

No.7	APPLICATION NO.	2017/1330/FUL
	LOCATION	Scarisbrick Hall School Southport Road Scarisbrick Ormskirk Lancashire L40 9RQ
	PROPOSAL	Erection of performing arts centre (teaching block and auditorium) with associated landscaping, external works and substation, and refurbishment of the existing Gas Works Cottage including erection of a link to the performing arts centre.
	APPLICANT	Scarisbrick Hall Limited
	WARD	Scarisbrick
	PARISH	Scarisbrick
	TARGET DATE	3rd April 2018

1.0 **REFERRAL**

- 1.1 The application has been referred to Planning Committee by Councillor Charles Marshall to consider the timing of the development in connection with approved application 2017/1269/FUL, for a new access way into the school from Southport Road.

2.0 **SUMMARY**

- 2.1 The application is for the erection of a Performing Arts Centre and a teaching block. The application includes conversion of the existing Gas Works Cottage to a reception/hospitality area. The assessment has identified that the development would constitute inappropriate development in the Green Belt and would cause less than substantial harm to heritage assets, however, the very special circumstances and public benefits put forward by the applicant outweigh the harm identified. I am satisfied that the proposed development is acceptable and complies with relevant planning policy.

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

4.0 **THE SITE**

- 4.1 Scarisbrick Hall is a Grade I listed building of international importance. The building is an important former Country House of the Scarisbrick family, built mainly by AWN Pugin for Thomas Scarisbrick in 1860-70. The building is currently used as a school and is identified as being 'at risk'. The buildings are set within the extensive historic Scarisbrick Park and are the focus of a conservation area and historic park and garden.
- 4.2 The site which is the subject of this planning application is located to the north east of the principal Grade I listed buildings and north of the Stable Court Grade II listed buildings. It is enclosed by the Multi Use Games Area to the west, Hall Road and woodland to the north, Eas Brook to the east and the former east entrance drive to the south. The site comprises areas of trees, undergrowth and former garden, hardstandings, paths/driveways and the former Gas Works Cottage. This is an un-used two storey brick, stone and pitched slate roof building, contemporary with the gothic design and age of the original part of Stable Court.

5.0 **THE PROPOSAL**

- 5.1 The application is for the erection of a Performing Arts Centre for the School, comprising a teaching and learning building which would provide classroom space, studios/workshops and rehearsal rooms, and a separate auditorium building with support space and a foyer.

The application has been amended since its original submission to include refurbishment of the Gas Works Cottage. The proposed buildings would be arranged in an 'L-shape' configuration, to the south and north-west of the retained Gas Works Cottage. As part of the works, the Gas Works Cottage would be restored and converted to provide a reception area/hospitality space and bar serving the auditorium which would be accessed via a link between the two.

- 5.2 The auditorium would be located on the northern part of the application site, and would comprise a single storey space, with a foyer, services, back of house and storage, arranged around a central, rectangular double-height 348no. seat auditorium. The north and west elevations will feature solid brick elevations to the single story part of the building, with the upper part of the recessed auditorium clad in slate hanging on all sides. The ground floor south elevation would feature full height glazing enclosing the foyer area.
- 5.3 The teaching building would be part single/ part two storey and have a flat roof. It would provide two dance/drama studios, individual practice rooms, a teaching classroom and recording studio at ground floor, and a music studio and two classrooms on the first floor. The spaces would be lit on the ground floor by windows to the east and west and on the first floor by windows in the northern and southern ends. The two storey part of the building would be constructed in brick and slate hanging, and the single storey would be in brick.
- 5.4 There would be a central courtyard area formed between the Stable Court buildings to the south and the Gas Works Cottage to the east. The Gas Works Cottage would be linked to the Auditorium by a glass link and converted to form an indoor hospitality/reception space. A separate application for listed building consent has been submitted for this element of the proposals.
- 5.5 It is envisaged that the auditorium could be used by the local (non-school) community for use during school hours, as well as hosting evening events and performances.

