



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Tuesday, 12 April 2022

TO: COUNCILLORS D O'TOOLE, J FINCH, A BLUNDELL, N DELANEY, S EVANS, A FENNELL, G JOHNSON, I MORAN, G OWEN, E POPE, J THOMPSON, J UPJOHN, D WESTLEY 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, 21 APRIL 2022** at **7.00 PM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be 'JSL', 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** 911 - 912
 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** 913 - 916
 To receive as a correct record the minutes of the meeting held on the 17 March 2022.
- 7. PLANNING APPLICATIONS** 917 - 924
 To consider the report of the Corporate Director of Place and Community.
- 7a 2021/1464/FUL - LAND BETWEEN 11 AND 21 THE GRAVEL, MERE BROW, TARLETON** 925 - 936
 To consider the report of the Corporate Director of Place and Community.
- 7b 2022/0112/FUL - 80 JACKSMERE LANE, SCARISBRICK** 937 - 942
 To consider the report of the Corporate Director of Place and Community.
- 7c 2021/1046/FUL - UNIVERSAL BULK HANDLING, ORRELL LANE, BURSCOUGH** 943 - 972
 To consider the report of the Corporate Director of Place and Community.
- 7d 2021/0518/ARM - SITE OF FORMER YEW TREE FARM, HIGGINS LANE, BURSCOUGH** 973 - 996
 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: Thursday, 17 March 2022

Start: 7.00 PM

Finish: 8.01 PM

PRESENT:

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

Councillors: A Blundell G Owen
S Evans E Pope
A Fennell J Thompson
G Johnson J Upjohn
I Moran D Westley
M Nixon Mrs M Westley

In attendance: Councillor I Rigby, Bickerstaffe Ward
Councillor G Clandon, Burscough West Ward

Officers: Catherine Thomas, Development, Heritage and Environment Manager
Therese Maguire, Principal Planning Officer
David Delaney, Legal Assistant (Planning)
Jill Ryan, Senior Member Services Officer

115 APOLOGIES

There were no apologies for absence received.

116 MEMBERSHIP OF THE COMMITTEE

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

117 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no items of urgent business received.

118 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

119 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

120 MINUTES

RESOLVED: That the minutes of the meeting held on the 9 February 2022 be approved as a correct record and signed by the Chairman.

121 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 817 to 903 of the Book of Reports and on pages 905 to 909 of the Late Information Report.

(Notes:

1. In accordance with Regulatory Procedure Rule 7(a) Councillor Rigby spoke as a Ward Councillor in connection with planning application 1194/FUL relating to Holly Fold Farm, Rainford Road, Bickerstaffe, Ormskirk, Lancashire.
2. In accordance with Regulatory Procedure Rule 7(a) Councillor Clandon spoke in connection with planning application 1046/FUL relating to Former Universal Bulk Handling Ltd, Orrell Lane, Burscough.
3. In accordance with Regulatory Procedure Rule 7(a) Councillor Finch spoke on behalf of Councillor Dereli who unfortunately was unable to attend the meeting in respect of planning application 1046/FUL relating to Former Universal Bulk Handling Ltd, Orrell Lane, Burscough.
4. Councillor Finch had previously declared a pre-determined view on planning application 0332/FUL relating to the Food Shop, 26 Bearcroft, Skelmersdale and was therefore not able to speak and vote on this application).

122 2020/1267/FUL - LAND TO THE WEST OF NEVERSTITCH ROAD, SKELMERSDALE

RESOLVED: That in respect of planning application 2020/1267/FUL relating to Land to the West of Neverstitch Road, Skelmersdale:-

1. 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.

2. That any planning permission granted by the Corporate Director of Place and Community be subject to the conditions and reasons as set out on pages 833 to 845 of

the Book of Reports and with the amendment to 2 sections of the report as outlined on pages 905 to 906 of the Late Information Report.

123 2021/1194/FUL - HOLLY FOLD FARM, RAINFORD ROAD, BICKERSTAFFE, ORMSKIRK

RESOLVED: That planning application 1194/FUL relating to Holly Fold Farm, Rainford Road, Bickerstaffe, Ormskirk be approved subject to the conditions and reasons as set out on pages 854 to 859 of the Book of Reports.

124 2021/1046/FUL - FORMER UNIVERSAL BULK HANDLING LTD, ORRELL LANE, BURSCOUGH, ORMSKIRK

RESOLVED: That planning application 1046/FUL relating to Former Universal Bulk Handling Ltd, Orrell Lane, Burscough, Ormskirk be deferred to obtain further comments from the Highway Authority and to allow the application to reconsider pedestrian links.

125 2021/0032/FUL - 12 WIGAN ROAD, ORMSKIRK

RESOLVED: That planning application 2022/0032/FUL relating to 12 Wigan Road, Ormskirk be approved subject to the conditions and reasons as set out on pages 890 to 892 of the Book of Reports and with the amendment to Conditions 5 and 6 as set out on page 909 of the Late Information Report.

126 2021/0332/FUL - THE FOOD SHOP, 26 BEARNCROFT, DIGMOOR, SKELMERSDALE

RESOLVED: That planning application 0332/FUL relating to The Food Shop, 26 Bearncroft, Digmoor, Skelmersdale be approved subject to the conditions and reasons as set out on pages 900 to 903 of the Book of Reports.

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Chairman



PLANNING COMMITTEE
21 APRIL 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	Tarleton	2021/1464/FUL	Land Between 11 And 21 The Gravel Mere Brow Tarleton Lancashire Proposed development of three two-storey dwellings	Planning permission be granted.
2	Scarisbrick	2022/0112/FUL	80 Jacksmere Lane Scarisbrick Ormskirk Lancashire L40 9RS Two storey side extension	Planning permission be granted.
3	Burscough West	2021/1046/FUL	Former Universal Bulk Handling Ltd Orrell Lane Burscough Ormskirk Lancashire L40 0SL 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.	Planning permission be granted.
4	Burscough West	2021/0518/ARM	Site Of Former Yew Tree Farm Higgins Lane Burscough Lancashire Reserved Matters approval (appearance, landscaping, layout and scale) for the erection of 169 dwellings, with associated vehicular access and parking, private amenity space and landscaping, pursuant to outline planning permission 2019/1093/FUL and the discharge of Conditions 26 and 34.	Reserved Matters be approved.



PLANNING COMMITTEE

21 April 2022

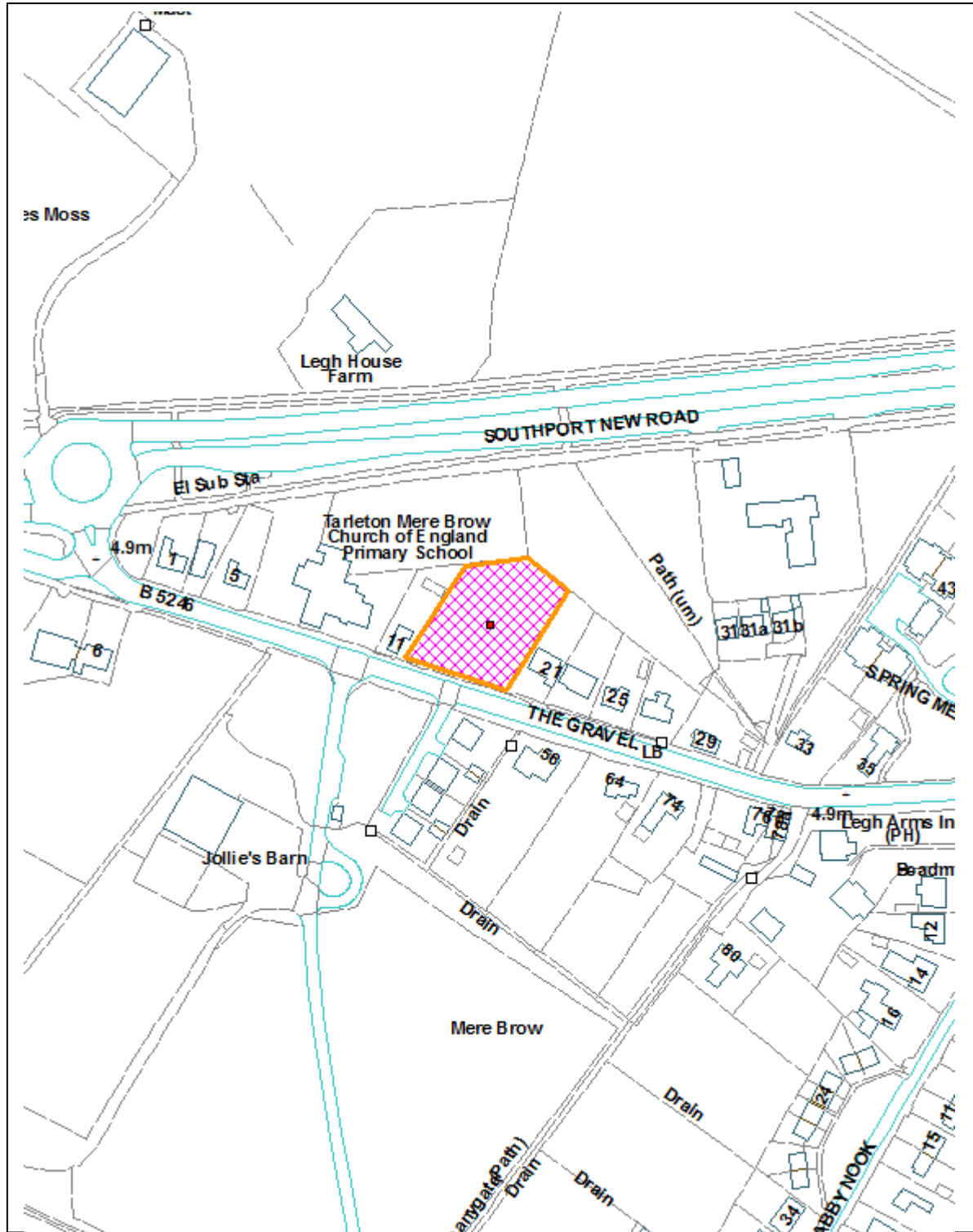
(Agenda Item 7)

