied that the scheme will provide a suitable residential environment for future occupants, in accordance with Policy GN3 in the Local Plan.

3.0 RECOMMENDATION: APPROVE with conditions

4.0 THE SITE

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

5.0 PROPOSED DEVELOPMENT

- 5.1 It is proposed to erect 15 dwellings on an area of the site previously approved for employment purposes, to the east of Granite House. The 15 dwellings comprise 3 x 3/4 bed detached, 4 x 3 bed semi-detached and 8 x 2 bed apartments. The house types can already be found within the wider site. The proposal also includes the erection of an acoustic fence along the eastern boundary with Granite House.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2019/1200/FUL -- Full planning application for the erection of 12 residential dwellings. APPROVED

- 6.2 2019/1201/FUL – Full planning application for 8 residential dwellings. APPROVED
- 6.3 2020/0258/NMA - Non-Material Amendment to planning permission 2016/0706/ARM to omit all red roof tiles and amend to grey from Plot 38 onwards. APPROVED
- 6.4 2019/0853/NMA - Non-material amendment to planning permission 2016/0706/ARM - Plot 84 substitutions from a Marsden to a Carron, repositioning of plots 69 and 113, repositioning of garage for No. 67, amendments to position of plots 95-97 to accommodate the required easement for an existing gas governor. The wide garage has been changed to a double garage. Rationalisation of private drives and driveway, narrowing of the road to accommodate the easement for the gas governor, general minor amendments to plot boundaries. APPROVED
- 6.5 2019/0593/NMA - Non-Material amendment to planning permission 2016/0706/ARM to vary the wording of Condition No. 15 to state the following:
The acoustic barriers shall be installed in two phases in accordance with the details indicated on plan ref: 1986-BR.SP.06 DGL AZ (noise barrier phasing plan). The approved barriers shall be installed prior to occupation of any of the dwellings in the relevant phase and shall be retained as such thereafter. APPROVED
- 6.6 2019/0279/NMA - Non-Material Amendment to planning permission 2016/0706/ARM - Minor amendments to the approved site layout:- Plot 54 substitution - Carron to Brearley, Plot 55 substitution - Lawton to Brearley, detached garages enlarged to double detached garages (plots 59, 65, 67, 84, 101 & 112), rationalisation of private drives and driveway, general minor amendments to plot boundaries. APPROVED
- 6.7 2018/0755/NMA - Non-Material Amendment to planning permission 2016/0706/ARM - Variation of site layout. APPROVED
- 6.8 2016/0706/ARM - GRANTED (29.09.2017) Approval of Reserved Matters for 128 dwellings, light industrial units and associated road and infrastructure and parking including details of appearance, landscaping, layout and scale, together with an application to discharge Condition No's 16, 17, and 18 of planning permission 2013/0104/OUT.
- 6.9 2013/0104/OUT - GRANTED (27.06.2014) Outline – Housing and employment development (including details of access)
- 6.10 2006/0097 GRANTED (18.07.2006) Listed Building Consent - Demolition of mansion house.
- 6.11 2003/0319 REFUSED (04.09.2003) Outline - Mixed use development comprising residential development and extension to playing fields on land to North & East of Mansion House & development of land to South of Greaves Hall Avenue to accommodate any or all of use Class B1(a) offices, Class C2 residential institutions, Class D1 non-residential institutions (including details of means of access).
- 6.12 1994/0305 GRANTED (19.05.1994) Change of use from hospital administrative, service and ward buildings to commercial/industrial uses (incl. offices, light industry, general industry, storage or distribution or estate canteen); creation of new car parking and servicing areas and alterations to existing access.
- 6.13 1992/0708 Outline - (including details of means of access) - Demolition of ward blocks, nurses' flats and 1 & 2 The Close. Development of 21.7 acres for residential use to

provide 200 houses. Development of 2.5 acres for up to 40 units of sheltered housing or low cost housing. Development of 4.8 acres for institutional use in grounds including up to a 40,000 sq. ft. two storey building. Use of 16.4 acres for open space/amenity including the retention of existing trees and tree belts. Alterations to vehicular/pedestrian access including new estate road and footpaths. Use of land for pitch and putt golf.