6.0 PREVIOUS RELEVANT DECISIONS

6.1 None relevant.

7.0 CONSULTEE RESPONSES

- 7.1 Lancashire Constabulary (15.01.18) – No objection.
- 7.2 United Utilities (24.01.18) – No objection. Recommend conditions in respect of foul and surface water drainage.
- 7.3 Lancashire Gardens Trust (28.01.18 and 23.09.18) – Support the investment into the fabric of the buildings and enhancing facilities within the school. The current condition of the application site will be improved by the development. Concerns about access to the new facility and would object to any extension of car parking, service parking, parking for the disabled, or roadway widening or footway construction which would require further incursions into Old Wood.
- 7.4 Historic England (31.01.18) – No objection.
- 7.5 West Lancashire Conservation Areas Advisory Panel (25.01.18 and 13.09.18) – Recommend refusal on the grounds that the proposed new buildings and in particular the Performing Arts Centre would harm the setting to the Listed Building. Concerns over the flat roof design and the scale and mass of the proposed centre which does not fit in with

the historic context of the Pugin designed buildings. Loss of trees across the eastern part of the site which would harm the woodland edge and parkland setting, which would harm the setting to the listed buildings, conservation area and registered Park and Garden. The benefits of incorporating the Gas Works Cottage into the scheme do not out-weigh the harm caused by the development.

- 7.6 Electricity North West (21.03.18) – No objection.
- 7.7 The Victorian Society (28.03.18) – No objection to the principle of the Performing Arts Centre, and support the nature of the development as a means of securing the long-term future of the site as a whole. No objection regarding the location of the new buildings to the north-east side of the site as this is an area of lower sensitivity that would therefore be appropriate for an addition of this nature. Concern that the proposals do not appear to be of a high enough design standard for the setting of the Grade I listed building. The drawings do not demonstrate a strong design concept, and there is little information submitted within the application to show how the new ranges would relate to the existing buildings in terms of their scale, massing and hierarchy, or how they would appear in key views.
- 7.8 Environment Agency (22.08.18) – No objection.
- 7.9 County Surveyor (18.01.18) – No objection.
- 7.10 Environmental Protection (05.02.18) – Insufficient information within the application to be able to fully assess the noise impact on nearby residential properties. If planning permission is granted it should be subject to conditions in respect of control of hours and provisions to be made for the control of noise emanating from the development.
- 7.11 Lead Local Flood Authority (28.09.18) – No objection, recommend conditions in respect of surface water drainage
- 7.12 Merseyside and West Lancs Bat Group (24.08.18 and 29.10.18) – Object as there is insufficient information relative to the presence of a protected species to determine the application. There appears to be no change to the development that would not lead to or compensate for the loss of bat habitat particularly in close proximity to known roosts. There is not enough information provided for the LPA to implement its obligations under the Habitat and Species Regulations 2017 (as amended).
- 7.13 Natural England (26.09.18) – No objection.
- 7.14 Highways (13.08.18) – No objection.
- 7.15 Merseyside Environmental Advisory Service (06.09.18 and 05.11.18) – No objection. Recommend several conditions.

8.0 OTHER REPRESENTATIONS

- 8.1 Comments have been received from local residents, the comments can be summarised as:

There is damage to Hall Road (which is private) from excessive use by parents when dropping off and collecting children from school. The road surface has deteriorated which is leading to damage to residents and parents vehicles;

The Council should make the opening of the new access route (approved under application 2017/1269/FUL) a prior condition to the development of the Performing Arts Centre.

9.0 SUPPORTING INFORMATION

- 9.1 Heritage Statement
- Flood Risk Assessment
- Ecology Appraisal
- Design and Access Statement Rev A
- Arboricultural Impact Assessment
- Draft Noise Management Plan
- Planning Statement

10.0 RELEVANT PLANNING POLICIES

- 10.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 provide the policy framework against which the development proposals will be assessed.
- 10.2 The site is located within the Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD. The application site is within the Scarisbrick Park Conservation Area and a Historic Park and Garden.

National Planning Policy Framework (NPPF)

Achieving well-designed places
Protecting Green Belt land
Conserving and enhancing the natural environment
Conserving and enhancing the historic environment
Meeting the challenge of climate change, flooding and coastal change
Building a strong, competitive economy

West Lancashire Local Plan 2012-2027 DPD (WLLP)

GN1 - Settlement Boundaries
GN3- Criteria for Sustainable Development
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets
IF2 - Enhancing Sustainable Transport Choice
SPD - Design Guide (Jan 2008)
SPD – Development in the Green Belt

11.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Principle of Development - Green Belt

