



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Wednesday, 5 October 2022

TO: COUNCILLORS D O'TOOLE, J FINCH, M ANDERSON, A BLUNDELL, A FENNELL, A FOWLER, P HOGAN, HOWARD, G JOHNSON, G OWEN, E POPE, J THOMPSON AND J WITTER AND 1 VACANCY (INDEPENDENT MEMBER)

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET, ORMSKIRK, L39 2DF** on **THURSDAY, 13 OCTOBER 2022** at **7.00 PM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be 'JS', written over a faint circular stamp.

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

83 - 84

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

85 - 88

To receive as a correct record the minutes of the meeting held on the 8 September 2022.

7. PLANNING APPLICATIONS

To consider the following reports of the Corporate Director of Place and Community in respect of planning applications for:-

7a 2021/1506/FUL - STATION HOUSE, RED CAT LANE, BURSCOUGH 89 - 106

7b 2022/0273/FUL - LAND TO THE REAR OF 126-160 ORMSKIRK ROAD, UP HOLLAND 107 - 120

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

FIRE EVACUATION PROCEDURE: Please see attached sheet.

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

For further information, please contact:-

Jill Ryan on 01695 585017

Or email jill.ryan@westlancs.gov.uk

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

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

IF YOU DISCOVER A FIRE

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

ON HEARING THE FIRE ALARM

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

NOTES:

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

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

CHECKLIST FOR PERSON IN CHARGE

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

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

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

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

NOTE:

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

CHECKLIST FOR ZONE WARDEN

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

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

INSTRUCTIONS FOR DOOR WARDENS

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

Agenda Item 4

MEMBERS INTERESTS 2012

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

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

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

Please tick relevant boxes

Notes

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

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

Interest

Employment, office, trade, profession or vocation

Sponsorship

Prescribed description

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

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

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

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

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

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

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

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

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

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

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

'a connected person' means

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

'body exercising functions of a public nature' means

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

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

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

Agenda Item 6

PLANNING COMMITTEE

HELD: Thursday, 8 September 2022

Start: 7.00 p.m.

Finish: 7.20 p.m.

PRESENT:

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

Councillors: M Anderson G Owen
A Blundell E Pope
A Fennell J Thompson
A Fowler Mrs J Witter
J Howard

Officers: Steve Faulkner - Planning Services Manager
Kate Jones - Planning Services Team Leader
David Delaney – Planning Assistant Solicitor
Jill Ryan - Senior Democratic Services Officer

Note: At the commencement of the meeting, the Chairman called for 1 minutes silence to be observed recording the sad death of Her Majesty Queen Elizabeth II.

18 APOLOGIES

Note: At the commencement of the meeting, 1 minutes silence was observed out of respect on the sad death of Her Majesty Queen Elizabeth II.

Apologies for absence were received on behalf of Councillor Gordon Johnson.

19 MEMBERSHIP OF THE COMMITTEE

There were no changes to the membership of the Committee.

20 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no items of urgent business received.

21 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

22 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

23 **MINUTES**

RESOLVED: That the minutes of the meeting held on the 28 July 2022 be approved as a correct record and signed by the Chairman.

24 **PLANNING APPLICATIONS**

Consideration was given to the report of the Corporate Director of Place and Community as contained on pages 55 to 80 of the Book of Reports and on pages 81 to 82 of the Late Information Report.

25 **2021/1420/FUL - RING O'BELLS PUBLIC HOUSE, RING O'BELLS LANE, LATHOM**

The Corporate Director of Place and Community submitted a report on planning application 2021/1420/FUL relating to the Ring O'Bells Public House, Ring O'Bells Lane, Lathom.

RESOLVED: That planning application 2021/1420/FUL relating to the Ring O'Bells, Public House, Ring O'Bells Lane, Lathom be refused for the reasons as set out on page 67 of the Book of Reports.

26 **2022/0455/FUL - 10 OLD RECTORY GREEN, AUGHTON**

The Corporate Director of Place and Community submitted a report on planning application 2022/0455/FUL relating to 10 Old Rectory Green, Aughton.

RESOLVED: That planning application 2022/0455/FUL relating to 10 Old Rectory Green Aughton be approved subject to the conditions and reasons as set out on pages 76 to 77 of the Book of Reports but with further notes as listed below:-

Note:

The applicant is advised that United Utilities will not allow building over or in close proximity to a water main and will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. It is noted that a public sewer crosses the site and building will not be permitted over it.

United Utilities will require an access strip for maintenance or replacement. The minimum distances that might be acceptable to United Utilities are detailed within Part H of the Building Regulations however, it is recommended that the applicant determines the precise location, size, depth and condition of the pipeline as this is likely to influence the required stand-off distance from any structure.

Note:

The applicant is advised in respect of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) which states that surface water from new developments should be investigated and delivered in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The applicant is therefore advised to consider their drainage plans in accordance with the drainage hierarchy outlined above.

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Chairman



PLANNING COMMITTEE: 13th October 2022

Report of: Corporate Director of Place & Community

Contact for further information: Debbie Walkley
(Extn. 5342) (E-mail: debbie.walkley@westlancs.gov.uk)

SUBJECT: PLANNING APPLICATION 2022/1506/FUL

PROPOSAL: Conversion of former Grade II Listed building from dwelling to children's day nursery with associated play area and car parking/ drop off area.

ADDRESS: Station House, Red Cat Lane, Burscough, L40 0RA

Wards affected: Burscough West

1.0 PURPOSE OF THE REPORT

- 1.1 The report advises Planning Committee on an application which seeks planning permission for the conversion of a Grade II Listed Building from dwelling to children's day nursery (for 50 children) with associated play area and car parking/ drop off area. Members are advised that there is an extant permission on the application site for the conversion of the building to offices granted under application 2019/0184/FUL which expires on 13th November 2022. The applicant proposes an alternative use for the building having been unable to secure an end user for the approved offices.
- 1.2 The proposed day Nursery including car parking and play area is acceptable in principle on this site. The development is considered to preserve the special interest of the Listed Building, which includes its setting and would not be considered to have a significant impact upon amenity, ecology or the character and appearance of the local area. It is recognised that given the nature and scale of the nursery provision there will be some intensification of vehicular movements around the site, however the provision of a separate parking and drop off provision on land leased for a period of 10 years combined with the sustainable location of site is considered to mitigate significant adverse impacts on highway capacity and safety.
- 1.3 It is noted that The Council's statutory duty 'to preserve' a Listed Building and the requirements of Chapter 16 of the NPPF to take account of the desirability of sustaining and enhancing heritage assets and putting them into viable and

sustainable new uses, has been given great weight in our planning balance. Subject to suitable conditions the proposed development is therefore considered compliant with relevant policies in the NPPF, the adopted West Lancashire Local Plan and the West Lancashire Design Guide SPD.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 Approve subject to conditions.