7.0 CONSULTEE RESPONSES

- 7.1 ENVIRONMENT AGENCY (27/07/20, 05/02/20 and 07/05/21) - No objection subject to conditions.
- 7.2 LEAD LOCAL FLOOD AUTHORITY (20/04/20 and 03/06/21) – No objection subject to conditions.
- 7.3 LCC HIGHWAYS (03/02/20 and 17/05/21) – No objection in principle. The private access to the dwellings is not to an adoptable standard and must be managed and maintained by a management company.
- 7.4 UNITED UTILITIES (03/02/20) – No objection subject to conditions.
- 7.5 LCC EDUCATION (22/01/20 and 21/05/21) – No education contribution required.
- 7.6 CADENT (17/01/20) – Recommend informative.
- 7.7 LANCASHIRE CONSTABULARY (16/01/20) – Advice provided on "secured by design"
- 7.8 ENVIRONMENTAL HEALTH MANAGER (13/10/20) and (10/11/21) – No objection subject to conditions. The revised plans propose flats rather than houses in the location closest to the industrial premises. On balance, in line with the development already accepted on this site, and as the proposed properties are flats with no dedicated outside garden, the scheme is appropriate provided that the acoustic design of the properties is robust.

8.0 OTHER REPRESENTATIONS

- 8.1 I have received objections from the owner of the adjacent commercial building, Granite House, and his agent along with an Acoustic review report commissioned by them. Many of the concerns raised relate to earlier versions of the scheme which showed different proposed layouts and house types. Concerns relate to:

General comments

- flats have no gardens
- The revised proposed property types and layout rely upon a minimisation of opening window lights, mechanical ventilation and summer cooling function. These, in addition to the proposed attenuation barrier, are extreme measures in terms of trying to achieve a planning consent and would present an austere backdrop which would appear to be detrimental to the visual amenities of the householders
- the first floor of these properties represents the full living area of the units and not just incorporating the bedrooms as in a normal house. Given that the windows / patio doors of this full living space is at a height commensurate with the top of the proposed noise attenuation barrier, then there surely must be some concerns about the more likely possibility of noise passage above the barrier to the environs of those first floor units, particularly for the upstairs flats in the block 147 - 150 which would enjoy considerably less attenuation protection for those units than for a ground floor flat.
- proposed boundary treatment to the east of Granite House is not clearly defined;

- description should include replacement of approved light industrial land use;
- loss of employment land on this mixed use site, contrary to policy EC3 and GN4;
- Stone Masters currently employ 55 people and remain a high profile local and regional company and have no intention of moving. There has been ongoing investment on the site and permission granted for an overhead crane;
- although some of the business will relocate to Preston, Granite House is intended to remain operational;
- houses in such close proximity instead of light industrial units might have an impact on business activity with regard potential complaints from future residents;
- juxtaposition of B2 use and C3 dwellings is not compatible;
- the applicant's noise report identifies exceedance of its own, excessive criteria within the gardens of the proposed dwellings;
- nearest house on eastern boundary, and open operational area, would be just 4.5m and 5m away and only 18m to the building;
- approved development is further away from Granite House and therefore do not create a precedent;
- refer to the decision in *Coventry v Lawrence* 2014, which in summary states that if you move to an existing noise source it cannot be a statutory nuisance;
- the approved site layout affords a compatible land use in terms of B1 light industrial but what is now proposed is not;
- visual impact of acoustic fence is extreme and incongruous;
- the need to keep windows closed is an extreme measure that qualifies the unacceptability of the dwellings;
- gardens in proposed dwellings would not be able to be enjoyed;
- no evidence of the marketing of the approved B1 units so the granting of an alternative use is premature;
- without the B1 units, it is an opportunity missed to promote a sustainable mixed use development;
- some of the abnormal budgets would equally apply to residential development;
- a recent noise complaint has been sent to the Council from an occupier of a dwelling further from the site than the Seddon Homes site and whether this was unfounded or not, then what might be the potential for regular complaint from the prospective occupiers of the proposed housing in the current applications given the relation of the site to Granite House;
- if the seven dwellings closest to Granite House on the eastern side were removed from the application and only the eight remained in their current position, Granite house would remove their objection (based on the originally proposed layout);
- previous concerns raised in the determination of the Reserved Matters approval 2016/0706/ARM still remain valid;

