



Jacqui Sinnott-Lacey
Chief Operating Officer
52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Tuesday, 8 March 2022

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

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET, ORMSKIRK, L39 2DF** on **THURSDAY, 17 MARCH 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 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** 801 - 802
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** 803 - 806
To receive as a correct record the minutes of the meeting held on the 9 February 2022.
- 7. PLANNING APPLICATIONS** 807 - 816
To consider the report of the Corporate Director of Place and Community.
- 7a 2020/1267/FUL - LAND TO THE WEST OF NEVERSTITCH ROAD, SKELMERSDALE** 817 - 846
To consider the report of the Corporate Director of Place and Community.
- 7b 2021/1194/FUL - HOLLY FOLD FARM, RAINFORD ROAD, BICKERSTAFFE, ORMSKIRK** 847 - 860
To consider the report of the Corporate Director of Place and Community.
- 7c 2021/1046/FUL - FORMER UNIVERSAL BULK HANDLING LTD, ORRELL LANE, BURSCOUGH, ORMSKIRK** 861 - 884
To consider the report of the Corporate Director of Place and Community.
- 7d 2021/0032/FUL - 12 WIGAN ROAD, ORMSKIRK** 885 - 892
To consider the report of the Corporate Director of Place and Community.
- 7e 2021/0332/FUL - THE FOOD SHOP, 26 BEARNCROFT, DIGMOOR, SKELMERSDALE** 893 - 904
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**.

	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: Wednesday, 9 February 2022

Start: 7.00 p.m.

Finish: 8.15 p.m.

PRESENT:

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

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

In attendance: Councillor J Howard (North Meols 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

101 APOLOGIES

Apologies for absence were received on behalf of Councillor I Moran.

102 MEMBERSHIP OF THE COMMITTEE

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

103 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

104 DECLARATIONS OF INTEREST

1. Councillor Thompson declared a pecuniary interest in respect of planning application 2021/1268/FUL relating to 2 Hardacre Street as she lived in close proximity to the application site and indicated that she would leave the Chamber during consideration of this application and take no part in the decision making process.
2. Councillor Finch declared that he considered himself to be pre-determined on planning application 0332/FUL relating to the Food Shop, 26 Bearcroft, Skelmersdale and that he would be speaking in his capacity as a Ward

Councillor for this item and therefore would take no part in the decision making process.

105 **DECLARATIONS OF PARTY WHIP**

There were no Declarations of Party Whip.

106 **MINUTES**

RESOLVED: That the minutes of the meeting held on the 12 January 2022 be approved as a correct record and signed by the Chairman.

107 **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 747 to 782 of the Book of Reports and on pages 797 to 799 of the Late Information Report.

(Notes.

1. Councillor Thompson had declared a pecuniary interest in respect of planning application 1268/FUL relating to 2 Hardacre Street, Ormskirk as she lived in close proximity to the application site and therefore left the Chamber during consideration of this item.
2. 2 Objectors spoke in connection with planning application 0332/FUL relating to the Food Shop, 26 Bearcroft, Digmoor, Skelmersdale and left the Chamber after consideration of this item.
3. In accordance with Regulatory Procedure Rule 7(a), Councillor Howard spoke as a Ward Councillor in connection with planning application 1383/FUL relating to Land to the West of Todds Lane, Banks.
4. Councillor Finch had declared himself to be pre-determined on planning application 0332/FUL which related to the Food Shop, 26 Bearcroft, Digmoor, Skelmersdale and that he would remove himself from the position of Vice-Chairman to speak as a Ward Councillor on this application, taking no part in the decision making process for this item only.
5. In accordance with Regulatory Procedure Rule 7(a), Councillor Finch spoke as a Ward Councillor in connection with planning application 0332/FUL relating to the Food Shop, 26 Bearcroft, Digmoor Skelmersdale).

108 **2021/1057/FUL - CHORLEY CONCRETE LIMITED, SKULL HOUSE LANE, APLEY BRIDGE**

RESOLVED: That planning application 1057/FUL relating to Chorley Concrete Limited, Skull House Lane, Appley Bridge be approved subject to the conditions and reasons as set out on pages 751 to 752 of the Book of Reports.

109 **2021/1268/FUL - 2 HARDACRE STREET, ORMSKIRK**

RESOLVED: That planning application 1268/FUL relating to 2 Hardacre Street,

Ormskirk be approved subject to the conditions and reasons as set out on page 756 of the Book of Reports.

110 2021/1307/WL3 - 5 HOLMESWOOD ROAD, RUFFORD

RESOLVED: That planning application 1307/WL3 relating to 5 Holmeswood Road, Rufford be approved subject to the conditions and reasons as set out on pages 760 to 761 of the Book of Reports.

111 2021/1383/FUL - LAND TO THE WEST OF TODDS LANE, BANKS

RESOLVED: That planning application 1383/FUL relating to Land to the West of Todds Lane, Banks be refused for the reason as set out below:-

Reason

The proposed amended design of the development would, by reason of its, scale massing and design, result in a cramped form of development which would be out of character with the area and be detrimental to the visual amenities of the street scene contrary to Policy GN3 of the West Lancashire Local Plan and the Supplementary Planning Document – Design Guide

112 2021/0332/FUL - THE FOOD SHOP, 26 BEARNCROFT, SKELMERSDALE

RESOLVED: That planning application 0332/FUL relating to The Food Shop, 26 Bearncroft, Skelmersdale be deferred to allow for further negotiations regarding highway matters with Lancashire County Council to take place.

113 2021/1308/WL3 - 7 MANOR CRESCENT, BURSCOUGH

RESOLVED: That planning application 1308/WL3 relating to 7 Manor Crescent, Burscough be approved subject to the conditions and reasons as set out on pages 781 to 782 of the Book of Reports.

114 PLANNING SERVICE REVIEW - UPDATE

Consideration was given to the report of the Corporate Director of Place and Community as contained on pages 783 to 787 of the Book of Reports the purpose of which was to outline the proposed actions and update members on progress with implementing the recommendations of the planning services review.

RESOLVED: That the agreed comments below be reported back to Cabinet:-

- (i) That it was felt that the proposed structure needed to be reconsidered with regard to Planning and Regulatory Services.
- (ii) That the Head of Planning and Regulatory Services should be a qualified Planner.

- (iii) That all members of the Council should receive planning training before either becoming a member of Planning Committee or acting as a substitute.

.....
Chairman



PLANNING COMMITTEE
17 March 2022

Report of: Development, Heritage & Environment Manager

Relevant Head of Service: 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	Bickerstaffe	2020/1267/ FUL	<p>Land To The West Of Neverstitch Road Skelmersdale Lancashire</p> <p>Demolition of existing buildings and erection of 200 dwellings, associated landscaping and infrastructure including access junctions from Neverstitch Road and Ormskirk Road, a temporary construction access onto Neverstitch Road, public open space including detention basin, an electricity substation, a foul pump station and other associated works.</p>	<p>The decision to grant planning permission be delegated to the Corporate Director of Place and Community in consultation with the Chairman or Vice Chairman of the Planning Committee subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 being entered into;</p>
2	Bickerstaffe	2021/1194/ FUL	<p>Holly Fold Farm Rainford Road Bickerstaffe Ormskirk Lancashire L39 0HJ</p> <p>Demolition of blocks 02, 04, 05, 06 and 07 on plan RBA_206_(2)_A201 and alteration, extension and reuse of the remaining unused, agricultural buildings to form 9 dwellings with associated garden curtilages and communal courtyard / parking, bin and cycle stores. Improvement to access works along Holly Lane (to include the provision of passing places, resurfacing and low-level bollard lighting for safety / security purposes), and minor junction alterations at the junction of Holly Lane / Rainford Road. The erection of a 'wildlife tower',</p>	<p>Planning permission be granted;</p>
3	Burscough West	2021/1046/ FUL	<p>Former Universal Bulk Handling Ltd Orrell Lane Burscough Ormskirk Lancashire L40 0SL</p> <p>Full application for demolition of</p>	<p>Planning permission be granted;</p>

			existing commercial building and erection of 54 no. residential dwellings with new access, car parking, landscaping and other associated works.	
4	Derby	2022/0032/ FUL	12 Wigan Road Ormskirk Lancashire L39 2AU Loft conversion, including rear dormer extension, and alterations to student HMO to provide 8 bedrooms.	Planning permission be granted.
5	Digmoor	2021/0332/ FUL	The Food Shop 26 Bearncroft Digmoor Skelmersdale Lancashire WN8 9HG Demolition of existing building and erection of 3 no. retail units and stopping up of part of the highway under section 257 of the Town and Country Planning Act 1990.	Planning permission be granted;



PLANNING COMMITTEE

17 March 2022

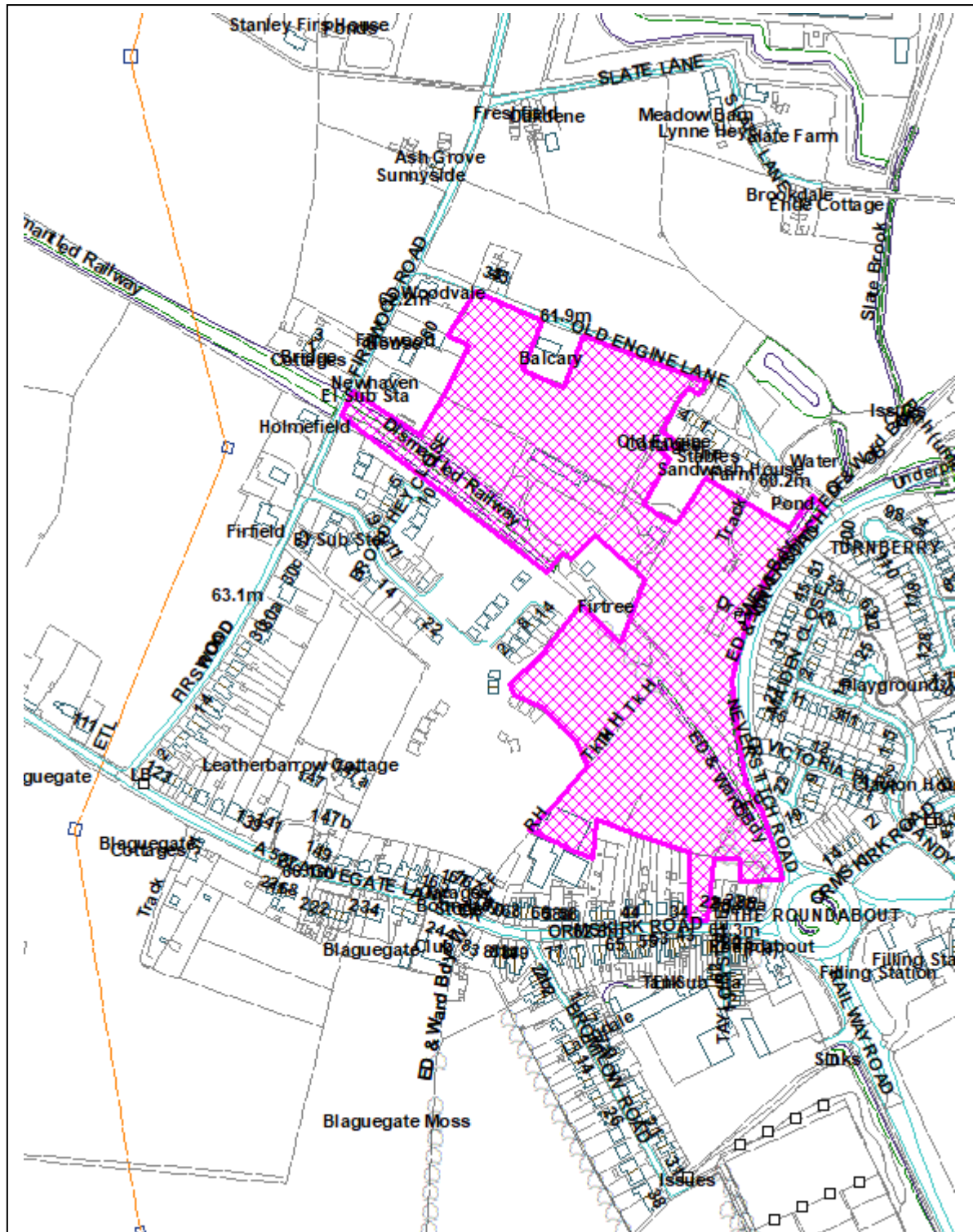
(Agenda Item 7)