- 11.1 Paragraph 133 of the NPPF retains the government's view that great importance is attached to Green Belts. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; essential characteristics of Green Belts are their openness and their permanence.
- 11.2 Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 goes on to say that when considering any planning

application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

- 11.3 Paragraph 145 of the NPPF details those developments that would not be considered inappropriate; the proposed development does not fall into one of these categories, and as such the development of the site for a performing arts centre would be considered harmful to the Green Belt by reason of inappropriateness. Additional harm to the Green Belt would arise from the loss of openness of this part of the site in addition to conflicting with a purpose of the Green Belt, being protection from encroachment. It is acknowledged that the performing arts centre and substation would be adjacent to existing buildings on the site, but nevertheless there would be a loss of openness, and an element of encroachment in this location as built development would be spreading eastwards away from existing built development.
- 11.4 Inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Very special circumstances will be discussed further in the report.

Principle of development – heritage impacts

- 11.5 In coming to decisions Local Planning Authorities should refer to the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires decision takers to pay special regard to the desirability of preserving listed buildings or their setting (s.66), and to the desirability of preserving or enhancing the character or appearance of conservation areas. Recent High Court judgements identify the need to give considerable weight and importance to the duty imposed and to the presumption in favour of the desirability of the preservation of heritage assets, including their setting. Decision makers should consider the impacts on the character and appearance of a conservation area (which includes its setting) separately and development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable.
- 11.6 The NPPF requires that the decision maker consider the significance of the building and that this should be given weight in any decision made. Significance can be harmed through alteration or destruction of the heritage asset or development within its setting. The more important the asset, the greater the weight should be provided to its significance. It goes on to say that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 196 requires that where a proposal leads to less than substantial harm to a designated heritage asset (including its setting), this harm should be weighed against the benefits of the proposal including securing its optimum viable use.
- 11.7 Policy EN4 of the Local Plan states that there is a presumption in favour of the conservation of designated heritage assets. Development will not be permitted that adversely affects listed buildings, a scheduled monument, a conservation area, historic park or garden or archaeological remains. Development affecting the historic environment should seek to preserve or enhance the heritage asset and any features of special interest.

- 11.8 The Design Guide SPD goes on to say that development which affects a listed building should always reflect their special architectural, archaeological and or historic interest including its setting. Proposals need to be sensitive to the character of the historic environment, be of high quality in terms of design and the materials used and aim to enhance the character and appearance of the wider area.
- 11.9 The Performing Arts Centre would be located outside the main core of Scarisbrick Hall, to the north east of the main ranges, and in my view would have an obvious impact on the immediate appearance of the site outside of the main complex, however, both of the new buildings would appear subservient in scale to the much larger buildings of Scarisbrick Hall. The auditorium would be seen more in isolation, north of the School complex, without the immediate context of other buildings; the building would have a backdrop of enclosed woodland to the north.
- 11.10 I consider that the building would be set far enough back not to play an active role in the setting to the Hall and the building has been positioned to respect the historic route into the northern courtyard entrance. I do however find the featureless nature of the building, in particular the west and north elevations, somewhat austere and functional. Visitors will approach the Performing Arts Centre from the western car park and walk alongside the MUGA and the blank brick wall of the new auditorium. However, in designing the building it is recognised that note has been taken of the historic boundary, which was the kitchen garden surrounded to the north by what appears to have been a substantial wall that protected the formality of the garden and the wilderness of the wood. The design of the building seeks to reinterpret the 'wall' whilst addressing the very specific functional requirements of a performing arts space.
- 11.11 The teaching block would be located closer to the courtyard, and as a result has a more intimate relationship with the courtyard buildings. Following concerns about the height of the teaching block and its impact on the courtyard buildings, in conjunction with Environment Agency concerns in respect of potential impact on Eas Brook, this element has been amended during the course of the application to pull the building further away from Eas Brook, reduce the height of the building by 350mm and have a consistent height across the building, rather than the southern end of the teaching block being higher. These alterations to the height help to maintain the linear and subservient form, and cannot be reduced further due to the functional requirements of a dance/drama teaching space.
- 11.12 The loss of the trees (and enclosure) to the eastern boundary will mean that the auditorium and teaching block will form a new 'harder' built outer edge when viewing the courtyard complex from the eastern approach. Historically the eastern elevation of the courtyard was never intended to be viewed in any wider sense, and whilst the design maintains the historic routes and sight lines to the courtyard entrances it would benefit from new compensatory tree and understorey planting on the land to the eastern side of Eas Brook. However, the Environment Agency will not allow for planting within the easement of Eas Brook, thereby limiting the extent of planting that can occur in this location.
- 11.13 Following submission of amended plans, Gas Works Cottage now forms part of the proposals. The Gas Works Cottage would be used as social/hospitality space in connection with the Performing Arts Centre. Plans have been submitted to show the proposed connection between the Gas Works; I consider that the connection will not harm the contribution of the Gas Works Cottage to the historic setting of the Hall. Detailed works of the join between the two buildings can be secured by planning condition.