Granite House Noise Consultant's comments (Martin Environmental Solutions)

- the area is not considered to be urban, as a result the suitable external sound level to be experienced by the proposed properties should not exceed 50dB LAeq,16hrs;
- the appropriate assessment of industrial noise affecting residential properties are those detailed within BS4142:2014 'Method for rating industrial and commercial sound';
- Martin Environmental Solutions undertook monitoring at the boundary of Granite House over the period 12-14th August and 3rd-4th September to obtain representative sound levels for the activities at Granite House and for comparison with those obtained by Red Acoustics and the levels identified are in alignment with those reported by Red Acoustics;
- external sound levels have been identified at <55dB LAeq,16hrs with some areas of the garden at 58dB LAeq,16hrs. The appropriate external guidance sound levels for outdoor areas, in line with BS8233:2014, in this situation would be levels below 50dB LAeq. Thus, in some parts of the garden there is an excess of over 8dB above the guideline sound level;

- the appropriate assessment methodology for determining the impact upon the proposed dwellings is BS4142:2014. This has not been undertaken, and as such the assessment report is considered to be insufficient to allow the local planning authority to adequately assess the impact upon the proposed development and to assess its suitability;
- the difference between the reported ambient and residual sound levels presented in the report the specific sound level from activities at Granite House would be in the region of 55dB LAeq. In accordance with BS4142:2014 a correction factor should be applied to the specific sound level for any tonal impulsive, intermittent or other sound characteristics associated with the source noise. Activities at Granite House can contain all of these elements, with harsh high frequency cutting noise, intermittent and impulsive noises within the yard area and general distinguishable sound characteristics from the operations;
- A correction of 10dB would be considered suitable covering tonality, intermittency and other characteristics. This results in a rating level of 58dB at the nearest proposed property. Significant above the daytime residual sound level of 40dB LAeq identified by Red Acoustics;
- As such, even with the mitigation measures identified by Red Acoustics the impact upon the proposed dwellings is likely to have a significant adverse effect. As such the current application should be refused.

9.0 SUPPORTING INFORMATION

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

10.0 RELEVANT PLANNING POLICIES

- 10.1 The National Planning Policy Framework (NPPF), the National Planning Policy Guidance (NPPG) and the West Lancashire Local Plan (2012-2027) (WLLP) provide the policy framework against which the development will be assessed.
- 10.2 The site is allocated as EC3 (i) – Rural Development Opportunity, EN3 – Green Infrastructure / Open recreation Space in the Local Plan.
National Planning Policy Framework (NPPF)
 Building a strong competitive economy
 Promoting sustainable transport
 Delivering a wide choice of high quality homes
 Achieving well-designed places
 Meeting the challenge of climate change, flooding and coastal change
 Conserving and enhancing the natural environment

West Lancashire Local Plan 2012-2027 DPD

- SP1 – A Sustainable Development Framework for West Lancashire
- GN1 – Settlement Boundaries
- GN3 – Criteria for Sustainable Development
- GN4 – Demonstrating Viability
- EC3 – Rural Development Opportunities
- RS1 – Residential Development
- RS2 – Affordable and Specialist Housing
- IF2 – Enhancing Sustainable Transport Choice
- IF3 – Service Accessibility and Infrastructure for Growth
- IF4 – Developer Contributions
- EN1 – Low Carbon Development and Energy Infrastructure