PLANNING APPLICATION ITEMS

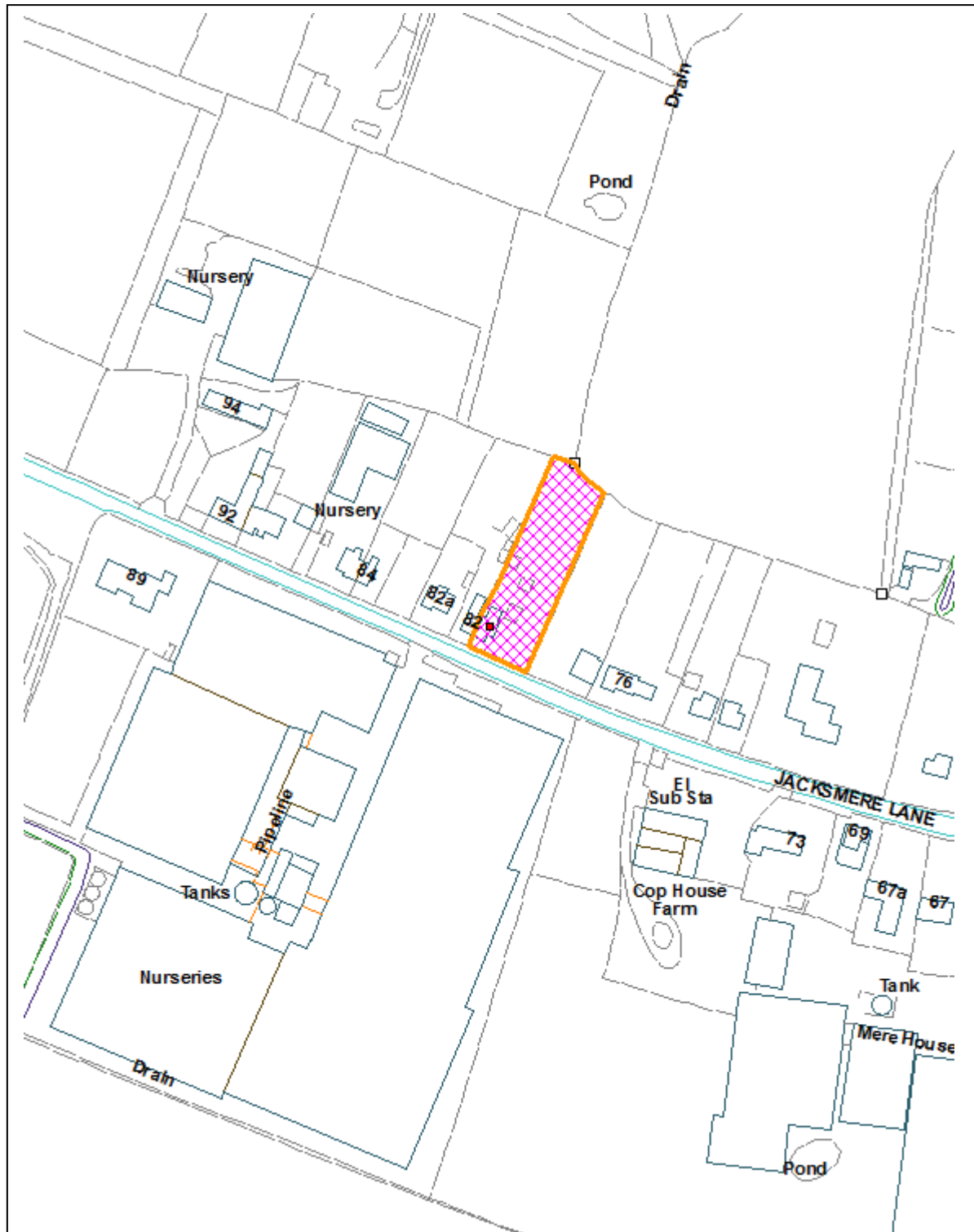
LOCATION PLANS

Report 1 : 2021/1464/FUL

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

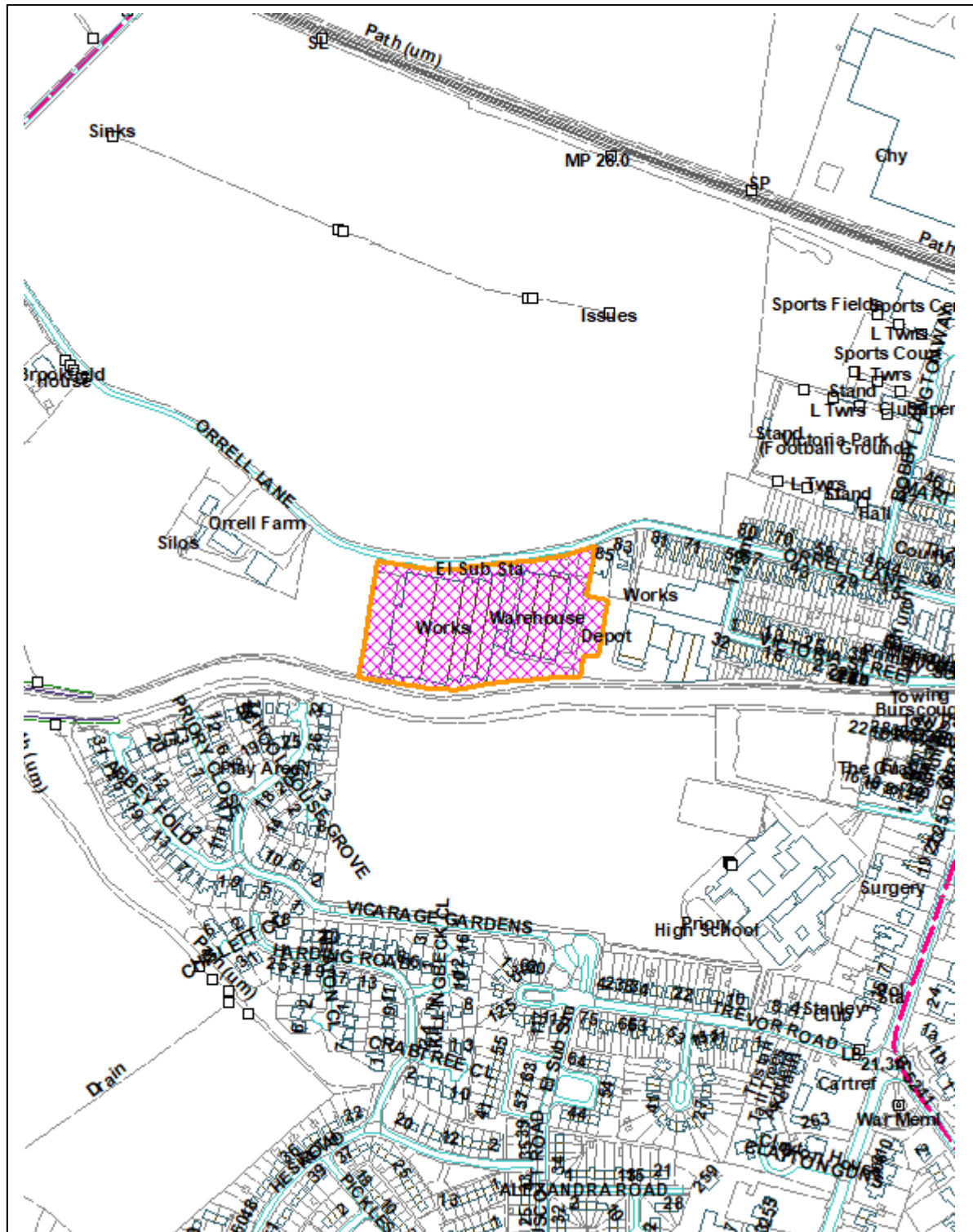


80 Jacksmere Lane, Scarisbrick, Ormskirk, Lancashire,
L40 9RS,

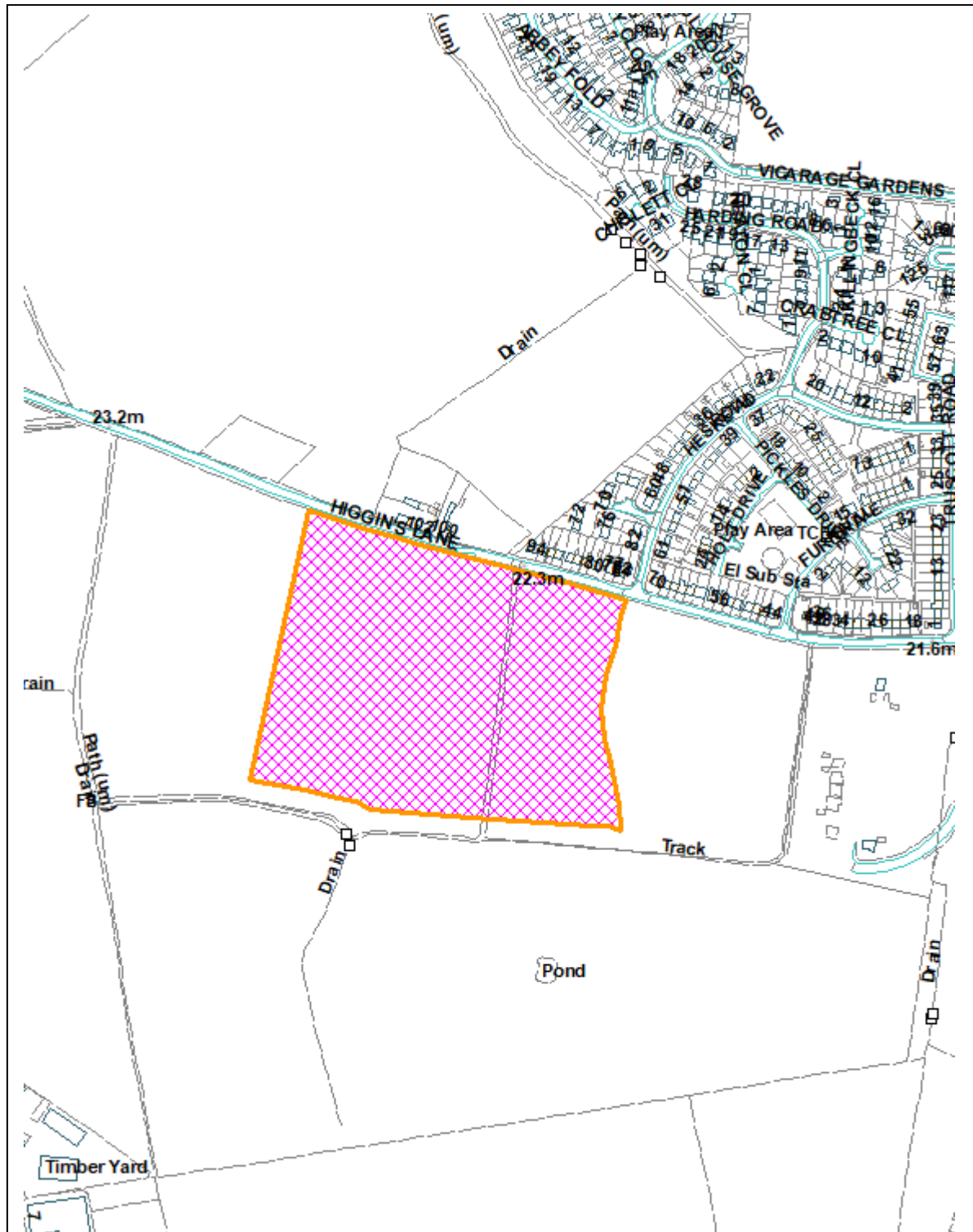


Report 3 : 2021/1046/FUL

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



Site Of Former Yew Tree Farm, Higgins Lane, Burscough, L40 7SD.



No.	APPLICATION NO.	2021/1464/FUL
	LOCATION	Land Between 11 And 21 The Gravel Mere Brow Tarleton Lancashire
	PROPOSAL APPLICANT	Proposed development of three two-storey dwellings Bella Homes NW
	WARD	Tarleton
	PARISH	Tarleton
	TARGET DATE	18th February 2022

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme; however, Councillor Mee has requested that it be referred to Planning Committee to consider the loss of open space near the Primary School, impact upon the amenity of Mere Brow Village and potential traffic problems.

2.0 SUMMARY

- 2.1 It is considered that the principle of the development at this site is acceptable, given the previous permission on the site for residential development, and the retention of some publicly accessible open space on the site. The scheme would not have a significant detrimental impact on residential amenity, visual amenity, highway safety or biodiversity. Subject to planning conditions, it is considered that the proposed development accords with all relevant policies in the NPPF and Local Plan.

3.0 RECOMMENDATION: APPROVE subject to conditions.

4.0 THE SITE

- 4.1 The site is located on the north side of The Gravel flanked at either side by residential dwellings, with grounds of Mere Brow Primary School to the rear. The site is grassed and contains some trees. The site is allocated as Green Infrastructure/Open Recreation Space as per the West Lancashire Local Plan (WLLP).

5.0 THE PROPOSAL

- 5.1 Planning permission is sought for the proposed development of three two-storey dwellings on land between 11 and 21 The Gravel.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2021/0726/FUL - Erection of four detached dwellings with garages. Refused 29.11.2021
- 6.2 2019/0213/FUL - Development of a terrace of five houses. Approved 05.07.2019.