PLANNING APPLICATION ITEMS

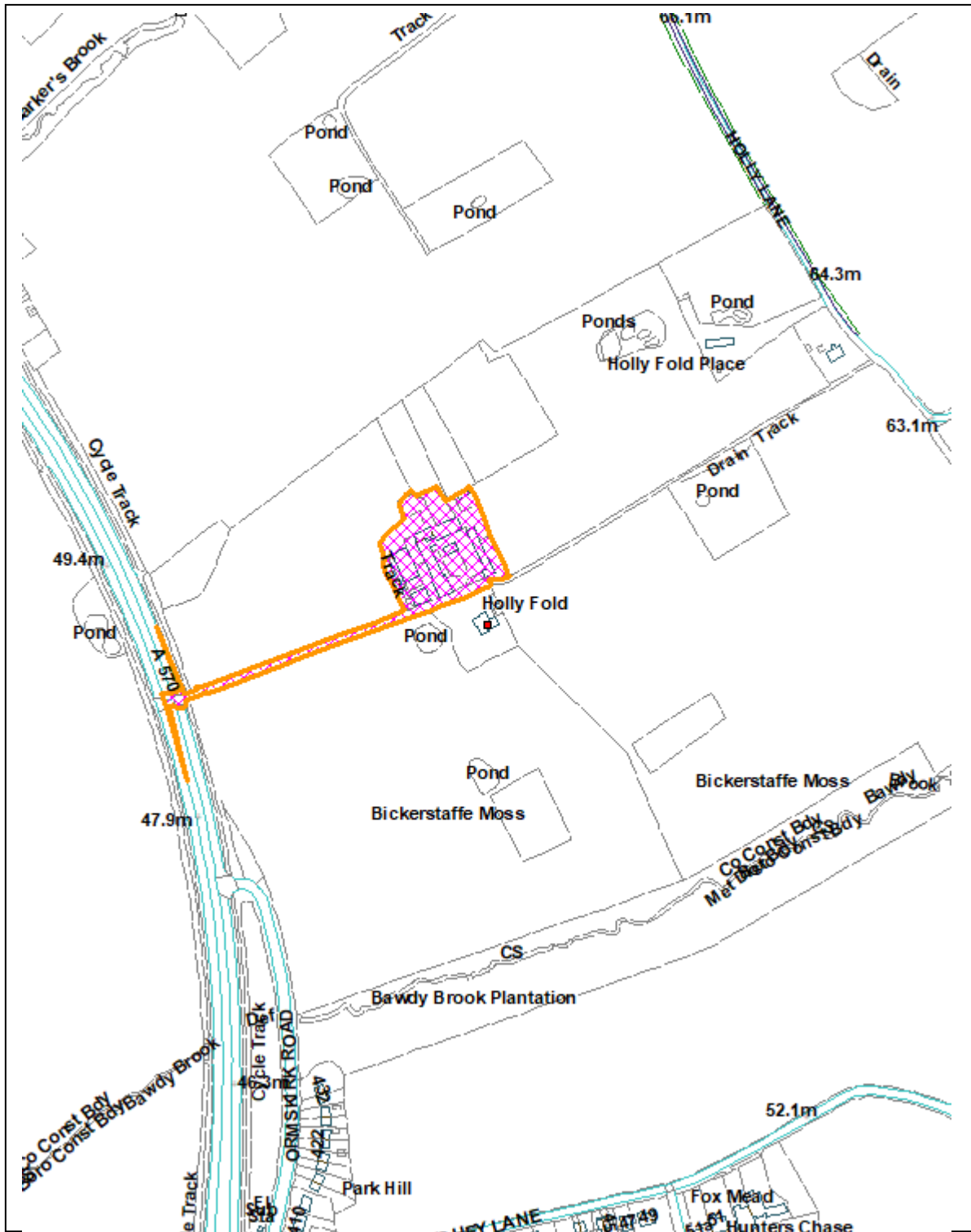
LOCATION PLANS

Report 1 : 2020/1267/FUL

Land To The West Of, Neverstitch Road, Skelmersdale, WN8 8ED

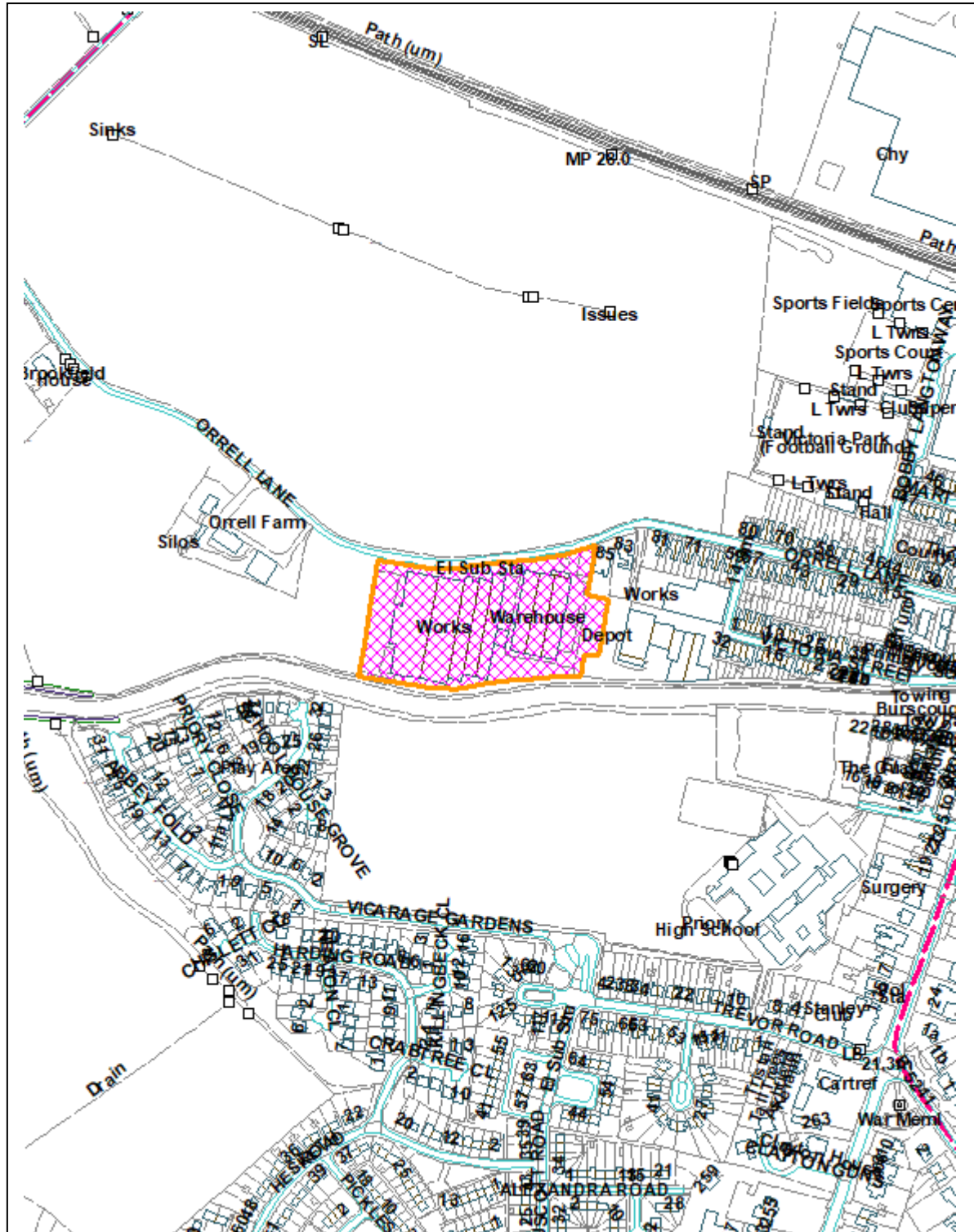


Holly Fold Farm, Rainford Road, Bickerstaffe, L39 0HJ

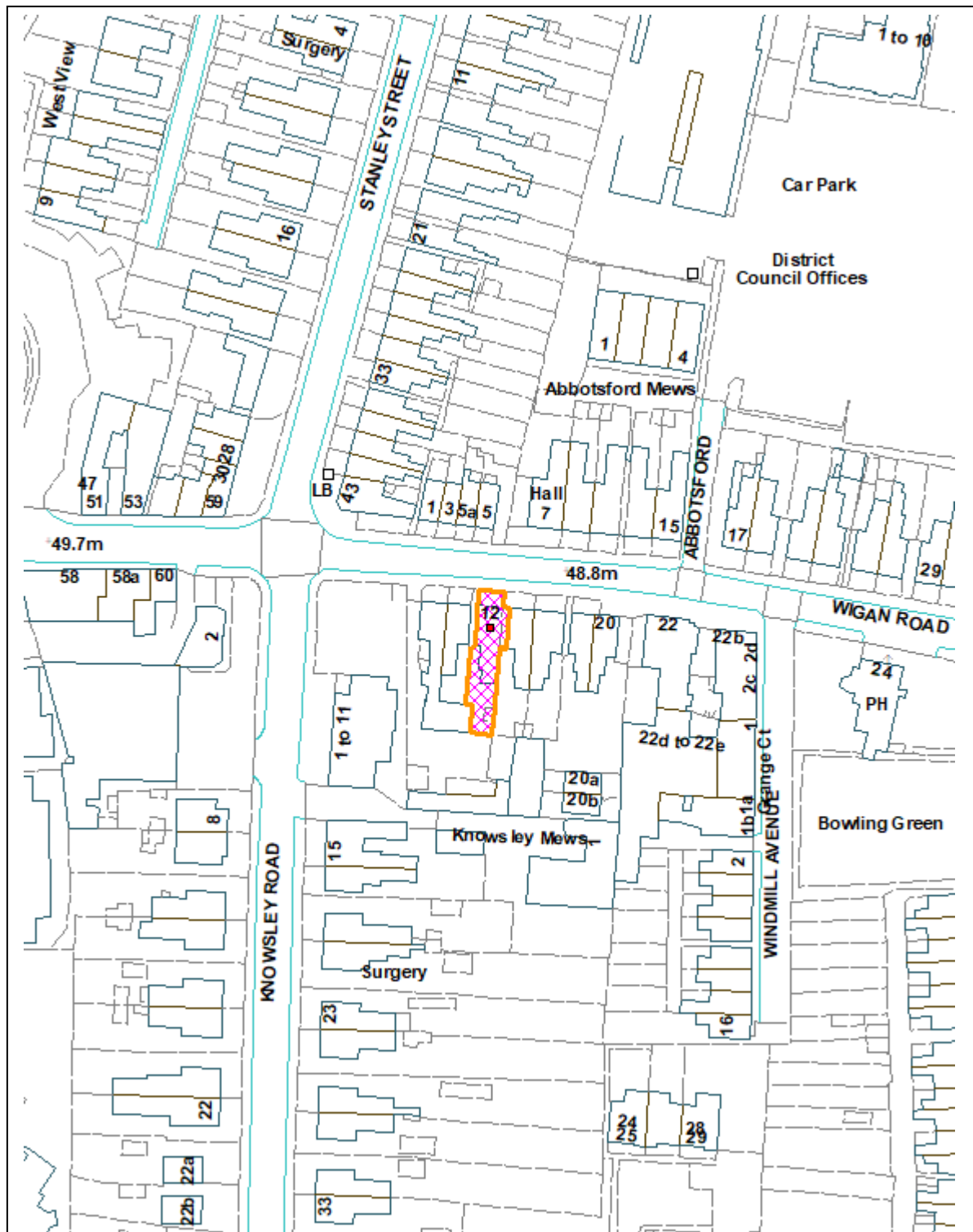


Report 3 : 2021/1046/FUL

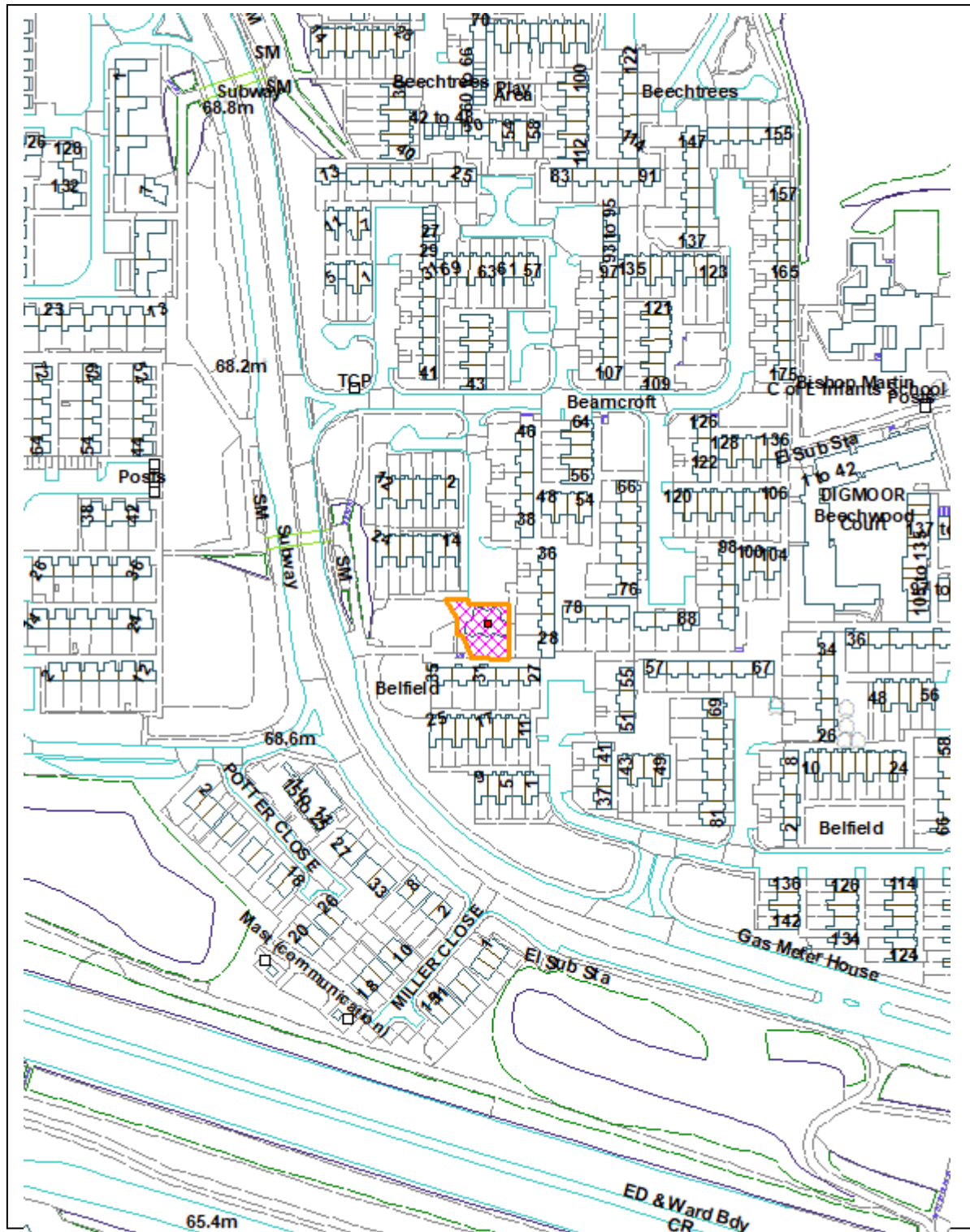
Former Universal Bulk Handling Ltd, Orrell Lane, Burscough, L40 0SL



12 Wigan Road, Ormskirk, Lancashire, L39 2AU.



The Food Shop, 26 Bearcroft, Digmoor, Skelmersdale, WN8 9HG



No. 1	APPLICATION NO.	2020/1267/FUL
	LOCATION	Land To The West Of Neverstitch Road Skelmersdale Lancashire
	PROPOSAL	Demolition of existing buildings and erection of 200 dwellings, associated landscaping and infrastructure including access junctions from Neverstitch Road and Ormskirk Road, a temporary construction access onto Neverstitch Road, public open space including detention basin, an electricity substation, a foul pump station and other associated works.
	APPLICANT	Ms Jane Aspinall & The Land Owners C/O Bellway Homes Ltd
	WARD	Bickerstaffe
	PARISH	Lathom South
	TARGET DATE	15th April 2021

1.0 **SUMMARY**

1.1 This is a detailed application for a housing development on an allocated housing site off Neverstitch Road, Skelmersdale/Lathom. The proposed access, layout, design and landscaping is considered to be acceptable. Satisfactory interface distances have been achieved in order to protect neighbouring residential amenity and the amenities of future occupiers. The detailed requirement of highways, ecology, drainage and contamination are acceptable, subject to the imposition of conditions. The scheme would provide affordable housing along with a contribution towards the Linear Park. In my view the proposal complies with the relevant policies of the Local Plan.

2.0 **RECOMMENDATION: APPROVE subject to conditions and a S106 Agreement.**

3.0 **THE SITE**

3.1 The site forms the second phase of the housebuilder, Bellway Homes' Lathom Pastures development and the final phase of the wider "Land at Firwood Road" housing allocation as designated in the adopted Local Plan (Policy RS1 (a) (iv)). A small part of the southern section of the site also lies within the settlement boundary of Skelmersdale.

3.2 This phase of the Firwood site is approximately 7ha in size and is situated within the central part of the wider allocation and is irregular in shape. It is bounded by Old Engine Lane to the north which accommodates a small number of scattered

residential properties. Beyond Old Engine Lane is the site of a recently approved housing development of 130 dwellings by Wainhomes (2020/0906/ARM) which has yet to commence construction.

- 3.3 Neverstitch Road lies to the east, with residential development in the main settlement of Skelmersdale beyond. The rear of existing properties along Ormskirk Road, also within the settlement boundary lie to the south and Bellway's Phase 1 development of 94 dwellings (Lathom Pastures) off Firswood Road lies to the west (2016/1027/FUL). Beyond Firswood Road to the west is more rural Green Belt land.
- 3.4 A former railway bisects the site, from its north-west side to the southeast corner. This former railway is clearly evident on site and is enclosed by a mature tree belt. Centrally located within the former railway path is a detached dwelling with associated storage buildings known as Firswood House. The route of the disused line is identified as forming part of the potential Ormskirk to Skelmersdale Linear Park.
- 3.5 A glasshouse is evident in the southern tip of the site to the rear of 56 to 68 Ormskirk Road which will be removed. Two other adjacent large glasshouses sit just outside the site boundary. Scattered trees and lengths of hedgerow lie within and surround the site at various points and the remainder of the site is generally private amenity grassland. The land is relatively flat lying between approximately 60 and 62 AOD. Public Footpath (8-1-FP-26) runs along Old Engine Lane to the north.

4.0 THE PROPOSAL

- 4.1 It is proposed to erect 200 dwellings on the site. Sole vehicular access will be taken directly off Neverstitch Road where a new turning lane will be created, and a new footway provided on the western side of Neverstitch Road to join with existing footways on Ormskirk Road. A number of other pedestrian and cycle paths will link the site with Neverstitch Road, Ormskirk Road, Firswood Road and Old Engine Lane. Old Engine Lane will remain solely for vehicular access to existing properties that are currently served from it. A 3m wide pedestrian/cycle path will run through the site along the former railway line as part of a proposed Linear Park between Skelmersdale and Ormskirk. A swale will also be created along the route of the disused railway.
- 4.2 The 200 dwellings incorporate the following mix of house-types:
 - 10 no. one bedroom apartments;
 - 12 no. two bedroom apartments;
 - 8 no. two bedroom houses;
 - 115 no. three bedroom houses;
 - 53 no. four bedroom houses; and
 - 2 no. five bedroom houses
- 4.3 Of the above, all the apartments and the two-bedroom houses will be affordable units. That equates to 15% of the overall dwellings.
- 4.4 The apartments are located next to the entrance to the site off Neverstitch Road and separated into two L-shaped blocks. Each apartment block is three-storey with a hipped roof and a mix of red brick and timber elevations. One parking

space is provided to each apartment in a parking court to the rear. From the entrance to the site, a central road leads to a number of other internal routes and cul-de-sacs. The remainder of the dwellings are two-storey, with the exception of 8no. three bed houses that incorporate dormers and are considered to be two and half storey. Each dwelling is provided with a private garden and parking either at the front or to the side of the dwelling and a number of dwellings incorporate detached or integral garages.

5.0 PREVIOUS RELEVANT DECISIONS

5.1 There is no relevant recent planning history for this site; however, the site forms part of a wider residential allocation in the West Lancashire Local Plan 2021-2027 DPD and the following planning history for the wider site is relevant:

Bellway – Land off Firswood Road, Lathom

5.2 2016/1027/FUL - Erection of 94 residential dwellings, associated access, landscaping, public open space, swale, pumping station, sub-station and associated works. Granted 28.07.2017

Wainhomes – Land off Firswood Road, Lathom

5.3 2020/0906/ARM - Reserved Matters - Erection of 130 dwellings and associated works including details of appearance, landscaping, layout, and scale. Granted 19.10.2021

5.4 2019/0069/OUT - Outline - Residential development including details of access (all other matters reserved). Granted 01.10.2020

6.0 OBSERVATIONS OF CONSULTEES

6.1 Merseyside Environmental Advisory Service (MEAS) (21.02.22 and 28.10.21) – No objection subject to conditions

6.2 Merseyside and West Lancashire Bat Group (08.02.22) – No objection

6.3 LCC Lead Local Flood Authority (08.07.21) – No objection subject to conditions

6.4 LCC Public Rights of Way (20.05.21) - A number of recommendations made regarding impact on Public Footpath 26, other pedestrian and cycle routes throughout the proposed development and the linear park.

6.5 Environmental Health Manager (13.04.21 and 10.06.21) – No objection subject to conditions

6.6 United Utilities (19.04.21) – No objection subject to conditions

6.7 LCC Highways (15.02.21) – No objection in principle. On consideration of all the information provided by the applicant to date, Lancashire County Council consider that the proposed development is unlikely to have severe cumulative highway and transport impacts associated with this development, as currently submitted.

6.8 British Pipeline Agency (09.02.21) – Pipeline not affected by the proposals

6.9 Coal Authority (05.02.21) – no objection subject to conditions

- 6.10 Lancashire Fire and Rescue (02.02.21) – advice provided
- 6.11 LCC Schools Planning Team (28.01.21) – no contribution required
- 6.12 Lancashire Constabulary (26.01.21) – secure by design advice provided

7.0 OTHER REPRESENTATIONS

7.1 Lathom South Parish Council (19.02.21)

This proposal provides direct links on foot and by cycle to Ormskirk Road and to Neverstitch Road, thereby overcoming our previous (2006/7) objections on those points. A Bellway contribution of £50,000 was promised with 'Lathom Pastures 1' towards development of the linear park and, although a footpath route through 'Lathom Pastures 2' is shown on the submitted plans, it is not clear that the route would meet the standards of a linear park. Nor is it clear why the route would not continue under Firswood Road, initially as a dead-end in preparation for extension westwards, rather than just rising up to the level of the road. It is worthy of mention that neither Slate Lane nor Old Engine Lane is a cycle route.

The Parish Council shares the concerns expressed by the owners of 'Balcarly' with regard to land levels and flooding implications and how the development would link to the recently approved house on Firswood Road. It seems as though surface water drainage to the old drain in the railway cutting is being assumed but no extra capacity of the drain has been demonstrated. This drain feeds Dickets Brook/Sefton Brook and any additional surface water discharge must not be allowed to breach the standards required to prevent flooding overload in that area.

It is important to resolve any issues, involving LCC Highways, over any work that is to be carried out to Old Engine Lane. Subject to these issues being resolved, the Parish Council is pleased to see the level of detail and concern for existing residents at the easterly end of Old Engine Lane demonstrated by the proposals

7.2 The Wildlife Trust for Lancashire, Manchester & North Merseyside (17.03.21)

Broadly support the findings and recommendations of the Ecological Survey and Assessment, although the Construction Environmental Management Plan doesn't include the measures to protect existing natural features during construction that are recommended in the former. These recommendations should, be made the subject of effective conditions and/or obligations. Also note that there has been no use of the Defra Biodiversity offsetting metric in the analysis of this application. Although its use will not become mandatory until the enactment of the Environment Bill, biodiversity offsetting is clearly recommended in National Planning Policy Framework 2019 para 75d

- 7.3 A number of letters of objection have been received from local residents. The grounds of objection can be summarised as follows:
- loss of privacy
 - increased noise and disturbance
 - increased traffic pollution
 - loss of daylight

- loss of wildlife – great crested newts, bats, birds of prey, heron, many other bird and mammal species
- light pollution
- strain on local infrastructure
- important area to see the history of Old Skelmersdale
- lack of parking spaces for the apartment blocks
- loss of woodland and natural habitats
- apartments aren't an attractive feature that would enhance the area
- there should be no pedestrian access through the development from the rear of properties along Old Engine Lane
- there should be no vehicular traffic along Old Engine Lane except for those already living along it.
- traffic needs to be slowed down along Neverstitch Road, particularly at junction with Old Engine Lane
- care needs to be taken to ensure current issues of flooding along Old Engine Lane are not made worse
- existing hedgerows should be retained
- will lead to increased flooding in area
- enough housing in the area

8.0 SUPPORTING INFORMATION

Planning Statement

Design and Access Statement

Arboricultural Impact Assessment

Preliminary Environmental Risk Assessment

Geo-Environmental Assessment Report

Construction Environmental Management Plan

Lighting Assessment

Transport Assessment

Noise Assessment

Travel Plan Framework

SuDs Management and Maintenance Plan

Utility Report

Minerals Assessment Report

Flood Risk Assessment

Air Quality Assessment

Ecological Survey and Assessment

Bat Survey

Coal Mining Report

Archaeological Desk Based Assessment

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 within the Regional Town of Skelmersdale as designated in the West Lancashire Local Plan 2012-2027 DPD.

National Planning Policy Framework (NPPF)

Building a strong, competitive economy
Delivering a sufficient supply of homes
Promoting sustainable transport
Promoting healthy and safe communities
Achieving well-designed places
Meeting the challenge of climate change, flooding and coastal change
Conserving and enhancing the natural environment
Conserving and enhancing the historic environment

West Lancashire Local Plan 2012-2027 DPD

SP1 – A Sustainable Development Framework for West Lancashire
GN1 – Settlement Boundaries
GN3 - Criteria for Sustainable Development
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
EN4 – Preserving and Enhancing West Lancashire’s Cultural and Heritage Assets

Development Brief – Firwood Road (August 2014)
Supplementary Planning Document – Design Guide (January 2008)
Supplementary Planning Document – Provision of Open Space in New Residential Developments (July 2014)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Principle of Development

- 10.1 The NPPF supports growth of areas to supply new homes in sustainable locations. Policy SP1 of the Local Plan reiterates this approach and it is considered that the proposed residential development of this site complies with Policy RS1 in the Local Plan as it is an allocated housing site. This policy supports a development which provides up to 400 units on the whole Firwood Road site. The Development Brief for the site sets out a vision and key principles for its development; these include to develop the land in such a way as to complement the existing residential areas and to diversify the choice and range of housing to meet local needs, whilst helping to create a linear park to provide multifunctional recreation spaces. Detailed matters relating to the above will be set out later in this report.
- 10.2 The other areas of the Firwood Road allocated site already benefit from planning permission. Bellway's Lathom Pastures provides 94 dwellings which are now occupied and Wainhomes recently gained Reserved Matters Approval for 130 dwellings. Whilst the erection of a further 200 dwellings proposed through this current application would result in a total of 424 dwellings across the wider

site, a small area of land within the settlement boundary is also included in the application site boundary and I consider the additional 24 dwellings to be negligible in the context of the wider site allocation in making the best use of development land. I am therefore satisfied that the principle of residential development on this site remains compliant with the aims and objectives of the NPPF and Policies SP1 and RS1 of the Local Plan.

Affordable Housing and Viability

- 10.3 The requirement for affordable homes and provision of homes suitable for the elderly originates from policies RS1 and RS2 of the Local Plan. The Development Brief requires 30% of the units within developments on the allocated Firwood Road site to be affordable and 20% to be suitable for elderly residents.
- 10.4 The original application submission made provision for 10% affordable homes, all within 20 No. one- and two-bedroom apartments on an affordable rent tenure. Only 10 of these units provided accommodation suitable for elderly residents (5%). No contribution was proposed towards the Ormskirk to Skelmersdale Linear Park as part of the route lies within the application site and any required works can already be made directly by the applicant. This was supported by viability information submitted with the application. Given this shortfall which is clearly in conflict with Local Plan Policy RS2 and EN3 the Council instructed an independent assessment of the applicant's viability information by CP Planning.
- 10.5 CP Planning originally expressed the view that the proposed scheme could support a policy compliant scheme which would include 30% affordable housing as well as the required Community Infrastructure Levy (CIL). The applicant disputed this and advised that to maintain a viable development and help deliver the Council's Linear Park ambitions, they would be prepared to offer £100,000 towards the Linear Park and increase the level of affordable housing on the site to all the apartments (22) as well as 8 two-bed semi-detached dwellings, totaling 30 units. As a result, adjustments have been made to costs, contingencies, and values etc. and the applicant has put forward a revised viability appraisal comprising 15% affordable housing (an additional 2 apartments and 8 two bed semi-detached dwellings totaling 30 dwellings) and a contribution towards the Linear Park of £100,000.
- 10.6 This revised appraisal has been also reviewed by CP Planning who considers that in isolation, provision of 22.5% affordable housing would be viable; however, this would not take into account the proposed contribution towards the Linear Park.
- 10.7 Officers have carefully considered the issue of viability and discussed the issue at length with both the applicant and CP Planning. In my view, the offer of 15% affordable housing together with a contribution towards the Linear Park is the best compromise for the Council having regard to the many separate landowners involved and the negotiations that have taken place over a number of years to ensure delivery of this allocated site. Should agreement not be reached by the end of the financial year, the land agreement may fall away and there is a risk that with further delays, costs will increase presenting a further risk to delivery of affordable housing on this site. Moreover, the previous two phases of residential

development on Firswood Road delivered fewer affordable homes (12.5% Bellway and 8.5% Wainhomes) with similar appraisal inputs.

- 10.8 Given the Council's commitment to the linear park which has been carried forward from the previous Local Plan, and the fact that the offer from Bellway would provide a substantial contribution towards its delivery along with a proportion of the route itself, I consider that on balance and taking into account current market uncertainty, I am satisfied that the proposal put forward by Bellway is acceptable.

Linear Park and Public Open Space

- 10.9 Policy IF2 of the Local Plan states that the Council will support the delivery of 4 linear parks within the Borough. One of these parks is the Ormskirk to Skelmersdale Linear Park, the route of which crosses through the centre of the site along the former railway line. Policy GN3 and Policy EN3 of the Local Plan require residential development to include public open space in line with the Council's Open Space Supplementary Planning Document.
- 10.10 In terms of open space, integral to the layout of the proposal, is the enhancement of the section of the linear park which passes through the site by the provision of a cycle and pedestrian path which provides a recreation opportunity to local residents and links on to Neverstich Road, providing a gateway onto the linear park. In addition, the applicant will provide a commuted sum of £100,000 towards the works required to deliver the remainder of the linear park. This will be added to the contributions already made on the previous phases (giving a total sum of £318,000). I am satisfied that the on-site provision of the linear park also meets the SPD requirement to provide 15sqm of open space for each bed space created in compliance with Policy EN3 of the Local Plan.