3.0 THE SITE

- 3.1 The site relates to the former Station House (Grade II listed) which is situated on the northern side of the Southport to Manchester Railway line. The site is located at the end of a private road (Station Approach) off Red Cat Lane just north of the village centre of Burscough. The Station House is two storeys, built in an Elizabethan style and faced in stone with a slate roof and dates from 1855-60. An enclosed garden area associated with the building lies to the east with a larger area of fenced land to the west.
- 3.2 The Station House closed to the travelling public in 2005 following the construction of a new interchange on the opposite side of the track. It was subsequently converted to residential use but has been vacant for some time. A 2019 planning permission for the change of use to offices has not been implemented. It is however noted that some remediation works to the external fabric of the building is currently being undertaken.
- 3.3 The Station Approach access is owned by Network Rail and the application site also extends to include a separate parcel of land to the west of the site for which the applicant has secured a 10-year lease agreement.

4.0 THE PROPOSAL

- 4.1 The application proposes the conversion of the former Station House from a residential dwelling to a Children's Day Nursery (Class E use) with associated external play area and designated car parking and drop off areas. The provision would be for 50 children and would employ 13 Full Time members of staff with the opening hours being 07:30 am to 18:30 pm Monday to Friday only.
- 4.2 The proposed alterations to the external fabric of the Listed Building are relatively modest and confined to the restoration/ replacement of the existing fenestrations, removal of a chimney and flat roof over a former yard area. Internally the changes would include the removal of existing walls to facilitate a more open plan layout to facilitate the workings of the nursery. The external grounds immediately surrounding the building will be utilised for an enclosed play area, and to the far west of the site a separate parcel of land is proposed for use as a car parking and drop off facility comprising of 19 car parking spaces and cycle storage.
- 4.3 It is noted that during the application the site edge red has been amended to include the station approach and the designated car parking provision. The

proposed scale of the Nursery provision has been reduced from an upper limit of 60 to 50 Children. Supplementary transport reports and supporting evidence has been updated to reflect those revisions and address issues raised during the initial consultation process.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 **2021/1507/LBC** PENDING CONSIDERATION Listed Building Consent- Conversion of former Grade II Listed Building from dwelling to Children's Day Nursery with associated external play area and designated car parking and drop off areas.
- 5.2 **2019/0184/FUL** GRANTED Conversion of Grade 2 Listed Building from dwelling to offices including new glass roof over existing uncovered courtyard and removal of brick chimney extensions and reinstatement of chimney pots at a lower height. Replacement of damaged windows with like for like and internal alterations.
- 5.3 **2019/0185/LBC** APPROVED Listed Building Consent - Conversion of Grade 2 Listed Building from dwelling to offices including new glass roof over existing uncovered courtyard and removal of brick chimney extensions and reinstatement of chimney pots at a lower height. Replacement of damaged windows with like for like and internal alterations.
- 5.4 **2020/0165/CON** APPROVED Approval of Details Reserved by Condition No. 4 of planning permission 2019/0184/FUL relating to details of windows/doors to be formed or altered in connection with the proposed development (including details of all mouldings, transoms, mullions and opening mechanisms).
- 5.5 **2001/0197** GRANTED Internal alterations and conversion into a dwelling.

6.0 CONSULTEE RESPONSES

6.1 Network Rail (NR)

(18.01.2022) - Holding Objection. The red line boundary includes land which the applicant states in Cert A as in their ownership. From our records this is in the ownership of Arch Co (Management Company who own the parcel of land proposed for car parking) and therefore the change of use will need to be agreed with the landowner

(08.02.22) Holding Objection. NR had meeting with the customer to discuss the NR interface. A BAPA for the works is required. The submitted details do not cover our concerns. We require assurance that the works will not impact the safe operation and integrity of the railway. Arch Co matters are separate to the asset protection measures

(11.04.22) Network Rail are removing their objection. Any further comments to be referred to the Arch Co.

6.2 Lancashire County Council Highways

(03.02.2022) – No objections

- The proposed plan shows a utilised vehicular access point and existing pedestrian access. The proposed fencing and car parking are acceptable.
- Whilst the proposal has the potential to result in increase traffic, in this central location it should have negligible impact on highway safety and capacity within the immediate vicinity of the site. The site is located within a sustainable area.
- Conditions Requested

(27.04.2022)- No Objections

- In light of the concerns raised (within local neighbour and Councillor representations) I visited the site on 28th February and there were no vehicles parking on the access road. Whilst I appreciate concerns raised over potential conflict of vehicles parking on the access road, from a Highways perspective my comments remain the same.
- This (Station Approach) private access road is wide enough to accommodate ingress and egress of vehicles and vans at the same time even with parking.
- In relation to enforcement of on street parking, from my site visit it is evident that the access point has clearly defined no parking signs. As such the potential future issue of vehicles parking on the access site is a civil matter.

6.3 Environmental Health (17.02.2022)

No objections in principle. Conditions requested

6.4 MEAS (08.08.2022)

No objections- Conditions requested

7.0 OTHER REPRESENTATIONS

7.1 (Former) Councillor Dereli – Call In Request (07.03.2022)

Requested the application be heard at Planning Committee due to concerns relating to the amenity of adjacent businesses and residents and the impact upon Highways

7.2 Burscough Town Council (08.02.2022) –

Supportive of new development but raise concern due to lack of outdoor space for children and allocated outdoor space being near to traffic. Please check outdoor space, traffic and privacy of children comply with nursery regs

7.3 A number of representations have been received from the adjacent businesses which can be summarised as:

- I own a work unit near to the proposed nurse, workmen refurbishing the building erected fencing that encroached onto the access road. I have owned my business for 40 years and one of the conditions is that access road should be kept clear at all times.
- The 60 children day nursery will involve a large volume of vehicles during drop off and pic up- I don't feel the Station Approach is adequate
- We already have problems with cars blocking access to the units as there is no designated place for people dropping off for the station
- If drivers have to queue to go into the car park they will simply block the access

- Waggon and large vans use the approach daily to enter the business units this combined with Nursery drop offs may result in conflict/ traffic build up

Following the submission of revised car parking layouts and supporting transport information consultations have taken place and the following comments have been received

- Still concerned about increased traffic on station approach & Red Cat Lane.
- Car parking only looks enough for staff. Most parents will drop off at beginning and end of day- I foresee considerable congestion backing up on Red Cat Lane towards the bridge
- Entrance to Station Approach is hard to exist as wall & factory block views
- Building Contractors working on application site are blocking access
- Signage to prevent no parking will not be effective. There is limited parking for train passengers and people being dropped off

8.0 SUPPORTING INFORMATION

- 8.1 Full Travel Plan: Revised – 05.09.2022
 Transport Statement: Revised – 05.09.2022
 Planning Statement: Revised – 05.08.2022
 Copy of Lease Agreement: Arch Co- 28.04.2022
 Noise Impact Assessment- 23.12.2021
 Heritage Statement – 23.12.2021
 Updated Dusk Survey Results (July 21) – 23.12.2021