7.0 CONSULTEE RESPONSES

- 7.1 Lancashire County Council Highways
(17/01/2022) - No objection in principle to this application. Would like to see amended plans to satisfy issues regarding the visibility splays and parking.
(22/02/2022) - The applicant has submitted a Visibility Splay Diagram (Drawing No. 2640-104) which is acceptable. The plans show the internal garage size as 3m x 6m which is the required minimum to be counted as parking which is acceptable. Recommends planning conditions.
(08/03/2022) – No objections.
- 7.2 United Utilities
(01/02/2022) - Request that the applicant provides a detailed drainage plan, and that United Utilities has the opportunity to review and comment on this plan prior to determination of this application.
(24/02/2022) - Following review of the submitted Flood Risk Assessment (CFC21031 Rev B dated December 2021) which was prepared by CFA CIVILS LIMITED, confirm the proposals are acceptable in principle to United Utilities. Recommends planning conditions.

8.0 OTHER REPRESENTATIONS

- 8.1 Representations have been received from neighbouring properties. Object on the grounds of:

The latest submission is an improvement on the last submission;
Unclear information;
Details of boundary treatment;
No dimensions / measurements;
Land-ownership and boundary of the planning application needs to be clarified;
Over looking;
Loss of light;
Loss of privacy;
Poor outlook;
Fencing out of keeping;
Fence should be on developer's land;
Request a material schedule;
The size of the windows is not shown on the documents uploaded to date;
Landscaping;
Proposed plans do not detail the Finished Floor Level (FFL) for the development;
Abuse of green open space.

- 8.2 Tarleton Parish Council (11/02/2022) - object to this application on the grounds it was declined previously due to the loss of open space.

9.0 SUPPORTING INFORMATION

- 9.1 Preliminary Ecological Appraisal (Report Version 4) (31/01/2022)
- 9.2 Drainage Strategy and Flood Risk Assessment (Rev B, December 2021)
- 9.3 Arboricultural Impact Assessment with Tree Protection Measures (May 2021)

10.0 RELEVANT PLANNING POLICIES

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

West Lancashire Local Plan 2012-2027 DPD

SP1 – A Sustainable Development Framework for West Lancashire
GN1 – Settlement Boundaries
GN3 - Criteria for Sustainable Development
RS1 – Residential Development
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
EN3 – Provision of Green Infrastructure and Open Recreation Space

- 10.3 SPD – Design Guide (Jan 2008)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

- 11.1 The main areas of assessment in determining this planning application are:

Principle of Development – Green Space;
Visual appearance/design;
Impact on Residential Amenity;
Highways;
Ecology;
Trees and Landscaping;
Drainage.

Principle of Development – Green Space

- 11.2 Although the site is designated as Green Infrastructure/Open Recreation Space within the Local Plan there is a previous planning consent (2019/0213/FUL) for a residential development of 5no. dwellings on the site which is a material consideration in the assessment of this application. As with the approved consent this scheme proposes that the frontage of the site would remain open, retaining a landscaped frontage to the street which would continue to provide an open aspect to the street scene in line with the previous approval.
- 11.3 Part 2 a) of Policy EN3 ‘Provision of Green Infrastructure and Open Recreation Space’ of the Local Plan states that development that results in the loss of existing open space or sports and recreation facilities (including school playing fields) will only be permitted if one of the following conditions are met:

The open space has been agreed by the Council as being unsuitable for retention because it is under-used, poor quality or poorly located;

The proposed development would be ancillary to the use of the site as open space and the benefits to recreation would outweigh any loss of the open area; or

Successful mitigation takes place and alternative, improved provision is provided in the same locality.

- 11.4 The Council have previously accepted development of the site for residential purposes with the inclusion of an element of open space at the site frontage, in order to meet the requirements of Policy EN3. As with the previous consent this proposal fails to accord with criteria 2a) (i) and (ii) and so mitigation would be required in accordance with criterion (iii). It is acknowledged that the site is currently in private ownership and is not publicly accessible, and in this particular instance like with the previous approval, the proposed layout allows for the retention of some open space towards the frontage of the site which would be publicly accessible from The Gravel frontage.
- 11.5 Given the extant permission on the site, I am satisfied that as this current proposal for residential development also provides for the retention of an area of open space to the site frontage, this addresses the requirements of Policy EN3 part 2a).

Visual appearance/design

- 11.6 There are a mix of dwelling types in the locality and as such there is no defined architectural characteristic to the area. The proposed dwellings would be two storey which would be appropriate in this location, and I consider them to be an acceptable design taking into account the varied house types within the locality.
- 11.7 All of the dwellings would face towards The Gravel frontage but are set back some 15m from the road to allow for an area of open space 'lawn'. The proposed dwellings would provide an appropriate stagger in the building line in between the existing adjacent dwellings. I am satisfied that the proposed layout and design of the dwellings would be acceptable in the street scene in accordance with Policy GN3 of the Local Plan.

Impact on Residential Amenity

- 11.8 The dwelling at no.11 The Gravel (to the west of the application site) has its main elevation facing onto the application site. The layout has been designed to ensure that outlook from no.11 would not be adversely affected by setting the proposed dwellings back into the site, so there would be no direct relationship between the existing dwelling at no.11 and new dwellings on the site. I note that Plot 1 does have a bathroom window at first floor level proposed facing in the direction of no.11. To prevent any potential overlooking, a planning condition is recommended to ensure that this window is top opening only and compromises of obscure glass.
- 11.9 No. 21 The Gravel is to the east of the site and will be closest to proposed Plot 3. There will be an approx. 3.4m separation distance between properties. Plot 3 has a similar front building line to that of no.21. I note no.21 has a window on its gable end at single storey level which faces onto the site, this window is secondary as there is a primary window to this room to the front of the dwelling. Given the separation distance as the window to the side is a secondary window (with light being provided from the front of the property from larger window openings), I am of the view that residential amenity would not be significantly adversely affected to warrant a refusal of planning permission.

- 11.10 As regards to any potential impact from increased comings and goings from the new access road, whilst it would be adjacent to the boundary with no.11, I do not think that the comings and goings from occupants of 3 no. houses would give rise to significant levels of disturbance or noise for the occupiers of this property or other dwellings in the vicinity.
- 11.11 I note concerns from neighbouring properties also in relation to boundary treatment. The boundary treatment proposed as shown on the submitted drawings in itself would not require planning permission (due to its height and siting). Therefore, any boundary concerns would be a matter between the parties involved (civil matter).
- 11.12 In terms of the level of amenity offered to future occupiers of the dwellings, the proposed garden depths are acceptable and in accordance with standards detailed in the Council's Design SPD.
- 11.13 On balance, I am satisfied that the proposed development accords with Policy GN3 of the Local Plan in terms of impact on residential amenity.

Highways

- 11.14 A new access road would be taken directly from The Gravel and would serve the 3 dwellings, each dwelling would have 2no. frontage car parking spaces and a garage. Based on initial comments provided by the Highway Authority the Applicant has provided details of the visibility splays from the site and also increased the internal dimensions of the garaging in order to provide car parking provision. On this basis the Highway Authority have raised no objection to the development and consider that the proposed development would not have a severe impact on highway capacity and highway safety within the immediate vicinity of the site.
- 11.15 Therefore I consider that the proposed development of an additional 3 dwellings at this site would have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site, in accordance with Policy IF2.

Ecology

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

Trees and landscaping

- 11.17 The Council's Arboricultural Officer has assessed the information submitted in relation to the trees on site. No objections have been raised to the development and planning conditions in relation to tree protection have been suggested. The development is considered to comply with Policy EN2 of the WLLP.

Drainage

- 11.18 Policy GN3 of the Local Plan requires that development does not result in unacceptable flood risk or drainage problems by requiring development to demonstrate that sustainable drainage systems have been explored.
- 11.19 A Drainage Strategy and Flood Risk Assessment (Rev B, December 2021) accompanies the planning application. The Councils Drainage Engineer has assessed the application and considers that the site can be appropriately drained, subject to the submission of a more detailed scheme which provides design calculations and detailed drawings.
- 11.20 It is therefore recommended that a planning condition is imposed as part of any planning approval in that no development shall take place until a strategy for the separate foul and surface water drainage of the development, including any necessary infiltration measures, attenuation measures, maintenance management proposals, and phasing of delivery if applicable, is submitted and agreed.

Summary

- 11.21 Overall it is considered that the development complies with NPPF together with Local Plan Policies SP1, GN1, GN3, RS1, EN2 and EN3 and should be recommended for approval.

12.0 RECOMMENDATION

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

Condition(s)

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

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

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

Plan reference:

2640 – 102 A - house type plots 2 and 3 and 2640 – 103 A - house type plot 1 - received by the Local Planning Authority on 07/02/2022

2640 – 104 A - visibility splay received by the Local Planning Authority on 08/02/2022

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. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials and should be reflective of those within the surrounding area, unless otherwise agreed in writing by the Local Planning Authority.

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

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

4. No part of the proposed development hereby permitted 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.

5. 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.

6. Notwithstanding the details shown on the approved drawings, no part of the development shall be occupied until full details of both hard and soft landscaping

works have been submitted to and approved in writing by the Local Planning Authority.

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

- Land-levels and gradients resulting in the formation of any banks, terraces or other earthworks
- hard surfaced areas and materials,
- planting plans, specifications and schedules, planting size, species and numbers/densities, trees to be retained and a scheme for the timing / phasing of work.
- existing plants / trees to be retained
- A detailed regime for the ongoing and longer term maintenance of all soft landscaping is also required to be submitted for approval.

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

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

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

7. The development hereby permitted shall be implemented in accordance with the submitted Arboricultural Method Statement ref 'Arboricultural Impact Assessment with Tree Protection Measures (Godwins Tree Surveys, 22nd February 2022)' received 23/02/2022 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.

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

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

Reason: To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply

with Policies GN3 and EN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

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

10. Prior to the commencement of the use of the development hereby approved the bathroom first floor window of Plot 1 (facing no. 11 The Gravel) and Plot 3 (facing no. 21 The Gravel) below a height of 1.7m above the floor of the room in which the window is installed, shall be fitted with obscure glazing (Pilkington level 3 or equivalent) and shall be non opening and shall remain so fitted at all times thereafter for the duration of the development.

Reason: To protect the privacy of adjacent residential properties and so comply with the provisions of Policy GN3 in the West Lancashire Local Plan.

11. The mitigation recommendations contained within paragraph 7.0 of the Preliminary Ecological Appraisal (Version 4) received by the Local Planning Authority on 07/02/2022 shall be implemented in full throughout the duration of the development.

Reason: To ensure that the proposed development has no detrimental impact upon protected species or their habitats and is in accordance with Policy EN2 of the West Lancashire Local Plan.

12. The garage hereby permitted shall not be converted into living accommodation (either in whole or part) and shall be retained for use by the dwelling(s) hereby approved at all times, unless the written permission of the Local Planning Authority has been sought and obtained beforehand.

Reason: To ensure adequate garaging/off street parking provision is retained and thereby avoid the harm to amenity, safety or convenience caused by on street parking and to comply with Policies GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

13. No building shall be occupied/brought into uses until details of the number and location of bird nesting boxes to be incorporated into the scheme (minimum 1 per dwelling) have been submitted to and approved in writing by the Local Planning

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

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

14. 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:
- a) The parking of vehicles of site operatives and visitors;;
 - b) Vehicle wheel washing facilities
 - c) Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

15. No building or use hereby permitted shall be occupied or use commenced until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway (and/or verge) fronting the site in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

Reason: In the interests of pedestrian safety and accessibility and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

16. No building (or use hereby permitted) shall be occupied (or use commenced) until visibility splays 2.4 metres back from the centre line of the access and extending 43 metres on the nearside carriageway edge in both directions have been provided at all accesses/junctions, as shown on the approved plans. Nothing shall be erected, retained, planted and / or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splay. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

Reason: To ensure adequate inter-visibility between highway users at the street junction or site access, in the interests of highway safety and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

17. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site

shall be appropriately paved in tarmacadam, concrete, block pavements, or other hard material to be approved by the Local Planning Authority.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to road users and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

18. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Note(s)

1. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 (Vehicle crossings over footways and verges) Lancashire County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must complete the online quotation form found on Lancashire County Council's website using the A-Z search facility for vehicular crossings at <http://www.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx>
2. Any planning consent does not give approval to a connection being made to the County Council's highway drainage system. The applicant is further advised that highway surface water drainage system must not be used for the storage of any flood waters from the adoptable United Utility surface water system, or any private surface water drainage system.
3. Reasonable avoidance measures to protect terrestrial mammals and amphibians to be put in place during the course of the development should include:

A pre-commencement check for badger;

All trenches and excavations should have a means of escape (e.g., a ramp);

Any exposed open pipe systems should be capped to prevent badger gaining access; and

Appropriate storage of materials to ensure that badger do not use them.