Design, Layout and Scale

- 10.11 Policy GN3 of the Local Plan together with the Council's SPD Design Guide states that new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale or roofline.
- 10.12 The proposed development for 200 dwellings equates to a housing density of just under 30 dwellings per hectare, slightly less than the recommended 30 to 50 advocated in Policy RS1. This is due to the presence of the linear park reducing the overall developable area and reflective of the more rural location on the edge of the built-up area. Various types and size of dwellings are proposed, including two and two and a half storey semi-detached, terraced, and detached 2,3,4 and 5 bed dwellings as well as two three storey "corner" 1 and 2 bed apartment blocks.
- 10.13 The layout incorporates a central linear park following the route of the former railway line, which is lined on both sides by trees. Unfortunately, there remains an existing property along this route (Firswood House (Nurseries)) which prevents continuity of the off-road route of the linear park. The pedestrian/cycle access has been diverted around the property along a wide path alongside the estate road. One single access is proposed off Neverstich road leading to a number of cul-de-sacs. Whilst no vehicular link is provided between Neverstich Road and Firswood

Road or Old Engine Lane, numerous pedestrian/cycle links have been provided to the wider network.

- 10.14 The creation of a swale alongside the linear park and significant tree cover along this route creates a pleasing “green” focus to the development in its edge of town setting. Houses and apartments are shown to front Neverstich Road (although they would not take direct access from the road) and although houses “back on” to Old Engine Lane, a substantial mature hedgerow will be retained between the rear garden fences and Old Engine Lane, retaining the more rural aspect along this lane. Houses also front onto the linear park providing a pleasing outlook and ensuring a degree of passive surveillance. A mix of frontage and side parking breaks up any longer rows of housing which creates a more spacious feel to the layout and avoids the appearance of long rows of car parking. The dwellings have adequate sized private rear gardens, there are a few that fall short of the 10m garden depth advocated in the Design SPD but where this occurs the gardens are wide enough to compensate for this and I am satisfied that in these cases there would not be a reduced level of amenity through overlooking.
- 10.15 Materials incorporate a palette of red and pale red brick with grey and dark red roof tiles and boundary treatments within the site include timber and brick walls/fences reflective of the local area. Along the Old Engine Lane boundary, the existing mature hedgerow is retained and to the Neverstich Road boundary, landscaping will be incorporated, along with an electricity sub-station. A foul pumping station is proposed to the southern boundary screened by landscaping. A new vehicular access will be created for sole use to the pumping station for maintenance purposes. In order to assist in the reduction of climate change, elements of sustainable design and construction methods have been incorporated into the scheme through the use of electric vehicle charging points, sustainable urban drainage and a package of energy and water resource minimisation features such as thermal insulation and dual flush wc’s, thus meeting the current sustainable development requirement as set out in policy EN1 of the Local Plan.
- 10.16 Whilst the design of the individual dwellings is fairly standard, generally there is a good mix of dwellings and adequate interface distances and garden lengths have been provided which ensures acceptable privacy and amenity space standards are compliant with the Council’s SPD Design Guide. Overall, I am satisfied that the layout of the scheme has incorporated the key principles set out in the Firswood Road Development Brief and adheres to good design principles within the NPPF and the Local Plan.

Impact on Neighbouring Amenity

- 10.17 In terms of residential amenity, Policy GN3 of the Local Plan advises that new development should retain or create reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the proposed and neighbouring properties. Each dwelling would have its own private garden, some of these falls short of the 10m garden depth advocated in the Design SPD but as stated previously, where this occurs the gardens are sufficiently wide to ensure that a reasonable level of amenity within the development would be provided, in accordance with Policy GN3 of the Local Plan.

- 10.18 With regards existing properties surrounding the site (those off Firswood Road, Old Engine Lane, new dwellings at Firswood Pastures, dwellings east of Neverstitch Road and dwellings along Ormskirk Road), I am satisfied that the relevant privacy distances have been adhered to, as required in the Council's adopted SPD Design Guide. Concern has been expressed from residents whose rear gardens back on to Neverstitch Road that the proposed apartment block will lead to a loss of privacy within rear gardens. However, the apartment block, whilst three storeys, is positioned at a lower level than Neverstitch Road and is approximately 22m from the closest rear garden boundary and approximately 33m from the closest existing rear elevation, far exceeding the Council's guidelines in terms of light and privacy.
- 10.19 Concern has also been expressed about a potential increase in noise and disturbance due to increased traffic movements at the proposed junction opposite existing houses. A noise assessment has been submitted by the applicant, which includes an assessment of road traffic noise. Existing properties that are close to Neverstitch Road already experience a relatively high level of road traffic noise, particularly during night-time. The noise assessment for road traffic flows was undertaken on the basis of opening year (2021) with and without the proposed development, and for a future assessment year (2036). The assessment predicted 'negligible' noise impacts at the closest receptors to the development, for both the short term and long-term scenarios, as a result of changes in road traffic flows during the operation of the proposed development. Some noise mitigation measures are recommended to be incorporated into the design of dwellings, specifically in relation to glazing and ventilation specifications. The dwellings closest to Neverstitch Road are exposed to the highest levels, with levels dropping off as one head westwards into the development. In terms of outdoor amenity, a small number of gardens attached to the dwellings (two dwellings) closest to Neverstitch Road have the potential to exceed the upper design targets for daytime noise in small areas of the garden. Acoustic fencing is proposed as mitigation for these properties. The Council's Environmental Health Officer has evaluated the noise report and is satisfied with the conclusions reached and, subject to specific glazing to be agreed by condition, is also satisfied with the mitigation proposed. As such, I consider the proposal to be compliant with Policy GN3 of the Local Plan.
- 10.20 On the above basis, I am satisfied that the proposed development would offer an acceptable standard of amenity to occupiers of the new dwellings and would not give rise to unacceptable impact on the amenities of existing residents. The proposed development complies with Policy GN3 in terms of impact on residential amenity.

Access, Traffic and Highways

- 10.21 Policy GN3 of the Local Plan states that suitable and safe access, road layout, design and adequate parking provision are required in new developments. Policy IF2 details parking standards required for residential developments.
- 10.22 The proposed access to the development is off Neverstitch Road (A577) which is a classified road that has been categorised as a Secondary Distributor Road with a speed limit of 40mph fronting the proposed site access. The proposed site access is located on the length of Neverstitch Road which runs between the roundabout junction of Neverstitch Road/Ormskirk Road/ Witham Road/Railway

Road to the south and the roundabout junction of Neverstitch Road/Stamford Road/School Lane to the northwest. Neverstitch Road bends in a north easterly direction from its junction with the roundabout to the south to its junction with the roundabout to the north. The proposed site access is located to the north of the bend. There is an un-adopted highway Old Engine Lane to the north of the site which runs from Neverstitch Road to Firswood Road, this lane carries a Public Right of Way (PROW) Footpath 26. I note that, as part of their outline planning application, the developer Wainhomes, is proposing improved pedestrian connection and lighting along Old Engine Lane and new footway crossing point on Neverstitch Road.

- 10.23 A detailed Transport Assessment has been submitted by the applicant and scrutinised by LCC Highways. A new junction is proposed off Neverstitch Road which involves widening on the western side to accommodate a right turn ghost lane. LCC consider that the proposed traffic island to the west of Old Engine Lane for the Wainhomes site and the traffic islands at the approaches to the new junction will have an effect to moderate speeds on Neverstitch Road. Given the scale of the proposed development, the observed percentile traffic speed and the bend in the road (restricting forward visibility) LCC agree that the proposed "ghost island" priority junction would be appropriate at the proposed location and adequate vision splays can be provided. In addition, a new footway will be provided to the western side of Neverstitch Road southwards to link up with the existing footway on Ormskirk Road and a footway to the eastern side of Neverstitch Road to link up with an existing footway and bus stop. The scheme also includes a vehicular access from Ormskirk Road to serve the proposed Pumping Station, LCC also consider this to be acceptable.
- 10.24 LCC Highways consider that a vehicular access should be provided to link to the existing Bellway Phase 1 site at Lathom Pastures and/or the proposed Wainhomes site to the north. However, this could result in increased traffic along Firswood Road and vehicular access along Old Engine Way, a Public Right of Way, which should be retained as a rural safe pedestrian priority route.
- 10.25 It is also proposed to create a construction access from Neverstitch Road, just north of the proposed permanent access to the development site. LCC Highways find this to be acceptable, provided that it is only used until the new site access junction is constructed and prior to first occupation of any dwellings on the site.
- 10.26 The proposed layout includes a number of pedestrian/cycle path links to the surrounding area, all of which are 3.5m wide with the exception of the Ormskirk Road link which is 2m wide. The proposed footpath link works would deliver improved accessibility on the pedestrian desire line to some local services including bus stops and schools.
- 10.27 In view of the many pedestrian/cycleway linkages and contributions towards the further development of the linear park, I am satisfied that the development is in line with the NPPF regarding sustainable development, as well as the development brief (notwithstanding that Firtree House/Nursery is on the linear park line and sits outside the red edge). Furthermore, LCC Highways consider that the proposed development is unlikely to result in severe cumulative highway and transport impacts.

- 10.28 In terms of off-street parking, the Local Plan sets out parking standards for residential developments. All garages conform to the recommended minimum 3mx 6m internal size, including integral garages, and all dwellings have the requisite off street spaces except for the apartments. One space per apartment is provided within a parking court to the rear of the blocks. This is less than the recommended spaces advocated in the Local Plan. However, Policy IF2 does state that *proposals for provision above or below the recommended parking standards should be supported by evidence detailing the local circumstances that justify a deviation from the policy*. The applicant has suggested that there is a lower level of car ownership within the affordable rented tenant demographic. The applicant's selected Registered Provider of the units is satisfied that the parking provision is adequate. In addition, it is claimed that a reduction in spaces is also in part to encourage more sustainable modes of travel and each apartment block provides 12 internal and secure cycle spaces which equates to more than 1 space per dwelling. Moreover, it is suggested that the site also benefits from good public transport links with bus stops located on both Neverstitch Road and Ormskirk Road with half hourly services on the Wigan to Southport route, which in turn provides access to links to train stations (nearest being Ormskirk with services to Liverpool etc).
- 10.29 In this location, I am satisfied that this approach is reasonable and that the layout provides sufficient off-street car parking in accordance with Policy IF2 of the Local Plan. To summarise, I am satisfied that the proposed development will be acceptable in terms of highway safety and that adequate off-road parking would be provided on the site. The application incorporates measures which when delivered would significantly improve pedestrian/cycle connectivity to integrate the site into its surroundings and encourage the use of sustainable modes of transport in accordance with Policies GN3 and IF2 of the Local Plan.

Landscaping and Biodiversity

- 10.30 Policy EN2 of the Local Plan advises that development proposals must seek to avoid impacts on significant ecological assets and protect and improve the biodiversity value of sites. If significant impacts on biodiversity are unavoidable, then mitigation or as a last resort, compensation, is required to fully offset impacts. Furthermore, Policy EN2 also advises that development involving the loss of, or damage to, trees of significant amenity, screening, wildlife, or historical value will only be permitted where the development is required to meet a need that could not be met elsewhere, and where the benefits of the development clearly outweigh the loss or damage.
- 10.31 An Ecological Survey and Assessment Report has been submitted with the application. The assessment comprises a desk study, Extended Phase 1 Habitat Survey, National Vegetation Classification, assessment for protected species, breeding bird surveys and bat surveys.
- 10.32 The Council's Ecological Advisors, Merseyside Environmental Advisory Service (MEAS) have assessed the ecological information that has been submitted and considered the possibility of likely significant effects under the Habitats Regulations using the source-pathway-receptor model. MEAS have advised that likely significant effects due to in-combination increase in recreational pressure can be discounted and that Habitats Regulation Assessment will not be required because the site is over 5km from an internationally designated site, Martin Mere,

which is also specifically managed by the Wildfowl and Wetland Trust to cater for large numbers of visitors with numerous hides and captive bird visitor areas present. Recreation is therefore sufficiently well managed that recreational pressure upon the qualifying species and habitats of the Martin Mere SPA and Ramsar sites is not an issue; furthermore, it is unlikely the proposed scheme would significantly increase recreational disturbance sufficiently to cause harm to either the Sefton Coast SAC or the Ribble and Alt Estuaries SPA and Ramsar sites.

- 10.33 MEAS advise that an eDNA survey for great crested newt was undertaken on the pond which lies just outside of the northern site boundary and was referred to by a number of concerned local residents. The results of this were negative and MEAS advise that great crested newt do not need to be considered further in relation to these proposals. However, the potential presence of common toad (a Priority Species) was considered likely, and it is advised that the undertaking of the Reasonable Avoidance Measures (RAMs) during the construction phase is secured by a suitably worded planning condition.
- 10.34 No evidence of badger setts was recorded during the survey, although evidence was present to suggest their presence within the wider area. MEAS advise that habitats on site are also suitable for hedgehog, which is a Priority Species. Reasonable avoidance measures should be put in place to ensure that there are no adverse effects on them, and this can be dealt with by condition.
- 10.35 A bat and bird box plan has been submitted by the applicant which proposes the installation of bat roosting boxes and bird nesting boxes on retained trees and new dwellings across the site. The bird nesting boxes chosen are for species which nest around buildings (e.g., house sparrow, swift, blue tit). MEAS advise that the plan is acceptable.
- 10.36 Barn owls are known to be present in the wider area around the site, although no evidence of nesting and/or roosting barn owl was observed during the survey. Two bat surveys have been undertaken – in 2020 and 2021 and as no evidence of roosting bats was recorded the Council will not need to assess the proposals against the three tests (Habitats Regulations). However, several affected trees were considered to provide low bat roosting potential. In order to avoid harm to bats mitigation measures have been provided which include updated tree inspections pre-commencement and soft-felling. No bat activity surveys were undertaken as part of the survey. However, given the retention of existing hedgerows on the site and along the disused railway corridor, MEAS consider this is not considered to be a significant limitation on this occasion and advise that bat activity surveys are not required.
- 10.37 MEAS have advised that the vegetation on site may provide nesting opportunities for breeding birds, and for this reason have no tree felling, ground clearance etc. is undertaken during the period 1st March to 31st August, or if it is necessary to undertake works during the bird breeding season then an ecologist should check to ensure that there are no breeding birds present.
- 10.38 In terms of landscaping, existing hedgerows along the northern boundary with Old Engine Lane will be retained. The submitted landscaping plans includes the understorey planting of woodland wildflower seed mixes, creation of species-rich grassland and native tree and hedgerow planting. I consider the proposals

suitably mitigate for the development of this essentially greenfield site and are acceptable from an ecological and visual perspective in compliance with Policy EN2. As recommended in the submitted ecological survey report, the production of a full and detailed Landscape and Habitat Management Plan, which covers management of the site in perpetuity is required and can be secured by planning condition.

- 10.39 Subject to the imposition of a number of ecology and landscape related conditions which aim to protect and enhance biodiversity, I am satisfied that the proposed development is acceptable and accords with Policy EN2 of the Local Plan.

Drainage

- 10.40 Policy GN3 of the Local Plan states that the Council will ensure development does not result in unacceptable flood risk or drainage problems by requiring development to take account of the Council's Strategic Flood Risk Assessment along with advice and guidance from the Lead Local Flood Authority, the Environment Agency and the NPPF. The NPPF advises that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
- 10.41 The development site is located within Flood Zone 1, which is defined as having a low probability of flooding in the national Planning Practice Guidance. The nearest watercourse is Slate Brook which is located approximately 90m north-east of the site. Other watercourses in the area include Dicket's Brook which is located approximately 945m west of the site. Slate Brook is situated at approximately 57m AOD and is a minimum of 2.6m below the lowest site level. Dicket's Brook is situated at approximately 55m AOD at its nearest point to the site and is a minimum of 4.6m below the lowest site level. Any potential flooding of these watercourses is unlikely to affect the site. The risk of fluvial and tidal flooding is low. In terms of surface water, the areas identified at medium and high risk of surface water flooding are associated with the former railway cutting. It is recognised that this area is susceptible to flooding. However, no development is proposed within this area and as such I concur with the applicant's drainage engineer's conclusion that the risk of flooding to developable areas of the site is very low. It should be noted that a watercourse emerges within the railway cutting immediately west of the site (flowing west) and could accommodate surface water flows within the former railway cutting.
- 10.42 There are currently no public surface water sewers serving the site and the Development Brief advises that on site sustainable urban drainage systems (SuDS) will be required to manage surface water drainage to attenuate to a greenfield land run off rate. The development of the site will result in an increase in surface water runoff rates and volumes. In order to ensure the proposed development will not increase flood risk elsewhere, surface water discharge from the site will be controlled. Due to the presence of shallow groundwater and the presence of impermeable clays underlying the site, the use of infiltration drainage is not considered feasible for the proposed development. As such, surface water will be discharged off site to an appropriate watercourse or sewer at greenfield run-off rate. In order to achieve a restricted discharge rate, attenuation storage will be provided on site via swales and over-sized pipes and/or underground attenuation tanks.

- 10.43 The Lead Local Flood Authority (LLFA) have been consulted on the proposals and advised that they have no objection to the development. They have however requested that the developer submit an appropriate surface water drainage scheme prior to commencement of development on site and that this be completed prior to occupation of the dwellings. This scheme should demonstrate that the surface water run-off does not exceed the pre-development greenfield run off rate (as indicated in the FRA) and should include details of discharge rates and volumes (both pre and post development), temporary storage facilities and the methods to be employed to delay and control surface water discharged from the site. This can be dealt with by conditions.
- 10.44 With regards to foul flows, it is proposed that these will drain to a new pumping station and be pumped to the public sewer network. United Utilities raise no objection to this proposal. The full details of the foul sewer proposals can be required by condition, but in essence this solution would be consistent with Policy SP1, GN3 and the Development Brief.

Coal Mining Legacy, Contamination and Minerals Safeguarding

- 10.45 The National Planning Policy requires Mineral Planning Authorities to safeguard mineral resources that are or may become of economic importance by including them in a Mineral Safeguarding Area. The aim of them is to ensure mineral resources are adequately and effectively considered in land use planning decisions, to ensure that they are not needlessly sterilised by non-mineral development.
- 10.46 Policy M2 of the Lancashire County Council Minerals and Waste Site Allocation and Development Management Policies DPD identifies the site as falling within a Minerals Safeguarding Area. Within these areas, planning permission will generally not be granted for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals found on the land (in this case the extraction of the Shirdley Hill Sand Formation with underlying worked coal seam), unless the applicant can demonstrate that the mineral concerned is no longer of any value or has been fully extracted, or there is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource.
- 10.47 This application is supported by a Geo-Environmental Risk Assessment, Coal Mining Assessment and Minerals Evaluation report. This concludes that the area of the site demarked as a Minerals Safeguarding Area is located to the south of Old Engine Road and within 100m of a number of scattered dwellings and in line with the above, is considered to already be sterilised. The presence of scattered housing and roads suggests that it is unlikely that planning permission for a silica sand quarry at the site would be granted. Furthermore, the ground conditions encountered during the site investigation identified the presence of sands underlying the site from depths of 0.35m and 0.95m with an average thickness of approximately 0.40m which is unlikely to be significantly thick to be commercially viable for extraction. As detailed above, the sand deposits are considered to be of poor quality as they were noted to contain varying quantities of clay and other constituents further reducing their economic value given the apparent poor sorting and grading of these deposits. Given the constraints identified at the site, it is considered highly unlikely that extraction of any deposits will be economically

viable. On this basis, I agree that there is no reasonable justification to retain the site for minerals extraction.

- 10.48 The Coal Authority confirm that the application site falls within the defined Development High Risk Area. They confirm that, in accordance with the recommendations of the Coal Mining report, further confirmatory boreholes need to be drilled at the application site to confirm risks posed by shallow mining legacy. In addition, the report recommends that a scheme of remediation will be required, in the form of drilling and grouting, to ensure the safety and stability of the application site and proposed development. The Coal Authority and Environmental Health have raised no objections to the principle of the development subject to further investigation works taking place to establish the exact situation regarding coal mining legacy issues on part of the site followed by necessary remedial works to treat any areas of shallow mine workings prior to the commencement of development. This can be secured by planning condition.

Archaeology

- 10.49 Policy EN4 of the Local Plan advises that development affecting the historic environment should seek to preserve or enhance the heritage asset and any features of specific historic, archaeological, architectural or artistic interest.
- 10.50 An Archaeological Desk Based Assessment has been submitted with the application. The report indicates that the potential for surviving significant archaeological remains within the site is considered low/nil for the prehistoric to medieval periods. Analysis of historic mapping evidence has identified a number of archaeological assets, many of which are associated with the industrial use of the study site. However, these have been assessed as having either been adversely disturbed or truncated or of no archaeological or historical interest. Therefore, the assessment has concluded that there is no evidence to suggest that the site contains any archaeological remains of sufficient importance to preclude or constrain development. Following the applicant's consultation with LCC Archaeology, the modest archaeological interest of the study site was primarily associated with investigation of peat deposits and an early 19th century dwelling within the southern access of the study site. However, it was assessed that there is negligible potential for surviving sub-surface remains associated with these features. In light of the above, the applicant considers that the development would have no impact on the significance of any archaeological assets.

Conclusion

- 10.51 In summary, the principle of a residential development on the site is acceptable and in accordance with Policy RS1 of the Local Plan. In terms of affordable housing, I am satisfied that an appropriate number of affordable homes will be provided on the site taking into account viability, including CIL payment and the contribution of £100,000 towards the linear park as well as part of its delivery. The proposed development is acceptable in terms of layout, appearance and scale and an appropriate landscaping scheme can be accommodated to assimilate the development into its surroundings. I am satisfied that the proposed development would allow for the provision and retention of reasonable levels of amenity for the occupants of future and neighbouring properties. Subject to conditions I am satisfied that the proposed development is compliant with the Local Plan in respect of drainage and ecology. The highway impacts,

sustainability of the site and access arrangements have all been thoroughly scrutinised and found to be acceptable. In principle I consider this scheme should be supported as it will deliver housing on an allocated site in a sustainable location. In respect of the vision set out in the Development Brief, I consider that the proposed development would complement the existing residential area.

11.0 RECOMMENDATION

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

the payment of £100,000 towards the Ormskirk to Skelmersdale Linear Park, terms and conditions of the affordable housing units and details of on-going management and maintenance of public open space.