9.0 RELEVANT PLANNING POLICIES

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.
- 9.2 The application site is located within the Key Service Centre of Burscough as designated in the West Lancashire Local Plan Proposal Map.
- 9.3 **The National Planning Policy Framework (NPPF)** relevant sections are:
 Achieving well-designed places
 Promoting sustainable transport
 Meeting the challenge of climate change, flooding, and coastal change
 Conserving and enhancing the natural environment
 Conserving and Enhancing the Historic Environment
- 9.4 **P(LBCA) Act 1990**
 Listed Buildings- Section 66 (1)
- 9.5 **West Lancashire Local Plan 2012-2027 DPD**
 Policy GN1 – Settlement Boundaries
 Policy GN3 – Criteria for Sustainable Development
 Policy IF1 – Maintaining Vibrant Town and Local Centres
 Policy IF2 – Enhancing Sustainable Transport Choices
 Policy EN2 – Preserving and Enhancing West Lancashire's Natural Environment

9.6 **Burscough Parish Neighbourhood Plan (2017-2027)** is a material consideration in assessment of the application and the following policies are relevant:

BDP1: Design and Accessibility Principles

BPD2: Detailed Design Elements

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

10.1 The main considerations for this proposal are as follows:

- Principle of Development
- Impact on the Listed Building/ Design and Appearance
- Parking Provision/ Impact on Highways and Station Approach
- Impact on amenity of surrounding land uses
- Ecology

Principle of Development

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

10.3 The application site is located within the main settlement of Burscough and lies just outside of the Town Centre Designation (which finishes on the opposite side of the Rail Station Platform). The site is designated an Other Significant Employment Site as set out in Policy EC1. 2 b) ix (Red Cat Lane) of the Local Plan where B1 (Business), B2 (Industrial) and B8 (Storage and Distribution) uses are permitted. Notwithstanding this it is noted that the most recent use of the site was residential which is a departure from the site designation. The building has however now been vacant for some time.

10.4 Planning permission was granted in 2020 for the conversion of the building to an office building with associated car parking, and the principle of the building for an office use generating employment opportunities has therefore been established. It is however noted that whilst this permission remains extant, it has not been implemented.

10.5 The proposed change of use to a Day Nursery would create 13 No Full-time staff and up to 50 Children attending the Nursery by year three of the business being in operation. The creation of new employment opportunities would be considered to positively contribute to economic sustainability beneficial to the local area. By virtue of its siting within Burscough Centre and directly adjacent to the Manchester to Southport Railway Line and Bus Interchange the site has a sustainable location with easy access by both public transport and within walking distance of the town centre.

- 10.6 In addition, it is highly relevant that the Station House itself is Grade II Listed, has been vacant for some time and is now falling into some disrepair. The external refurbishments and upgrades to the fabric of the building would be considered not only to result in positive visual impact on a prominent building within the locality, but its change of use would also secure a viable and sustainable future use of the Listed Building.
- 10.7 On balance, noting the above I consider the proposed change of use to Day Nursery is acceptable on this Significant Employment Site and in accordance with Policy EC1 of the Local Plan.

Impact on the Listed Building/ Design

- 10.8 The NPPF and Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD together with the Councils Supplementary Planning Document on Design require that development should be of a high-quality design, integrate well with its surroundings, promote sustainable development, and respect its setting.
- 10.9 Policy EN4 of the West Lancashire Local Plan 2012-2027 is also relevant and states that there will be a presumption in favour of the conservation of designated heritage assets. Development will not be permitted that will adversely affect a listed building and should seek to preserve its features of special interest.
- 10.10 The Planning (Listed Building and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving listed buildings or their setting (s.66). Recent High Court judgements identify the need to give considerable weight and importance to that duty.
- 10.11 Under National Planning Guidance (NPPF) the Council is required to give great weight to the preservation of listed buildings and needs to place importance on the desirability of securing a viable and sustainable new use for the building given the statutory duty is to preserve. The benefits of securing a long-term future for the building cannot be overlooked and significant weight needs to be given to this benefit in consideration of the application
- 10.12 It is noted that the application is also accompanied by a concurrent application for Listed Building Consent which is pending consideration. The Station House was converted into a single dwelling in 2001 however has lain empty for some time and is in a deteriorating condition. The submitted Heritage Statement shows an understanding of the significance of the building and addresses the impact of the proposed works on this significance.
- 10.13 The current proposal to change the use into a day nursery internally involves the removal of historic fabric to create a more open plan layout, albeit the original form remains legible. Whilst I have no objection to any of the modern fabric such as partitions walls being removed it is considered important that any remaining original features should be retained as they contribute towards the buildings intrinsic character and significance. The proposed open plan layout would be considered to result in some harm to the significance of the listed building and this harm can be viewed as less than substantial provided the loss of historic fabric is kept to a minimum. It is therefore considered appropriate to require the

recording of the building prior to commencement of any works to ensure there is an up-to-date record of the Grade II Listed Building for the Historic Environment Record in addition to the retention of original features to be secured by condition of the Listed Building Consent.

- 10.14 With regards to the exterior of the building the proposed changes include the replacement of all fenestrations. These should be constructed in timber to match the profiles of the existing openings and ensure consistency with the buildings architectural interest. The proposed details relating to the security fencing and gate which would enclose the play area and the adjacent car parking layout are considered acceptable and on the basis that the play equipment would be lightweight and stored within the building when not in use there would be considered no significant impact upon the setting of the Listed Building in this respect.
- 10.15 We are required to give the duties imposed by the Planning (LBCA) Act 1990 considerable weight in our planning balance. The NPPF identified that where proposals lead to 'less than substantial harm' to a listed building g, the harm should be weighed against the benefits of retaining the building and securing a viable new use. In this instance, the proposed benefit of the repair, refurbishment and reuse of the building are considered to be public benefits that outweigh the limited harm caused by the internal changes proposed, provided the loss of historic fabric is kept to a minimum. As such, subject to the conditions outlined, the statutory duty to preserve the listed building would be met by the current proposal which is therefore considered accordant with the NPPF and Policies EN4 and GN3 of the Local Plan

Parking Provision/ Impact upon Highways and Station Approach

- 10.16 Policy GN3 requires that adequate parking provision is made in line with standards set out in Local Plan Policy IF2 and Appendix F. Proposals for provision above or below the recommended parking standards should be supported by evidence detailing the local circumstances that justify a deviation from the policy. Policy IF2 furthermore states that the Council will support development which seeks to encourage the use of public transport for both residential and non-residential development and encouraging sustainable forms of transport is outlines as a key strategic transport priority for West Lancashire.
- 10.17 The Day Nursery will have a maximum of 50 children and 13 full time members of staff. In line with Appendix F the requisite car parking requirements would therefore be 1 parking space per member of staff, 2 disabled bays, 1 motorcycle and 3 cycle spaces within the curtilage of the application site. It is however noted that the curtilage of the Station House is very limited, and the proposal intends to use the modest external areas surrounding the building for an enclosed play area. Access to the site is via a private shared access ' The Station Approach' which is owned by Network Rail and utilised not only for the Station House but also by the surrounding Business Yards and Rail Station Users and it is noted that the main road of Red Cat Lane has restricted 'no parking' immediately surrounding the Station Area.
- 10.18 Given the constraints of the site, the applicants have secured a parcel of land to the west of the Station House on a lease arrangement for a period of 10 years

which will be utilised to provide designated drop off facilities for the parents in addition to car parking facilities for staff members. The Layout plan shows 19 car parking spaces overall, 4 designated for staff, 2 disabled spaces and an area for cycle storage (minimum of 4)