- 11.14 I consider that there would be some harm to the immediate setting to Scarisbrick Hall and the Stable Courtyard caused by the proposed development. The proposed buildings would lie immediately outside of the existing historic complex and will be seen within the context of the buildings as the site and buildings are experienced. I consider that the Stable complex is an ancillary building to the Hall and forms an integral part of the setting to the Hall. I do not think that the setting to these individual buildings can be disconnected; whilst setting is often expressed visually, it can extend beyond visual connections and relate to their historic relationship.
- 11.15 As the Hall buildings also play a key part in defining the character and appearance of Scarisbrick Park Conservation Area I consider that there would also be some limited harm caused to the wider value of the area.
- 11.16 From the above assessment I consider that the proposed development would cause some harm to the setting of the adjacent Listed Buildings and the character and appearance of the Conservation Area, however, I consider the harm identified to be less than substantial harm. The duty under the P(LBCA) Act 1990 and Paragraph 193 of the NPPF still applies and great weight needs to be given to the preservation of heritage assets. The proposed development fails to meet the test 'to preserve' as laid down in the P(LBCA) Act 1990.
- 11.17 Paragraph 196 of the NPPF identifies that where proposals lead to less than substantial harm this harm can be weighed against any public benefits put forward which would flow from the development. This is discussed in the section below.

Very Special Circumstances and the Planning Balance

- 11.18 In terms of Green Belt, the proposed development has been found to constitute inappropriate development in the Green Belt. In accordance with paragraph 143 of the NPPF inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 confirms that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 11.19 Through the above assessment, it has been identified that the proposed development is harmful to the Green Belt by loss of openness and encroachment into the countryside, and is therefore considered inappropriate development. In accordance with the NPPF, very special circumstances are required to outweigh the totality of the identified harm.
- 11.20 In addition to the harm to the Green Belt that has been identified, it has also been recognised that there would be less than substantial harm to the setting of the adjacent Listed Buildings and the character and appearance of the Conservation Area. Paragraph 196 of the NPPF identifies that where proposals lead to less than substantial harm this harm can be weighed against any public benefits put forward which would flow from the development.
- 11.21 The onus rests on the applicant to justify why permission should be granted for development that is considered inappropriate development in the Green Belt, and would cause less than substantial harm to designated heritage assets. The applicant has submitted a supporting case which largely centres on a heritage matters and educational need, it also touches on economic and social and community benefits of the development. The supporting case can be summarised as:

Safeguarding the future of a nationally significant heritage asset. The Heritage Strategy is based on sustaining the long-term commercial strength and robustness of the school business. In adopting this strategy the school business must be able to offer a sufficient return to investors in order to attract funding. The development strategy must therefore add commercial value to the school business to incentivise investors, and provide it with long term resilience against future economic conditions and increasing market competition within the independent school sector.

Since 2009 the School has made a significant investment of over £2,000,000 in the improvement of the Hall, carrying out various repairs and restoration, including repair of the Great Hall roof and parapet; repair of Stable Court gatehouse; restoration of the North Wing (science department) and the North Range, and the installation of a replacement heating system.

The Performing Arts Centre is the next key facility that will help to sustain the School business and finance continued restoration.

The school has achieved year on year growth since it was acquired by the applicant in 2009, and whilst it maintains performance and results, it does operate in an increasingly competitive market sector. The school competes with established larger and better resourced schools in South Lancashire and Merseyside and lacks performing arts facilities and facilities for both pupil and community use.

Competitor schools are not constrained by operating from a previously neglected Grade I and II listed building with an inherited conservation deficit and included on the Heritage Risk Register.

The school lacks a central hall / performance space, and currently has an improvised theatre in the pre-fabricated building erected in the Stable Court courtyard in the 1940s. This is unsuitable accommodation that is not fit for purpose and cannot meet the School requirements and parental and pupil expectations.