- 11.2 That any planning permission granted by the Corporate Director of Place and Community pursuant to recommendation 11.1 above be subject to the following conditions:

Condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

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

Planning Layout Dwg No: PL01 Rev J received by the Local Planning Authority on 25.02.2022.

Boundary Treatment Layout Dwg No: BT01 Rev B received by the Local Planning Authority on 04.02.2022.

Location Plan Dwg No: LP01 Rev C, received by the Local Planning Authority on 22.12.2020.

House type:

The Blacksmith elevations BL-2B-2S-CB-E received by the Local Planning Authority on 22.12.2020.

The Tailor elevations TA-2B-2S-CB-E received by the Local Planning Authority on 22.12.2020.

The Thespian elevations TH-3B-2S-CB-E received by the Local Planning Authority on 22.12.2020.

The Chandler elevations CH-3B-2S-CB-E received by the Local Planning Authority on 22.12.2020.

The Quilter elevations QU-3B-2S-CB-E received by the Local Planning Authority on 22.12.2020.

The Mason elevations MA-3B-2S-CB-E received by the Local Planning Authority on 22.12.2020.

The Ballister elevations BS-3B-2S-CB-E received by the Local Planning Authority on 22.12.2020.

The Sawyer elevations SY-3B-2S-CB-E received by the Local Planning Authority on 22.12.2020.

The Cutler elevations CU-4B-2S-CB-E received by the Local Planning Authority on 22.12.2020.

The Bowyer elevations BO-4B-2S-CB-E received by the Local Planning Authority on 22.12.2020.

The Scrivener elevations SC-4B-2S-CB-E received by the Local Planning Authority on 22.12.2020.

The Parkman elevations PA-5B-2S-CB-E received by the Local Planning Authority on 22.12.2020.

The Forester elevations FO-4B-2S-CB-E received by the Local Planning Authority on 04.02.2022.

The Lynmer elevations LY-3B-2S-CB-E received by the Local Planning Authority on 24.02.2022

The Blacksmith floor plans BL-2B-2S-P1 received by the Local Planning Authority on 22.12.2020.

The Tailor floor plans TA-2B-2S-P1 received by the Local Planning Authority on 22.12.2020.

The Thespian floor plans TH-3B-2S-P1 received by the Local Planning Authority on 22.12.2020.

The Chandler floor plans CH-3B-2S-P1 received by the Local Planning Authority on 22.12.2020.

The Quilter floor plans QU-3B-2S-P1 received by the Local Planning Authority on 22.12.2020.

The Mason floor plans MA-3B-2S-P1 received by the Local Planning Authority on 22.12.2020.

The Ballister floor plans BS-3B-2S-P1 received by the Local Planning Authority on 22.12.2020.

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The Cutler floor plans CU-4B-2S-P1 received by the Local Planning Authority on 22.12.2020.

The Bowyer floor plans BO-4B-2S-P1 received by the Local Planning Authority on 22.12.2020.

The Forester floor plans FO-4B-2S-P1 received by the Local Planning Authority on 22.12.2020.

The Scrivener floor plans SC-4B-2S-P1 received by the Local Planning Authority on 22.12.2020.

The Parkman floor plans PA-5B-2S-P1 received by the Local Planning Authority on 22.12.2020.

The Lynmer floor plans LY-3B-2S-P1 received by the Local Planning Authority on 24.02.2022

Copeland House elevations COA-3S-CT01-E Rev Ai received by the Local Planning Authority on 22.12.2020.

Copeland House floor plans COA-CT01-P1 to P3 Rev i received by the Local Planning Authority on 22.12.2020.

Single Garage 01 Dwg No: GAR01-R1-CB received by the Local Planning Authority on 22.12.2020.

Double Garage 02 Dwg No: GAR02-R1-CB received by the Local Planning Authority on 22.12.2020.

Typical brick built sub-station received by the Local Planning Authority on 22.12.2020.

Sewage Pumps Dwg No:18-102-01/001 Rev B received by the Local Planning Authority on 22.12.2020.

0.45m-0.9m high knee rail fence received by the Local Planning Authority on 22.12.2020.

2m high concrete gravel board and post with timber post infill received by the Local Planning Authority on 22.12.2020.

2m close boarded timber fence received by the Local Planning Authority on 22.12.2020.

1.8m high timber close boarded fence received by the Local Planning Authority on 22.12.2020.

2.4m brick wall with timber infill panels received by the Local Planning Authority on 22.12.2020.

1.8m high brick wall with piers received by the Local Planning Authority on 22.12.2020.

1.8m - 3.25m Acoustic close boarded fence received by the Local Planning Authority on 22.12.2020.

Proposed Road Lighting and Illuminance Layout Sheet 1 of 2 Dwg No: 2663-D-01 Rev A received by the Local Planning Authority on 22.12.2020.

Proposed Road Lighting and Illuminance Layout Sheet 2 of 2 Dwg No: 2663-D-02 Rev A received by the Local Planning Authority on 22.12.2020.

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

3. The development hereby approved shall not be occupied until the means of vehicular access and associated alterations to the layout within Neverstitch Road has been constructed in accordance with the approved plans drawing number Proposed Access Layout drawing number CBO-0603-002 Rev D received by the Local Planning Authority on 22.12.2020.

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

4. The development hereby approved shall not be occupied until the off-site works of highway improvement shown on plan Proposed S278 Works (General Arrangement) Dwg No: 078858-CUR-00-XX-DR-D-95001 Rev P03 received by the Local Planning Authority on 04.02.2022 have been constructed and completed in accordance with the scheme details.

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 West Lancashire Local Plan 2012-2027 Development Plan

5. The construction access indicated on Drawing No. CBO-0603-003 Rev A shall be used to access the site until such time as the approved site access junction to the development hereby approved indicated on Drawing No. Proposed Access Layout CBO-0603-002 Rev D has been implemented.

Reason: 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 West Lancashire Local Plan 2012-2027 Development Plan

6. No part of the development hereby approved shall be occupied until details of the footpath link from the linear park to Firwood Road has been submitted to and approved in writing by the Local Planning Authority. The details shall include cross sections of step/ramps; details of any excavations into the embankment and any stabilising works; the materials to be used including the surfacing finish to the path.

The linear path shall be implemented in accordance with the approved details prior to occupation of any dwelling.

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 West Lancashire Local Plan 2012-2027 Development Plan

7. The proposed streets within the development shall be managed and maintained in accordance with an agreement entered into under Section 38 of the Highways Act 1980 or by a private management and Maintenance Company prior to being brought in to use (other than for construction purposes). In the event that a Section 38 Agreement is not in place or a Management Company has not been established, the proposed streets shall not be brought into use until details of the proposed arrangements for future management and maintenance have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

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

8. The parking provision shown within the curtilage of each dwelling on the approved plans Planning Layout Dwg No: PL01 Rev J received by the Local Planning Authority on 25.02.2022 shall be provided prior to first occupation of the dwelling to which it relates.

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

9. Electric Vehicle Charging Points shall be implemented in accordance with the details shown on Drawing Number BH/NW/LP2/EVC/01 received by the Local Planning Authority on 22.12.2020 prior to occupation of the dwelling to which it relates.

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.

10. The measures contained within the CBO Travel Plan Framework received by the Local Planning Authority on 22.12.2020 shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce car travel to and from the site in and to promote a sustainable transport having regard to Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

11. The details contained within the Construction Management Plan Ref: BH/NW/LP2/CMP/01 received by the Local Planning Authority on 22.12.2020 shall be adhered to at all times during the construction period.

Reason: To safeguard the amenities of occupants of existing dwellings located in the vicinity of the application site and highway safety to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

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

Reasons; to prevent stones and mud being carried onto the public highway to the detriment of road safety and so to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

13. 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:

Hard Surfacing Plan Dwg No: HS01 Rev B received by the Local Planning Authority on 04.02.2022.

Materials Layout Drwg No: ML01 received by the Local Planning Authority on 22.12.2020

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

14. All finished floor levels shall be implemented in accordance with those indicated on Plan Ref Drainage Strategy Plan Dwg No: 192202/02/1 Rev C; 192202/02/2 Rev C and 192202/02/3 Rev D received by the Local Planning Authority on 22.12.2020.

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.

15. All hard and soft landscape works shall be carried out in accordance with the details shown on the following plans:

Planting Plan (1 of 7) Dwg No: MAN.1154.023.ENZ.XX.XX.DR.L.45.401 Rev PL02

Planting Plan (2 of 7) Dwg No: MAN.1154.023.ENZ.XX.XX.DR.L.45.402 Rev PL01

Planting Plan (3 of 7) Dwg No: MAN.1154.023.ENZ.XX.XX.DR.L.45.403 Rev PL03

Planting Plan (4 of 7) Dwg No: MAN.1154.023.ENZ.XX.XX.DR.L.45.404 Rev PL02

Planting Plan (5 of 7) Dwg No: MAN.1154.023.ENZ.XX.XX.DR.L.45.405 Rev PL02

Planting Plan (6 of 7) Dwg No: MAN.1154.023.ENZ.XX.XX.DR.L.45.406 Rev PL03

Plant Schedule ENZ.02.00.SC.L.45.408 Rev PL02

Received by the Local Planning Authority on 04.02.2022.

Planting Plan (7 of 7) Dwg No: MAN.1154.023.ENZ.XX.XX.DR.L.45.407 Rev PL01 received by the Local Planning Authority on 22.12.2020

The landscaping 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

16. The existing hedge along the northern boundary with Old Engine Lane shall be retained.

Reason: For the avoidance of doubt and to retain the character of the site and the area and to ensure the development complies with the provisions of Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

17. The development hereby permitted shall be implemented in accordance with the submitted Arboricultural Method Statement ref P.1280.19 dated December 2019 and received by the Local Planning Authority on 12th January 2021 unless otherwise agreed in writing by the Local Planning Authority.

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

18. The development shall be implemented in accordance with the recommendations for mitigation and compensation set out in section 5.1 of the updated bat survey report (ERAP Ltd, November 2021, ref: 2019-396d) received by the Local Planning Authority on 04.02.2022 which details the methods for maintaining the conservation status of roosting bats, unless otherwise approved in writing by the local planning authority or varied by a European Protected Species licence subsequently issued by Natural England.

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

19. No demolition works shall take place until the Local Planning Authority has been provided with a copy of a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified development to go ahead or that the site has been registered under the Bat Mitigation Class Licence.

Reason: These details are required prior to the commencement of development to ensure that protected species are safeguarded and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

20. An updated bat survey shall be submitted to and approved in writing by the Local Planning Authority if the buildings and trees proposed to be removed have not been removed by 30 November 2022.

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

21. The development shall be implemented in accordance with the measures shown on the bat and bird box plan (ERAP Ltd, 20 November 2020, 2019-396c, V2) received by the Local Planning Authority on 22.12.2020 unless otherwise agreed in writing with the Local Planning Authority.

Reason: The proposed development will result in the loss of bird breeding habitat and as such mitigation is required in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

22. In accordance with section 5.8 of the ERAP Ecological Survey and Assessment, no dwelling shall be occupied until a Landscape and Habitats Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Management Plan should include the following:

A Linear Park Management Plan;
A general Landscape and Habitat Management Plan;
Description and evaluation of the features to be managed;
Ecological trends and constraints on site which may influence management;

Aims and objectives of management;
Appropriate management options for achieving aims and objectives;
Prescriptions for management actions;
Preparation of a work schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
Personnel responsibilities for implementation of the plan;
How the site will be managed in perpetuity including confirmation of funding and ownership and;

Details of a programme of monitoring and remedial measures triggered by monitoring.

Reason: To preserve and enhance the biodiversity value of the site and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

23. Notwithstanding the submitted ecology details, no development shall commence until a Constriction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall propose measures to mitigate environmental biodiversity effects during the construction phases of the proposed development. Measures should include the following:

Reasonable Avoidance Measures for protected and notable species (including amphibians, badger, hedgehog and breeding birds);
Measures that will be undertaken to protect retained habitats during the works, including trees and hedgerows;
Measures to avoid harm to bats during felling of trees with low bat roost potential;
Details of construction lighting, which should be used so as to avoid light spillage onto retained and adjacent habitats
Invasive species method statement; and
Pollution prevention measures.

The development shall be implemented in accordance with the approved details.

Reason: These details are required prior to the commencement of development as the proposed development may result in the loss of ecological habitat and as such precautions are required during the construction phase in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

24. Notwithstanding the submitted Noise Assessment Report, no dwelling shall be occupied until the details of proposed mitigation measures in accordance with the recommendations set out at section 7.1 of the RSK Noise Assessment Report have been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall achieve the noise standards within BS8233:2014. All works which form part of the agreed scheme shall be completed before any of the impacted dwellings are occupied.

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.

25. No development (excluding demolition) shall take place in areas where ground investigation hasn't already been carried out as identified Geo-Environmental Assessment Report TM/C4380/9070 Rev A April 2020 until further contaminated land investigations have been carried out in accordance with the details contained within section 9.2 of the Geo-Environmental Assessment Report TM/C4380/9070 Rev A April 2020. Intrusive site investigation shall be carried out in accordance with BS10175:2001 'Investigation of Potential Contaminated Sites - Code of Practice' and any other relevant Government guidance current at the time.

a. Where the investigation across the whole of the site edged red confirms the presence of contamination likely to cause harm to receptors, whether human or otherwise, a remediation scheme shall be devised that will result in the contamination being dealt with so as to remove the risk to receptors and make the site suitable for its intended use. The results of the desk study and site investigation, together with details of any proposed remediation, shall be submitted to and approved in writing by the Local Planning Authority before development of the site commences.

b. 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.

c. 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.

26. No development shall commence in areas where ground investigation hasn't already been carried out as identified Geo-Environmental Assessment Report TM/C4380/9070 Rev A April 2020 until;

a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy across the whole site, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

c) Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and agreed in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

27. The development hereby approved shall be carried out in accordance with the principles set out within the Flood Risk Assessment (December 2020, Ref: 12832-Flood Risk Assessment-06, Waterco Consultants) received by the Local Planning Authority on 22.12.2020. The measures shall be fully implemented prior to first occupation of any dwelling and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: These details are required prior to the commencement of development to ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD, Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

28. No development shall take place until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the local planning authority. The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

Those details shall include, as a minimum:

- a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep.
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

- i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each plot to confirm minimum 150mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- d) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with industry guidance. The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: These details are required prior to the commencement of development to ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD, the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

29. No development shall commence until details of how surface water and pollution prevention will be managed during the construction phase have been submitted to and approved in writing by the local planning authority. Those details shall include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during construction and, if surface water flows are to be discharged, they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.
- b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance. The development shall be constructed in accordance with the approved details.

Reason: These details are required prior to the commencement of development to ensure the development is served by satisfactory arrangements for the disposal of surface water during construction so it does not pose an undue flood risk on site or elsewhere and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD.

30. No building on the development hereby permitted shall be occupied (or within a timetable agreed in writing by the local planning authority) until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed. Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed.

This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD and subsequently maintained pursuant to the requirements of Paragraph 165 of the National Planning Policy Framework.

Reason for Approval

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

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 - Residential Development

RS2 - Affordable and Specialist Housing

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

IF4 - Developer Contributions

EN1 - Low Carbon Development and Energy Infrastructure

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN3 - Provision of Green Infrastructure and Open Recreation Space

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.	2021/1194/FUL
	LOCATION	Holly Fold Farm Rainford Road Bickerstaffe Ormskirk Lancashire L39 0HJ
	PROPOSAL	Demolition of blocks 02, 04, 05, 06 and 07 on plan RBA_206_ (2) _A201 and alteration, extension and reuse of the remaining unused, agricultural buildings to form 9 dwellings with associated garden curtilages and communal courtyard / parking, bin and cycle stores. Improvement to access works along Holly Lane (to include the provision of passing places, resurfacing and low-level bollard lighting for safety / security purposes), and minor junction alterations at the junction of Holly Lane / Rainford Road. The erection of a 'wildlife tower',
	APPLICANT	Holly Fold Farm Ltd
	WARD	Bickerstaffe
	PARISH	Bickerstaffe
	TARGET DATE	28th December 2021

1.0 **REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme however Councillor Rigby has requested it be referred to Committee to consider the impact on the Green Belt and the isolated nature of the site.

2.0 **SUMMARY**

- 2.1 The principle of the re-use and extension of existing buildings within the Green Belt is considered to be acceptable. The site is considered to be in an unsustainable and isolated location however the development is considered to fall within exceptions b) and c) set out in para 79 of the NPPF. The design and layout of the development would be in keeping with the rural area and, subject to appropriate conditions, the proposal is not considered to have any significant adverse impacts on highway safety, neighbouring amenity, drainage, ecology habitat or protected species. I therefore consider that the proposal satisfactorily meets the requirements of Policies GN1, GN3, IF2, EN2 and EN4 of the West Lancashire Local Plan 2012-2027 DPD.

3.0 **RECOMMENDATION - APPROVE with conditions.**

4.0 **SITE DESCRIPTION**

- 4.1 The site is located within the Green Belt to the east of Rainford Road (A570). The site is set back approx. 200m from the road and is accessed via a shared track which is also a public footpath.

4.2 The site comprises a range of traditional brick barns which are arranged around a courtyard and several more modern structures. The site is surrounded by open fields to the east, west and north. To the south on the opposite side of the track is a dwelling, formerly the farmhouse associated with these buildings.

5.0 PROPOSAL

5.1 The application proposes the demolition of several buildings (02, 04, 05, 06 and 07) and other structures within the site. The remaining buildings along with extensions to those buildings are proposed to be converted to residential use. In total the development would create nine dwellings set around the existing courtyard area. Parking, bin/cycle stores and front garden areas would be provided within the courtyard with rear gardens also provided for each property.

6.0 PREVIOUS RELEVANT DECISIONS

6.1 None

7.0 OBSERVATIONS OF CONSULTEES

7.1 LCC Highways (23.11.21 and 28.01.22) - no objection subject to conditions

7.2 Coal Authority (22.11.21) – no objection subject to conditions

7.3 LCC Archaeological Team (11.11.21) – no objection subject to condition

7.4 MEAS (29.11.21 and 26.01.22) - no objection subject to conditions

8.0 OTHER REPRESENTATIONS

8.1 Merseyside and West Lancashire Bat Group (16/11/21 & 30/11/21)

Comments in respect of submitted Ecological Assessment and response to MEAS comments

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

- Concerns regarding the increase in traffic at the junction with the Rainford bypass

9.0 RELEVANT PLANNING POLICIES

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

The site is located within the Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD.

National Planning Policy Framework

Promoting healthy and safe communities

Achieving well-designed places

Building a strong, competitive economy

West Lancashire Local Plan Policies

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 - Residential Development

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)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Principle of development - Green Belt

- 10.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed. Paragraph 150 states that certain forms of development are not inappropriate development provided they preserve openness and do not conflict with the purposes of including land in the Green Belt. The re-use of buildings is one such form of development, provided the building is of permanent and substantial construction.
- 10.2 The submission has been supported by a Structural Survey which demonstrates that the buildings which are to be retained and converted are of substantial construction. I am therefore satisfied that the principle of this part of the development is acceptable.
- 10.3 The proposal also includes extensions to the existing buildings. NPPF para 149 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 "the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building."
- 10.4 The SPD - Development in the Green Belt states proposals for extensions to existing buildings in the Green Belt should satisfy the specified criteria which include: the total volume of the proposal together with any previous extensions should not exceed 40% of the volume of the original building and the design of the extension is in keeping with the original form and appearance of the building and does not materially harm the openness of the Green Belt.
- 10.5 Volume calculations have been provided with the submission which conclude that the volume increase comprising extensions to the remaining buildings would exceed 40%. In addition, there would be a small amount of new build within the courtyard to create bin/cycle stores for each property and a wildlife tower to the north of the site to satisfy ecological requirements. However, due to the extent of buildings to be removed, the reduction in volume across the site would be approx. 26%. Additionally, the spread of development across the site would be reduced

as a large building, no. 02, that sits outside the main courtyard range of buildings would be removed.

- 10.6 On balance I consider that the proposed demolition and subsequent new build and extensions would not result in harm to the openness of the Green Belt. Overall, the proposed development of the site for residential purposes would comply with the requirements of the NPPF and with local plan policy GN1. I consider it appropriate to impose a condition removing permitted development rights from the new dwellings to ensure that the planning authority are able to assess the impact of any future development on the openness of the Green Belt and the character of the traditional buildings.

Principle of development - location

- 10.7 Paragraph 78 of the NPPF advises that to promote sustainable development rural housing should be located where it would enhance or maintain the vitality of rural communities. Paragraph 79 states that the development of isolated houses in the countryside should be avoided unless one or more of the stated circumstances apply.

Sustainability

- 10.8 In terms of its sustainability the application site is considered to be remote from day-to day facilities and there is a lack of basic services within the vicinity of the site. The nearest bus stops are approx. 0.7km from the site. In parts the roads are unlit and do not have pavements. Some limited facilities are available within Rainford Junction (2.5km away) and further facilities within Rainford (more than 3km).
- 10.9 Due to the distance from services it would be impractical for residents of the proposed dwelling to walk or cycle to services/facilities and due to the limited access to buses and trains, public transport would not offer a realistic alternative to private vehicles. It is therefore considered that future occupants would be principally reliant on private vehicles for day-to-day activities such as work, shopping and other essential facilities. The site is therefore considered to be located in an environmentally unsustainable location.

Isolation

- 10.10 Court of Appeal decision Braintree DC v SoS for Communities and Local Government [2018] EWCA Civ 610 is relevant to the determination of this application. At para. 31 of the CoA decision Lindblom LJ states:

"In my view, in its particular context in paragraph 55 of the NPPF, the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is, or is not, "isolated" in this sense will be a matter of fact and planning judgement for the decision-maker in the particular circumstances of the case in hand."

- 10.11 The site is surrounded by agricultural fields and located approx. 200 metres from the main road. Apart from the former farmhouse the nearest buildings to the site are at least 250 metres away in all directions and the nearest settlement

boundary approx. 1.5km from the site. The site is considered to be remote from any settlement and is therefore situated in an isolated location.