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

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Principle of Development

- 11.1 The site in question is part of a Rural Development Opportunity Site allocated under policy EC3(i) of the adopted West Lancashire Local Plan (WLLP). The context for policy EC3 (paragraph 6.30 of the WLLP) advises that the intention is to use the rural development opportunity sites for employment purposes, but, accepting that this is not always a viable option for such rural sites, some flexibility is allowed in that residential uses can be considered on part of the site in order to facilitate the development of the site as a whole. However, it is intended (for example, in the interests of sustainable development, as well as the rural economy) that at least some employment uses be delivered on each of the Development Opportunity Sites. To this end, policy EC3 states:

In the interests of the rural economy, employment generating uses will be required to form part of any proposal, the level of which will be determined on a site by site basis and in accordance with national and local planning policy.

- 11.2 The Greaves Hall Hospital site gained outline consent in June 2014 (planning application reference 2013/0104/OUT), at which time it was indicated that around 0.8ha of land would be for employment uses. Concern was expressed during determination of the application at the relatively small amount of land proposed for employment uses, but it was accepted that viability constraints meant that no more land could reasonably be developed for such uses. Within the Reserved Matters approval for the Greaves Hall Hospital site as a whole, 687m² of Class B1 floorspace was approved.
- 11.3 This current application proposes to replace this small amount of employment land with housing, therefore meaning that no new employment-generating uses would be delivered on site EC3(i), but that just one existing commercial site would be retained..
- 11.4 This application is proposing housing on land effectively 'allocated' for employment uses (as policy EC3 requires employment uses on part of the Rural Development Opportunity site, and this is the only part of the site where employment uses have been granted permission). As such, this application is akin to the scenario envisaged under policy GN4 whereby the Council seeks to retain existing commercial/industrial and retail land/premises, unless it can be demonstrated that one of three tests can be met. The applicant has submitted an employment viability assessment in order to demonstrate that the use of the site for employment use is not viable under the first test (GN4 1(a)).
- 11.5 The applicant's employment viability assessment concludes that given the relatively small scale nature of the development, assuming a nil land value, the development yields a severely compromised low (negative) profit of minus 5.09%. To further test the viability a further appraisal was run with a land value of £150,000 per acre which delivers a (negative) profit on GDV of minus 18.34%. Based on these returns, the applicant considers there are justified grounds which demonstrate that it is not financially viable to provide the approved employment uses.

- 11.6 In order to verify the viability of the employment use approved by virtue of application 2016/0706/ARM, the Local Planning Authority instructed Keppie Massie to review the submitted information. Keppie Massie have confirmed that the scheme provides a significant deficit of £681,322 before a benchmark land value is considered, and a higher deficit of £765,322 if a benchmark land value of £84,000 is adopted. In essence, the costs of building the approved B1 units would mean that rents would have to be significantly higher than the location could support and render the units unleaseable.
- 11.7 In view of the above, Keppie Massie have confirmed that the approved employment units are unviable. In my view it is likely any other commercial or leisure use would be similarly unviable and constrained. As such, I am satisfied that new B1 employment use on this site is unviable and therefore the requirements of Policy GN4 have been met. There is no further requirement within Policy GN4 to demonstrate viability with regards marketing of the site. Moreover, in terms of Policy EC3, as no quantum of employment use on a Rural Development Opportunity site is specified within the policy, it could be argued that the existing Granite House site fulfils this requirement. On this basis, the use of the site for residential purposes is considered to be acceptable.