The working area, together with any storage areas, will be kept clear of debris, and any stored materials will be kept off the ground on pallets so as to prevent amphibians from seeking shelter or protection within them; and

Any open excavations (e.g., foundations / footings / service trenches etc.) will be covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets will be covered with a thick layer of topsoil or similar) to prevent amphibians from seeking shelter beneath them. Any excavation must be in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to amphibians.

Reason for Approval

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

SP1 – A Sustainable Development Framework for West Lancashire

GN1 – Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 – Residential Development

EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

EN3 – Provision of Green Infrastructure and Open Recreation Space

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

No.	APPLICATION NO.	2022/0112/FUL
	LOCATION	80 Jacksmere Lane Scarisbrick Ormskirk Lancashire L40 9RS
	PROPOSAL	Two storey side extension
	APPLICANT	Mr Alex Blundell
	WARD	Scarisbrick
	PARISH	Scarisbrick
	TARGET DATE	5th April 2022

1.0 REFERRAL

- 1.1 As the applicant is an elected member of West Lancashire Borough Council the application is to be considered by Planning Committee.

2.0 SUMMARY

- 2.1 The proposed development is acceptable in principle, would have no significant negative impact on the street scene or amenities of nearby residents, it is compliant with the NPPF and Policies GN1, GN3 and IF2 of the West Lancashire Local Plan 2012-2027 DPD.

3.0 RECOMMENDATION: APPROVE with conditions.

4.0 THE SITE

- 4.1 The application relates to a two storey semi-detached dwelling located to the north of Jacksmere Lane. To the front is a courtyard area with a driveway which runs down the side of the house to the existing detached garage and hardstanding area. There is a large front/side garden and a large garden to the rear.

5.0 THE PROPOSAL

- 5.1 The application is seeking permission for a two storey side extension measuring approx. 7.80m in length x 3.30m in width x 8.15m in height.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 14610X (27/11/72) – Extension to dwelling
- 6.2 2022/0133/LDP - Certificate of Lawfulness - Proposed single storey out building – Permitted Development

7.0 CONSULTEE RESPONSES

- 7.1 Lancashire Highways – 3rd March 2022.

LCC Highways have no objection to the proposals and is of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

8.0 OTHER REPRESENTATIONS

8.1 Scarisbrick Parish Council- no objection to the proposed development

8.2 Comments have been received from a neighbouring property and are summarised as follows;

The development is in harmony with other extensions on Jacksmere Lane;
The development represents essential modernisation.

9.0 SUPPORTING INFORMATION

9.1 Green Belt Assessment – 8th February 2022.

10.0 RELEVANT PLANNING POLICIES

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

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

National Planning Policy Framework

Chapter 12 – Achieving well designed places

Chapter 13 – Protecting Green Belt land

West Lancashire Local Plan Policies

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

IF2 – Enhancing Sustainable Transport Choice

Supplementary Planning Document - Design Guide (January 2008)

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

11.0 OBSERVATIONS OF CORPORATE DIRECTORATE OF PLACE AND COMMUNITY

The main considerations for this application are

Impact on the Green Belt;
Visual appearance/Design/Layout;
Impact on neighbouring properties;
Impact on Parking/Highway Safety.

Impact on the Green Belt

- 11.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed. National policy for the control of development in the Green Belt is set out in paragraph 149 and 150 of the NPPF. This lists the types of development which are considered to be appropriate within the Green Belt.
- 11.2 Paragraph 149 in the National Planning Policy Framework states that “A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.” There are 6 exceptions to this rule including “the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.” The Councils SPD – Development in the Green Belt suggests that once the volume of all extensions exceed about 40% of the volume of the original building, then it is more likely that the development would have an adverse impact on the openness of the Green Belt.
- 11.3 Green Belt calculations have been submitted with this application and give details of an increase of approx. 53% from the original volume. According to the Green Belt Assessment, the existing single storey outrigger was approved in 1948. The LPA cannot find any planning history which disputes this. There are several outbuildings within the application site, but the planning history for the site is unclear and I believe from the Councils plotting sheets these outbuildings were on site prior to at least 1974. The 40% increase is provided as only a guide and in accordance with the Council's adopted SPD Development in the Green Belt, other factors must also be considered when assessing the impact of the proposal on the Green Belt.
- 11.4 As the application site lies in the middle of a stretch of residential properties, the majority being of the same site layout with large garden spaces to the side and rear and many containing outbuildings, I consider the two storey side extension, being set lower than the existing ridge height and being set in at both the ground floor and first floor level from the principal elevation, would be in keeping with the original form and appearance of the building and would not materially harm the openness of the Green Belt through excessive scale or bulk. I consider the development would not be inappropriate within the Green Belt and would in my view, comply with the requirements of the NPPF and Policy GN1 of the West Lancashire Local Plan (WLLP).
- 11.5 As the proposal will be over the 40% increase guide for dwellings within the Green Belt, by means of a planning condition, certain Permitted Development Rights will be removed from the property as further development has the potential to cause harm and will need to be assessed by the Local Planning Authority to ensure no further loss of openness of the Green Belt.

Design/Layout

- 11.6 Policy GN3 of the West Lancashire Local Plan 2012-2027 (DPD) requires that new development should be of scale, mass and built form, which responds to the characteristics of the site, its surroundings and also in the case of extensions or alterations to existing buildings, the proposal should relate to the existing building, in terms of design and materials.

- 11.7 I consider the proposed development would have a scale and built form which responds to the characteristics of the original property and would have a subordinate appearance. The use of materials to match the existing is acceptable, and I am satisfied the proposed development would have no negative impact on the street scene or area in general. The proposed development complies with Policy GN3 of the West Lancashire Local Plan (WLLP) and SPD Design Guide.

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 Due to the location of the proposed development and the separation distance between the development and the neighbouring property to the east of the site, I do not consider there would be any negative impact on residential amenities to any neighbouring property.

Impact on Parking/Highway Safety

- 11.10 The development does include alterations to the side garden and hardstanding but does not include any alteration to the existing access from the highway. I am satisfied the proposed development would have a negligible impact on highway safety. Policy IF2 sets out the parking requirements for development. Following development, the application dwelling will increase in the number of bedrooms from 2 to 4. Dwellings containing 4+ bedrooms require 3no parking spaces to comply with Policy IF2. Parking has been demonstrated on the submitted site plan 'Site plans - P2B_2021_2374 Drg 02' and I am satisfied the proposed development complies with Policy IF2.

Summary

- 11.11 Given the above I consider that the proposal satisfactorily meets the requirements of the NPPF and Policies GN1, GN3 and IF2 of the West Lancashire Local Plan 2012-2027 DPD and should be recommended for approval.

12.0 RECOMMENDATION

- 12.1 That the application should 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 'Two Storey side Extension - P2B_2021_2374 Drg 01' and 'Site plans - P2B_2021_2374 Drg 02' received by the Local Planning Authority on 8th February 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 extension hereby permitted shall match those of the existing building in type, size, colour and texture. If the applicant or developer has any doubts as to whether the proposed materials do match they should check with the Local Planning Authority before commencement of the building works.

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

4. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) Schedule 2, Parts 1 A - F and 2 A - B, or any amendments made to that Order, shall not apply:

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

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 to comply with the provisions of Policy GN1(b) in the West Lancashire Local Plan 2012-2027 Development Plan Document and National Planning Policy Framework - Protecting Green Belt Land.

5. The parking provision and any hardstanding shown within the curtilage of the dwelling on the approved plans shall be made of porous materials, or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house. The parking spaces shall be provided in accordance with the approved details prior to first occupation of the dwelling. The parking provision shall be retained as such thereafter.

Reason: In the interests of highway and pedestrian safety, to reduce surface water run-off in accordance with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

Reason for Approval

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

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

IF2 - Enhancing Sustainable Transport Choice

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

Agenda Item 7c

No.	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. DEFERRAL

- 1.1 The application was considered at the 17 March 2022 meeting of Planning Committee and was DEFERRED to obtain further comments from the Highway Authority and to allow the applicant to reconsider pedestrian links (with Orrell Lane). The applicant has submitted amended plans detailing further pedestrian links and updated access, highway and parking arrangements. These are referenced in the Highway and Access section of the Report.

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 abut 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, footpath links 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
- (08.03.2022) The main layout change along the canal frontage has resulted in an improved layout with no side elevations now being proposed to the canal and instead all front elevations. It would also appear that a greater landscape buffer is now proposed along the canal as well. We welcome these amendments which would be positive.
- 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
- (08.03.2022) no further comments on amended layout.
- 8.5 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.
- 8.6 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

- 8.7 Lancashire Police (17.09.2021) Support the layout and design as its less attractive for crime
- 8.8 LCC Schools (29.09.2021) An education contribution is not required at this stage regards to this development
- 8.9 MEAS – comments awaited
- 8.10 Natural England – comments awaited

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 selection 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 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 (06.10.2021 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
Supporting letter Pedestrian Links - Pegasus Group;

11.0 OBSERVATIONS OF THE 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 Constabulary.
- 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 hours 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 pedestrian links to the Canal.
- 11.41 The applicant has responded to Members concerns about pedestrian access by creating a second link to the Canal at the south eastern end of the site and creating a new pedestrian through route onto Orrell Lane. These additional links will improve connectivity to the facilities of Burscough Town Centre. The applicant has also improved access arrangements on Orrell Lane and modified the internal road layout to improve turning heads and parking provision.
- 11.42 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

- 11.43 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.
- 11.44 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.

- 11.45 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
- 11.46 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.
- 11.47 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.
- 11.48 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

- 11.49 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

- 11.50 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. MEAS and Natural England have been consulted and comments awaited and subject to their response and any further conditions suggested I consider the development would comply 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 the decision to grant planning permission be DELEGATED to the Corporate Director of Place and Community subject to confirmation that there are no objections on ecology grounds and subject to any additional mitigating conditions recommended by MEAS or Natural England

and subject to the following conditions and reasons:

Condition(s)

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

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

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

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);

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

Materials Layout (Ref: OR001-ML-01RevA);

Boundary Treatment Layout (Ref: OR001-BTL-01RevA);

Waste Management Plan (Ref: OR001-WMP-01RevA);

received by the Local Planning Authority on 4 March 2022

Landscape Plan (Ref: GL1782 01); Rev A

received by the Local Planning Authority on 9 March 2022

Detail Site Layout (Ref: OR001-SL-01 RevC);

received by the Local Planning Authority on 7 April 2022

Working Drawing package - Garages

Parking Provision Plan 02001-PP-01

received by the Local Planning Authority on 8 April 2022

Potential Site Access Arrangements (ref 3428-FOI RevE)

Swept Path Analysis (Ref 3428 - SPO3 -A)

received by the Local Planning Authority on 11 April 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 Ref: 680200-R1(02)-FRA (Feb 2022) - submitted 15.02.2022 and Drainage Statement Rev A - Feb 2022 (submitted 15.02.2022 as appended to FRA (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-Rev E

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 has 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 07 Rev c) and Parking Provision Plan 02001-PP-01 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 REV A 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, REV A 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-01 Rev 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 the 32 dwellings comprising house types Barton (11), Croston (3), Sawley (10) and Whalley (8) shown on Detailed Site Layout (Ref: OR001-SL-01 RevA); 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 Policies RS1 and RS2 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.	2021/0518/ARM
	LOCATION	Site Of Former Yew Tree Farm Higgins Lane Burscough Lancashire
	PROPOSAL	Reserved Matters approval (appearance, landscaping, layout and scale) for the erection of 169 dwellings, with associated vehicular access and parking, private amenity space and landscaping, pursuant to outline planning permission 2019/1093/FUL and the discharge of Conditions 26 and 34.
	APPLICANT	Redrow Homes Limited And Crompton Property Developments Ltd
	WARD	Burscough West
	PARISH	Burscough
	TARGET DATE	3rd August 2021

1.0 SUMMARY

- 1.1 This is a Reserved Matters application for the erection of 169 dwellings. Outline planning permission has previously been granted for residential development on this site, therefore the principle is considered to be acceptable. I consider the layout, scale, proportions and design of the proposed dwellings to be acceptable and the scheme would not adversely impact on neighbouring amenity of surrounding properties. I am also satisfied that the scheme will not have a significant impact on highway safety and adequate parking will be provided. I consider that sufficient interface distances have been achieved in order to protect neighbouring residential amenity. Affordable housing has been provided on this phase and drainage proposals are in accordance with the overall strategy for the wider site. I am of the opinion that the proposal complies with the relevant policies in the NPPF, the Local Plan, the Burscough Parish Neighbourhood Plan and the Yew Tree Farm Masterplan.