There is no viable alternative that is not within Green Belt.

The School directly supports over 130 no. on-site jobs, and supports wider local employment through payment and reinvestment of staff wages and salaries and procurement of goods and services. Any investment into the School helps to maintain these direct, indirect and induced jobs. It will also create a minimum of 8no. new jobs.

The development will widen involvement and participation between the School and local community, and enable the School to improve the provision of community events.

The development will enable the wider public to visit Scarisbrick Hall.

The development will create a high quality outdoor social space which will improve the setting of Stable Court and Gas Works Cottage.

Gas Works Cottage will be restored and returned to beneficial use.

- 11.22 I consider that very special circumstances do exist, and whilst the development does constitute inappropriate development in the Green Belt it is recognised that in order for the school to compete in the independent school market and withstand commercial competition, a certain level of facility must be on offer, and that if the new facility helps the school to secure a viable use for the buildings then this will facilitate the implementation of the Heritage Strategy for the site, and secure the long term future of the heritage assets, one being a Grade I listed building.
- 11.23 In relation to public benefits which may outweigh the less than substantial harm that would occur to heritage assets on the site, I consider that public benefits would flow from the development, and these public benefits would outweigh the identified harm. As mentioned above, the new facilities will go some way towards helping to secure a viable use for the buildings on the Scarisbrick Hall site and I consider this to be a 'public benefit' in its own right. In addition to this, the incorporation of the Gas Works Cottage into the scheme secures a new use for the building and ensures its preservation; I attach significant weight to this direct public benefit.

11.24 On balance I consider that the case put forward by the applicant amounts to very special circumstances which would outweigh the harm to the Green Belt, and that as a result of the development there would be public benefits which would outweigh the less than substantial harm to the heritage assets. Therefore, both tests are satisfied and the principle of the development is acceptable, subject to compliance with other relevant planning policy.

Impact on Residential Amenity

11.25 The nearest residential properties are on Hall Road and whilst they are some distance away from the site and would therefore not be adversely affected by the physical structure of the buildings themselves, there is the potential that they may be affected by increased noise and disturbance from comings and goings associated with the Performing Arts Centre, particularly outside of normal school hours.

11.26 The Planning Statement that has been submitted with the application clarifies that members of the public will only be able to access the Auditorium on foot from Hall Road and the car parks which are to the west of the School grounds. There is to be no car or taxi access and parking immediately adjacent to the Auditorium (with the exception of mobility impaired users) and Hall Road is proposed to be closed to traffic to the east of the site (in association with planning application 2017/1269/FUL). These measures should minimise disruption to residents of Hall Road as a result of increased activity.

11.27 The proposed layout includes a courtyard area which could be used for outdoor events. There are properties on Hall Road that may be within distance to hear noise generated from any outdoor events, however, I am satisfied that these events will not be of sufficient frequency to give rise to significant harm to amenities of residents on Hall Road. The outside events will be conditioned to finish at 2300 which allows the school sufficient flexibility to stage outdoor events but will ensure that the amenities of local residents will be protected. A Draft Noise Management Plan has been submitted with the application to set out parameters, including physical and administrative measures to minimise noise impact on local residents. A full Noise Management Plan will be secured by planning condition. I am satisfied that the proposed development would not give rise to significant impact on residential amenity in accordance with Policy GN3.

Drainage

11.28 The majority of the site is within Flood Zone 1 with a small area in Flood Zone 2 which is associated with Eas Brook. A Flood Risk Assessment (FRA) and Drainage Report has been submitted with the planning application, which confirms that with proposed mitigation measures, including raising the finished floor levels of the proposed buildings and ground works to raise external levels and the banks along the watercourse, together with forming low bunds to contain and direct overland flow, the risk of flooding from Eas Brook can be controlled and is considered to be low.

11.29 The Environment Agency initially objected to the proposed development because it would involve building within 8m of Sandy/Hurlston Brook watercourse and may restrict essential maintenance and emergency access to the watercourse, and could adversely affect the construction and stability of the existing retaining walls. They have however withdrawn their objection following submission of further information which included amended plans showing a greater distance between the proposed building and Eas Brook.

11.30 In terms of surface water drainage; geology and borehole records indicate that disposal of surface water by infiltration is unlikely to be feasible, and it is proposed to discharge to Eas Brook at a restricted greenfield rate via an attenuation tank located under the

proposed courtyard. The Lead Local Flood Authority has reviewed the FRA and Drainage Report and has confirmed that they have no objection, subject to submission of an appropriate surface water drainage scheme.