- 10.19 The parking/ drop off provision proposed is nevertheless time limited and represents a significant under provision of staff parking in line with Policy IF2 (Appendix F) Furthermore representations have been received from local Councillors and adjacent businesses (who share the Station Approach) in respect of the potential impact of Day Nursery in respect of intensification of vehicular traffic on highway safety and congestion immediately surrounding the site and unauthorised parking/ blocking access on the Station Approach itself.
- 10.20 Supporting evidence to justify the under provision of parking and details of the intended management of the facilities have been submitted and include a Full Travel Plan, Transport Statement and covering note. The analysis estimates the proposed modes of transport of both service users and staff alongside arrival and pick up times and have utilised modelling on a 'similar scale nursery provision'. I accept that the sites' location is highly sustainable, directly adjacent to the Manchester to Southport Rail Line and the Interchange for Bus Services. When combined with its position within the main settlement of Burscough, alternative methods of transport such as cycling, and walking are also considered likely to be adopted by both parents and staff. The justification presented further suggests that given the profile of the staff ('low wage earners') there is likely to be limited car use amongst employees due to affordability and encouragement will be given to use alternative modes of transport or car share. A Travel Plan Co-ordinator is proposed to monitor and implement the sustainable transport options and appropriately manage the parking restrictions of the Station Approach.
- 10.21 Notwithstanding the above in relation to those staff and parents who will utilise car travel, it is presented that unlike school provision, drop off and pick up times are likely to be staggered with predicted concentrated activity between 7:30-10am and 3:30- 6:30pm (approx. 3 parents every 15 minutes) and likely to be short term stays. Estimates around the accumulation of the space use across the day therefore suggest that each single space could accommodate multiple parent vehicles, with an overall capacity throughout the day which exceeds the overall 50 Child Nursery limit. In this respect the provision of 4 car parking spaces for staff and the remainder 15 spaces drop off and pick up are considered appropriate to meet the needs of the Nursery provision.
- 10.22 I acknowledge that, cumulatively the sustainable location of the site, the provision of a separate car parking/ drop off facility and the recommendations of the Travel Plan will provide some mitigation against the intensification of the site in respect of vehicular movements, parking and amenity of the surrounding business and residents. Nevertheless, it remains that the car park/ drop off provision is on land secured by way of a 10-year lease. In the event that this facility is no longer available, I do have concerns that drop off and parking may be displaced onto Station Approach and the surrounding residential streets including Red Cat Lane. As such it is considered appropriate to secure by condition and unilateral undertaking that the parking provision as outlined will be made available for the duration of the Nurseries operations.

- 10.23 Furthermore the effective management of the parking and drop off facility for the site is reliant upon parent and staff adherence to the procedures outlined within the Travel Plan and Transport Statement the recommendations of which should be secured by condition.
- 10.24 LCC Highways have been consulted on the application and have raised no objection in principle to the proposals which they consider would have negligible impact upon highway capacity and safety within the vicinity of the site. Network Rail who owns the Station Approach have similarly raised no objections to the proposal. On this basis, subject to the conditions described I am satisfied that on balance the proposals would not significantly harm the amenity of surrounding businesses or residents in respect of highway safety and capacity within the site and would meet the requirements of and would meet the requirements of Policy IF2

Impact on amenity of surrounding land uses

- 10.25 Policy GN3 of the Local Plan requires that new development should retain reasonable levels of privacy and amenity for occupiers of the neighbouring properties and adjacent land uses.
- 10.26 The Station House is situated off Red Cat Lane and is surrounded by a mix of commercial and industrial premises including Burscough Bridge Rail Station and platform (S) Industrial Units (W) and Transportation, Joinery and Engineering Workshops (N). The nearest residential dwelling and located approx. 35m away on Red Cat Lane (N).
- 10.27 The proposed development consists of the conversion of the Station House and associated grounds to a Children's Day Nursery. Outdoor 'play' areas will be created within the former garden area to the northeast of the building and the open land to the west. The Day Nursery will operate extended hours from 7:30 am to 18:30pm however the supporting information indicates the use of the outdoor area will be restricted to 09:00-17:00.
- 10.28 The submission includes a Noise Impact Assessment Report which has been considered by the Councils Environmental Health Team who confirm that appropriate noise guidelines have been followed. The proposals include the erection of a 1.8m close boarded fence along the northern boundary of the proposed outdoor play area. Environmental Health concur with the findings of the report which indicate that the fencing will provide additional barrier attenuation from activities at the development. It is considered that the fence will contribute to mitigation ensuring that the sound levels nearest to the residential properties remain below the prevailing sound level in the area and below the guideline values identified in section two of the report. The development should result in a 'No Observe Effect' on the nearby residents in line with the Noise Policy Statement for England. It is however considered appropriate to require the submission of an Operational Management Plan prior to commencement of the development and this could be secured by condition.
- 10.29 Overall, the proposal is considered acceptable by the Environmental Health Team in respect of noise, and is accordant with the NPPF and Policy GN3 of the Local Plan in respect of residential amenity

Ecology

- 10.30 Policy EN2, Part 2 of the WLLP states that where there is a reason to suspect that there may be priority species or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and where appropriate making provision for their needs. This allows for the LPA to screen the projects against the Habitats Regulations and relevant national and local policy.
- 10.31 The submission includes a Dusk Survey Report which updates the surveys provided for the 2019 application. The 2021 survey found the building to be in a similar condition to that recorded previously and the building was assessed as 'moderate' roost suitability. In line with best practice two dusk emergence surveys were undertaken and as no bat emergence was observed the Council does not need to consider the proposals against the three tests (Habitats Regulations)
- 10.32 The proposed works are however likely to remove bat roosting features from the building and to compensate for this loss, details of bat boxes should be submitted to the Local Planning Authority for agreement. Furthermore, a lighting scheme should be designed to protect the ecology and prevent excessive light spill, and both these mitigations can be secured by condition
- 10.33 On the basis of the above, subject to the conditions outlined the proposal is considered accordant with Policy EN2 of the Local Plan.