2.0 RECOMMENDATION: APPROVE subject to conditions

3.0 BACKGROUND

- 3.1 The site comprises Phase 3 of the residential element of the wider Yew Tree Farm site. The wider site comprises approximately 40 hectares of land that lies to the west of Burscough between the Burscough Industrial Estate, Higgins Lane and Liverpool Road South. It is a site allocated for residential, employment, education and other community facilities in the West Lancashire Local Plan. Outline planning permission has been granted for mixed residential and employment development on the site. The first phase of residential development is almost complete (Redrow), the second phase of residential development is well under way with homes occupied (Anwyl Homes) and the employment element of

the outline permission has been constructed and is occupied. A new link road through the site connecting Liverpool Road South with Tollgate Road (Chancel Way) has been open to traffic for over a year.

4.0 THE SITE

4.1 The site is located immediately west of Phase 1 (known as The Grange) and north of Phase 2 (known as Priory Gardens) of the Yew Tree Farm strategic development site, Burscough. Higgins Lane lies to the north and Chancel Way to the south. It is a square, relatively flat parcel of land which was last used for agriculture prior to forming part of the wider development site and measures approximately 5 hectares. A mature hedgerow runs through the centre of the site from north to south.

5.0 PROPOSED DEVELOPMENT

5.1 This is a reserved matters application for the erection of 169 dwellings. The application includes details of site layout, scale, appearance and landscaping. The site will be accessed off an existing approved road along the eastern boundary, which runs between Higgins Lane and Chancel Way, opposite the junction with Truscott Road. A second access road is proposed along the western boundary of the site linking Higgins Lane with Chancel Way.

5.2 The proposal includes a mix of 1, 2, 3, 4 and 5 bedroomed terraced and detached houses as well as three blocks of two storey apartments. The layout is arranged so that the dwellings, on all boundaries face outwards, with two internal cul-de-sacs. All the dwellings are two storey and incorporate private gardens and car parking, within garages or on driveways.

5.3 A total of 59 affordable dwellings equating to 35% are located within the layout. Of these, 21 dwellings would be for shared ownership tenure and 38 would be for affordable rent. In addition to this 20% of the dwellings across the site would be suitable as specialist housing for the elderly either with ground floor accommodation or meeting the requirements of Part 4(M)2 of the Building Regulations (readily adaptable).

5.4 As part of the Reserved Matters application, it is also proposed to provide the details to discharge two conditions imposed on the varied outline permission 2019/1093/FUL – relating to drainage strategy (condition 26) and noise (condition 34).

6.0 RELEVANT APPLICATIONS

Phase 2 Residential (Anwyl Homes)

6.1 2019/1182/ARM - Approval of Reserved Matters - Erection of 267 dwellings including details of appearance, landscaping, layout and scale. Discharge of Condition Nos. 5, 8, 14, 16, 18, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 35 from outline planning permission 2015/0171/OUT. APPROVED

6.2 2019/1316/FUL - The construction of access roads, substations and a pumping station to facilitate the phase 2 residential development within the Yew Tree Farm

strategic site. APPROVED

Phase 1 Residential (Redrow Homes)

- 6.3 2020/1134/FUL - Variation of condition no. 1 imposed on planning permission 2017/0431/ARM to retain as-built/revised floor levels and retaining walls. PENDING CONSIDERATION
- 6.4 2019/0947/ARM - Proposed re-plan of plots 74-88 and 116-131 of reserved matters 2017/0431/ARM to provide 16 no. detached houses (net loss of 15 dwellings). APPROVED
- 6.5 2017/0431/ARM - Approval of Reserved Matters for 146 dwellings with associated car parking and landscaping for phases 1a & 1b (denoted as 1 & 1a on the Outline approved master plan). The reserved matters for which consent is sought on these two phases are appearance & scale, layout and landscaping. Discharge of Condition No. 27 (foul and surface water drainage strategy) and Condition No. 35 (updated noise assessment) of planning permission 2015/0171/OUT. APPROVED

Phase 2 Employment (Barracuda and Seafire Business Parks)

- 6.6 2021/0113/ARM - Reserved Matters - The construction of 17 employment buildings (falling within use classes E, B2 & B8) comprising a total of 25,475.73sqm (GEA) and associated works pursuant to the outline element of hybrid planning permission ref. 2018/0525/HYB including approval of details reserved by condition 3 (finished floor levels), 5 (travel Plan), 6 (landscaping scheme), 7 (arboricultural method statement), 8 (landscape management plan), 10 (surface water drainage), 11 (SuDS maintenance), 12 (foul water drainage), 13 (nesting boxes) and 14 (ecological management plan). APPROVED
- 6.7 2020/1142/FUL - The erection of a building for use as an agricultural machinery showroom and workshop (sui generis) or for employment uses falling within use classes E, B2 and B8 and the erection of an external covered display, together with the laying of an access, internal estate road and other associated works. APPROVED
- 6.8 2018/0525/HYB - Hybrid Application - Full planning permission for the construction of a link road between Tollgate Road/Ringtall Road and the Phase 1 residential development of the Yew Tree Farm site including associated drainage and other works; and Outline planning permission for the construction of 31,100 sqm of B1, B2 and/or B8 employment development (all matters reserved except for access positions from the existing/new roads) together with the provision of related infrastructure including the construction of drainage works, services and related utilities. APPROVED

Phase 1 Employment (Dakota Business Park)

- 6.9 2020/0225/COU - Change of use of Unit 4B within Dakota Business Park from flexible employment uses (use classes B1, B2 or B8) to flexible employment uses with leisure (use classes B1, B2, B8 or D2), along with the creation of a link between Unit 4B and Building 5. APPROVED
- 6.10 2019/0438/FUL - The erection of a building for use as employment (B1, B2 or B8)

or leisure (D2), together with the laying of an access road from the existing roundabout at Tollgate Road, and other associated works. APPROVED

- 6.11 2019/0311/ARM – Reserved Matters - Construction of seven employment buildings (falling within use classes B1, B2 & B8) comprising a total of 11,721 sqm (GEA) and associated works pursuant to outline planning permission Ref. 2015/0171/OUT. Including Approval of Details Reserved by Condition 8 (Highways), 16 (Arboricultural Method Statement), 18 (Landscaping), 27 (Foul/Surface Water Drainage Strategy), 28 (Foul Drainage), 29 (surface water regulation system), 31 (Levels) and 35 (Noise). APPROVED

Outline and other related permissions at Yew Tree Farm Strategic Development Site

- 6.12 2021/0506/FUL - Temporary planning permission three years for the stationing of caravans static and mobile for residential occupation by travelling showpeople with the provision of associated hardstanding a storage area boundary fencing and a temporary access from Swordfish Close along with full planning permission for the construction of a vehicular access from Higgins Lane- APPROVED
- 6.13 2021/0507/ARM - Reserved matters approval for the creation of an equipped play area, a multi-use games area, a running/cycle track, the installation of fitness station equipment, along with the provision of associated landscaping. PENDING CONSIDERATION
- 6.14 2021/0369/FUL - Erection of a building including an internal single floor mezzanine for use as a road traffic accident claims centre comprising a mix of offices and car storage with ancillary maintenance and cleaning facilities; or alternatively uses falling within use classes E, B2 and B8 along with an adjoining external covered wash bay structure, together with other associated works. APPROVED
- 6.15 2020/0962/FUL - The construction of four substations and two temporary accesses to facilitate the future phases of residential and employment development within the Yew Tree Farm Strategic Site. APPROVED
- 6.16 2019/1093/FUL - Variation of Condition No. 12 imposed on planning permission 2015/0171/OUT to read: The road linking the A59 Liverpool Road South and Tollgate Road as approved in full under planning permission ref 2018/0525/HYB shall be implemented in accordance with S38 and S278 Agreements prior to the occupation of the 150th dwelling or the 1st January 2021 whichever is the soonest. Variation of Condition No. 36 imposed on planning permission to vary trigger points for monitoring and implementation of junction improvements at Liverpool Road South/Square Lane. APPROVED SUBJECT TO DEED OF VARIATION
- 6.17 2019/1316/FUL - The construction of access roads, substations and a pumping station to facilitate the phase 2 residential development within the Yew Tree Farm strategic site. APPROVED
- 6.18 2015/1268/FUL - Creation of haulage depot and offices with associated access, yard, parking etc. Land off Tollgate Road. APPROVED
- 6.19 2015/0171/OUT - Demolition of the existing buildings, and outline planning

permission (including details of access) for the erection of up to 580 dwellings (C3); Extra Care or Care Accommodation (C2); a Local Centre (comprising up to 500m² of A1, A2, A3, A4 and A5 floorspace; and community uses); the construction of 4.6 hectares of Employment Development (up to 13,800m² of B1, B2 and B8 floorspace); the provision of open space and associated recreation facilities (including parkland, allotments, play areas, a linear park, cycle and pedestrian facilities); together with the provision of related infrastructure including the construction of drainage works (including sustainable urban drainage systems), roads, services and related utilities; and associated works.
APPROVED SUBJECT TO A S106 AGREEMENT

- 6.20 2014/1054/SCO - Scoping Opinion - Residential-led mixed-use development - Development IS EIA development (25.11.2014)

7.0 CONSULTEE RESPONSES

- 7.1 LCC Highways (21.02.22 and 04.06.21) – no objection subject to condition.
- 7.2 United Utilities (08.10.21 and 14.06.21) – no objection
- 7.3 Merseyside Environmental Advisory Service (MEAS) (08.06.21) – no objection subject to condition
- 7.4 Lead Local Flood Authority (15.10.21) – no objection subject to condition
- 7.5 Lancashire Constabulary (14.05.21) – recommend security measures

8.0 OTHER REPRESENTATIONS

- 8.1 Burscough Town Council (03.06.21) – Neither support nor object to the proposed development. Comment that it is unclear as to what happens to the water when added to the water the existing drainage system has already collected. A number of the reports provided showing the data readings as highlighted in red we would suggest potential issues showing on the micro drainage reports. WLBC should look further into these drainage systems to make sure no further problems occur from an independent drainage expert. This could cause future climate change. The Town Council also reiterate the comments of Burscough Flood Group.
- 8.2 Burscough Flood Group object to the development on the following grounds:
- It will cause foul sewer flooding in New Lane, through adding a load of 172 homes to UU's foul sewer network. There is no mitigation for the foul flow from the site into UU's wider sewer network and no improvements have been made to UU's sewer network capacity in Burscough.
 - The proposed development does not meet the requirements of SP3, IF3, SPD YTF Master Plan (Feb 2015) of the Local Plan, BPI1 of the Neighbourhood Plan nor 155 in NPPF 2018.
 - It proposes another sewage pumping station on the site and WLBC hasn't considered the cumulative effect of previous planning applications requiring sewage pumping stations on the YTF site.
 - The proposed development does not meet the requirements of BPI3 of the Neighbourhood Plan.
 - WLBC hasn't considered the cumulative effect of 2021/0518/ARM and previous

planning applications, (including: 2017/0431/ARM and 2019/1182/ARM) on the wider sewer network. Phase 1 of the YTF development was required to draw surface water drains from Lordsgate Lane foul network and redirect it into the surface water system to enable the foul network to accommodate the additional foul flows from the 146 new dwellings (2017/0431/ARM). The diversion was calculated to be approximately sufficient for 140 dwellings. In the meantime, 267 + 146 dwellings have been built and mostly occupied on YTF. By our calculations UU either needs to draw surface water off UU's foul system equivalent to the quantity of foul flow from a minimum of (267 + 172) 339 dwellings before anything more is built on YTF or UU needs to increase the sewer network capacity.