- 11.31 I am satisfied that an appropriate surface water drainage scheme can be achieved on the site. This can be secured by planning condition.

Highways

- 11.32 The application does not include a new or altered access to the highway, or any additional car parking. It is proposed that the existing on site car parks will be used for visitor parking in association with the performing arts centre, in these circumstances there are no highway objections to the application. As detailed earlier, the use of Hall Road for school traffic is restricted through a planning condition imposed on application 2017/1269/FUL for access improvements to the site. The Hall Road access is now closed off to school traffic.

Trees

- 11.33 The scheme requires the removal of several mature trees. The application is accompanied by Arboricultural Assessments, which confirm that all of the trees which are to be removed to make way for the buildings are of low quality and low value. The Assessments have been reviewed by the Council's Tree Officer who agrees with the findings of the assessments, and considers that appropriate mitigation can be provided by way of compensatory planting, as the majority of trees which require removal to make way for the development are lower quality Sycamores and their removal would not be detrimental to the setting of the site and the wider school environment.
- 11.34 There are two individual TPO trees that would require removal to facilitate the development, this could be compensated for by woodland management and planting to the east of Eas Brook. There is currently a small wooded area to the east side of Eas Brook which consists of mature deciduous trees, which are an important component to the setting of the proposed development. Management information and planting proposals for this area will provide enhancement and a suitable landscaping plan can be secured by planning condition in accordance with Policy EN2.

Ecology

- 11.35 Ecological Appraisals and information have been submitted with the application, including Bat Surveys following inclusion of the Gas Works Cottage into the proposals.
- 11.36 The Council's Ecological Advisors, Merseyside Environmental Advisory Service (MEAS) have assessed the ecological information that has been submitted and have confirmed that in relation to bats, in this instance a three-test assessment, as set out in the Habitat Regulations, is not required because Government guidance states that an assessment is not required for development of a type and scale such as the proposed development, and the indicative mitigation which is set out in the Ecological Assessment is proportionate and acceptable as evidence of meeting test 3 of the three-test assessment. Implementation of the proposed mitigation measures can be secured by planning condition.
- 11.37 The entire site except for a holly tree and Eas Brook corridor will be cleared of vegetation comprising sycamore dominated woodland and scattered trees to facilitate development. The woodland and trees are not Priority Habitat but are of value for foraging and commuting bats. The Activity Survey has established that several bat species use the site for foraging and commuting purposes and as part of the current proposals there are limited opportunities to compensate for habitat loss on site. For this reason a condition

will be imposed to require the submission and implementation of an agreed Habitat Management Plan which will include details of ecological enhancements.

11.38 In terms of water vole, a survey was undertaken in 2017 which has been found to be acceptable. Mitigation and pollution control measures are set out in the Ecological Assessment; these will be secured by planning condition.

11.39 Both MEAS and Natural England have advised that the development would not have a significant adverse impact on statutorily protected sites including the Special Protection Area, Ramsar site, and SSSI.

11.40 I am satisfied that the proposed development accords with the requirements of Policy EN2 of the Local Plan.

CONCLUSION

11.41 The proposed development would constitute inappropriate development in the Green Belt, and would cause less than substantial harm to heritage assets. However, I consider that there are very special circumstances and public benefits that outweigh this harm. The proposed development is acceptable and complies with relevant planning policy in terms of ecology, drainage and residential amenity.

12.0 RECOMMENDATION

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

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-

Plan reference:

3826-300 Rev E

3826-301 Rev G

3826-302 Rev H

3826-303 Rev F

3826-304 Rev F

3826-305 Rev E

3826-312 Rev F

3826-313 Rev F

3826-314 Rev E

3826-315 Rev F

3826-318 Rev F

3826-319 Rev D

3826-321 Rev A

3826-322 Rev G

3826-323 Rev B

3826-328 Rev C

3826-331 Rev B

received by the Local Planning Authority on 06.08.18.

3826-300 Rev E

3826-326

received by the Local Planning Authority on 20.12.17.

3826-512

received by the Local Planning Authority on 18.09.18.