11.0 Conclusion

- 11.1 The proposed development of Conversion of Grade II Listed Building from dwelling to Day Nursery including car parking and play area is acceptable in principle. The development is considered to preserve the special interest of the Listed Building, which includes its setting and would not be considered to have a significant impact upon amenity, ecology or the character and appearance of the local area. It is recognised that given the nature and scale of the Nursery provision there will be some intensification of vehicular movements around the site, however the provision of a separate parking and drop off provision on land leased for a period of 10 years combined with the sustainable location of site is considered to mitigate significant adverse impacts on highway capacity and safety.
- 11.2 The Council's statutory duty 'to preserve' a Listed Building and the requirements of Chapter 16 of the NPPF to account for the desirability of sustaining and enhancing heritage assets and putting them into viable and sustainable new uses, has been given great weight in our planning balance. Subject to suitable conditions the proposed development is therefore considered compliant with relevant policies and is therefore recommended for approval.

12.0 Recommendation

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

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 200

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

Proposed Site Plan Dwg: 1215-L01 (006) Rev B Received by the Local Planning Authority on 5th August 2022

Proposed Ground Floor and First Floor Plans Dwg: 1215-L01 (003) Received by the Local Planning Authority on 27th April 2022

Proposed Elevations Dwg: 1215-L01 (004) Received by the Local Planning Authority on 23rd December 2021

Proposed Demolition Plans Dwg: 1215- L01 (005) Received by the Local Planning Authority on 23rd December 2021

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

3. The development hereby permitted shall be constructed entirely of materials details of which are shown on plan No.

Proposed Elevations Dwg: 1215-I01(004) Received by the Local Planning Authority on 23rd December 2021

Materials Section of the Planning Application Form Received by the Local Planning Authority on 5th September 2022

Reason: To preserve the special architectural and historic character of a Grade II Listed Building and to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

4. No part of the development hereby permitted shall be brought into use until the car parking/ drop off provision shown on drawing no 'Proposed Site Plan Dwg: 1215-L01 (006) Rev B' Received by the Local Planning Authority on 5th August 2022 has been laid out in accordance with that plan. The car parking area shall be retained at all times thereafter for that specific use.

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

5. The development shall be implemented in accordance with the measures outlined in the Full Travel Plan Ref: J1364/FTP Rev A Received by the Local Planning Authority on 5th September 2022. The approved plan shall be audited and updated at intervals as set out within the Travel Plan.

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

6. Prior to the occupation of the building hereby approved at least 10% of the approved car parking spaces shall be marked out for use by electric vehicles, together with an adequate charging infrastructure and cabling for each marked bay, the details of which shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented and thereafter retained in situ throughout the duration of the development.

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.

7. Prior to commencement of the development, an Operational Management Plan shall be submitted to and approved in writing by the Council. Details shall include times and frequency of any deliveries and collections, vehicle movements, silent reversing methods, management of external areas etc.

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

8. All rooflights shall be of a 'conservation' grade flush slim line fitting type only. The development shall be carried out using only the agreed materials and method of construction and shall be retained at all times thereafter.

Reason: To preserve the special architectural and historic character of a Listed Building and a to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document

9. The development hereby permitted shall not be occupied until details of bat boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, shall be submitted to and approved in writing by the Local Planning Authority. The bat boxes shall be installed in accordance with the approved details prior to the first occupation of the dwelling and shall be retained at all times thereafter

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

10. No building shall be open for business until a scheme detailing the proposed lighting(including all floodlighting, external building lights and car park lighting) to be installed on the site has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed and maintained in accordance with the agreed scheme and retained thereafter.

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

Informative(s)

1. Habitats on site or adjacent to the site may provide foraging, commuting habitat for bats. Lighting for the development may affect the use of these areas.

A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto the habitats, areas in line with NPPF (paragraph 180). The applicant should refer to the Bat Conservation Trust website <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

2. The applicant, their advisers and contractors should be made aware that if any European protected species, e.g. bats are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.

Reason for Approval

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

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy IF1 – Maintaining Vibrant Town and Local Centres

Policy IF2 – Enhancing Sustainable Transport Choices

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

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

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

13.0 SUSTAINABILITY IMPLICATIONS

- 13.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 14.1 There are no significant financial or resource implications arising from this report.