- In times of very heavy or sustained rainfall, effluent is regularly seen on the streets of Burscough from the foul sewer network. The foul sewer flows which go East along Higgins Lane to the A59 combine with the Westerly flows from proposed Phase 4 at the sewage pumping station outside the New Lane Waste Water Treatment Works. We have records of this pumping station surcharging, from a culvert underneath the rail line, since at least 2010. It floods at least annually contaminating the main road and footpaths in New Lane, gardens and homes, the nearby arable farmland, the railway line and the rail crossing.

8.3 A number of objections have been received from neighbouring residents, one of whom reiterates the above comments from Burscough Flood Group and two residents who live opposite the site who make the following points:

- loss of privacy
- if the apartments are for retirement living, they would be better located closer to Chancel Way where access to local amenities is better
- exacerbate flooding in the area
- affordable houses should be spread across the site rather than in a cluster
- loss of security
- increased traffic and road safety concerns

9.0 SUPPORTING INFORMATION

9.1 The application is supported by the following information:

Design and Access Statement
Planning Statement
Drainage Strategy Report
Updated Ecological report
Updated Noise report

10.0 RELEVANT PLANNING POLICIES

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

10.2 The site is allocated as SP3 – Yew Tree Farm, Burscough – A Strategic Development Site. The site also falls within the Mineral Safeguarding Area as designated under Policy M2 of the Joint Lancashire Minerals and Waste Local Plan.

10.3 The following policies apply:

National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development
Section 5 Delivering a sufficient supply of homes
Section 6 Building a strong, competitive economy
Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
Section 11 Making effective use of land
Section 12 Achieving well-designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment
Section 17 Facilitating the sustainable use of minerals

West Lancashire Local Plan (2012-2027) DPD

SP1 – A Sustainable Development Framework for West Lancashire
SP3 – Strategic Development Site: Yew Tree Farm
GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
RS1 – Residential Development
RS2 – Affordable and Specialist Housing
EC1 – The Economy and Employment Land
IF1 – Maintaining Vibrant Town and Local Centres
IF2 – Enhancing Sustainable Transport Choice
IF3 – Service Accessibility and Infrastructure for Growth
IF4 – Developer Contributions
EN1 – Low Carbon Development and Energy Infrastructure
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
EN3 – Provision of Green Infrastructure and Open Recreation Space
EN4 - Preserving and Enhancing West Lancashire’s Built Environment

Burscough Parish Neighbourhood Plan

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

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

10.4 The following supplementary planning documents are also relevant:

SPD – Yew Tree Farm Masterplan (Feb 2015)
SPD - Open Space (July 2014).
SPD – Design Guide (Jan 2008)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR PLACE AND COMMUNITY

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

Principle of Development;
Affordable and Specialist Housing;
Layout, Design and Housing Mix;
Visual Impact;
Highway impact and parking;
Drainage;
Ecology;
Impact on Neighbouring Land Uses;
Any Other matters.

Principle of Development

11.2 The NPPF supports growth of areas to supply new homes in sustainable locations. Policy SP1 of the Local Plan re-iterates this approach. The site forms part of the Strategic Development Site of Yew Tree Farm as allocated in Policy SP3 of the Local Plan. Outline planning permission on the site was approved in 2017 (2015/0171/OUT) for the construction of up to 580 dwellings as well as care accommodation, employment uses, local centre, recreational facilities and accompanying road and drainage infrastructure. This permission was varied in 2019 to allow an alternative timescale and delivery mechanism for Square Lane junction improvements (2019/1092/FUL). Phase 1 and 2 of the detailed residential elements of the outline permission have already been approved and will deliver 398 dwellings, the current application third residential phase proposes 169 dwellings, which results in a total of 567 dwellings across the site. This falls below the 580 dwellings approved by the outline permission, therefore, the principle of development on the site is acceptable.

Affordable and Specialist Housing

11.3 The outline planning permission, in compliance with Policy RS2 and the Yew Tree Farm Masterplan SPD require that up to 35% of the units on the overall site must be affordable. Furthermore, the outline permission and both Policies RS1 and Policy RS2 require that at least 20% of the total number of residential units on the site should be designed specifically to accommodate the elderly.

11.4 Within Phase 1, Redrow are providing 131 market dwellings (following a viability exercise in which the LPA was satisfied that no affordable units could be provided/supported on this first phase due to the cost of initial infrastructure to serve the wider site). It was made clear in the report accompanying the application for Phase 1, that future phases of development on the Yew Tree Farm site would not bear the same costs associated with the initial servicing of the site (in particular the significant off-site highway works) and it will therefore be expected that subsequent residential phases provide the requisite amount of affordable housing. On some phases, this will need to be increased to overcome the shortfall necessitated by the lack of provision in the first phase. This means that it is still necessary for the overall wider site subject of the outline permission, to deliver 35% affordable housing.

- 11.5 The current application includes 35% affordable housing units (59), which, although this does not pick up any of the shortfall from the first phase, does ensure an otherwise policy compliant scheme within a single phase. The original application submission made provision for 20% affordable homes, all within apartments on a 50/50 split affordable rent/shared ownership tenure. This was then amended to 15% when the layout was amended to remove the three-storey apartment block and reduce the scheme from 172 to 169 dwellings following concerns raised by the case officer about layout and design. This was supported by viability information submitted with the application. Given this shortfall which is clearly in conflict with Local Plan Policy RS2 and SP3 the Council instructed an independent assessment of the applicant's viability information by Keppie Massie.
- 11.6 Keppie Massie expressed the view that the proposed scheme could support a scheme which would include 35% affordable housing as well as the required Community Infrastructure Levy (CIL). This level of affordable housing has now been accepted by the applicant. The Housing Strategy Manager's requirement of a tenure split of 65% affordable rent and 35% shared ownership has also been accepted by the applicant. Whilst 35% does not pick up the affordable housing shortfall from Phase 1, I am satisfied that the 35% provided on Anwyl Homes phase and the viability exercises carried out to date justify 35% as an appropriate level of affordable housing on two of the three phases thus far. This results in an overall affordable housing provision of 153 dwellings (out of a total of 567 dwellings – 27%). The Council's Housing Strategy Manager is satisfied that the proposed mix and tenure split meets the Council's Housing Needs for the Burscough Area and on this basis, I consider the proposal conforms to Policy RS2 and Policy BPH2 of the Burscough Parish Neighbourhood Development Plan.
- 11.7 In terms of specialist housing for the elderly, there is no specific definition of 'elderly accommodation' and each case is considered on its own merits. In this case, 37 of the units would be compliant with Part M4(2) of the Building Regulations, thereby meeting the needs of many elderly occupiers (e.g., wider stairs, ground floor bathroom, lower handles on windows and doors). The remainder of the houses will be constructed to meet current Building Regulations Part M4(1) with the structure designed to ensure minimal work is required in any future adaptation that may be necessary. Therefore, reasonable provision is made for most people, including wheelchair users, to approach and enter the dwelling and access habitable rooms and sanitary facilities on the entrance storey and I am satisfied that the proposed development complies with Policies RS1 and RS2 in this respect.

Siting, Layout and Design

- 11.8 Paragraph 126 of the NPPF advises that the creation of high quality and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policy GN3 of the Local Plan states that new development should add to the distinctive character and visual amenity of the area. Proposals should consider the scale of new development and ensure that the height and massing is appropriate in relation to the neighbouring properties and the surrounding environment. This guidance is reiterated within Policy DP5 of the Council's SPD Design Guide and the YTF Masterplan along

with the Burscough Parish Neighbourhood Plan.

- 11.9 The proposed development for 169 dwellings equates to a housing density of approximately 33 dwellings per hectare in compliance with Policy RS1. The layout has been designed to positively address all four boundaries and face roads surrounding the site, avoiding a layout which is overtly inward looking. Dwellings fronting Higgins Lane are separated by a private access road, a proposed native hedgerow, a swale and an existing hedgerow. Dwellings fronting Chancel Way continue the theme of the existing Redrow frontage from Phase 1 with trees, hedges and a 0.9m high black railing.
- 11.10 Various types and size of dwellings are proposed, including 18 x 1-bedroom apartments and 6 x 2-bedroom apartments arranged over two floors and in blocks of 4 with block incorporating a private garden and frontage parking; 2 and 3 bed terraced houses and 3, 4 and 5 bedroom detached houses all with private gardens and parking. The majority of dwellings have frontages with gardens and/or driveways and some properties have parking to the side of the houses, ensuring that there would not be an over-dominance of hardstanding to the frontage of houses. Where there are runs of frontage parking bays, these have been broken up wherever possible with landscaping in the form of hedges, trees and shrubs. One main access into the site leads to two cul-de-sacs. The dwellings have adequate sized private rear gardens and where there are a few that fall short of the 10m garden depth advocated in the Design Guide SPD I am satisfied that in these cases there would not be a reduced level of amenity through overlooking.
- 11.11 Materials incorporate a palette of red and pale red brick and render with grey and dark red roof tiles and boundary treatments within the site include timber and brick walls/fences reflective of the first phase. 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.
- 11.12 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. It is acknowledged that the affordable housing is clustered; however, the applicant has advised that whilst the affordable plots are located within the north-west corner of the site, these plots are served by 4 different accesses to assist with pepper potting. The effect of the approach 'on the ground', is that the affordable units will be accessed and viewed from 4 different street scenes directly alongside market housing and the external materials will match those used on the market house types making them tenure blind. There will also be benefits to this approach from a management perspective in view of some shared rear boundaries. The applicant also adds that this phase forms part of the much wider Yew Tree Farm site and so the affordable housing will be spread out when considering the scheme as a whole.
- 11.13 Although there would be no on-site open space in this phase this is compensated for by the proposed adjacent large area of public open space to the south-west

which will provide a central neighbourhood park, along with the green space SuDs corridor between the site and Higgins Lane. Overall, I am satisfied that the proposed layout, scale and appearance provides a consistency of design approach used across the wider site and is compliant with the NPPF, Local Plan, Burscough Parish Neighbourhood Plan and the SPD's Design Guide and Yew Tree Farm Masterplan.

Residential Amenity

- 11.14 Policy GN3 in the WLLP requires new development to retain or create reasonable levels of privacy, amenity and sufficient garden/outdoor spaces for occupiers of the proposed and neighbouring properties. Further detailed advice on interface distances is provided within the Council's SPD Design Guide.
- 11.15 In terms of the relationships between the proposed dwellings, I am satisfied that the proposed layout, in general, accommodates the required interface distances. In terms of the impact on surrounding residents, a significant distance is maintained between the existing dwellings on Higgins Lane and the proposed dwellings opposite (approximately 39m) which are all two storey and separated by an existing high hedge and proposed additional planting. A minimum distance front to front of 20m is maintained between the approved dwellings on Phase 1 and those proposed along the eastern boundary. Therefore, I consider that the proposed development, subject to the conditions would not result in a detrimental loss of residential amenity to any neighbouring properties in compliance with Policy GN3 and the Burscough Parish Neighbourhood Plan. Potential impacts on local residents of any significant development in this area would be during the construction phase in terms of noise and vehicle movements. Whilst some noise will be generated during the construction phases, this will be temporary and subject to separate environmental control and the new link road will adequately cater for construction vehicles.
- 11.16 In terms of future occupier's amenity, Condition 34 of the varied outline planning permission requires the submission of an updated noise assessment for each phase which would highlight any additional noise mitigation measures that may be necessary on the site. The submitted noise assessment concludes that noise from Burscough Industrial Estate to the west would be too distant to require any additional noise mitigation to any of the proposed dwellings over and above standard double glazing. As such this condition can be discharged as far as the proposed development is concerned.