Affordable and Specialist Housing for the Elderly

- 11.8 Reserved Matters approval and a further details permission has been given for a total of 144 dwellings on the site and provision of 35% affordable housing is generally required on sites of this scale under the terms of Policy RS2 of the Local Plan. In addition to this, Policies RS1 and RS2 also require that 20% of new residential units should be suitable for the elderly. As part of the Reserved Matters application a viability assessment confirmed that due to abnormal costs associated with remediation of the site, (amongst other matters) the provision of affordable houses would have rendered the site unviable. Notwithstanding the situation at the time of Reserved Matters approval, it is prudent to reassess the viability position having regard to the proposed increase in dwellings (15). As such, the application includes the submission of an updated viability assessment (separately from the employment viability assessment referred to above).
- 11.9 The updated assessment has been reviewed by Keppie Massie (instructed by the Local Planning Authority). Keppie Massie have confirmed that when considered on a holistic basis with the whole of the wider site, the proposed development cannot support any affordable or specialist elderly housing provision. Similarly, it is considered that when the 15 dwelling scheme is taken in isolation, it also cannot support any affordable or specialist elderly housing provision. This is mainly due to the abnormal costs associated with the development of the wider site (abnormal foundations, cut and fill, attenuation, off-site highway works to Greaves Hall Ave and Aveling Drive, acoustic glazing, pump station and culvert replacement). As such, I am satisfied that the overall development is still not sufficiently viable to facilitate any affordable housing.

Siting, Layout and Design

- 11.10 Policy GN3 in the Local Plan together with the Council's SPD Design Guide states that new development should be of a scale, mass and built form that responds to the characteristics of the site and its surroundings. New development is required to have regard to visual amenity and complement its surroundings through sensitive design, including appropriate siting, orientation and scale.
- 11.11 The 2017 Reserved Matters and the further 2019 permission (2019/1200/FUL) included various types and size of dwellings, including 2 bedroom apartments and houses and 3 and 4 bed detached houses as a mix of semi-detached and detached. The proposed layout and housetypes have been amended since first submission in order to address

noise issues and includes housetypes and two-storey apartment blocks found elsewhere on the site. Whilst a high acoustic fence is proposed along the western boundary, this will be screened by planting and is the same as that found elsewhere on the wider site. In my view the proposed development respects the character and identity of the surrounding area where the materials, house types, scale and form are similar to the residential dwellings in the vicinity in accordance with Policy GN3, and the Design Guide SPD.

- 11.12 Each dwelling benefits from a minimum of two parking spaces, located to the front of the property or within a small parking court. With the exception of the 8 apartments, a private garden is provided to the rear of each dwelling which meet the standard of 10m except one dwelling, which has an angled rear garden. One block of apartments (plots 141 to 144) also incorporates a private garden area. However the other block of apartments (plots 147 to 150) does not incorporate a private garden. Notwithstanding this, there is a small amount of greenspace around the building and a short walk to a large area of public open space. The amount of open space provided on this site far exceeds that required by the adopted Open Space SPD - approx. 3.26 hectares of public open space on the eastern greenfield part of the wider site. Furthermore, the recently approved development on land to the east of Guinea Hall Lane provides a new play area and 'green gym' adjacent to the school and leisure centre that would equally serve the development here. I am therefore satisfied that adequate open space is provided within close proximity to the apartments for the use of residents.
- 11.13 The spatial separation distances between windows of the proposed two storey dwellings and the surrounding approved dwellings meet the 21m distance standard as do the relationships between windowed elevations and side/flank walls of proposed and approved properties at 12m with the exception of one gable facing the rear of approved plot 51 which is only 11m but does not contain any windows in the gable and can be conditioned to remain so.
- 11.14 I am satisfied that the proposed development would meet the requirements of Policy GN3 of the Local Plan and the Design Guide SPD in relation to the design of the individual dwellings. Issues in relation to impact on residential amenity as a result of the siting and layout will be raised later in this report.

Access and parking

- 11.15 The site will be served off new estate roads from both Aveling Drive and Greaves Hall Avenue and I am satisfied that the addition of 15 dwellings to the highway network will be negligible. In terms of parking provision, it is acknowledged that each dwelling has been afforded appropriate off-road parking provision. LCC Highways have been consulted and raise no objection to the proposed development in principle, although they do consider the internal garage measurements to be below standard. As such, driveways have been widened on the two plots affected so that they can accommodate the required 3 vehicles for a 4 bedroom property. Details of electric vehicle charging points have provided. I am satisfied that vehicles can park and manoeuvre safely within the site and that the proposed is compliant with Policy GN3 and IF2 in the Local Plan.