- 10.12 The submission indicates that the applicant does not consider the site to be located in an isolated location however it acknowledges the Council have a different opinion. On that basis the applicant puts forward that the proposed development would comply with exception b) and c) set out in paragraph 79.
- 10.13 The Council have acknowledged that due to their age and construction the buildings to be retained are non-designated heritage assets. They form a good example of a traditional farmyard setting. At present the buildings are unused and are falling into disrepair. Furthermore, there are several large modern structures situated close to the older buildings which detract from their setting. The proposal would establish a new use for the buildings and ensure their longevity. The removal of the unsightly modern structures would enhance the immediate setting. On that basis it is considered that exceptions b) and c) of paragraph 79 apply and that the development of isolated homes in the countryside is acceptable in this particular case.

Design/Layout

- 10.14 Policy GN3 along with the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings. Policy EN4 seeks to protect and enhance non-designated heritage assets.
- 10.15 The conversion of the buildings has been sensitively designed to use existing openings where possible and the existing form and materials will be retained. The design, size and materials of the new buildings reflect and would be in keeping with the traditional form and arrangement of the existing buildings. The layout incorporates suitable parking, cycle and bin storage and gardens for each property. A hard and soft landscaping plan has been provided which incorporates native hedging and post and wire fencing to the boundaries and between each private garden area. Existing hedging to the boundaries of the site is to be retained and managed. The landscaping scheme is considered to be appropriate for this location.
- 10.16 I am therefore satisfied that the development would comply with the requirements of Local Plan policies GN3 and EN4.

Impact on residential amenity

- 10.17 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring properties.
- 10.18 Due to the siting of the new dwellings in relation to the nearest dwellings I am satisfied that the proposal would not result in harmful impacts from overshadowing or loss of privacy. In terms of future occupants, the plans demonstrate that each property would have adequate private amenity space and that interface distance between properties would comply with the guidelines set out in the SPD - Design Guide.

10.19 I am satisfied that the proposed development would not have a harmful impact on the residential amenity of neighbouring properties and would provide suitable amenity for future occupants and therefore complies with the requirements of Local Plan policy GN3 1(iii).

Highways

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

10.21 I have consulted the Highway Authority in respect of the proposal. Additional plans have been submitted to demonstrate that a suitable vehicular access to the site can be achieved from Rainford Road. Within the site there is adequate turning for refuse vehicles and other HGVs and adequate car parking and cycle storage space for the proposed dwellings.

10.22 The Highway Authority have indicated there is no objection in principle to the proposed development and is of the opinion that the proposed development would not have a severe impact on highway capacity and highway safety within the immediate vicinity of the site. Subject to recommended conditions I am satisfied the development would comply with the requirements of Local Plan policies GN3 and IF2.

Ecology

10.23 Policy EN2 (1) of the WLLP states that where there is reason to suspect that there may be a priority species, or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, making provision for their needs. This allows the LPA to screen the project against the Habitats Regulations and relevant national and local policy.

10.24 The application has been accompanied by Amphibian Survey Report, Preliminary Ecological Appraisal Report and Protected Species Survey and Method Statement Report (Bats and Barn Owl). The submission has been considered by the Council's Ecology advisors MEAS, who consider that in respect of European Sites there is no pathway that could result in likely significant effects on the European sites and the proposals do not warrant a detailed Habitats Regulations Assessment.

10.25 In respect of bats the Preliminary Ecological Appraisal included a preliminary roost assessment which revealed that several buildings on site were considered to have low to high bat roost potential. Developments affecting European protected species must be assessed by the Local Planning Authority against three tests set out in the Habitats Regulations. Government guidance on protected species licensing states that a reasoned statement, which includes the supporting evidence and statements on how the proposals meet test 1 and 2, is not required in support of an application for an EPS licence in the following circumstances: Housing developments of less than 1 hectare, including: Existing buildings and associated structures that may need to be demolished before redevelopment takes place (whether domestic dwellings or other types of

buildings); or Barn conversions for domestic dwellings (not including conversion for commercial use, such as holiday lets). The assessment of the proposals against the three tests is to ensure that the proposals are likely to be granted a licence prior to determination of the planning application. Where the proposals meet one of the criteria above, and satisfy test 3, a licence is likely to be granted.

10.26 Tests 1 and 2 have been satisfied. The Council's Ecological Consultant has assessed the application in respect to Test 3: Regulation 55(9)(b): "that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range." Eight small common bat day roosts were recorded in the existing buildings on site. The day roosts are deemed of low-level significance to the local common pipistrelle and brown long-eared bat population. It is considered that provided that the mitigation strategy outlined in section 6 of the submitted Protected Species Survey and Method Statement Report is adhered to the proposal will not be detrimental to maintaining the local common pipistrelle bat population at a favourable conservation status. Furthermore, the survey at section 7 has provided suitable mitigation for the barn owl population. With the mitigation, Test 3 has been satisfied. On that basis the proposal meets all three tests set out on the Habitats Regulations.

10.27 Subject to appropriate conditions and advice notes recommended in regard to breeding birds, amphibian, reptiles, invasive species and the above mitigation in respect of bats and barn owls it is my view that the proposed development would not adversely impact on protected species or their habitats and on that basis the proposal complies with the requirements of Local Plan policy EN2.

Drainage

10.28 The submission has been accompanied by drainage documentation which has been considered by the Council's drainage engineer. The report provides recommendations, conclusions and a conceptual foul and drainage design. Whilst the principle is acceptable a more detailed design is required along with details for the maintenance of the proposed sustainable drainage system for the lifetime of the development. On that basis a pre-commencement condition is recommended requiring further details of the foul and surface water drainage to be submitted for agreement.

Summary

10.29 The principle of the proposed development in the Green Belt is considered to be acceptable. The design and layout of the development would be in keeping with the rural area and, subject to appropriate conditions, the proposal is not considered to have any significant adverse impacts on highway safety, neighbouring amenity, drainage, ecology habitat or protected species. I therefore consider that the proposal satisfactorily meets the requirements of Policies GN1, GN3, IF2, EN2 and EN4 of the West Lancashire Local Plan 2012-2027 DPD.

11.0 RECOMMENDATION

11.1 The proposed development is compliant with the NPPF and the relevant policies in the West Lancashire Local Plan 2012-27 and is recommended for approval.

Condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

YD2_HF_LP001A received by the Local Planning Authority on 12th January 2022

RBA_206_(2-)_A100 rev P02, RBA_206_(2-)_A300 rev P01, 2 x RBA_206_(2-)_A101 rev P01 and 3 x J1299 access fig 1 received by the Local Planning Authority on 10th January 2022

RBA_206_(2-)_A120 rev P01, RBA_206_(2-)_A118 rev P01, RBA_206_(2-)_A116 rev P01, RBA_206_(2-)_A119 rev P01, RBA_206_(2-)_A117 rev P01, RBA_206_(2-)_A001 rev P01, RBA_206_(2-)_A111 rev P01, RBA_206_(2-)_A123 rev P01, RBA_206_(2-)_A301 rev P01, RBA_206_(2-)_A702 rev P01, RBA_206_(2-)_A110 rev P01, RBA_206_(2-)_A112 rev P01, RBA_206_(2-)_A700 rev P01, RBA_206_(2-)_A701 rev P01, RBA_206_(2-)_A121 rev P01, YD2_HF_LP200 and YD2_HF_LP100 received by the Local Planning Authority on 11th October 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 submitted to and approved in writing by the Local Planning Authority, including any necessary infiltration measures, attenuation measures, maintenance management proposals, and phasing of delivery if applicable. The surface water drainage strategy must take account of the relevant provisions of the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement standards. The drainage scheme must be completed in accordance with the approved details and, if applicable, the approved phasing of the scheme. The MicroDrainage mdx file, if available, is required to aid the checking of design calculations.

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

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. No development shall commence (except for demolition) until;
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: These details are required prior to the commencement of development as the site is in a coal mining high risk area and in order to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

5. Prior to the first occupation of any dwelling on site a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: These details are required as the site is in a coal mining high risk area and in order to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. No development, site clearance/preparation, or demolitions shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of building recording and analysis.

This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works should comprise the creation of a photographic record of buildings numbered 01, 03, 04, 05, 07, 08 and 09 on drawing RBA_206_(2)_A201 as set out in 'Understanding Historic Buildings' (Historic England 2016). It should include a full photographic coverage, inside and out, of these structures and a set of plans 'as existing' showing the location and orientation of the photographs. This work should be undertaken by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists (www.archaeologists.net). A digital copy of the report and the photographs shall be placed in the Lancashire Historic Environment Record prior to the dwellings consented being first occupied.

Reason: These details are fundamental to the permission and are required prior to commencement of development to record the heritage asset prior to loss of

original features and changes to comply with Paragraph 199 of the National Planning Policy Framework and Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

7. 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.

8. All hard and soft landscape works shall be carried out in accordance with the approved details shown on drawing no. YD2_HF_LP200, YD2_HF_LP100 and YD2_HF_LP001A. 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.

9. No development shall commence until a copy of a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified development to go ahead or evidence that the site has been registered under the Bat Mitigation Licence has been submitted to and approved in writing by the Local Planning Authority.

Reason: This information is required prior to commencement of development to safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

10. The development shall be carried out in accordance with all of the recommendations for mitigation and compensation for bats set out in Section 6 of the submitted Ecological Survey report (Protected Species Survey and Method Statement Report (Bats and Barn Owl), Ecology Services Ltd, v3 received on 11th February 2022) unless otherwise approved in writing by the local planning

authority or varied by a European Protected Species licence subsequently issued by Natural England.

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

11. The development shall be carried out in accordance with all of the recommendations for mitigation and compensation for barn owls set out in Section 7 of the submitted Ecological survey report (Protected Species Survey and Method Statement Report (Bats and Barn Owl), Ecology Services Ltd, v3 received on 11th February 2022) unless otherwise approved in writing by the local planning authority.

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

12. No development shall commence until a scheme for the ongoing long term monitoring and maintenance of the wildlife tower has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall be implemented thereafter in accordance with the approved details.

Reason: These details are required prior to the commencement of development to as the proposed development may result in the loss of ecological habitat and as such precautions are required during the construction phase in order to comply with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

13. Prior to first occupation of any dwelling a scheme for the provision of electric vehicle charging points throughout the development and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until an electric vehicle charging point has been installed in accordance with the agreed details.

Reason: In the interests of sustainability and air quality in accordance with Policy IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

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

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

15. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway mitigation has been submitted to, and approved by, the Local Planning Authority. The highway works will include widening the site access road to minimum width of 5m

with 6m radii, widening the central reserve crossing (minimum 10m width) with appropriate highway sign/lining and lighting. The site access and highway works shall be constructed and made available for use before any further development takes place or to a timetable agreed in writing by the local planning authority. The site access shall be maintained as approved for the duration of the development.

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

16. 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 the site compound;
- Details of on-site wheel wash facilities to be used for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones and debris being carried onto the highway.

The approved Construction Management Plan / Statement shall be adhered to throughout the demolition and construction period of the development.

Reason: These details are required prior to the commencement of development in order to protect the safety of users of the Public Right of Way and local highway network and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

17. Prior to the first occupation of any dwelling the car/vehicle parking area (and any associated turning space) shown on the approved plans shall be completed. The parking (and manoeuvring) area(s) shall thereafter remain available for parking of vehicles associated with the dwelling. Driveways/vehicle parking areas accessed from the adopted highway must be properly consolidated and surfaced in bound porous materials, (not loose stone, gravel or grasscrete) and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure satisfactory levels of appropriately constructed off-street parking are achieved within the development in the interests of highway and pedestrian safety and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

18. No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed. The area shall thereafter be kept free of obstruction and available for the parking of cycles only at all times thereafter.

Reason: To ensure the provision and availability of adequate cycle parking and the promotion of sustainable forms of transport in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

19. The following provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) Schedule 2, Part 1 Classes A, B, C, D and E and Part 2 Class A, or any amendments made to that Order, shall not apply:

- (i) no extensions shall be carried out to the dwelling
- (ii) no garages or carports shall be erected within the curtilage of the dwelling
- (iv) no buildings, greenhouses, swimming pools, gates, walls, fences or other structures shall be erected within the curtilage of the dwelling
- (vi) no windows or dormer windows shall be added to the dwelling

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

Reason: The character and location of the property are such that the Local Planning Authority wish to exercise control over future development in order to protect the openness of the Green Belt and the character of the buildings and to comply with the provisions of Policy GN1(b) and GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document and National Planning Policy Framework.

Reason for Approval

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

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

No. 3	APPLICATION NO.	2021/1046/FUL
	LOCATION	Former Universal Bulk Handling Ltd Orrell Lane Burscough Ormskirk Lancashire L40 0SL
	PROPOSAL	Full application for demolition of existing commercial building and erection of 54 no. residential dwellings with new access, car parking, landscaping and other associated works.
	APPLICANT	Prospect GB (Ltd) And Baxi Partnership Ltd
	WARD	Burscough West
	PARISH	Burscough
	TARGET DATE	9th December 2021

1.0. REFERRAL

- 1.1 The application has been called in for consideration at Planning Committee by Councillors Dereli and Clandon who raise concerns in respect of highway capacity, drainage capacity, use of land for residential as opposed to employment use and insufficient open space provision.

2.0. SUMMARY

- 2.1 The application is for demolition of existing industrial buildings and erection of 54no. residential dwellings This site is a highly sustainable site for housing, being within easy walking distance of Burscough centre. I conclude that the loss of an employment site is acceptable in that the redevelopment for residential use offers the most effective use of the land in line with the NPPF, outweighing any conflict with policy EC1. The Highway Authority considers that the proposed development would see a reduction of both cars and HGV visits to the site in comparison with the site's lawful industrial use. I consider that the drainage arrangements will result in a significant reduction of surface run off and reduce the impact of flooding in Orrell Lane and Crabtree Lane. The detailed requirements in respect of site layout, residential impacts, (including noise), contamination and ecology are acceptable. Whilst there is still a shortfall in informal open space provision, I consider that the qualitative improvements to open space around the Canal, the improved pedestrian access into Burscough and the benefits of the redevelopment of the site for housing particularly the improved appearance of the site on the edge of the settlement outweigh the slight harm to the requirements of EN3.

3.0. RECOMMENDATION - APPROVE with conditions

4.0. THE SITE

- 4.1 The site is located to the southern side of Orrell Lane on the western fringe of the Burscough main settlement area. The generally rectangular site accommodates a multi-bay industrial building with surrounding areas of open storage and parking. The site is presently vacant but was last in use by Universal Bulk Handling Ltd for a B2 general industrial use. The site manufactured tank-containers used for transporting bulk liquids and gases and ceased trading in December 2019. The entire site has been vacant and available for sale since January 2020
- 4.2 The elevated Leeds Liverpool Canal towpath lies immediately south of the site, to the north and west lies open agricultural land in the Green Belt. Two residential dwellings

about the site at its north-eastern corner being the last residential properties within the settlement area. There are other industrial premises adjoining the site to the southeast. The site is approximately 1.8 hectares in area and is generally level.

- 4.3 The site is accessed via Orrell Lane which is an unclassified road which has been categorised as a local access road. The site is located just outside the 20mph zone which extends from the junction with Liverpool Road North (A59), changing to 30mph at the existing access to the site.

5.0. THE PROPOSAL

- 5.1 The application is for demolition of existing industrial buildings and erection of 54 no. residential dwellings with new access, car parking, landscaping and other associated works. The scheme has been amended during the processing of the application by reducing the number of dwellings from 60 no and revising the site layout
- 5.2 The dwellings are two storey and comprise 24 x 3 bed (44%) and 30 x 4 bed (56%) dwellings with 7 different house types.
- 5.3 A foul water pumping station is also included within the layout at the northwest corner of site onto Orrell lane
- 5.4 Informal open space of 1,886 sqms is to be provided alongside the Canal with the introduction of native planting, additional trees, a footpath link and four benches spaced along the canal frontage
- 5.5 One main access point would be off Orrell Lane leading into the "estate"; however, 11 dwellings would front onto Orrell Lane with direct access off it. Car parking is provided in the form of private drives, integral garages and parking courts.

6.0. RECENT RELEVANT HISTORY

- 6.1 2012/0193/OUT – REFUSED (12.12.2012) - Outline - Demolition of industrial building and erection of up to 30 dwellings including details of access.
- 6.2 2006/0569 GRANTED (27.06.2006) - Removal of Condition No. 7 imposed on planning permission 8/95/0088 to allow equipment to be stored on site outside the buildings
- 6.3 2006/0569 GRANTED (27.06.2006) - Removal of Condition No. 7 imposed on planning permission 8/95/0088 to allow equipment to be stored on site outside the buildings.
- 6.4 1996/0694 REFUSED (24.04.1997) - Single storey production facility extension to existing production unit. Erection of single storey building to provide production facility adj. to existing production unit. Provision of new parking spaces.
- 6.5 1995/0088 GRANTED (22.06.1995) - Change of use from Class B.8 (Warehouse) to Class B.2 (General Industry); improvement to access and provision of roller shutter door.
- 6.6 1991/0199 GRANTED (15.08.1991) - Staff car parking area.

7.0 RELEVANT PLANNING POLICIES

- 7.1 National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD (WLLP) provide the policy framework against which the development proposals will be assessed.
- 7.2 The site is in the settlement area of Burscough and is allocated as an employment site in the West Lancashire Local Plan 2012-2027 DPD. The following policies are relevant:

National Planning Policy Framework

- 2 – Achieving sustainable development
- 5 – Delivering a sufficient supply of homes
- 6 – Building a strong, competitive economy
- 8 – Promoting healthy and safe communities
- 9 – Promoting sustainable transport
- 11 – Making effective use of land
- 12 – Achieving well-designed spaces
- 14 – Meeting the challenge of climate change, flooding and coastal change
- 15 – Conserving and enhancing the natural environment

West Lancashire Local Plan 2012-2027 DPD

- SP1 – A Sustainable Development Framework for West Lancashire
- GN1 – Settlement Boundaries
- GN2 – Safeguarded Land
- GN3 - Criteria for Sustainable Development
- GN4 - Demonstrating Viability
- EC1 – The Economy and Employment Land
- 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
- EN4 – Preserving and Enhancing West Lancashire’s Cultural and Heritage Assets

Burscough Parish Neighbourhood Plan 2019

- BPI1 – Development and Infrastructure
- BPI2 – Surface Water Drainage
- BPI3 – Foul Water Drainage
- BPH1 – New Residential Development
- BPH2 – Housing Mix
- BPT1 – Transport and Development
- BPT2 – Environmental Improvement Corridors
- BPT4 – Sustainable Transport Routes
- BPD1 – Design and Accessibility Principles
- BPD2 – Detailed Design Elements
- BPC1 – Community Infrastructure

In addition, the following supplementary documents are material considerations:

- Supplementary Planning Document (SPD) – Design Guide (Jan 2008)
- Supplementary Planning Document (SPD) – Provision of Open Space in New Residential Developments (July 2014)

8.0 CONSULTEE RESPONSES

- 8.1 LCC Highways (06.10.2021 and 04.03.2022) No objections
- 8.2 United Utilities (08.10.2021) Acceptable in principle subject to conditions

- 8.3 Canal and River Trust (05.10.2021) No objections. Support access to towpath. Welcome that the layout seeks to create a positive and active frontage to the canal corridor. Suggest conditions
- 8.4 LCC Local Lead Flood Authority (05.10.2021) objects to this application until evidence is provided to demonstrate why those parts of the site that are drained by pumping cannot be drained by gravity

(01.02.2021) withdraw its objection subject to conditions
- 8.6 Principal Engineer –Drainage (15.11.2021) there is a significant reduction in existing rates of surface water runoff from the site and will clearly reduce the current impact this 100% impermeable brownfield site has on existing flooding in Orrell Lane and Crabtree Lane.
- 8.7 Environmental Health Manager (10.12.2021)
Contaminated Land –No objections subject to conditions. I generally accept the findings and proposals for the type and levels of contamination found at this site.
Noise – No objections subject to conditions. An acoustic assessment has been submitted in support of the application and has suggested reasonable noise mitigation in terms of façade design and site noise barriers
- 8.8 Lancashire Police (17.09.2021) Support the layout and design as its less attractive for crime
- 8.9 LCC Schools (29.09.2021) An education contribution is not required at this stage regards to this development

9.0 OTHER REPRESENTATIONS

- 9.1 Significant level of objection received from neighbouring residential properties and Ward councillors raising the following concerns:

Consultation

No consultation with residents on use of land before application
Consultations and Neighbours notifications have only been sent to 4 properties.
Majority if not all residents (of Orrell Lane) would be against the plan for housing

Principle of development

Loss of employment land;
West Lancashire does not currently have a shortfall in the housing land supply;
This part of the village is not suitable for expansion;
No affordable homes will be built on the site;
We do not need yet another luxury housing development;
None of the properties are single story, bungalows. The proposed accommodation for the elderly has not been met;
The Marketing exercise to retain the site as employment use was unsuccessful due to the Covid Pandemic.

Flooding/Drainage

More houses will exacerbate the existing flooding issues in Burscough;
Already an area with potential and actual flooding problems exacerbated by large housing developments on greenfield land in Burscough;
The Leeds Liverpool canal lies immediately south of the site in an elevated position, overtopping or breach of the embankment will lead to an immediate flooding of the site;
There is also an unknown source of water at the base of the embankment;
Drainage has been a constant problem for households at this end of Orrell Lane.