Highways

- 11.17 The impact of the wider Yew Tree Farm development on highway capacity and safety has already been assessed under the outline and varied outline planning permission and there has been no material change in circumstance since this time. LCC do not raise any highway capacity issues. Chancel Way is now open and links Liverpool Road South with Tollgate Road and, although not yet fully adopted by the Highway Authority, provides an access to the site, along with the recently constructed new access off Higgins Lane. LCC Highways have been consulted and confirm that the principle of residential use and access is established by the outline permission incorporating mitigation with offsite improvements, which have now been delivered.

- 11.18 Parking provision accords with the requirements in Policy IF2, all two and three bedroomed properties would have two spaces and the four bedroomed properties would have 3 spaces. Where detached garages are provided, they measure 6m x 3m internally and are of sufficient size to accommodate vehicle parking. Where integral garages fall slightly below this measurement, shed/cycle stores have now been added to those plots.
- 11.19 LCC are satisfied vehicles would be able to manoeuvre safely within the site. A concern has been raised about the distance some occupiers would be required to transport bins for refuse collection. Bin storage areas have been shown on a waste management layout. This indicates collection points would comply with Manual for Street guidance, but a small number of occupiers would be required to transport their refuse bin over 30m. In view of the limited number of dwellings to which this would apply (approximately 12) in the context of the wider site, I am satisfied with the location of the collection points.
- 11.20 To encourage sustainable development, a detailed Travel Plan to encourage the use of measures such as car sharing and cycle to work schemes is required to be submitted for each phase as part of the varied outline permission (Condition 13). Although none has been provided to date, this remains a requirement prior to occupation of any dwelling on the site. As part of the wider development, 3m wide shared footway/cyclepaths along Chancel Way have been provided to link the industrial estate and residential areas of the town. In view of the above highway considerations, I am satisfied the development complies with NPPF, Policy SP3 and GN3 of the Local Plan, the Yew Tree Farm Masterplan SPD and Policy BPT1 of the Burscough Parish Neighbourhood Plan.

Drainage

General

- 11.21 In terms of drainage, it is known that there are surface water flooding issues in the Burscough area. At the time the outline planning application was considered, the statutory bodies assessing the impact of the proposed development on the above matters (United Utilities (UU), Environment Agency (EA) and LCC Lead Local Food Authority (LLFA)) did not raise any objections to the proposal. Stringent conditions were imposed on the outline planning permission requiring details of the surface water management scheme and compliance with the Flood Risk Assessment submitted. Subsequently, a detailed drainage strategy and specific drainage details for Phase 1 and 2, along with the employment development on the site have been agreed as part of the relevant Reserved Matters applications.
- 11.22 Drainage was an extremely important consideration of the outline permission and indeed is of great concern to the local community. Since the varied outline planning permission and overall drainage strategy have been approved on the wider Yew Tree Farm site, two further documents relating to drainage locally have been published which require consideration. Firstly, a Level 2 Surface Water Management Plan for Burscough (BSWMP) has been published by LCC. Having reviewed this document in so far as it relates to the Yew Tree Farm site, I am satisfied that it raises no additional issues that have not already been addressed by the more specific FRA and Drainage Strategy submitted as part of the outline application and in particular the information submitted with respect of

this Reserved Matters application and how it connects into the already approved drainage strategy.

- 11.23 Secondly, a Level 2 Strategic Flood Risk Assessment (SRFA) was published in May 2020 to inform a new Local Plan. An SFRA looks at flood risk at a strategic level on a local planning authority scale. The NPPF requires local planning authorities to appraise the risk of flooding in their areas by undertaking an SFRA. An SFRA takes into account the impacts of climate change and assesses the impact that land use changes and development in the area will have on flood risk.
- 11.24 Ultimately, an SFRA functions to inform decisions on the preparation of a Local Plan and ensure that allocations proposed in a new Local Plan are those which, so far as can be reasonably assessed from a desktop study, are not anticipated to make existing flood risk and drainage issues worse should they be developed. That high-level assessment can then be utilised as a basis for a site-specific Flood Risk Assessment by developers when they bring forward proposals for the development of the allocations, which involves actual site investigations.
- 11.25 The different levels of SFRAs reflect the likely risk of flooding from all sources and development pressures. A Level 2 SFRA is prepared when land outside flood risk areas can't appropriately accommodate all the necessary development and the NPPF's Exception Test needs to be applied. Both Level 1 and Level 2 SFRAs present a high level overview of flood risk across West Lancashire. The information collated for an SFRA is obtained through desk studies rather than on site investigation and is therefore indicative. Site specific detail is usually provided by developers to support planning applications, e.g., Flood Risk Assessments, Factual and Interpretive Ground investigation Reports, and Drainage Strategies. In regard to the Level 2 SFRA and its implications for the Yew Tree Farm site, I am satisfied that the most recent SRFA raises no new cause for concern that has not previously considered and the current application, in so far as it relates to the already approved drainage strategy for the site, is considered acceptable. The LLFA concur with this view.
- 11.26 As the overall drainage strategy for the Yew Tree Farm site has already been agreed and, as considered above, nothing has fundamentally changed since that time, the only matter relating to drainage that is required as each phase comes forward, is to ensure that the drainage for that phase ties into the overall site wide drainage strategy and to provide specific technical drainage details as well as management and maintenance for each individual phase (Conditions 26, 27, 28 and 29 of the varied outline permission). All of the information must accord with the site wide drainage strategy, which has already been approved.

Surface Water

- 11.27 In terms of surface water drainage, previous permeability tests on adjacent development phases have confirmed that the existing ground strata will not support infiltration techniques for surface water discharge. Therefore, run off from this third residential phase (noted as Phase 4 on the phasing masterplan and drainage strategy) will be collected in an underground pipe drainage network and will be attenuated by 3No flow control vortex valves before discharging into a new surface water swale to be formed alongside Higgins Lane behind the existing hedgerow. A final flow control vortex valve located at the east end of the new swale will control the overall surface water discharge from this development

phase before entering the surface water swale constructed during Phase 1b with the provision to receive surface water flow from this Phase 4 development via a 300mm diameter pipe. The final controlled discharge from Phase 1b swale discharges at a final pass forward flow equal to 2.0l/sec/ha to the existing part culverted/part open watercourse that passes through the Yew Tree Farm site area and flows north under Higgins Lane.

- 11.28 Since the SW will drain to the culverted watercourse which eventually flows away from the main residential areas and centre of Burscough, there will not be any increased flood risk impact in these areas. The drainage basins will, in effect "hold back" rain-water falling on this site before slowly releasing it to the watercourse as opposed to the current unrestricted flows in periods of heavy rainfall. This is all in accordance with the NPPF and has been previously modelled and approved as part of the outline permission for the site.
- 11.29 Management and maintenance of the SW drainage system will, at present, fall to the developer's management company, the details of which are required by condition imposed on the varied outline permission. However, as referred to in previous phases, it remains the intention for the SW system to eventually be adopted and maintained by United Utilities and an agreement between the developer and UU is progressing.

Foul Water

- 11.30 In terms of foul water, United Utilities have confirmed to the applicant that existing public foul water and combined water sewers to the east of this phase are at capacity and that foul water discharge from the proposed development should be routed west to discharge to the existing 225mm diameter Public CW sewer that crosses Higgins Lane circa 200m to the west of the site. As part of the proposed development a new 225mm diameter gravity Foul Water sewer is to be laid along Higgins Lane to the position of the existing CW sewer at which point a new connection manhole will be constructed on the existing sewer. This new FW sewer along Higgins Lane will take circa 153 dwellings from the proposed residential development and provision will be made for future foul water connection from the Phase 5 safeguarded land. In addition, the proposed dwellings directly fronting Chancel Way will discharge foul water to the recently installed FW gravity sewer within Chancel Way.
- 11.31 No foul pumping station is proposed as part of this phase of development as referred to by Burscough Flood Group. There is, however, a recently installed foul pumping station on the southern side of Chancel Way, which already benefits from planning permission (2019/1316/FUL) and serves the Anwyll Homes development on Phase 2. This pumping station uses telemetry to regulate foul flows from this phase of the development.
- 11.32 The required diversion of the surface water away from the Public combined sewer at Lordsgate Lane has now been completed under a Section 185 sewer diversion agreement with UU. This was required to compensate for all the additional foul flows predicted to flow from the development forming part of the outline permission and not, as suggested by Burscough Flood Group, just for Phase 1.

Conclusions on drainage

- 11.33 This application seeks to ensure that all proposed foul and surface water drainage reflects that already approved by the outline permission and that this Phase ties into the wider site's infrastructure in an acceptable way. In order to achieve this, as already agreed as part of the wider site strategy, some foul water capacity within the combined sewer has been created following the recent sewer diversion works mentioned above.
- 11.34 The relevant drainage bodies, United Utilities, as the foul water infrastructure regulators and the Lead Local Flood Authority, as surface water regulator, have carefully examined the submitted drainage strategy and are satisfied that they accord with the strategy approved for the wider site and conclude that flooding on or off site will not be exacerbated, nor will the development of the proposed phase put any additional burden on the existing foul sewer network than has not already been accounted for. On this basis, whilst I understand the concerns of Burscough Flood Group and the Town Council, I am satisfied that the principles of the overarching drainage strategy have been adhered to. The matter of the suitability or otherwise of the wider drainage network outside that concerned with the approved outline permission falls beyond the realms of consideration of this Reserved Matters application. I therefore consider the proposed development acceptable in terms of the drainage strategy (including condition 26 of the varied outline permission) and, subject to detailed design, in compliance with the NPPF, Policy GN3 of the Local Plan, the Yew Tree Farm Masterplan SPD and Policies BPI1, BPI2 and BPI3 of the Burscough Parish Neighbourhood Plan (BPNP).

Ecology/Landscaping

- 11.35 One of the aims of the planning system is to seek environmental gains, to contribute to protecting and enhancing the natural environment and help to improve biodiversity. The NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the natural environment, including moving from a net loss of biodiversity to achieving net gains for nature. Policy EN2 of the Local Plan 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. The detailed considerations of ecology were assessed at the time of the varied outline application.
- 11.36 The Council's ecology advisers, MEAS, undertook a Habitats Regulations Assessment in relation to the original outline application (2015/0171/OUT) and advise that the conclusions of this Habitats Regulations Assessment remain valid for this Reserved Matters application. However, the applicant has submitted an updated walkover survey report which has been assessed by the Council's ecology advisors MEAS. They have confirmed that no trees or structures with suitability to support roosting bats are present within the site. However, suitable foraging and commuting habitats for bats is present. As required by condition 24 of the varied outline permission, the applicant will need to demonstrate how excessive light spillage onto retained and newly created habitats will be avoided so as not to deter foraging and commuting bats from the habitats post-development prior to construction taking place.