15.0 RISK ASSESSMENT

- 15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

16.0 HEALTH AND WELLBEING IMPLICATIONS

16.1 There are no health and wellbeing implications arising from this report.

Background Documents

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

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

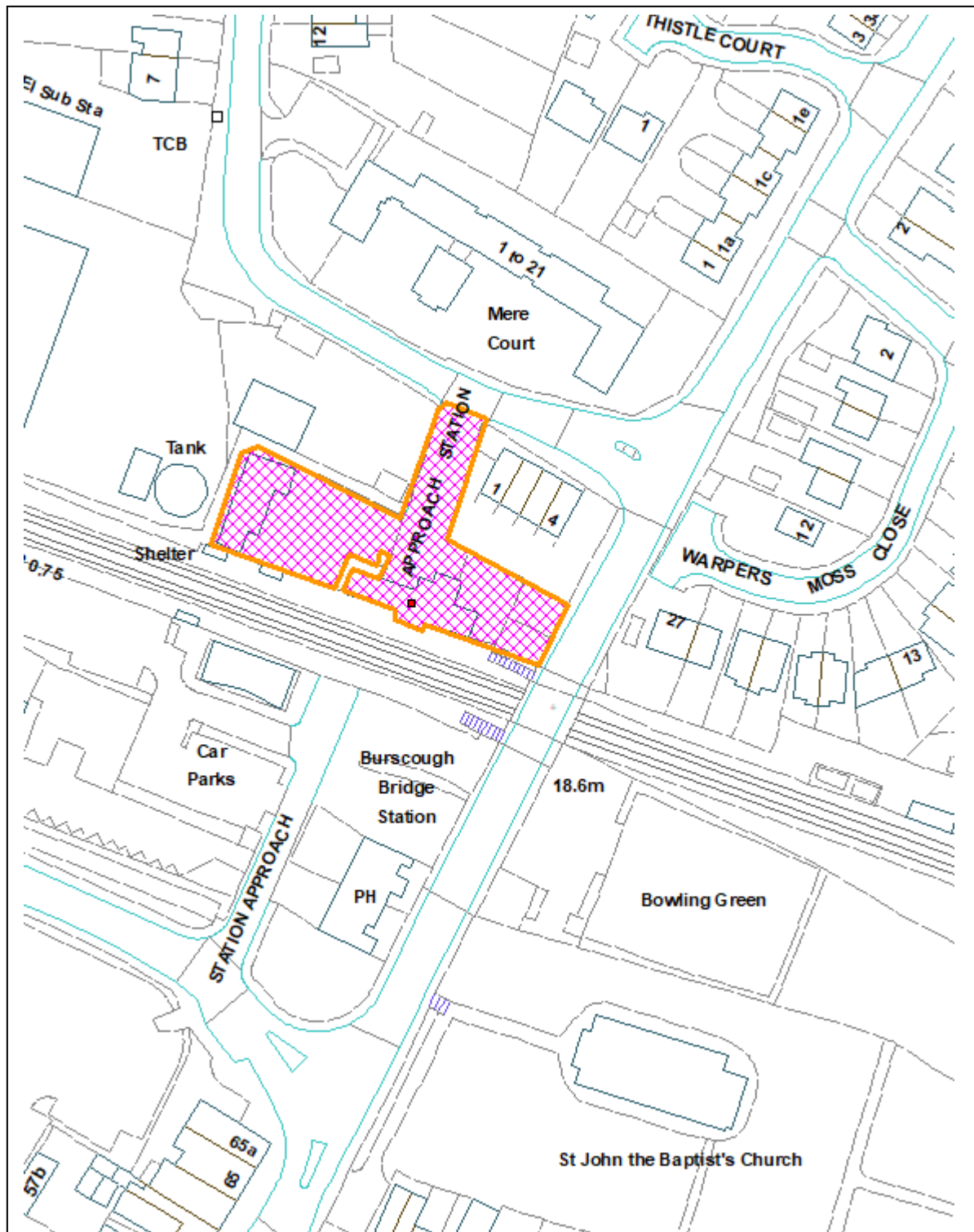
Human Rights

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).

Appendices

None.

Station House, Red Cat Lane, Burscough, L40 0RA.





PLANNING COMMITTEE: 13 October 2022

Report of: Corporate Director of Place & Community

Contact for further information: Nicola Cook
(Extn. 5140) (E-mail: nicola.cook@westlancs.gov.uk)

SUBJECT: PLANNING APPLICATION REF. 2022/0273/FUL

PROPOSAL: Planning application for the development of 20 residential dwellings with associated highway works, accesses and landscaping.

ADDRESS: Land to rear of 126-160 Ormskirk Road Up Holland

Wards affected: Up Holland

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks planning permission for residential development of 20 dwellings on the site.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 That the planning application is refused as the proposed development fails to comply with the NPPF, policy GN3 in the West Lancashire Local Plan 2012-27 and SPD - Design Guide.

3.0 THE SITE

3.1 The application site comprises of an area of mainly overgrown grassed land situated to the rear of a row of dwellings (no. 126-160) fronting onto Ormskirk Road and the rear of dwellings fronting onto Carlton Avenue. The site is mainly open with some scattered trees. The land levels change across the site with the land sloping down towards the properties on Carlton Avenue. The rear of the site adjacent to Carlton Avenue is approx. 1.5m lower than the front of the site.

3.2 Access to the site is via two separate private roads; one that runs between nos. 138 and 142 Ormskirk Road and another between nos. 152 and 154 Ormskirk Road.

4.0 PROPOSAL

- 4.1 The application proposes the erection of 20 dwellings situated around a courtyard where parking for the dwellings would be provided. The properties would be a mix of terraced dwellings and apartments. Each dwelling would have a garden area to the rear.
- 4.2 It is proposed that the entrance adjacent to the public house would be used for access to the new properties. The other access has been retained but would be used to allow access to the rear of the properties on Ormskirk Road and an existing garage which lies to the rear of nos. 150/152. A communal refuse collection area would be provided at the entrance to the site.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 1996/0443 - Outline- residential development comprising of 23 semi-detached and terraced two storey houses (Including details of siting and means of access)
- WITHDRAWN

6.0 OBSERVATION OF CONSULTEES

- 6.1 LCC Highways - no objection in principle to this application and is of the opinion that the proposed development should have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site. However, concerns with the access / internal layout and red line boundary of the site should be addressed before making a planning decision.
- 6.2 LLFA - no objection subject to conditions
- 6.3 United Utilities - Recommended conditions
- 6.4 Coal Authority - no objection subject to conditions
- 6.5 Lancashire Police - Recommendations regarding security

7.0 OTHER REPRESENTATIONS

- 7.1 Up Holland Parish Council - There are concerns about the density of housing here as the area is very small to fit twenty homes on. The plans do appear to cram in as many houses as possible and as close as possible to existing homes who may suffer amenity loss. The current land is green space and the development will inevitably reduce biodiversity. Some Ormskirk Road properties have a right of access at the rear with garages there. The plans appear to encroach upon this access road, or part of it, narrowing the access road which would make it very difficult to turn into garages. Anything that encourages drivers to park on the very busy Ormskirk Road should be avoided. Access to the development will inevitably increase traffic movements at this section of the A577 where it becomes congested at peak periods. Please note that Premier Builders Ltd did not include the Parish Council in their community consultation.
- 7.2 Letters of representation have been received from 12 local addresses which can be summarised as:

- Concerns regarding access to rear of my property, rights of way across the land and existing parking spaces
- Concerns regarding impact on neighbours - will be loss of privacy, loss of light, noise from new road and influx of people using the access/road
- Concern regarding drainage and potential flooding of site and former coal workings/sinkholes within the area. Area was not previously considered acceptable for building due to previous mining.
- There will be an increase in traffic on A577 and a strain on existing amenities and community facilities such as GPs and dentists in the area
- There is a lack of parking on the site. Concern that there will be an overspill onto the main road causing traffic issues.
- Who will have responsibility for the communal bin store at the front of the site?
- Consider that there is not room for 20 dwellings on this site. It appears cramped
- Concerns regarding impact on wildlife
- Design and layout of proposed development does not match the existing dwellings in the area
- Consider Up Holland does not need any additional housing stock whilst the development in Chequer Lane is on-going.
- No local employment gained from the development as the developer is based in Stockport.
- Concern regarding loss of green land within Up Holland
- Consider there may be an increase in crime
- Concern regarding impacts from construction
- Object to this proposal.

8.0 SUPPORTING INFORMATION

- 8.1 Coal Mining Report
 Engineering Desk Study
 Flood Risk assessment and supporting documents
 Ground Investigations Report
 Preliminary Ecological Appraisal
 Statement of Community Involvement
 Transport Assessment
 Arboricultural Impact Assessment with Tree Protection Measures
 Design and Access Statement

9.0 RELEVANT PLANNING POLICIES

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 Development Plan Document provide the policy framework against which the development proposals will be assessed.
- 9.2 The site is located within the settlement boundary of the Regional Town of Skelmersdale with Up Holland as designated in the West Lancashire Local Plan 2012-2027 DPD.

National Planning Policy Framework

- Promoting healthy and safe communities
- Achieving well-designed places
- Delivering a sufficient supply of homes

West Lancashire Local Plan Policies

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 - Residential Development

RS2 – Affordable and Specialist Housing

IF2 - Enhancing Sustainable Transport Choice

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN3 - Provision of Green Infrastructure and Open Recreation Space

Supplementary Planning Document - Design Guide (January 2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

10.1 The main considerations for this application are:

Principle of development - residential

10.1 The NPPF supports growth of areas to supply new homes in sustainable locations. Policy SP1 of the Local Plan re-iterates this approach. Policy RS1 of the Local Plan states that within the Regional Town of Skelmersdale with Up Holland, residential development will be permitted on greenfield sites not protected by other policies, subject to the proposals conforming with all other planning policy. Therefore, whilst the Council are able to demonstrate a 5 year supply of housing, the principle of residential development on a site within the settlement area is acceptable subject to compliance with other relevant planning policies.