Noise and Residential Amenity

- 11.16 Policy GN3 of the Local Plan states that proposals for development should retain or create reasonable levels of amenity for occupiers of the proposed and neighboring properties. Paragraph 185 of the NPPF advises that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life. Paragraph 187 goes on to state that planning policies and decisions should ensure that

new development can be integrated effectively with existing businesses and community facilities and that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant should be required to provide suitable mitigation before the development has been completed. The National Planning Policy Guidance (NPPG) refers to both the NPPF and the Noise Policy Statement for England (NPSE) confirming they do not expect noise to be considered separately from the economic, social and other environmental dimensions of the proposed development.

- 11.17 The NPSE seeks to protect health and quality of life from the effects of noise and introduces the concept of the Lowest Observed Adverse Effect Level (LOAEL) and the Significant Observed Adverse Effect level (SOAEL). The World Health Organisation (WHO) also provide advisory noise thresholds which have been given due consideration in the assessment of this application.
- 11.18 As with the 2017 Reserved Matters application, a key consideration with the proposed development is the potential noise impact upon the living conditions of future residents and how the proposed development would impact upon the existing industrial business at The Granite House. The established use of this commercial building is for B1, B2 and B8 uses. There are no hours restrictions on the use of the building and no specific noise conditions, therefore, the building could be used, in theory, 24 hours a day, 7 days a week. It is currently used by Stone Masters Ltd who provide granite, quartz and stone worktops and use cutting, a crane and forklift machinery inside and outside the building (2017/0240/LDC).
- 11.19 As part of the Reserved Matters approval for the wider site , it was recognised that some of the proposed dwellings would be impacted by noise from Granite House and therefore mitigation was incorporated into the scheme in the form of enhanced acoustic glazing on certain plots and an acoustic fence surrounding Granite House. In addition, the approved B1 units to the east of Granite House acted as a noise buffer to the approved dwellings beyond.
- 11.20 The layout and housetypes proposed on this part of the site where the approved B1 units are to be replaced with dwellings has been amended from the initial submission, due to noise concerns about the close proximity of rear gardens to the adjacent business. The scheme has been amended to replace individual dwellings with two apartment blocks closest to this boundary. This now results in the closest block of properties to the industrial Granite House site (plots 147 to 150) being located approximately 1.5m east of the boundary and approximately 11m from the industrial building itself. This is significantly closer than any other dwellings on the site.
- 11.21 A noise report was initially submitted in support of the application, undertaken by Red Acoustics. Noise surveys were undertaken in April 2019, before the global pandemic when Granite House was operating at normal capacity. The noise report advised that the inclusion of the proposed 15 dwellings to the east of Granite House could be achieved without those plots being impacted to a greater degree than already previously assessed (in the 2017 RM application), provided a 3m high acoustic fence and input ventilation and double glazing was provided as mitigation.
- 11.22 However, a report critiquing the applicant's noise assessment was submitted by a consultant on behalf of the owner of Granite House (MES). It is helpful to be aware that MES found that the levels they measured were in alignment with those measured by the applicant's noise consultant Red Acoustics. However, MES disagreed with the

methodology used to assess those noise levels and concluded that an incorrect BS had been used, therefore the applicant was unable to demonstrate the proposed dwellings would not be adversely affected by unacceptable levels of noise and the Local Planning Authority could not therefore adequately assess the impact. MES also contended that excessive noise would be experienced within garden areas. All the information submitted was considered by the Council's Environmental Health Officer, who scrutinised the information, their own records and relevant noise protection legislation and case law and visited the site.