- 11.37 Two ephemeral pools are present within the site; however, the ecology report advises that it is unlikely that they would support a breeding population of great crested newt and MEAS concur with that view. However, the report author went on to advise that it is likely that other amphibians may be present such as common toad, a Priority Species, smooth newt and common frog. These species have previously been recorded in the wider Yew Tree Farm site. As recommended by the applicant's ecological consultant, the amphibian mitigation measures set out under condition 20 of the varied outline planning permission will be required to be undertaken during the development.
- 11.38 A single brown hare was found to the west of the site during the updated walkover survey and there was also evidence of brown hare grazing. As stated in the updated walkover survey report, brown hare mitigation measures, as required by condition 21 of the outline permission, will therefore be necessary. MEAS also advise that habitats within the site may still provide opportunities for breeding birds, including ground-nesting species such as skylark. Condition 16 of the varied outline permission, regarding the avoidance of harm to breeding birds must still be adhered to during any development works. MEAS also advise that the proposed development will result in the loss of bird breeding habitat and Local Plan Policy EN2 applies. Mitigation for this loss should be provided as recommended by the applicant's ecological consultant e.g., provision of bird nesting boxes across the site.
- 11.39 MEAS consider that the habitats on site are 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. This can be secured by a suitably worded planning condition. MEAS also consider that the results of the updated walkover ecological survey support discharge of Condition 22 (Barn Owl check) and the Invasive Species survey section of Condition 23, however the remaining ecological conditions imposed on the varied outline permission will need addressing pre-construction.
- 11.40 As part of the proposed development, a mature hedgerow that runs north/south through the site will be removed. Detailed landscaping plans have been provided which include the retention of the mature hedge along the northern boundary adjoining Higgins Lane and native tree and hedge planting within the site. MEAS considers that the submitted landscaping details are acceptable from an ecological perspective and provide adequate compensation for the losses of habitat which will occur as a result of the development. On this basis, I am satisfied that increased compensatory planting has been provided to mitigate any loss of existing habitat and as such, there would be no undue impact on biodiversity as a result of the development in accordance with the NPPF, Policies EN2 and SP3 of the Local Plan, Policy BPD1 of the BPNP and the Yew Tree Farm Masterplan SPD.

Mineral Safeguarding

- 11.41 In accordance with Policy M2 of the Lancashire County Council Minerals and Waste Site Allocation and Development Management Policies DPD a Mineral Assessment was submitted by the applicant at the outline application stage. The assessment concluded that any mineral resource on the site was not a commercially viable deposit and the development of the site for uses not

compatible with mineral extraction would be in conformity with Policy M2. No further assessment in this regard is necessary.

Planning Obligations

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

Summary

- 11.43 In summary, it is considered that, subject to conditions, the proposed development is acceptable in terms of use, layout, scale and design. There are no significant highway, drainage or amenity concerns and I therefore consider that the proposed development is compliant with the NPPF, the Local Plan and the Burscough Parish Neighbourhood Plan.

12.0 RECOMMENDATION

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

Condition(s)

1. The development in this phase of the development authorised under varied outline planning permission 2019/1093/FUL must commence within two years of the date of this reserved matters approval in accordance with section 92 Town & Country Planning Act 1990.

Reason: To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with section 92 of the Town and Country Planning Act 1990.

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

Drawing No. LOC-001 (Location Plan) received by the Local Planning Authority on 25th February 2022

Drawing No. 4143-DSL-010 Rev A (Detailed Site Layout) received by the Local Planning Authority on 8th April 2022

Drawing No. 4143-LDL-010 Rev A (Land Disposal Layout) received by the Local Planning Authority on 8th April 2022

Drawing No. 4143-ML-010 Rev A (Materials Layout) received by the Local Planning Authority on 8th April 2022

Drawing No. BTL-010 Rev A (Boundary Treatment Layout) received by the Local Planning Authority on 8th April 2022

Drawing No. 4143-AHL-010 Rev A (Affordable Homes Layout) received by the Local Planning Authority on 8th April 2022

Drawing No. 4143-WML-010 Rev A (Waste Management Layout) received by the Local Planning Authority on 8th April 2022

Drawing No. 4143-EVCP-010 Rev A (EVC Points Layout) received by the Local Planning Authority on 8th April 2022

Drawing No. 4143-APA-010 Rev A (Apartment Parking Allocation Layout) received by the Local Planning Authority on 8th April 2022

Drawing No. 4143-M42-010 (M4(2) Layout) received by the Local Planning Authority on 8th April 2022

Drawing No. 4101/ENG/102 Rev C (Highway Materials Plan) received by the Local Planning Authority on 8th February 2022

Drawing No. 4101/ENG/105-1 Rev A (Longsection 1) received by the Local Planning Authority on 8th February 2022

Drawing No. 4101/ENG/105-2 Rev B (Longsection 2) received by the Local Planning Authority on 8th February 2022

Bin Store Details received by the Local Planning Authority on 21st April 2021

Bin & Cycle Store Details received by the Local Planning Authority on 8th April 2022

Single Garage SGS_002 dated April 2018 received by the Local Planning Authority on 8th April 2022

The Weaver elevations and floor plans dated Feb 2022 received by the Local Planning Authority on 8th April 2022

Bakewell/Buxton 4 block elevations and floor plans dated July 2019 received by the Local Planning Authority on 8th April 2022

Hampstead elevations and floor plans dated June 2021 received by the Local Planning Authority on 8th April 2022

Henley Rev A elevations and floor plans dated May 2019 received by the Local Planning Authority on 8th April 2022

Ledsham Rev A elevations and floor plans dated June 2020 received by the Local Planning Authority on 8th April 2022

Sunningdale Rev A elevations and floor plans dated May 2019 received by the Local Planning Authority on 8th April 2022

Cambridge elevations and floor plans dated March 2020 received by the Local Planning Authority on 8th April 2022

Marlow elevations and floor plans dated Jan 2020 received by the Local Planning Authority on 8th April 2022

Oxford elevations and floor plans dated June 2020 received by the Local Planning Authority on 8th April 2022

Oxford Lifestyle elevations and floor plans dated Feb 2020 received by the Local Planning Authority on 8th April 2022

Shaftesbury elevations and floor plans dated May 2019 received by the Local Planning Authority on 8th April 2022

Stratford Rev B elevations and floor plans dated May 2019 received by the Local Planning Authority on 8th April 2022

Stratford plot 205 elevations and floor plans dated May 2019 received by the Local Planning Authority on 8th April 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. Landscaping shall be carried out in accordance with the details indicated on the following plans:

Drawing No. 5472.06 Rev B (Landscape Proposal Sheet 1 of 4)
 Drawing No. 5472.07 Rev B (Landscape Proposal Sheet 2 of 4)

Drawing No. 5472.08 Rev B (Landscape Proposal Sheet 3 of 4)
Drawing No. 5472.09 Rev B (Landscape Proposal Sheet 4 of 4)
All received by the Local Planning Authority on 8th April 2022

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

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

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

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

5. No development shall take place until an affordable housing phasing and delivery plan has been submitted to and agreed in writing with the Local Planning Authority. The affordable housing phasing and delivery plan shall specify a timetable for the construction, completion and legal transfer of the affordable housing units (to a registered provider of affordable housing) in relation to occupancy of the market housing units.

Reason: To ensure the affordable housing units are delivered in a timely manner and so to comply with Policy RS2 of the West Lancashire Local Plan 2021-2027 DPD.

6. The reserved matters submission in respect of the siting of the proposed dwellings shall include sections across the site. The sections shall indicate existing and proposed ground levels together with finished floor levels of any dwellings 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: To ensure the satisfactory visual appearance of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

7. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the drainage strategy (February 2021, Report No.: 16079 - R4 - D, Rutter Johnson) and the original Flood Risk Assessment (February 2015, Project No.: 62000610, WSP). And in accordance with the following details:

Drawing No. 4101/Eng/103-1 Rev E (Section 104 adoptable sewers 1 of 2) received by the Local Planning Authority on 8th February 2022

Drawing No. 4101/Eng/103-1 Rev E (Section 104 adoptable sewers 1 of 2) received by the Local Planning Authority on 8th February 2022

Drawing No. 4101/Eng/121-1 (Plot Drainage 1 of 4) received by the Local Planning Authority on 6th October 2021

Drawing No. 4101/Eng/121-2 (Plot Drainage 2 of 4) received by the Local Planning Authority on 6th October 2021

Drawing No. 4101/Eng/121-3 (Plot Drainage 3 of 4) received by the Local Planning Authority on 6th October 2021

Drawing No. 4101/Eng/121-4 (Plot Drainage 4 of 4) received by the Local Planning Authority on 6th October 2021

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: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 166 and 168 of the National Planning Policy Framework, Planning Practice Guidance. Defra Technical Standards for Sustainable Drainage Systems and Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD.

8. No development shall commence in any phase 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 and indicative sustainable drainage strategy 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) 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: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 166 and 168 of the National Planning Policy Framework, Planning Practice Guidance, Defra Technical Standards for Sustainable Drainage Systems and Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD.

9. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied 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 and subsequently maintained pursuant to the requirements of Paragraph 168 of the National Planning Policy Framework and Policy HN3 of the West Lancashire Local Plan 2012-2027 DPD.

10. No development shall commence until details of how surface water and pollution prevention will be managed during each 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 phase(s) 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.

Reasons: To ensure the development is served by satisfactory arrangements for the disposal of surface water during the construction phase 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 and EN2 of the West Lancashire Local Plan 2012-2027 DPD.

11. The parking provision shown within the curtilage of each dwelling on the approved layout plan Drawing No. 4143-DSL-010 Rev A (Detailed Site Layout) received by the Local Planning Authority on 8th April 2022 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.

12. The development hereby permitted shall not be occupied until details of bird boxes, to include number, type and location on an appropriately scaled plan as well as timing of installation, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

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

13. Bat roosting boxes shall be incorporated into the development hereby permitted in accordance with the recommendations of the Report of Update Ecological Walkover to Support Phase 4 Reserved Matters Application dated 11th February 2021.

Reason: In the interests of nature conservation and to ensure compliance with the provisions of NPPF paragraph 175 and the NERC biodiversity duty Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012- 2027 Development Plan Document.

Note(s)

1. The development approved by this permission may be liable to a Community Infrastructure Levy, which is payable after development begins. If your scheme is liable, and you have not already done so, you must submit an Assumption of Liability Notice to the Council before development commences. If your scheme is issued with a CIL charge, it is essential you submit a Commencement Notice to the Council before the development commences. Any application for relief or exemption should also be submitted before commencement. The Council will impose penalties where the correct forms are not submitted, or are late, or where the information provided is inaccurate. All forms are available at <http://www.westlancs.gov.uk/planning/planningpolicy/community-infrastructure-levy/the-cil-process.aspx> and once completed, should be emailed to CIL@westlancs.gov.uk. Further information on CIL can be found at www.westlancs.gov.uk/CIL or by contacting the Council's CIL and S106 Officer on CIL@westlancs.gov.uk or tel: 01695 585171.
2. Your attention is drawn to the fact that the Conditions that were imposed on the Outline planning permission for this development still apply and must be complied with in the implementation of this approval.
3. This permission is subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 in relation to the outline permission 2015/0171/OUT.
4. The habitats on site are suitable for hedgehog which is a Priority Species and Local Plan policy EN2 applies. The following reasonable avoidance measures should be put in place to ensure that there are no adverse effects on them:
 - A pre-commencement check for hedgehog;
 - All trenches and excavations should have a means of escape (e.g., a ramp);
 - Any exposed open pipe systems should be capped to prevent mammals gaining access; and
 - Appropriate storage of materials to ensure that mammals do not use them.-boundary fences should include measures to maintain hedgehog habitat connectivity (hedgehog highways) between gardens - e.g., small gaps at ground level

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following

Policy/Policies in the adopted West Lancashire Local Plan 2012-2027
Development Plan Document:

SP1 - A Sustainable Development Framework for West Lancashire

SP3 - Strategic Development Site: Yew Tree Farm

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 - Residential Development

RS2 - Affordable and Specialist Housing

EC1 - The Economy and Employment Land

IF1 - Maintaining Vibrant Town and Local Centres

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

IF4 - Developer Contributions

EN1 - Low Carbon Development and Energy Infrastructure

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN3 - Provision of Green Infrastructure and Open Recreation Space

EN4 - Preserving and Enhancing West Lancashire's Built Environment

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