Highways and access

The roads cannot support these extra houses;
Access for construction disruptive to residents;
Building another 60 homes, on a Lane with limited access already, is not only dangerous, but is totally ignoring the huge detrimental effects on Orrell Lane residents;
There is already inadequate parking on Orrell Lane with no adequate parking facilities already causes problems for farm vehicles and any large goods vehicle;
Orrell Lane is already over capacity for a narrow lane with a 20mph restriction;
Residents' vehicles are forced to park in dangerous positions along the road making visibility and passage though dangerous;
Over-weight lorries, constantly using the canal bridge to gain access to the A59
Orrell Lane cannot handle the traffic for existing housing level before you add the extra houses on Victoria Park approx. 56 homes and the proposed 60 houses on UBH;
Orrell Lane is used as a cut through from Industrial estate which is made worse with the never-ending roadworks on A59;
The blind bend on Orrell lane is particularly dangerous due to residents parking on the inside of this bend;
The footpath along Orrell lane is narrow, from the blind bend on one side of the road only and pedestrians are often at risk from speeding vehicles. This has been exacerbated by the new housing development on Bobby Langton Way and the closure of the access road from Tesco;
There is a primary school on Orrell Lane which has increased traffic early morning and mid-afternoon conflicts with children;
There is a Methodist School and Church on Orrell Lane, and the road is often congested at certain times because of both of these;
The developer has completely disregarded road safety, noise and air pollution of all local residents, within the surrounding development;
No consideration given to the residents in Crabtree lane who are currently pursuing action from the highways dept on the problems of excessive traffic of HGVs, along with speeding traffic;
The A59 is the main road through Burscough and is already over capacity at certain times during the day, exacerbated by constant road works;
Construction will degrade the condition of the roads further, create access issues for residents who have regular NHS transportation and inevitably impact upon the significantly reduced resident parking;
Garage spaces of new homes not used for parking;
The applicants Transport Assessment is a theoretical and sanitised view of the reality of traffic conditions in the area;
There can surely be no better site in Burscough for a car-free approach;
The traffic engineers who have carried out the impact of increase traffic as a result of the proposed development have considered the development in isolation only and not in the context of other recent developments nearby and in Burscough area.

Infrastructure

The infrastructure cannot support these extra houses;
Massive increase in population to Burscough with no infrastructure;
Burscough Health Centre is already inadequate for the existing population, Inadequate Doctors/ Dentists;
There is very little for young people to do in our town, the roads are in a pitiful state, the post office does an excellent job but is far too small for the needs of the community, public transport services are poor, and the list goes on;
The people of Burscough will definitely not benefit from further pressure being put on already very strained services and facilities.

Residential Amenity

Demolition and construction will have huge detrimental effects on Orrell Lane residents;

Occupier 85 Orrell Lane - our bedroom windows face directly onto this boundary which is less than 2m away, and high fencing here would block our light and view. Request that low 1.2m high fencing is used on this boundary as far as our southerly window;
Increase in criminal activity on current construction sites that do not have any security in place;
Adverse impact on Health & wellbeing of local residents and Children as a result of extra traffic.

Contamination

Great concerns regarding the potential for environmental contaminants during the clearing of the factory site. Asbestos, Hydrocarbons, fine concrete dust will be released during clearance, not to mention the noise from the demolition and the heavy plant to and from the site

Ecology and Wildlife

Wildlife. There is little mention of improving the site for local wildlife. Should be election of native trees be more attractive to wildlife and bird/bat boxes. Protection of hedgehogs and bats

Sustainability

No mention of solar panels for the proposed housing;
No focus on sustainability and reduction of carbon footprint in line with governmental targets (Future Home Standards), new homes should show reduction in CO2 footprint by 75-80%;
No details provided how minimise wastage to reduce the amount sent to Landfill.

9.2 Burscough Town Council (07.10.2021 and 03.03.2022) Objects

Not formally consulted;

The risk of flooding and surcharge contravenes BPI1, 2 & 3 regarding infrastructure, surface water drainage and foul water drainage. Endorse the objection by Burscough Flood Group;

Traffic/highways issues regarding Orrell Lane with the junction on the A59, the amount of extra traffic which will be travelling down Orrell Lane to access the A59 and existing substandard highway conditions on Orrell Lane.

Additional comments

A strong condition should be added during the demolition of the site due to asbestos removal as this development is close to the canal waterway;

The Pegasus Group report falls short by 1/3 of minimum public open space, this development should still at least meet the minimum required standard.

9.3 Burscough Flooding Group (06.10.202103 and 03.03.2022) Objects - relates to

flooding in the immediate vicinity as well as upstream and downstream of the Site

Development of this Site will bring additional water to an area which suffers serious and frequent flooding. The development could bring in excess of 15,000 litres extra per day which will need to be drained;

Separation of Foul and Surface water in "Combined Sewers", whilst in theory this is a positive move, it is not achievable in Burscough without bringing further flooding to Homes, Farmland and Highways to many areas of Burscough because the separated water needs to go somewhere, that means it will be fed into the already failed Watercourses which are the main source of water connected with Local Flooding;

The Watercourse are filled beyond capacity and are restricted by undersized and poorly maintained Culverts beneath the Manchester to Southport Railway;

The Watercourse closest to the proposed Development Site, the Estate Watercourse, when full to capacity, flows out onto the road at the Junction of Orrell Lane, and Crabtree Lane, flooding Orrell Lane then continues down towards the Railway Crossing and the 'Village Watercourse. The System has failed and has been failing for at least 20 years, but now with alarming frequency.

The Site in question has flooding upstream in the Hesketh Road area. This brings Raw Sewage to the highways and consequently 'Contaminated water 'makes its way beneath the Leeds Liverpool Canal and onto the farmland directly fronting this Site, contaminating Farmland, Footpaths and Highways as well as Homes;

The Farmland in question located on Orrell Lane, adjacent to the Site and is Agricultural land, however over recent years has been subject to severe and frequent flooding, some of which is believed to be sewage. This makes crop management challenging as the fields are under water for many months taking valuable farmland out of production. To permit any Development which brings more water to this frequently flooded area would show a reckless disregard for the welfare of Local Residents and Crop security for the years ahead;

- Any significant development in the catchment for New Lane Wastewater Treatment Works (WwTW) will have a negative effect on the already high rate of sewer floods from the sewage pumping station for New Lane WwTW. It will also have unpredictable negative effect on the combined and foul sewer network around UBH;
- The development is unsustainable because it does not meet the requirements BPI1 of the Neighbourhood Plan, 155 in NPPF 2018 or BPI3 of the Neighbourhood Plan;
- The development is unsustainable because it hasn't considered the cumulative effect of planning applications in Burscough, Ormskirk, Rufford, Bescar, Shirdley Hill and Hurlston Green; on the foul and combined sewer network in Burscough;
- It is a notable failure of the Local Planning Authority that the West Lancashire Strategic Flood Risk Assessments, which were revised for the 2012 local plan, lacked sequential and exception tests for Burscough until 2018 and WLBC have never held nor published the evidence base they needed to undertake the tests; This means that the SFRA is fundamentally unfit for purpose because it has never contained the information necessary to site developments in the areas of lowest flood risk.

Additional comments

The reduction in the number of homes proposed still does not address the fact that a considerable amount of additional water will be brought to the site as highlighted in our previous submissions;

Disagree with the comments of Drainage Engineer not the Professional response the Residents of Burscough should expect from WLBC

10.0 SUPPORTING INFORMATION

10.1 The following supporting documents have been submitted

Planning Statement (Ref: R001) prepared by Pegasus Group;

Design and Access Statement prepared by Woodcroft Design;

Marketing and Viability Report, prepared by NRE Surveyors;

Transport Statement (and Travel Plan), prepared by Eddisons;

Arboricultural Impact Assessment (Ref: 8849.002), prepared by TEP;

Air Quality Assessment (Ref: 102856) prepared by Miller Goodall; Noise Assessment (Ref: 102587) prepared by Miller Goodall;

Preliminary Ecological Assessment (Ref: SE0944-01_E0ac_PEA_AS), prepared by Biora;

Drainage Strategy Plan (Ref: 21067/01 Rev A), prepared by REFA Consulting Engineers;

Landscape and Visual Appraisal (Ref 8849.001) prepared by TEP;

Flood Risk Assessment (Ref: 680200-R1(00) FRA) prepared by RSK; and

Site Investigation (Ref: 7736si), prepared by Coopers Chartered Consulting Engineers

11.0 OBSERVATIONS OF CORPORATE DIRECTOR PLACE AND COMMUNITY

11.1 The main considerations for this proposal are as follows:

The principle of the site for housing development;
The loss of employment land;
Affordable housing and elderly housing requirements and vacant building credit;
Open space provision;
Site layout, design and landscaping;
Impact on residential amenity;
Suitability for housing development adjoining an employment area – noise;
Highways and Access;
Drainage;
Contamination;
Ecology.

The principle of the site for housing development

11.2 This site is previously developed land within the settlement boundary, and is highly sustainable, being within easy walking distance of Burscough centre with its good range of facilities, including rail and bus links. The location is also attractive as a residential site, being a quiet location on the edge of open countryside to the north and west, and adjacent to the Leeds Liverpool Canal, a nature conservation corridor and valuable Green Infrastructure asset.

11.3 There is no shortage in housing land supply at present in West Lancashire, the latest figure (in the 2021 Annual Monitoring Report, published October 2021) being 11.2 years deliverable supply. In Burscough, the Yew Tree Farm strategic site is well under construction and there is residential development underway close by at the former Burscough Football Club site.

11.4 An adequate housing land supply is not a reason in itself to prevent additional housing, subject to other relevant policies. I consider both Policy RS1 –in the Local Plan and BPH1 in the Neighbourhood Plan both support housing in this location.

The loss of employment

11.5 The site is designated under policy EC1 (The Economy and Employment Land) as an 'Other Significant Employment Site' (reference EC1.2(b) (viii)). On such sites, policy EC1 allows for industrial, business, storage and distribution uses (i.e., Use Classes B1, B2 and B8). Paragraph 6.15 of the justification to policy EC1 states that the development of non-employment uses will be resisted on Other Significant Employment Sites "in order to maintain the Borough's employment land supply and maximise opportunities for new economic investment in the Borough. There is no provision in policy EC1 for non-employment uses to be permitted on Other Significant Employment Sites, even when a site is vacant.

11.6 Given the designation of the site under policy EC1.2(b), the proposed residential development would be contrary to the development plan. Therefore, the principle of housing could only be considered acceptable on this site if it were clearly demonstrated that material considerations indicate a departure from development plan policy would be appropriate.

11.7 The NPPG provides further guidance on supporting the effective use of land. It states that "When considering whether there is a realistic prospect of an allocated site being developed for its intended use, it may be relevant to take into account factors such as:

the length of time since the site was allocated in the development plan;
the planning history of the site including any planning applications or pre- application enquiries;
whether there is evidence that the site has been actively marketed for its intended use for a reasonable period, and at a realistic price; and
whether there are any changes of circumstance that mean that take-up of the site for its intended use is now unlikely”

- 11.8 In a similar manner Policy GN4 sets three tests for the loss of employment use (on non-Significant Employment sites) which centre around:
the continued use of the site/premises no longer being viable,
the land/premises no longer being suitable for the existing use, and
marketing of the land/property indicating that there is no demand for it.
- 11.9 Taken together I consider the tests set out in the NPPG and Policy GN4 to be relevant and the applicants have submitted a Marketing Viability Report to address these issues of the viability and suitability of employment use

Viability for ongoing employment use

- 11.10 The site was extensively marketed by the site owners for 18 months at a competitive price, with only one commercial enquiry that did not lead to a viewing (all other enquiries were for residential development). The existing buildings also have a number of disadvantages for modern employment requirements including:

Little parking and servicing capacity for HGVs, with the sole access via Orrell Lane which is a residential street with on-street parking

The buildings are old, with asbestos panelling, poor insulation, whilst cranes and other valuable fixtures were auctioned off when UBH went into liquidation

Demolition and redevelopment for business park/ Class E retail uses –

- 11.11 The applicant has carried out a number of studies for the site's demolition and redevelopment for a variety of Business, Office use and Retail uses, and none are viable or policy compliant in this out of centre location. In this context it is a peripheral location with poor site parking and servicing arrangements.

Partial Demolition and Sub-division of remaining units –

- 11.12 There is no viable way of subdividing and re-letting the existing buildings due to the costs involved and lack of any demand (which would have been picked up through the general marketing process).

Employment land supply in Burscough and the Councils evidence base

- 11.13 The Council's own evidence base does not consider this site for continued employment use with the SHELAA considering it a suitable residential site and the Liverpool SHELMA evidence not considering this site, or Burscough as a whole, suitable for any larger scale strategic distribution floorspace (B8).

Conclusions on the viability and suitability of the site for employment

- 11.14 Whilst I note that the Marketing Viability Report was carried out during the unusual circumstances of the covid pandemic I still consider it a sound basis for concluding that there is little, or no prospect of employment uses continuing on site either in its outdated form or through redevelopment. Whilst the availability of employment land elsewhere would not normally be a reason to allow loss of an employment site of this status, I do

consider in this case that the existence of a significant amount of more suitable allocated / permissioned / available land close by (in particular at Burscough Industrial Estate) is a relevant consideration. I consider the unrestricted use of this general industrial building has the potential to cause future problems for surrounding residents along Orrell Lane and that there are more suitable modern employment sites currently available in the Burscough. Area. On this basis I conclude that the loss of an employment site is acceptable on this site in that the redevelopment for residential use offers the most effective use of the land in line with the NPPF, outweighing any conflict with policy EC1

Affordable housing and elderly housing requirements and vacant building credit

- 11.15 The requirement for affordable homes and provision of accommodation suitable for the elderly originates from policies RS1 and RS2 of the Local Plan. Policy RS2 requires that on sites such as this 35% of the units be affordable. However, an important material consideration is vacant building credit (VBC) which was introduced in 2014 via a ministerial statement and incorporated into National Planning Practice Guidance (NPPG). The VBC allows for existing vacant floorspace to be taken into account when calculating affordable housing requirements and is seen as a way to incentivise development on brownfield land.
- 11.16 The VBC allows for existing vacant floorspace to be taken into account when calculating affordable housing requirements, provided it is the case that the vacant buildings on the site have not been deliberately abandoned. In summary, the existing floorspace of a vacant building should be credited against the floorspace of the new development i.e., a developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought.
- 11.17 The existing vacant buildings on the site have a total floor area of 100,000 sq. ft. The proposed site layout creates around 64,000 sq. ft of new floor space. I consider that the proposal is eligible to benefit from VBC and therefore the provision of no affordable dwellings is acceptable in this instance.
- 11.18 Policies RS1 and RS2 of the Local Plan also require that 20% of new residential units should be suitable for the elderly. This equates to 10 units. Policy is flexible as to how this requirement should be met, but the units must be designed specifically for the elderly to live in without adaptation in accordance with Part M4(2) of building regulations.
- 11.19 The applicant has indicated that a total of 39 dwellings across four house types are M4(2) compliant, meaning they are accessible and adaptable for the elderly, which equates to 72% of the development significantly exceeding the policy requirement of 20%

Open space provision

- 11.20 Policy EN3 of the Local Plan (part 2 criterion d) indicates that where deficiencies in open recreation space exist, new residential development will either be expected to provide public open space on site, a financial contribution towards off-site provision, or enhancement of existing areas of public open space to meet the demand created by the new development. Policy OS1 of the Council's Provision of Public Open Space in New Residential Developments Supplementary Planning Document (July 2014) states that residential developments of 40-289 dwellings will be required to provide 13.5 square metres of public open space per bedroom developed and that this public open space should typically take the form of informal amenity green space.
- 11.21 The West Lancashire Open Space Study (2018) shows a quantitative deficiency in the amenity greenspace and allotments typologies in the Burscough and Central Parishes area. There is therefore a policy requirement to provide open space on the site. On the

basis of the information submitted, in accordance with Policy OS1 of the SPD, 192 bedrooms proposed generates an open space requirement of, 2,952sqm / 0.3 Ha. The applicants have significantly altered the layout by reducing the number of dwellings by 6 to provide an enhanced area of informal open space alongside and including the embankment to the Canal. This provides an area of 1,886 sqm. Whilst this is a shortfall, they intend to plant species rich grassland and native shrubs which will improve biodiversity and visual amenity in this part of the site. The revised proposals will also improve amenity in this area with a seating area and the provision of a new footpath which will connect to the canal towpath and improve connectivity to Burscough centre. These are significant qualitative improvements in open space.

Site layout, design and landscaping

- 11.22 Policy GN3 of the Local Plan together with the Council's SPD Design Guide states that new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale or roofline.
- 11.23 The majority of the properties will be accessed from an estate road from Orrell Lane at the northwest corner of the site, although there are 11 frontage properties on Orrell Lane. The scheme comprises an estate road which faces the canal and the creation of 2 residential cul de sacs. The scheme is characterised by outward facing development to both Orrell Lane and to the canal to the south. Improvements have been made to the amended layout/design to ensure that the developments create an attractive streetscene both externally to the site and within the main access road. Security of the completed development has been a major consideration when designing the layout to maximise natural surveillance by way of active street frontages and dual frontage properties which is supported by Lancashire Police.
- 11.24 The residential units would be a mix of 2 and 2.5 storey and be finished in red brick with a variety of details including heads, jambs, and cills art stone surrounds and pitched tiled roofs and the design will match the character of the area. Improvements have been made to the landscaping of the site internally and particularly to the canal and on the western boundary with open countryside. The applicants provide homes that are equipped to improve energy efficiency and minimise waste and to meet the challenge of rising building performance standards.
- 11.25 The proposed dwellings would benefit from sufficient private amenity space and there would be adequate interface distances between the new dwellings which meet the standards in the Design Guide SPD.
- 11.26 I consider that the site layout, design and landscaping are acceptable and meet the requirements of Policy GN3.

Impact on residential amenity

- 11.27 Policy GN3 requires that development should 'retain or create reasonable levels of privacy, amenity and sufficient garden / outdoor spaces for occupiers of the proposed and neighbouring properties'
- 11.28 As previously stated the proposed dwellings would benefit from sufficient private amenity space and there would be adequate interface distances between the new dwellings which meet the standards in the Design Guide SPD. There is only one

immediate neighbour No 85 Orrell Lane and the proposed adjoining dwelling with a single storey garage to side has been set away from the ground floor windows in its side elevation. The neighbour has asked that low 1.2m high fencing is used on the common boundary as far as their southerly window and the applicant has agreed to this request.

- 11.29 I consider that the proposed development would satisfy the requirements of Policy GN3 in respect of neighbouring amenity. The additional impacts of any significant development in this area would be during the demolition and construction phase in terms of noise dust. Whilst some noise and dust will be generated during the construction phases, this will be temporary and subject to environmental control.

Suitability for housing development adjoining an employment area - noise

- 11.30 The main impediment to the suitability of the site for housing (other than the loss of employment land referred to above) is that of potential noise impact.
- 11.31 The suitability of this site for housing in terms of location rather than allocation was the reason for refusal of the 2012 application (2012/0193) due to its proximity to employment uses within the remaining part of the UBH site and the adjacent site to the east at Victoria Mill, Victoria Street. However, that application involved only part redevelopment of the site.
- 11.32 However, Victoria Mill to the east remains in an employment use with no hour's restrictions on this business. There is also the potential for traffic noise from Orrell Lane. The applicants have undertaken a noise survey which indicates that whilst the application site is exposed to relatively low levels of noise, mitigation measures will be required in order to protect occupants of dwellings that are most exposed to traffic noise from Orrell Lane and daytime activity noise from the adjacent commercial estate to the east. The recommended noise mitigation strategy includes the installation of acoustic trickle vents (40dB) to all bedrooms to plots overlooking Orrell Lane and 1.8m high walling to protect from noise to gardens. All windows throughout the development are to be fitted with 'standard' double glazing units providing a sound reduction of at least 25 db. More specifically a 2.2m high solid noise fence barrier is to be constructed along the east site boundary in order to attenuate noise from activities within the adjacent commercial estate.
- 11.33 The Environmental Health Team have reviewed these measures and agree that these will provide a suitable and commensurate level of protection against noise to the occupants of the proposed development.
- 11.34 Subject to mitigating conditions I consider the amenities of future occupants of the dwellings will be acceptable and that the mitigation measures will ensure that the continuing use of the nearby commercial premises is not prejudiced.

Highways and Access

- 11.35 Policy GN3 of the Local Plan states that developments should integrate well with the surrounding area and provide safe, convenient and attractive pedestrian and cycle access, ensure that parking provision is in line with Policy IF2, and incorporate suitable and safe access and road layout.
- 11.36 The access to the site would be taken from Orrell Lane close to the edge of the settlement boundary and where the 20mph zone changes to 30mph. The applicants has produced a detailed Transport Assessment
- 11.37 There has been considerable level of local objection from residents living in Orrell and Crabtree Lanes about the level of traffic likely to be attracted to a new residential estate given the narrow and heavily parked nature of Orrell Lane and other local roads

- 11.38 The site is a previously developed site and whilst the site is currently vacant it has a longstanding Class B2 General Industrial use which when occupied could lawfully generate a considerable amount of vehicles including, cars, vans and lorries including a significant number of HGVs. Whilst residents might consider this to be theoretical, it is standard and accepted practice for Highway assessments. The starting point for any assessment is the use and level of activity that could be generated by this industrial use.
- 11.39 The Highway Authority have reviewed the applicants Transport Assessment which indicates that the proposed development will generate an estimated peak flow of 35 two-way vehicular movements at both am and pm peak times. This analysis is based on 60 dwellings which have since been reduced to 54. In comparison the existing Industrial Class B2 use is likely to generate 72 two-way vehicle movements at am peak times and 58 two-way movements at pm peak times.
- 11.40 The Highway Authority accepts this analysis within the Transport Assessment and considers that the proposed development would see a reduction of 37 (am peak) and 23 (pm peak) two-way trips and a reduction of HGV visits to the site. The Highway Authority is of the opinion that the proposed development would not have a severe impact on highway capacity but would require mitigation works (via conditions) to ensure a safe and suitable access for all users and satisfy highway safety. These conditions include extending the 20mph zone westwards, implementing the junction with Orrell Lane, provision of a pedestrian footway across the whole site frontage and a pedestrian link to the Canal.
- 11.41 Subject to conditions I consider that the proposed development will not have an adverse impact on highway capacity or highway safety on Orrell Lane and complies with Policy GN3 of the Local Plan.