Principle of development - Loss of Open Recreation Space / Green Infrastructure

10.2 The site is classed as open space and is included in the West Lancashire Open Space Study 2018 as amenity greenspace therefore Policy EN3 part 2 (Provision of Green Infrastructure and Open Recreation Space) is applicable.

10.3 Under policy EN3.2(a), development that results in the loss of existing open space will only be permitted if one of the following conditions are met:

- i. The open space has been agreed by the Council as being unsuitable for retention because it is under-used, poor quality or poorly located;
- ii. 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
- iii. Successful mitigation takes place and alternative, improved provision is provided in the same locality.

10.4 The proposed development does not appear to satisfy criteria (ii) or (iii). Therefore, in order that the scheme would comply with EN3.2(a), the Council would need to agree that the open space is unsuitable for retention.

- 10.5 Paragraph 97 of the National Planning Policy Framework (NPPF) also deals with development on open space. The NPPF postdates Local Plan policy EN3 and should be given significant weight. Paragraph 97 of the NPPF states:

Existing open space ... should not be built on unless:

- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

- 10.6 The submission does not propose to provide any alternative provision therefore the proposed development does not satisfy criteria (b) and (c) and will only be permissible if (a) were satisfied.
- 10.7 As part of the planning statement the submission has been accompanied by an Open Space Assessment which seeks to demonstrate that the land is under-utilised and poor quality amenity space.
- 10.8 The site is an informal recreation space in private ownership. An Open Space Study was undertaken in 2018 to assess the open space, sport and recreational facilities in West Lancashire. The study considers current and future local open space needs, standards, and management. Within the Open Space Study 2018 it was determined that this piece of land lacks basic features such as bins and benches and it is one of the three lowest scoring amenity spaces within the borough although it does score well for accessibility. The land is overgrown and relatively small in size. Whilst it can be accessed along existing roads there is little evidence of heavy use for recreation purposes. Within 350m of the site there are other publicly accessible areas of recreation space including a large area at Newgate Road.
- 10.9 Having regard to the results of the Council's own study and the assessment made within the submission it is my view that the land unsuitable for retention because it is poor quality as identified within the Open Space Study 2018. On that basis I consider the development complies with the requirements of the NPPF and local plan policy EN3.

Affordable and Specialist Housing

- 10.10 The proposal is for the development of 20 dwellings. Under the terms of policy RS2, provision of 35% affordable housing is required on sites of this scale as the site is in Up Holland. Whilst it has not been demonstrated on the plans which of the properties would be the affordable units the applicant has agreed to provide the required 35% which equates to 7 units. On that basis the proposal would comply with the requirements of local plan policy RS2.
- 10.11 Policies RS1 and RS2 also require that 20% of new residential units should be suitable for the elderly in that the units must be designed specifically for the elderly to live in without adaptation in accordance with Part M4(2) of building

regulations. The submission advises that 40% (8) of the twenty units have been designed in accordance with Building Regulations Requirement M4(2) Category 2. This is acceptable and in accordance with policies RS1 and RS2.

Design/Layout

- 10.12 Paragraph 126 of the NPPF advises that the creation of high quality beautiful 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 along with the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings.
- 10.13 The relationships between the proposed dwellings are expected to meet the prescribed standards outlined in the Council's Local Plan Policy GN3 and SPD Design Guide of a minimum of 21m for principal elevation to principal elevation (front and rear) and 12m from side elevations to principal elevations. The Design Guide also states that gardens will be expected to be a minimum of 10m in length.
- 10.14 The position of the development is back land where residential development would not normally be supported. However, I acknowledge that this plot of land is already surrounded by residential development, and it is my view that the siting of some residential development on the plot would not be so out of keeping that it would warrant refusal of the application.
- 10.15 I am satisfied that the appearance of the buildings, i.e. the materials and architectural features used, would be in keeping with the character of the surrounding development. However the layout of the scheme is not considered to be acceptable. The surrounding dwellings have large front gardens and are set back from the road. In contrast, on entering the application site the appearance would be dominated by car parking in front of the properties with a bin storage area directly adjacent to the entrance. Elevations of this building have not been provided but are shown on the 3D CGI images provided. The dwellings would have no front gardens and would be tightly packed together on three sides of the car park. A landscaping plan showing very limited planting within the car park has been submitted however the planting areas are not replicated on the site layout plan or the CGI images. In any case the layout proposed results in large swathes of hardstanding with little potential to soften the development with soft landscaping. It is unclear where cycle storage would be located and where the bins for each property would be stored when not being left at the collection point. Storage of such items at the front of properties would lead to a cluttered appearance and add to the harsh appearance of the site however there does not appear to be access to rear gardens as gates/bin storage areas are not shown on the plans.
- 10.16 A communal area of open space is proposed to be located in a corner of the site between plots 3 and 4. Due to the orientation of the buildings and the location of the area within the site there would be little natural surveillance of this open space and it is considered to have limited appeal due to its enclosed nature.

Details of the management of this space have not been provided and it is a concern that the area could be subject to anti-social behaviour if not managed and maintained correctly. In terms of private amenity space several of plots are provided with rear gardens that fall short of the minimum set out in the SPD while conversely plot 13-14 (two apartments) are provided with a large wrap around garden at the corner of the site.

10.17 Having regard to the layout of the site, the garden size and the lack of opportunity for appropriate landscaping to be provided it is considered that the proposal would result in overdevelopment of the site and would fail to integrate well into the existing grain of development. On that basis it is considered the development fails to comply with the requirements of local plan policy GN3 and the guidance within the SPD - Design Guide.

Impact on residential amenity

10.17 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring properties.

10.18 The SPD - Design Guide sets out the minimum required distances between properties however it also states that where there is a change in land levels it is necessary to increase the level of separation to avoid overlooking.

10.19 There are significant land level differences between the site and the properties on Carlton Avenue to the rear. As shown on site layout plan the height difference from the front (south) and rear (north) of the site is approx. 1.5m. This can most clearly be seen on the CGI images submitted as part of the application where the gardens are shown to be split level. Although the minimum distances between principal elevations can be achieved, I consider that due to the land levels the siting of the dwellings on plots 4-13/14 would result in an imposing development that would be overbearing to the properties in Carlton Avenue and Dorchester Road. The new dwellings are likely to result in a loss of privacy for the existing properties in particular to the private garden areas.

10.20 Furthermore, as detailed above, several of the proposed dwellings, namely plots 4, 17, 18 19 and 20, would not be provided with gardens that are compliant with the requirements set out in the SPD. On that basis it is considered that the proposal would not retain reasonable levels of privacy for existing properties and would not provide all future occupants with suitable private amenity space. The proposal therefore fails to comply with the requirements of local plan policy GN3 1(iii).