3. No construction shall take place until full details of the external brickwork and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. Foul and surface water shall be drained on separate systems.
5. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;

b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

c) Flood water exceedance routes, both on and off site;

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved buildings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

6. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company

b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

i. on-going inspections relating to performance and asset condition assessments

ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved buildings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

7. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

i) Invasive species remediation scheme.

ii) Soft fell of tree T11 (beech) under supervision of an ecologist.

iii) Construction phase sensitive lighting scheme avoiding excessive light spill onto Eas Brook corridor, Gas Works Cottage, the north wing of the school, Hall Road Bridge and adjacent woodland habitat.

iv) Protection measures for retained bankside habitat including a 5m buffer zone

v) Measures to prevent pollution of Eas Brook

vi) Use of predetermined access routes to minimise damage or erosion during removal of the select self-sown trees and scrub and planting along Eas Brook.

- The construction shall be carried out in accordance with the approved CEMP.
8. Works will not commence on site unless the local planning authority has been provided with a copy of a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified development to go ahead.
 9. Prior to commencement of development the scope and area of coverage of a Habitat Management Plan shall be agreed in writing with the Local Planning Authority. Prior to the hereby approved buildings being brought into use a Habitat Management Plan shall be submitted to and approved in writing with the Local Planning Authority and shall include a timetable for implementation. Thereafter the agreed HMP shall be adhered to in full.
 10. The development shall be carried out in accordance with the mitigation measures as set out in Section 7 of the Ecological Assessment.
 11. Hedgerow, tree or shrub clearance shall be avoided between 1st March and 31st August inclusive. If it is necessary to undertake works during the bird breeding season then Gas Works Cottage, trees and scrub are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.
 12. No development shall take place until a noise insulation scheme for the teaching block has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first use of the building.
 13. External performances or events shall only take place between the hours of 1000 and 2300 hours.
 14. Prior to the commencement of the use a scheme to control the transmission of noise from plant shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the equipment shall be properly maintained and operated in accordance with this scheme.
 15. Before the use hereby permitted commences a noise management plan shall be agreed with the Local Planning Authority which specifies the provisions to be made for the control of all noise sources emanating from the proposal. These provisions could include physical and / or administrative measures. The approved scheme shall be maintained whilst the permitted use continues.
 16. The use of the buildings hereby permitted shall only take place between the hours of 0800 and 2300 hours.
 17. No construction shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, including replacement tree planting, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas. Trees and shrubs planted shall comply with BS. 3936(Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). Within a period of 9 months from the date when any part of the development is brought into use the approved landscaping scheme shall be carried out. 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.

Reasons

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. 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. 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. To secure proper drainage and to manage the risk of flooding and pollution.

5. To ensure that the proposed development can be adequately drained and ensure that there is no flood risk on or off the site resulting from the proposed development.
6. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development and to reduce the flood risk to the development as a result of inadequate maintenance. To identify the responsible organisation/body/company/undertaker for the sustainable drainage system.
7. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
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11. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
13. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
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15. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
16. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
17. 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.

Notes

1. Environment Agency
The developer will require a permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency for any proposed works or structures, in, under, over or within 8 metres of the bank of Sandy / Hurlston Brook, which is designated a Main River. In particular, no trees or shrubs may be planted, nor fences, buildings, pipelines (including outfalls) or any other structure erected within 8 metres of the top of the bank of the Main River, or landward toe of any flood defence, without an environmental permit. Some activities are also now excluded or exempt. For further information, the developer should refer to the GOV.UK website:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.
The Environment Agency has a right of entry to Sandy / Hurlston Brook by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act.

2. Electricity North West

The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Estates and Wayleaves, Frederick Road, Salford, Manchester M6 6QH.

There is Electricity North West high voltage and low voltage underground cables running through the site. Also a low voltage cable runs around the border of the site. Safe digging practices must be followed in the vicinity of this. If necessary, the developer can apply to have this diverted before works take place.

The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night. Our Electricity Services Desk (Tel No. 0800 195 4141) will advise on any issues regarding diversions or modifications.

3. Future repairs to the stone wall bank within Eas Brook channel adjacent Hall Road Bridge are likely to cause disturbance and it is therefore likely that water vole emergence and re-entry survey would be required.
4. If any red squirrel, hedgehog, or water vole are found during the course of the development, as a legal requirement, work must cease and advice sought from an ecologist.

Reason for Approval

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

GN1 - Settlement Boundaries

GN3- Criteria for Sustainable Development

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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

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.