Drainage

- 11.42 In terms of the principle of development relating to flood risk, the application site lies within Flood Zone 1, the least susceptible to flood risk. The NPPF and Policy GN3 of the Local Plan require that any development upon the land should not result in unacceptable flood risk or drainage problems.
- 11.43 As articulated by the Town Council, the Burscough Flood Group and local residents there are known surface water flooding issues in the area, along Orrell Lane and Crabtree Lane and there are specific issues in that the site is lower than the adjoining Leeds-Liverpool Canal. The applicants have produced a site-specific Flood Risk Assessment and a Drainage strategy for surface water and foul drainage.
- 11.44 The Canal and River Trust welcome that the surface water drainage would be directed away from the canal and the toe of the embankment. Subject to a condition to ensure the precise details of its diversion under the Canal the Trust considers the drainage arrangements acceptable
- 11.45 Currently the majority of the site is covered by hard surfaces either buildings or parking/hardstanding, but the hard paved area will reduce to less than 50% of its current figure. The Principal Engineer –Drainage considers the proposed peak surface water rate of discharge of 12.0 l/s to be a significant reduction in existing rates of surface water runoff from the site. The investigations undertaken and the general lay of the land suggests that the existing runoff will feed into the land drainage system that runs down the southern side of Orrell Lane before passing beneath Crabtree Lane. This will clearly reduce the current impact this 100% impermeable brownfield site has on existing flooding in Orrell Lane and Crabtree Lane.

- 11.46 The Local Lead Flood Authority (LLFA) had concerns that the applicant did not adopt the hierarchical approach to drainage but is now satisfied that the pumping arrangements for foul sewerage to be acceptable. Similarly United Utilities confirm the proposals are acceptable in principle subject to the imposition of suitably worded planning conditions to require the drainage strategy to be in accordance with the submitted Flood Risk Assessment and require the submission of a more detailed drainage scheme including management and maintenance proposals I consider the scheme to be acceptable as the development will not increase the risk of flooding either on or off the site.
- 11.47 I consider that the drainage arrangement will result in a significant reduction of surface run off and reduce the impact of flooding in Orrell Lane and Crabtree Lane. I consider the proposals comply with the requirements of the NPPF and Policy GN3 of the Local plan in respect of drainage.

Contamination

- 11.48 Policy GN3 requires development to minimize the risks from all types of pollution and contaminants. The site comprises a previously developed general industrial site and its redevelopment for residential accommodation. In relation to contamination the Environmental Health Manager accepts the applicants Site Investigation Report's findings and proposals for the type and levels of contamination found at this site. The applicants have produced a further risk assessment in respect of contaminants. I consider that in relation to contamination that this can be controlled by safeguarding conditions to ensure additional gas monitoring, more detailed site investigations, analytical results and an appropriate and detailed level of site remediation.

Ecology

- 11.49 Policy EN2 seeks to protect priority species and their habitats. If significant impacts on any biodiversity area unavoidable, then mitigation or as at least compensation, are required to fully offset any impacts. The applicants have submitted a Preliminary Ecological Assessment which identifies that the site largely consists of hardstanding and derelict factory buildings. These existing industrial buildings were assessed as having negligible roosting potential for bats. The site adjoins the Leeds Liverpool Canal and open countryside to the west and there is the opportunity to improve biodiversity on the site through in particular native planting as part of the informal canal side open space, a hedgerow with native species on the western boundary and the provision of bird and bat boxes. Subject to conditions I consider the development complies with the requirements of Policy EN2 and para 174 of the NPPF in relation to biodiversity gains.

12.0 SUMMARY AND CONCLUSIONS

- 12.1 This site is previously developed land within the settlement boundary, and is a highly sustainable site for housing, being within easy walking distance of Burscough centre. I conclude that the loss of an employment site is acceptable in that the redevelopment for residential use offers the most effective use of the land in line with the NPPF, outweighing any conflict with policy EC1. There is no requirement for affordable housing on site given vacant building credit. The Highway Authority considers that the proposed development would see a reduction of both cars and HGV visits to the site in comparison with the site's lawful industrial use and that the proposed development would not have a severe impact on highway capacity or highway safety. I consider that the drainage arrangements will result in a significant reduction of surface run off and reduce the impact of flooding in Orrell Lane and Crabtree Lane. The detailed requirements in respect of site layout, residential impacts, (including noise), contamination and ecology are acceptable. Whilst there is still a shortfall in informal open space provision, I consider that the qualitative improvements to open space around the Canal, the improved pedestrian access into Burscough and the benefits to the redevelopment of the site for housing particularly the improved appearance of the site on the edge of the

settlement and the economic benefits of housing development/construction outweigh the slight harm to the requirements of EN3.

13.0 RECOMMENDATION

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

Condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Detail Site Layout (Ref: OR001-SL-01); The development hereby approved shall be carried out in accordance with details shown on the following plans:

Site location Plan (Ref G8849.00)

received by the Local Planning Authority on 2 September 2021

Street Scenes and Site Sections (Ref: OR001-SSSS-01);
House Types booklet (Various Refs - including colour elevations);
Landscape Plan (Ref: GL1782 01);
Drainage Strategy Plan (Ref: 21067/01 Rev C);
Drainage Statement (Ref: 21067 Rev A); and
Updated FRA (Ref: 680200-R1(02)-FRA).

received by the Local Planning Authority on 15 February 2022

Detail Site Layout (Ref: OR001-SL-01 RevA);
Colour Site Layout (Ref: OR001-CSL-01RevA);
Materials Layout (Ref: OR001-ML-01RevA);
Boundary Treatment Layout (Ref: OR001-BTL-01RevA);
Waste Management Plan (Ref: OR001-WMP-01RevA);

Potential Site Access Arrangements (ref 3428-FOI D)
Swept Parh Analysis (Ref 3428 - SPO-1 -A)

received by the Local Planning Authority on 4 March 2022

3. 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 the site compound;
- Details of the Site Manager and contact details;

- Details of on-site wheel wash facilities to be used for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones and debris being carried onto the highway.

-Details specifying how the waterway corridor and its users would be protected during the works and include any details of proposed protective fencing/netting to be erected to safeguard the waterway infrastructure during site clearance/construction

The approved Construction Management Plan shall be adhered to throughout the demolition and construction period for the development.

Reason: These details are required prior to the commencement of development in order to protect the safety of the local highway network, to protect the Leeds -Liverpool Canal and safeguard the amenity of neighbouring uses and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document

4. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the flood risk assessment (August 2021, Ref: 680200-R1(01)-FRA, RSK) and drainage strategy (July 2021, Ref: 21067, REFA Consulting Engineers).

For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, surface water must drain at the restricted rate of 12 l/s. No surface water will be permitted to drain directly or indirectly into the public sewer.

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

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

5. No development shall commence until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the local planning authority.

The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep.
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

- i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;
- ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels;
- iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;

- iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
- v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
- vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
- vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: These details are required prior to the commencement of development to ensure that there is no flood risk on- or off-the site resulting from the proposed development and that satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and to accord with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document

6. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the local planning authority.

The details of the plan to be submitted for approval shall include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
- b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, and the Leeds Liverpool Canal with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reasons: These details are required prior to the commencement of development to ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the NPPF. and to accord with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

7. The commencement of use of the development shall not be permitted, except for demolition and site clearance, and no dwelling occupied until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;

- b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework and to accord with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

8. No dwelling shall be occupied until a site-specific verification report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason; To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework and to accord with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

9. No development shall commence within 15m of the toe (bottom) of the canal embankment until a Risk Assessment and Method Statement (RAMS) outlining all works to be carried out adjacent to the canal embankment has been submitted to and approved in writing by the Local Planning Authority. The details shall:

- demonstrate that additional loads from the permanent or any temporary works, plant and machinery or storage of materials would not harm the structural integrity of the canal infrastructure;
- provide cross sections showing the written distance from the canal embankment to the access road and proposed buildings on plot 6 and 7 and any cut/fill next to the canal embankment;
- Include details of the excavation, culverting and infilling of the existing drainage ditch along the toe (bottom) of the canal embankment as shown in existing section A-A;

- include the design, depth and means of construction of the foundations of the buildings on plot 6 and 7 together with any other proposed earthmoving and excavation works required in connection with demolition or construction of the buildings;
- details specifying how the canal will be protected during the works and include any details of proposed protective fencing to be erected to safeguard the waterway infrastructure during construction and include an appropriate exclusion zone from the bottom of the embankment where no plant or machinery will track or materials placed;

The development shall only be carried out in strict accordance with the agreed Risk Assessment and Method Statement.

Reason: To protect the structural stability of the canal infrastructure which could be adversely affected by the development and to accord with the advice and guidance relating to land stability contained in Paragraphs 174 and 183 of the National Planning Policy Framework 2021.

10. Prior to any works to alter or divert the existing surface water drain, shown green on drawing 21067/01 Rev B, details shall first be submitted and approved in writing by the Local Planning Authority. The details shall include:

- existing and proposed plans of the existing outfall of the watercourse and connection from/to the culvert under the canal within the development site,
- details of the existing and anticipated maximum flows and capacity of this drain within the development site,
- the size/dimensions and extent of any piped section of this realigned watercourse through the development site and details to demonstrate that the size of the pipe would be sufficient to accommodate the maximum flows to prevent water backing up under the canal,
- details of the mechanism and frequency to inspect and maintain any piped sections of the realigned watercourse within the development site to enable cleaning and clearing of any debris or deposits.

The works shall be carried out in strict accordance with the approved details.

Reason: These details are required to be agreed prior to works commencing to ensure that the alterations to the watercourse would not impact the stability of the canal, which could be adversely affected by the development and to accord with the advice and guidance relating to land stability contained in Paragraphs 174 and 183 of the National Planning Policy Framework 2021.

11. Prior to the development hereby permitted being built above slab level full details of the proposed access to the towpath to be constructed shall be submitted to and agreed in writing by the Local Planning Authority and carried out in accordance with the agreed details. The details shall include cross sections of the step/ramps; details of any excavations into the embankment and any stabilising works; the materials to be used including the surfacing finish to the towpath; and set out any stability works required to the embankment and set out the future maintenance provisions for the access.

Reason: In order to ensure that the integrity of the waterway infrastructure is not compromised, future maintenance provision of the access has been identified and agreed and the proposed access does not have a detrimental impact on the appearance of the canal corridor and to accord with the provisions of Policy EN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document

12. Notwithstanding the submitted Site Investigation Report and Detailed Quantitative Risk Assessment of Contaminants by Coopers no development approved by this permission shall be commenced until

a. The report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy has been 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.

b. 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.

c. 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.

13. The development shall not proceed except in accordance with the Noise Assessment and Mitigation recommendations prepared by Miller Goodall Ltd; and deposited with the Local Planning Authority on 02 September 2021

For the avoidance of doubt this shall include the installation of acoustic trickle vents (40dB Dn,e,w) to all bedrooms overlooking Orrell Lane. All windows throughout the development shall be fitted with 'standard' double glazing units providing a sound reduction of at least 25dB Rw + Ctr. A 2.2m high solid noise barrier should be constructed along the east site boundary in the location indicated in the above Noise Assessment report in order to attenuate noise from activities within the adjacent commercial estate. The barrier shall be constructed using close boarded timber fencing or masonry.

The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night

All approved control measures shall be implemented prior to first occupation of any dwelling hereby approved and shall be retained as such thereafter.

- Reason: To safeguard existing and proposed local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
14. No development, other than works to implement the access, shall begin until the access and associated alterations to the layout within Orrell Lane have been implemented in accordance with the Potential Site Access Arrangements drawing number 3328-FOI-D
- The site access shall be maintained as approved during all stages of construction and the lifetime of the development.
- 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
- The site access shall be maintained as approved during all stages of construction.
15. With the exception of demolition and site clearance, no part of the development hereby approved shall commence until a scheme for the construction of the off-site works of highway mitigation to include the following:
- the construction of a 2m wide footpath on Orrell lane
the extension of 20mph speed limit across the frontage of the site with a new improved gateway between the 30/20 speed limits
visibility displays of 2.4m x 25m to Orrel Lane
- has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.
- No dwelling shall be occupied until these highway mitigation measure have been implemented in full or to a timetable agreed in writing by the local planning authority.
- Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and thereby ensure the safety and interests of the users of the highway and ensure that the development complies with the provisions of Policy GN3 and IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
16. The new estate road /access from Orrell Lane into the site shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level before construction of any dwelling takes place within the site.
- Reason: To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document
17. The parking provision shown within the curtilage of each dwelling on the approved plans ref Detail Site Layout (Ref: OR001-SL-01 Rev A); shall be provided prior to first occupation of the dwelling to which it relates. The parking area shall be hardsurfaced and shall be made available for its intended use at all times thereafter.
- Reason: In the interests of highway and pedestrian safety and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document

18. Prior to construction of any dwelling a scheme for the provision of electric vehicle charging points throughout the development and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until an electric vehicle charging point has been installed in accordance with the agreed details.

Reason: In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

19. The informal open space show on Detail Site Layout Ref: OR001-SL-01 Rev A and Landscape Plan Ref: GL1782 01 shall be laid out and provided before the occupation of the 30th dwelling hereby approved or to a timetable agreed in writing with the local planning authority. The informal open space shall be permanently retained and maintained for the duration of the development.

Reason: To ensure the provision of informal open space in accordance with Policy EN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

20. An informal open space and landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for the informal open space and all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

The informal open space and landscape management plan shall be implemented as approved before the development is occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority.

Reason: To ensure that the ensure the continued provision of informal open space and that the site is satisfactorily landscaped having regard to the character of the area and in accordance with Policy GN3 and Policy EN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

21. Notwithstanding the details shown on the approved drawings Detail Site Layout Ref: OR001 SL-01 Rev A and Landscape Plan Ref: GL1782 01, no part of the development shall be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority.

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

- Land-levels and gradients resulting in the formation of any banks, terraces or other earthworks
- hard surfaced areas and materials,

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.

22. No part of the proposed development hereby permitted, except demolition and site clearance shall be commenced until details of the proposed ground and floor levels of all parts of the site, including the finished floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a number of sections across the site, which shall indicate existing and proposed ground levels, together with the finished floor levels of any proposed dwellings/buildings through which the sections run and shall extend beyond the site boundaries to include any surrounding adjacent properties.

The development shall thereafter be implemented in accordance with the approved details and method of construction.

Reason: These details are required prior to the commencement of development to ensure the satisfactory visual appearance of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

23. The materials to be used on the external surfaces of the development (brickwork, cladding, roofing materials, windows and canopies) shall be as outlined on Materials Layout (Ref: OR001-ML-01); B received by the Local Planning Authority on 15 February 2021.

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

24. All means of enclosures and boundary treatments shall be constructed in accordance with the details and in the positions shown on the Boundary Treatment Layout (Ref: OR001-BTL-01); received by the Local Planning Authority on 15 February 2021 before occupation of the dwelling to which each relates.

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

25. Prior to construction of the pumping and sub station and notwithstanding the details shown on the approved drawings Detail Site Layout Ref: OR001 SL-01 Rev A and Materials Layout (Ref: OR001-ML-01Rev A) details of the design and materials of the pumping and sub station shall be submitted to and approved in writing by the Local Planning Authority

The pumping and sub station shall be built in accordance with the approved details

Reason: To ensure that the external appearance of the pumping station 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

26. The development shall be implemented in accordance with the Recommendations described in the Preliminary Ecological

Appraisal Report; prepared by Biora ; and deposited with the Local Planning Authority on 02 September 2021

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

27. No dwelling shall be occupied/brought into uses until details of the number and location of bird nesting boxes and bat boxes to be incorporated into the scheme shall be submitted to and approved in writing by the Local Planning Authority. The bird and bat

boxes shall be installed in accordance with the approved details prior to the first occupation of the dwellings and shall be retained at all times thereafter.

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

28. Prior to the occupation of any dwelling hereby approved details including a plan showing plot number in relation to the 37 dwellings to be constructed to the Building Regulations 2010 Approved Document M Volume 1: Dwellings, Part M4(2): Category 2 standard shall be submitted to and approved by the local planning authority.

The 37 dwellings shall be constructed to the Building Regulations Part M4(2): Category 2 standard.

Reason: In order to comply with the requirement for accommodation adaptable for the elderly in accordance with Policy RS1 in the West Lancashire Local Plan 2012-2027 Development Plan Document

Reason for Approval

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

- SP1 - A Sustainable Development Framework for West Lancashire
- GN1 - Settlement Boundaries
- GN2 - Safeguarded Land
- GN3 - Criteria for Sustainable Development
- GN4 - Demonstrating Viability
- EC1 - The Economy and Employment Land
- 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
- 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.	APPLICATION NO.	2022/0032/FUL
4	LOCATION	12 Wigan Road Ormskirk Lancashire L39 2AU
	PROPOSAL	Loft conversion, including rear dormer extension, and alterations to student HMO to provide 8 bedrooms.
	APPLICANT	Vici Property Ltd
	WARD	Derby
	PARISH	Unparished - Ormskirk
	TARGET DATE	10th March 2022

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme however Councillor Ian Davis has requested it be referred to Committee to consider the proposal in regard to overdevelopment of the site, intensification of the property and potential exacerbation of pavement parking.

2.0 SUMMARY

- 2.1 The principle of an additional 3 occupants within the property is considered acceptable and in accordance with Policy RS1 and RS3 of the Local Plan. The increase in occupancy at the site by 3 residents would not result in a significant increase in noise and disturbance to neighbouring properties or harm the character of the area sufficient to warrant a refusal of planning permission. The site is located within a sustainable location close to existing transport links. The proposed dormer would not result in a loss of amenity or privacy to neighbouring properties and is considered appropriate in terms of its design and scale. Therefore, the proposed development accords with Policy RS1, RS3, GN3 and IF2 of the Local Plan.

3.0 RECOMMENDATION – APPROVE WITH CONDITIONS

4.0 SITE DESCRIPTION

- 4.1 The site relates to an end terrace property located to the southern side of Wigan Road, close to the junction with Knowsley Road and Moor Street. The property is a two-storey dwelling. The site operates as a 5-bedroom HMO and was a HMO prior to the Article 4 Direction taking effect.
- 4.2 There is currently no on-site parking facilities provided at the site.

5.0 PROPOSAL

- 5.1 Planning permission is sought for the change of use of the 5-bedroom HMO to an 8-bedroom HMO. To accommodate the additional rooms a rear dormer is proposed.
- 5.2 On the ground floor would be 3 bedrooms and a lounge / kitchen. On the first floor would be 4 bedrooms and a communal bathroom. On the newly converted and extended second floor would be a bedroom and kitchen/ lounge. 6 out of the 8 bedrooms would have en-suite facilities. The property as a whole would accommodate up to 8 occupants.
- 5.3 No parking facilities are proposed at the site. A covered cycle shelter is proposed to the rear which will accommodate electric bike storage with charging points.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 None
- 6.2 The property was converted to a HMO prior to the Article 4 direction being implemented.

7.0 OBSERVATIONS OF CONSULTEES

- 7.1 **Lancashire County Council Highways – 09.02.2022**
No objection in principle.
Conditions suggested

8.0 OTHER REPRESENTATIONS

- 8.1 An objection has been received from New Ormskirk Residents Group (NORG) which can be summarised as follows:

The application reflects a recent trend of HMO landlords to add yet more students to a single dwelling thereby making it difficult if the property were to return to a family dwelling;

The proposal represents massive overdevelopment/intensification of the dwelling. The plans are very basic and lack detail – for example a number of the proposed bedrooms have the letters ‘es’ in the corner, which presumably means ensuite, however there are no details either in the form of conventional symbols or text as to exactly what sanitary provision there is in these locations. The same is true of the one marked bathroom. It is therefore not possible to check compliance with the legal provision for 8 students;

The loft conversion shows a bedroom (and ensuite) without windows;

The loft conversion also shows a separate lounge (there is also a lounge/kitchen/diner on the ground floor with a bedroom off it). It is the view of our members that students may be unwilling to access a loft lounge and so by default this room (which has windows) could be used as yet another bedroom;

There is no car parking provision and this property and the two either side are frequently the subject of pavement parking where cars effectively block the pavements meaning that on occasions pedestrians, pushchairs, wheelchairs have to resort to walking/using a busy main road. I understand that this illegal

parking if often referred to ward councillors. Proposals to add more HMO residents will exacerbate this problem;

The University campus has increased provision with some proposed refurbishment of older halls of residence. In the town there have been (and more yet unbuilt) PBSA accommodation blocks – three locations are currently in construction. Is it therefore necessary to overdevelop an existing HMO?;

At present there seems to be no official guidance from EHU as to future student numbers and provision.

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 within the settlement area of Ormskirk designated as a Key Service Centre in the West Lancashire Local Plan.

9.3 National Planning Policy Framework (NPPF)

Para 2 – Achieving sustainable development

Para 8 – Promoting healthy and safe communities

Para 12 – Achieving well designed places

9.4 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 RS1 – Residential Development

Policy RS3 – Provision of Student Accommodation

Policy IF2 – Enhancing Sustainable Transport Choice

9.5 **Supplementary Planning Document 'Design Guide' (Jan.2008).**

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

10.1 The main considerations for this application are

Principle of development;

Impact upon neighbouring properties and character of area;

Design and Layout and amenities for future occupants;

Highways /parking;

Visual appearance / design – dormer;

Impact to neighbouring properties – dormer.

Principle of Development

10.2 Policy RS3 - Provision of Student Accommodation of the West Lancashire Local Plan (2012-2027) states that when assessing proposals for conversion of a dwelling house or other building to a HMO, the Council will have regard to the proportion of existing properties in use as, or with permission to become, an HMO either in the street as a whole or within the nearest 60 properties in the same street whichever is the smaller.

- 10.3 In this case the application does not relate to an increase in the number of HMOs in the locality. The proposal would increase the number of bedrooms, and thus occupants, within the property from 5 to 8.
- 10.4 In an appeal decision (APP/P2365/C/18/3198365 – 91 Wigan Road) where the applicant sought to increase the number of residents in an existing HMO, the inspector found that Policy RS3 of the Local Plan was not of direct relevance to the proposal. Under this appeal the Inspector noted that Policy RS3 seeks to control the number / percentage of HMOs in identified areas, but such restrictions are not relevant to the consideration of the number of residents in each HMO. Consequently, as the HMO is already in existence the proposal would not conflict with Policy RS3 of the Local Plan.
- 10.5 Policy RS1 of the Local Plan states that within Key Service Centres (which this site is) residential development will be permitted on brownfield sites, and on greenfield sites not protected by other policies, subject to the proposal conforming with all other planning policy. Consequently, the proposal to add an additional 3 bedrooms to the premises is acceptable in principle.