Highways

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

10.21 I have consulted the Highway Authority in respect of the proposal. No objection has been raised on highway grounds to the principle of using the site for

residential purposes. However, several concerns have been raised regarding the access and internal layout of the site. The Highway Authority accept that full standard ghost right turn lane would be acceptable, but this should also include a pedestrian refuge to protect both the residents when crossing and right turn drivers. No details have been provided. In addition, the application states that the existing access arrangement will be improved to provide a 4.8m wide surface carriageway with 6m radii and 2m wide footways to the east and west however the Proposed Site Plan shows that the proposed footway on the western side is on land which is outside the red line area of the site. The Highway Officer advises this is not highway-controlled land and it would appear from the submissions that the developer is unable to deliver the proposed changes or that they could be conditioned due to being outside the red edge. The proposed geometry of the site access is not to prescribed design standards for this size of development.

10.22 The internal layout is not to the standard expected for the estate road to be adopted by Lancashire County Council as the Highway Authority. No turning head has been provided within the proposed layout and the swept path analysis shown is for a 9.86m refuse vehicle instead of a 11.2m long refuse vehicle as required by the Highway Authority. In addition, a suitable swept path analysis has not been provided to show access for all existing parking/garages associated with the existing properties fronting Ormskirk Road. It is considered that suitable parking can be provided in accordance with policy IF2 for the new dwellings however details of cycle parking/storage and electric vehicle charging points would also be needed.

10.23 On the basis of the information provided at this time it is considered the proposal does not demonstrate there would be safe and suitable access for pedestrians or vehicles or that the internal layout of the site is acceptable. The proposal therefore fails to comply with the requirements of local plan policy GN3 2.

Drainage

10.24 The submission has been accompanied by drainage documentation which has been considered by the Lead Local Flood Authority. Whilst the LLFA have no objection to the principle of the scheme further details are required of the surface and foul water drainage of the site. Several conditions are recommended which are appropriate to the proposed development.

Coal working area

10.25 The application site falls within the defined Development High Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. More specifically, the Coal Authority records indicate that mine shaft 351405-001 is present with the application site (within the access between nos. 152 and 154 Ormskirk Road). The Coal Authority have assessed the submitted information and recommend that further investigation works would be needed prior to the commencement of works as the submitted information does not definitively conclude that the site is safe and stable for the proposed development. If workings are found to be present within influencing distance of the development, details of any necessary remedial or

mitigatory measures would be needed. The Coal Authority recommend conditions in that regard which are necessary and appropriate to the development.

Ecology

- 10.26 Policy EN2 2 in the Local Plan states development proposals must seek to avoid impacts on significant ecological assets and protect and improve the biodiversity value of sites. If significant impacts on biodiversity are unavoidable, then mitigation or as a last resort, compensation, are required to fully offset impacts.
- 10.27 The application has been accompanied by a Preliminary Ecological Assessment which concludes that the proposed development would have a negligible impact on protected species or their habitats. Enhancements are suggested within the report which could be included within the scheme. I am satisfied that the proposal would not result in harm to protected species or their habits and therefore the proposal complies with the requirements of local plan policy EN2 2.

Trees/Landscaping

- 10.28 Policy EN2 3 of the Local Plan states that development involving the loss of, or damage to, woodlands or trees of significant amenity, screening, wildlife, or historical value will only be permitted where the development is required to meet a need that could not be met elsewhere, and where the benefits of the development clearly outweigh the loss or damage. All development should include appropriate landscaping plans which incorporate suitable tree planting that integrates well with all existing trees.
- 10.29 There are several mature trees within and along the boundaries of the site. The application has been accompanied by an Arboricultural Impact Assessment (AIA) which demonstrates that five trees would need to be removed to enable the development. Two of the trees are category B trees and three are category C. The AIA at section 3.3 recommends "that the proposed tree removal be mitigated as part of a post development planting scheme of well-structured new trees that will add to the quality of the area and help integrate the proposed development into the surrounding landscape."
- 10.30 The trees to be removed are Beech trees approx. 12.5m in height with a life expectancy of 40+ years. The trees proposed are non-native and are more ornamental in character. Whilst the remaining trees can be retained, with suitable protection during construction, they are situated at the boundaries of the site and would be obscured from view by the proposed dwellings. Minimal landscaping has been proposed to soften views at the front of the site and it is not considered adequate to assist in the assimilation of the development into the local area. As detailed above it is considered that the lack of space for soft landscaping is because of the overdevelopment of the site.
- 10.31 It is considered the proposal fails to comply with the requirements of policy EN2 3 as appropriate landscaping plans with suitable replacement tree planting have not been incorporated into the scheme.

11.0 CONCLUSION

11.1 The principle of residential development within the settlement boundary of Up Holland is acceptable. It is acknowledged the open space is not of good quality and it is agreed that the land is unsuitable for retention in accordance with policy EN3. However, the proposal is considered to be overdevelopment of the site. The appearance at the entrance would be dominated by a large area of hardstanding at the front of the dwellings. Furthermore, the proposal fails provide a safe and suitable access or internal road layout, fails to protect existing residential amenity and does not provide suitable private amenity space for all proposed dwellings. Subject to conditions the proposal is not considered to have any significant adverse impacts on drainage or coal working area however these are considered to be neutral matters which do not outweigh the harm set out above. It is therefore considered that the proposal fails to meet the requirements of Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD.

12.0 RECOMMENDATION

12.1 The proposed development fails to comply with the NPPF and the relevant policies in the West Lancashire Local Plan 2012-27 and is recommended for refusal for the following reasons:

1. The proposed development conflicts with Policies GN3 and EN2 of the West Lancashire Local Plan (2012-2027) DPD and supplementary planning document 'Design Guide' in that due to the proposed layout of the site, the garden size of several properties, unsuitable area of open space and the lack of opportunity for appropriate soft landscaping to be provided it is considered that the proposal would result in overdevelopment of the site and would fail to integrate well into the existing grain of development.
2. The proposal conflicts with Policy GN3 in the West Lancashire Local Plan 2012 - 2027 and supplementary planning document 'Design Guide' in that it would result in an overbearing form of development and would give rise to overlooking and loss of privacy to the neighbouring properties in Carlton Avenue to the significant detriment of the residential amenity of occupiers of those properties.
3. The submission documentation fails to demonstrate that the development would provide a safe and suitable access and road layout design and therefore the proposal fails to meet the requirements of Policy GN3 in the West Lancashire Local Plan (2012- 2027) Development Plan Document.

13.0 SUSTAINABILITY IMPLICATIONS

13.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

14.1 There are no significant financial or resource implications arising from this report.

15.0 RISK ASSESSMENT

15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

16.0 HEALTH AND WELLBEING IMPLICATIONS

16.1 There are no health and wellbeing implications arising from this report.

Background Documents

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

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

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).

Appendices

None.

Land To The Rear Of 126-160, Ormskirk Road, Up Holland.