- 11.23 The Council's EHO initially considered the impact of noise levels on residents of the proposed dwellings would be unacceptable. However, amended plans have since been received altering the layout and design of the scheme along with a revised noise assessment from Red Acoustics. The EHO has been reconsulted and given due consideration to the noise information submitted by both Red Acoustics and by Martin Environmental Solutions, and the revised layout and design. The submitted acoustics report indicates that as the nearest apartments will have no private external amenity space, there will be no issues with garden noise. Internally an acceptable residential environment can be achieved with the provision of mechanical ventilation and an acoustic fence round the Granite House Service yard.
- 11.24 After detailed scrutiny, the Council's EHO considers that on balance, given the mitigation proposed, in line with the development already accepted on this site, the scheme is acceptable in principle, subject to the imposition of conditions to secure the noise mitigation measures.
- 11.25 In addition to noise there may be a potential impact on occupiers of the proposed apartments from the impact of fumes and/or dust from the existing business at Granite House. This has the potential to impact on the amenity of future residents. However, it is considered that the noise mitigation measures (high fence, closed windows etc.) will give an appropriate degree of protection in this regard..
- 11.26 The NPPF states at paragraph 187 that *Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.* The Council's Environmental Health Officer has had regard to an important judgement of the Supreme Court in the case of *Coventry and Others-v-Lawrence and Another* in 2014 in the assessment of the planning application and in formulating a response (in essence, should planning permission be granted and dwellings be built on land adjacent to Granite House, if the Council were to receive complaints about noise or any other alleged statutory nuisance emanating from Granite House and affecting the senses of others, the Council's EHO would have to have regard to the existence of the hitherto activities at Granite House when considering whether or not there might be a statutory nuisance).
- 11.27 Having considered the likely impact of the proposed development in terms of noise, dust and odour I am now satisfied that the revised layout and change from individual dwellings with gardens to apartments, together with mitigation proposed (3m high acoustic fence adjacent to the Granite House boundary and positive input ventilation), it has been demonstrated that the proposed dwellings would provide a satisfactory residential environment for future occupants. Therefore the application accords with Policy GN3 in the Council's adopted Local Plan and paragraph 185 of the NPPF.

Drainage

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

Other Matters

- 11.31 The proposed additional dwellings do not impact upon existing trees and I am satisfied that the large area of open space to the east and its ecological enhancement as required through the Reserved Matters approval, provides biodiversity gain. Therefore the proposed development is considered compliant with Policy EN2 of the Local Plan.
- 11.32 Concern has been expressed by the owner and occupier of the Granite House, that the future business potential of Granite House will be compromised by the proposed development. Local Plan Policies SP1 and EC1 aim to facilitate economic growth in the Borough and the Council is fully supportive of local business growth. A key aim of the Council's Economic Development Strategy 2015-2025 is to support growing businesses. The NPPF promotes the growth of sustainable business. I acknowledge the contribution that Stone Masters make to the West Lancashire economy and beyond.
- 11.33 In this instance, despite the close proximity of the proposed dwellings to the operational yard area of Granite House, due to the revised layout and amended housetypes and orientation, it has been demonstrated and verified by the Council's Environmental Health Officer that the proposed development would not compromise the growth of the business in terms of the potential for noise and dust/fumes to impact upon neighbouring residential amenity in accordance with policy GN3 of the Local Plan and the NPPF.

Summary

- 11.34 In summary, the replacement of the approved B1 units with the erection of 15 dwellings on the site complies with the NPPF, Policy GN3 of the Local Plan and is considered acceptable, given the demonstrated lack of viability for commercial units in this location .