Impact upon neighbouring properties and character of area

- 10.6 The increase in the number of residents residing in the property must be assessed in terms of Policy GN3 of the Local Plan which seeks to ensure developments retain/create reasonable levels of privacy and amenity for occupants of proposed and existing properties.
- 10.7 The proposal would result in the increase of 3 residents at the property. In the immediate vicinity of the site, there are already a number of student HMO properties. On balance I do not consider the increase in 3 residents within the property would materially change the existing levels of noise and disturbance in the area to an extent that the development would harm the amenities of nearby residents or the character of the area. In reaching this decision it is noted that the property is located on a relatively busy road which is a main arterial route into the town centre where noise and activity levels associated with vehicular and pedestrian movements is already reasonably high and is therefore very much part of the existing environmental conditions. Furthermore, Wigan Road is made up of predominantly student properties or commercial premises.
- 10.8 Therefore on balance I do not consider that the proposal to increase the number of residents by 3 would result in a significant increase in noise and disturbance to neighbouring properties or cause harm to the character of the area. For this reason, I am satisfied that the proposal would accord with Policy GN3 of the Local Plan.

Design and Layout and amenities for future occupants

- 10.9 The NPPF requires that planning should always seek to ensure a good standard of amenity for all existing and future residents. The property does benefit from a rear yard and the site is located close to a number of public parks and open spaces. As such, I am satisfied that the level of on-site amenity area would be appropriate for the amenity of future occupants of the property.

- 10.10 All bedrooms benefit from a window which provides outlook. The bedroom on the first floor has the benefit of a Velux roof light.
- 10.11 The site does not benefit from on-site parking, and none is proposed as part of this application. However, a covered electric bike storage area with charging points is proposed which will assist with sustainable methods of transport.
- 10.12 Bin storage has not been identified however, I am satisfied that there is space within the site to provide this and a condition requesting details of bin storage will be suggested.
- 10.13 On balance I am satisfied that the proposal provides an acceptable standard of accommodation for future occupants and as such is compliant with Policy GN3 of the Local Plan in this regard.

Highways / parking

- 10.14 Policy GN3 requires that adequate parking provision is made in line with the standards set out in the Local Plan Policy IF2 and Appendix F unless the local circumstances justify a deviation from the policy and requires that development proposals incorporate suitable development and safe access.
- 10.15 Lancashire County Council as Highway Authority has been consulted in respect of this application and raise no objections in principle. The Highway Authority are satisfied that the property is located in an area with good accessibility to local amenities, public transport and the town centre where a shuttle bus runs between the town centre and Edge Hill University for students.
- 10.16 It is noted that Wigan Road is a classified road which has been categorised as a Main Distributor Road with a speed limit of 30mph fronting onto the site. There are "No Waiting at Any Time" traffic regulation orders in place on the signal-controlled junction to the west of the property which extends to the western boundary of number 8 Wigan Road where the restrictions then change to "No Waiting" "Mon-Sat, 8am-6pm" which continues along Wigan Road in an easterly direction.
- 10.17 I note that the comments received from NORG identify that occupants of properties along Wigan Road park on the hardstanding area to the front of the properties and this can obstruct the pavement resulting in a hazard for pedestrians and road users. However, this illegal parking is a matter for the Police and the Highways Authority to address. No parking is proposed as part of this application and noting the location of the site on the edge of the town centre, along a major bus route and in proximity to the train and bus stations, I am satisfied that the proposal is in a sustainable location. A covered cycle storage area is proposed to the rear of the site which has electric charging points. This will aid social inclusion and the promotion of sustainable forms of transport.

Visual appearance / design – dormer

- 10.18 Policy GN3 of the West Lancashire Local Plan DPD (2012-2027) states “that in the case of extensions, conversions or alterations to existing buildings, the proposal should relate to the existing building, in terms of design and materials and should not detract from the character of the street scene”.
- 10.19 The SPD Design Guide provides greater detail in regard to dormer extension. The proposed dormer would be a flat roof dormer confined to the rear roof slope. It would be set up from the eaves and marginally in from the side of the party boundary with the neighbouring properties. Whilst the dormer would be glimpsed from public vantage points on Knowsley Road, I do not consider that it would result in harm to the wider street scene. I am satisfied that the scale, form, location and design of the dormer is acceptable and meets with the guidance laid out under Policy GN3 of the Local Plan and the SPD, Design Guide.

Impact upon neighbouring properties – dormer

- 10.20 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 proposal properties.
- 10.21 The proposed dormer would not in my opinion result in any loss of light result or any significant overbearing impact to any neighbouring properties. It would allow some potential for overlooking into the rear gardens of number 10 and 14 Wigan Road; however, I do not consider this to be significant or a greater loss of privacy than already exists by the presence of the existing first floor windows.
- 10.22 Overall I am satisfied that the proposal accords with Policy GN3 in this regard.

Conclusion

- 10.23 The increased occupancy at the site by 3 residents is considered to be acceptable in principle and would not significantly harm the amenities of nearby residents or the character of the area. The site is located within a sustainable location close to major transport hubs. Therefore, I consider that the proposed development accords with Policy RS1, GN3 and IF2 of the Local Plan and as such is recommended for approval.

11.0 RECOMMENDATION

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

Condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Plan reference
2630/1b - proposed plans and elevations

received by the Local Planning Authority on 16.02.2022

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 dormer (brickwork, cladding and roofing materials along with materials used in any hard surface) shall be as outlined on the following plans and documents:

plan reference 2630/1b and Section 7 of the submitted application form.

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

4. The property shall be occupied by no more than 8 residents at any one time.
5. Within 1 month of the date of this decision full details (including elevations and materials) of the bin stores/sheds shall be submitted to and approved in writing by the Local Planning Authority.

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

6. The covered cycle store shall be constructed in accordance with the approved details on plan reference 2630/1b within 1 month of the date of this permission and shall remain in place for the duration of the development.

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.

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 RS1 - Residential Development
Policy RS3 - Provision of Student Accommodation
Policy IF2 - Enhancing Sustainable Transport Choice

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

No.	APPLICATION NO.	2021/0332/FUL
5	LOCATION	The Food Shop 26 Bearcroft Digmaor Skelmersdale Lancashire WN8 9HG
	PROPOSAL	Demolition of existing building and erection of 3 no. retail units and stopping up of part of the highway under section 257 of the Town and Country Planning Act 1990.
	APPLICANT	Mr Tony Singh
	WARD	Digmaor
	PARISH	Unparished - Skelmersdale
	TARGET DATE	26th August 2021

1.0 DEFERRAL

1.1 This application was deferred at the February meeting to enable further correspondence with the Highway Officer. Members sought confirmation that the Highway Officer had visited the site prior to making a response and wished to have further comments in regard to the impact on the highway.

1.2 The Highway Authority have commented as follows:

The site was visited prior to comments of 07/05/21 being made. At the time of the visit there did not appear to be any problem with the existing parking in the location.

The property is an existing retail premises, and the proposed development would increase the overall retail area by 40sqm. The existing retail unit has no dedicated parking or loading area however communal parking is available on Bearcroft which would appear to have been adequate to serve the existing retail unit.

Following the email requesting that LCC Highways reconsider the application, a further site visit was carried out on 14/02/22. On this occasion there were 3 vehicles parked within the existing communal parking spaces to the rear of the building which were assumed to be resident's vehicles. Further resident vehicles were parked to the rear of no.34 and 36 with 1 vehicle parked within the highway adjacent to no.14.

The site visit was carried out during the morning and was during the school half term which may explain why there were more resident's vehicles present than on the previous visit.

Parking - Parking provision should generally be to the West Lancashire Local Plan recommended parking standards. Based on the West Lancs Local Plan recommended parking standard, the increase in retail area of 40sqm would require 2 car parking spaces for Food and Non-Food Retail.

No additional parking has been provided with this application and there would appear to be no means of providing any additional off-road parking. As the site is within a residential area it is likely that a large proportion of customers would be local residents who are likely to walk to the retail units which should be taken into consideration.

I have noted the local residents' comments regarding the existing car parking problems in the area. Whilst there were still some remaining spaces available to the rear of the existing retail unit during the daytime site visit, the Highway Authority can appreciate that parking may be an issue at the end of the day when most residents return home from work.

Deliveries - Deliveries to the existing unit would have been from the existing car parking bays and this is the proposal for the 3 new retail units however, if the parking bays are full, deliveries would need to be from the turning head of the cul de sac. The Highway Authority do not consider this to be a problem with regards to highway safety, although there may be some problems with regard to vehicles parked in the parking bays being able to exit the parking whilst deliveries are made, and deliveries of goods would also have to pass between parked vehicles to access the rear of the premises.

With this in mind and the residents' comments regarding existing car parking issues I would consider that the facilities for delivery to the 3 units may cause some amenity issues for residents with regard to parking. However, this would also be an issue with any deliveries currently being made to the residential properties on Bearcroft.

Drawing No. 200 Rev K – Proposed Plans and Elevations - I note that the doors to the rear of the property serving the bin/storage area open out over the adopted footway/parking areas. In the interest of pedestrian/highway safety any doors must open away from the highway.

The National Planning Policy Framework (2019) paragraph 109 states that the Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Bearcroft is an unclassified road with a speed limit of 20mph. The site is located at the end of a cul de sac with communal parking to the rear and pedestrian walkways on all sides of the building. Due to the existing retail use of the property the Highway Authority does not consider demolition of the existing building and construction of 3 smaller retail units with a small increase of 40sqm of retail floor area would have a serious impact on the safety or capacity of the surrounding highway network.

1.3 **Observations of the Corporate Director Of Place And Community in response to additional comments from the Highway Authority**

The Highway Authority have noted that there may be some limited adverse impact on the amenity of neighbouring properties as a result of the proposal however these impacts are not considered to be severe or an unacceptable

impact on highway safety. In accordance with the requirements of the NPPF the proposal should not therefore be refused on highway grounds.

- 1.4 Having regard to the Highway Officer's comments in regard to drawing no. 200 Rev K I recommend an additional condition be added:

Notwithstanding the details shown on the approved drawings, doors on the rear (north) elevation of the hereby approved building shall be hung to open inwards only away from the highway.

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

2.0 SUMMARY

- 2.1 It is considered that the principle of retail development at this site is acceptable and that the development would not adversely impact on local or town centres. I am satisfied that the proposed building would not result in any significant detrimental impacts on the character of the area, amenity of neighbouring properties or highway safety. Subject to conditions the proposed development is considered to be compliant with the NPPF and Policies IF1, IF2, GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD and the application is therefore recommended for approval.

3.0 RECOMMENDATION: APPROVE subject to conditions.

4.0 THE SITE

- 4.1 The site comprises of an irregularly shaped single storey building located within an estate of houses. To the rear (north) of the site is a communal car park and there are pedestrian walkways to all sides of the building. The building is currently vacant; however, its last use was for retail purposes.

5.0 THE PROPOSAL

- 5.1 The application proposes the erection of a single storey rectangular building following the demolition of the existing building. The replacement building would comprise three retail units of approx. 75sqm each. Each unit would have a bin storage area to the rear with double doors leading out to the communal car park/road to the rear. The front of each unit would be glazed with a pedestrian entrance.
- 5.2 Part of the adopted highway (i.e., the pedestrian walkway) abuts the existing building on all sides. In order to build a more regular shaped building it would need to be constructed over some parts of the adopted highway. The applicant has therefore included within their proposal the stopping-up of some sections of the highway to enable this construction to take place.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2021/0203/LDP - Certificate of Lawfulness - Proposed existing retail unit to be converted to 'Baby Gender Reveal' Clinic - Permitted development

- 6.2 2007/0126 - Installation of ATM cashpoint machine - Granted
- 6.3 2007/0103 - Display of illuminated ATM signage - Advert Consent Granted

7.0 CONSULTEE RESPONSES

- 7.1 United Utilities - Conditions recommended
- 7.2 LCC Highways

The site has previously been used as a retail unit. The applicant has now amended the application to include the stopping up of the adopted highway affected by this application (as indicated in pink on Drawing No 200 Rev H). LCC Highway Development Control has no objection in principle to this application and is of the opinion that the proposed development would not have a severe impact on highway safety and highway capacity within the immediate vicinity of the site. Highway Development Control recommends conditions.

- 7.3 Environmental Health Officer

The proposed development is very close to residential premises which could be adversely affected by noise and odour depending on the type of businesses that subsequently occupy the units.

I therefore feel it would be prudent to restrict the occupation to low impact types of business such as retail services, financial and professional services, or offices. As it is a predominantly residential area, I am also of the opinion that restrictions on hours of opening should be applied. Conditions recommended.

8.0 OTHER REPRESENTATIONS

- 8.1 Letters of representation and a petition have been received which can be summarised as follows:
- Proposal will cause issues with parking, highways and pedestrian safety due to customers and deliveries using the existing car park.
 - Concerns about adverse impacts on neighbours including noise, anti-social behaviour, pollution, overlooking, loss of privacy, loss of sunlight, vandalism
 - Building will affect views from my property
 - Consider building is too big for the area. Consider the design and layout does not integrate with the architecture and aesthetic of the estate. The scale and height of the building will disrupt landscape and impact on street views.
 - Consider that there is no need for this type of development here as there are empty units in Digmoor Shopping Centre and The Concourse
 - Concerns about the type of businesses that would occupy the units
 - Consider the units would be converted to housing in the future.

9.0 SUPPORTING INFORMATION

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

10.0 RELEVANT PLANNING POLICIES

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

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

IF1 - Maintaining Vibrant Town and Local Centres

IF2 - Enhancing Sustainable Transport Choice

Supplementary Planning Document, Design Guide (Jan 2008)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Principle of development

11.1 The starting point for considering the principle of development for this application is the West Lancashire Local Plan 2012-27 (WLLP) as the adopted development plan for the Borough. In this instance, Local Plan Policy IF1 (Maintaining Vibrant Town and Local Centres) is of primary relevance along with chapter 7 "Ensuring the Vitality of Town Centres" of the NPPF.

11.2 Policy IF1 states that retail and other appropriate town centre development will be encouraged within town and local centres, followed by edge of centre locations and that such uses will only be considered in out of centre locations if a specific local need is proven and there is no suitable site available within a town, village or local centre. The policy also indicates the floorspace thresholds for a retail proposal whereby an impact assessment will be required (500 sqm for comparison retail and 1,000 sqm for supermarkets). Paragraph 87 of the NPPF states that local authorities should apply a sequential test to planning applications for main town centre uses which are not in an existing centre or in accordance with an up-to-date plan. However, chapter 8 of the NPPF (Promoting healthy and safe communities) requires planning decisions to enable and support healthy lifestyles through the provision of infrastructure and community facilities such as local shops.

11.3 The proposed development would not be within a town or local centre however the proposal is for replacement of an existing retail use with a limited, 40 square metre, increase in retail floorspace. I do not consider this to be of sufficient scale to require the applicant to demonstrate local need and / or accordance with the sequential approach. In addition, the increase in floorspace is significantly below the threshold requiring an impact assessment of WLLP Policy IF1. Furthermore, the proposed development would ensure the retention in this location of local shops in accordance with chapter 8 of the NPPF.

11.4 Therefore, whilst the proposal is in an out of centre location, in my view it would not be contrary to national and local policy relating to town centre and retail development.

Design / Layout

- 11.5 All development should comply with the requirements of policy GN3 which, along with the Council's SPD Design Guide, requires that new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the streetscene because of their height, scale or roofline.
- 11.6 The existing single storey building has an unusual shape and design that is not directly in keeping with the style of the surrounding residential development which comprises of gabled properties with a mixture of two and three storey heights. In my view the proposed building would be more in keeping with the style of the surrounding properties and would be single storey in height. This would ensure it remains a subservient building within the locality. The proposed materials would be brick and concrete tile which is considered to be appropriate in this location. A bin/storage area is proposed to be provided inside the building for each unit which will ensure that the site can be kept tidy.
- 11.7 I am satisfied that the proposed development would be in keeping with the surrounding development and would not have a harmful impact on the street scene. On that basis I consider the proposal complies with the requirements of local plan policy GN3.

Impact on residential amenity

- 11.8 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring and proposed properties.
- 11.9 The eastern elevation of the building will be approx. 13m from the properties on that side of the site which is the same distance as the original building however the eaves height will be approx. 400mm lower. The extended wall will be separated from the dwellings by their private gardens and a public walkway as is the case now. I do not consider that the proposal would result in a significant harmful impact on those dwellings as a result of overshadowing or loss of light. The building is single storey and there are no windows in the side elevations therefore there will be no adverse impacts as a result of overlooking.
- 11.10 To the south of the site there is a row of dwellings which lie directly adjacent to the public pathway. The proposed replacement building would be in the same position as the existing building with a separation distance of approx. 12m between the buildings. Whilst the windows in the existing building are set at a slight angle, I do not consider the positioning of the proposed windows and doors would result in a loss of privacy that would be significantly more harmful than the existing situation due to the distance between the buildings.
- 11.11 The existing use of the building is for retail purposes and retaining this use in the new building is considered to be appropriate in this mainly residential location subject to a condition restricting the hours of use and types of use that can occupy the premises. The Environmental Health Officer has raised concerns regarding the potential impact on neighbouring properties of late opening hours. As the type of business model of the future occupants of the premises is unknown at this time, it is considered that a condition restricting the units to a limited set of opening hours would be appropriate. If in the future an occupant

wishes to alter those hours, the suitability of such a proposal can be assessed as part of a formal application.

- 11.12 I note that concerns have been raised in regard to anti-social behaviour that may be associated with the future use of the buildings. It cannot be presumed that this will occur as a result of the proposed development, and it must be born in mind that the site has previously been used for retail purposes.
- 11.13 On balance I am satisfied that the proposal for new retail units would not result in undue harm to the amenity of local residents and that the proposed development complies with the requirements of local plan policy GN3 1(iii).

Highways

- 11.14 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards. Parking should be provided in accordance with policy IF2.
- 11.15 I have consulted the Highway Authority who raise no objection to the proposed building and its use for retail purposes and consider the development would not have a severe impact on highway safety in the area. In addition, no objection has been raised to the proposed stopping-up of the highway subject to recommended conditions.
- 11.16 There is no dedicated car parking provided within the application site, either for the existing or proposed units. An existing communal car park lies to the north of the building which, as in the current situation, would be used if customers arrive by car. It is considered that the additional parking requirement that results from the small increase in floor space can be accommodated within this car park. A separate cycle store has been proposed to the side of the building which can be used by customers. I note that the Highway Officer has requested an electric vehicle charging point be provided as part of the development. As the development does not include the provision of any new car parking spaces in the applicant's control, I do not consider that a condition to require this would be reasonable or enforceable.
- 11.17 It is my view the development complies with the requirements of policies IF2 and GN3 in relation to highway impacts.

Drainage

- 11.18 The Council's drainage engineer has reviewed the application with regard to the disposal of foul and surface water, and the flood risk associated with this application. The application form indicates that the foul sewage will discharge to the mains drainage system and surface water would be directed to a soakaway.
- 11.19 In terms of flood risk the site is located in Flood Zone 1 and outside areas susceptible to surface water flooding so the risk of flooding is considered to be low.

11.20 In principle I have no objection to the proposed development however a condition is recommended requiring full details of a drainage scheme to be submitted for approval.

12.0 CONCLUSION

12.1 The proposed development involves the replacement of a former retail store with new purpose designed retail units. It is considered that the scheme will not have an adverse impact on town or local centres and the design of the units is considered acceptable for their proposed location. I am satisfied that the proposal will not have a significant impact on the amenities of nearby residents or parking provision in the locality and it is therefore recommended that planning permission be granted.

13.0 RECOMMENDATION

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

Condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Site location plan received by the Local Planning Authority on 15th March 2021
and
Plan reference 200 revK received on 2nd December 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 of the hereby approved scheme shall commence until such time as the area of existing adopted highway (as shown hatched magenta on Drawing No. 200 Rev K) has been stopped up under the appropriate legal process (Section 257 of the Town & Country Planning Act) in consultation with the local planning authority and the highway authority.

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

4. No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted

highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:

- A plan to a scale of 1:1000 showing the location of all defects identified;
- A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority.

Reason: These details are required prior to the commencement of development to ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer and to ensure that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

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

Reason: These details are required prior to the commencement of development in order to protect the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. 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.

Reason: These details are required prior to the commencement of development to prevent increased risk of flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

7. No loading/unloading of vehicles and no deliveries shall be taken at or dispatched from the site, outside the hours of 0800 and 1800 Monday to Friday nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

8. The units shall not be open outside of the following times: 0800 – 1800 Monday to Friday, 0900 – 1700 Saturdays. The use shall not operate at all on Sundays or Bank or Public Holidays without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

9. No mechanical extraction / ventilation system shall be installed within the site until details of such systems have been submitted to and approved in writing by the Local Planning Authority.

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.

10. No raw materials, finished or unfinished products or parts, crates, materials, waste, refuse or any other item shall be stacked or stored outside any building on the site 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.

11. 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.

12. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the premises to which this permission relates shall be used for a use that falls within use class E(a), E(c) and E(g)(i) and for no other purpose, including any other use falling within Class E of the Schedule to that Order or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, except with the prior grant of a further planning permission.

Reason: To enable the Local Planning Authority to assess any proposal for a further change of use, whether or not it falls within the same Use Class and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

13. Notwithstanding the details shown on the approved drawings, doors on the rear (north) elevation of the hereby approved building shall be hung to open inwards only away from the highway.

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

Note(s)

1. The grant of planning permission will require the developer to obtain the appropriate permits to work on, or immediately adjacent to, the adopted highway network. The applicant should be advised to contact Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lancashire.gov.uk or on 01772 533433
2. This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.

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

IF1 - Maintaining Vibrant Town and Local Centres

IF2 - Enhancing Sustainable Transport Choice

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