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 Phase 4 Construction Layout H5098-SL06 Rev A received by the Local Planning Authority on 16th December 2021;
Plan reference Proposed Site Layout Parcel B 1986 - BR.SP.B.01DGL Rev E received by the Local Planning Authority on 26th May 2021 (RED EDGE ONLY);
Plan reference The Elton V2.1-ELT4-01 Rev A received by the Local Planning Authority on 13th December 2021;
Plan reference The Hartford V3.0 Rev A received by the Local Planning Authority on 25th May 2021;
Plan reference The Denholme V2.1 - DEN - 01 rev 1 received by the Local Planning Authority on 9th January 2020;
Plan reference The Bowland V2.1 - BOW-SPE-BAY - 01 Rev 1 received by the Local Planning Authority on 9th January 2020;
Plan reference Noise barrier Phasing plan 1986 - BR.SP.06.DGL Rev C received by the Local Planning Authority on 22nd November 2019;
Plan reference Reflective Sound Screens received by the Local Planning Authority on 22nd November 2019
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. All noise mitigation measures to each of the dwellings including recommended acoustic glazing and Positive Input Ventilation systems shall be installed as detailed in Appendix A of the Technical Note dated 8th April 2021 by Red Acoustics Ref:R1226-T01C-PB received by the Local Planning Authority on 22nd April 2021 prior to occupation of any dwelling.
Reason: To safeguard occupiers from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
4. Prior to occupation of any dwelling, boundary and acoustic fencing shall be installed in accordance with the locations, materials and heights specified in the following:
Phase 4 Boundary Treatments Plan ref: H5098-BT06 Rev A received by the Local Planning Authority on 16th December 2021 and
Appendix A of the Technical Note dated 8th April 2021 by Red Acoustics Ref:R1226-T01C-PB received by the Local Planning Authority on 22nd April 2021. The specification of the boundary and acoustic fencing shall be as detailed in the Noisestop Acoustic Screen "Reflective Sound Screens" received by the Local Planning Authority on 22nd November 2019.
Reason: To safeguard occupiers from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
5. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials and should be reflective of those within the surrounding area, unless otherwise agreed in writing by the Local Planning Authority.

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

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

6. The parking provision shown on the approved plans ref: 1968-BR.SP.B.01DGL Rev E shall be provided prior to first occupation of the dwelling to which it relates. The parking area shall be hardsurfaced in porous materials and shall be made available for its intended use at all times thereafter.

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

7. Electric Vehicle Charging Points shall be provided in accordance with the details indicated in plan ref: Phase 4 EV Layout H5098-EV06 Rev A received by the Local Planning Authority on 16th December 2021 prior to the occupation of the dwellings hereby approved and retained as such thereafter.

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.

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

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

- hard surfaced areas and materials,
- planting plans, specifications and schedules, planting size, species and numbers/densities and a scheme for the timing / phasing of work.
- A detailed regime for the ongoing and longer term maintenance of all soft landscaping is also required to be submitted for approval.

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

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

Reason: To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 and EN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

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

The approved scheme shall be implemented and retained thereafter.

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

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

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

11. No development on the construction phase shall commence until final details of the design and implementation of an appropriate surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:
- a) A final surface water drainage layout plan; appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels and external ground levels (in AOD);
 - b) A full set of flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30year and 1 in 100 year return period plus an appropriate allowance for climate change and urban creep. The calculations must also demonstrate that surface water run-off from the application site will not exceed a maximum rate of 60.4l/s;
 - c) A final site plan showing all on-site surface water catchment areas, i.e. areas that will contribute to the proposed surface water drainage network;
 - d) Confirmation of how surface water will be managed within the non-drained areas of the site, i.e. gardens and public open space;
 - e) A final site plan showing all overland flow routes and flood water exceedance routes, both n and off site;
 - f) Details of any measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses; and
 - g) Details of an appropriate management and maintenance plan for the surface water drainage network over the lifetime of the development.

The scheme shall be implemented in accordance with the approved details prior to first occupation or completion of the development, whichever is the sooner. Before any dwelling is occupied, a validation report (that demonstrates that the drainage scheme has been carried out in accordance with the approved plan) must be submitted to the Local Planning Authority. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

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

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

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

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

Reason for Approval

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

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

GN4 - Demonstrating Viability

EC3 - Rural Development Opportunities

RS1 - Residential Development

RS2 - Affordable and Specialist Housing

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

IF4 - Developer Contributions

EN1 - Low Carbon Development and Energy Infrastructure

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN3 - Provision of Green Infrastructure and Open Recreation Space

together with Supplementary Planning Guidance and all relevant material considerations.

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

