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**Report of:** Corporate Director of Place & Community

**Contact for further information:**

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**SUBJECT:** PLANNING APPLICATION REF: 2023/0031/FUL

**PROPOSAL:** Demolition of the existing RBL building and the erection of 6no, semi-detached dwellings.

**APPLICANT:** The Royal British Legion

**ADDRESS:** The Royal British Legion, Lord Street, Burscough

**REASON FOR CALL IN:** Application has been called in by Cllr Burnside to consider the impact of the Neighbourhood Place which notes the sites as an 'Opportunity Site'. The impact on infrastructure, particularly traffic and parking.

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**Wards affected:** Burscough East

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To advise Planning Committee on an application which seeks to secure planning permission for the demolition of the existing former Royal British Legion building and erect 6no dwellings in the form of semi-detached units with associated car parking and private amenity.
- 1.2 The site is noted as the Lord Street Opportunity Area. The site forms part of the defined Opportunity Area.
- 1.3 It is considered that subject to planning conditions, the proposed development is acceptable in terms of design, access, landscaping, layout and scale and will safeguard neighbourhood amenity. The proposed development is compliant with the NPPF and the Local plan in respect of drainage, highways, reuse of land and other relevant matters.

## **2.0 RECOMMENDATION TO PLANNING COMMITTEE**

- 2.1 To grant planning permission subject to conditions.
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## **3.0 THE SITE**

- 3.1 The site is the former Royal British Legion on Lord Street, Burscough. It extends to approximately 0.1 hectares and currently has an area of parking for the Legion Building to the front of the site.
- 3.2 To the north and east of the site are existing residential properties. These are two storey in nature. A three storey apartment building lies to the south of the site and to immediate west the Lathom and Burscough Old People's Club. The lease of the Legion was surrendered in June 2022 and the building has been vacant since this time.

#### **4.0 PROPOSAL**

- 4.1 The proposed development is for the demolition of the existing single storey building and the construction of 6 semi detached dwellings with parking set to the front of each dwelling (i.e. from Lord Street). All dwellings will benefit from private rear garden space.
- 4.2 The dwellings have been positioned to follow the curve of the road. Materials are to be considered via a planning condition.

#### **5.0 PREVIOUS RELEVANT DECISIONS**

- 5.1 1992/1144 – Single storey extension at side to provide storage room. GRANTED (22.12.92)

#### **6.0 OBSERVATION OF CONSULTEES**

- 6.1 LCC Highways (09.03.23) – No objections subject to conditions
- 6.2 Cadent Gas (02.03.23) – No objections
- 6.3 Drainage Officer (05.04.23) – No objections subject to conditions

#### **7.0 OTHER REPRESENTATIONS**

- 7.1 Burscough Parish Council (02.03.2023) – State that the planning application does not comply with Policy BPR2 – Lord Street Opportunity Area within the Burscough Parish Council Neighbourhood Plan.
- 7.2 The Parish Council were reconsulted on further information which was received relating to the Neighbourhood Plan. No further response was received.
- 7.3 In response to the public consultation exercised, 2 responses were received offering comments:
- Potential for overlooking and overshadowing of properties opposite the site
  - Questioning whether a footpath link between Lord Street and the car park to the rear has been considered

#### **8.0 SUPPORTING INFORMATION**

- 8.1 Planning Statement  
Drainage Statement  
Demolition plan

## **9.0 RELEVANT PLANNING POLICIES**

- 9.1 The National Planning Policy Framework (NPPF), National Planning Guidance (NPPG), the West Lancashire Local Plan (2012-2027) and the Burscough Neighbourhood Plan provide the policy framework against which the development will be assessed.
- 9.2 The site is not allocated but is referred to as 'Lord Street Opportunity Area'.
- 9.3 Relevant West Lancashire Local Plan 2012-2027 policies:  
SP1 – A Sustainable Development Framework for West Lancashire  
GN1 – Settlement Boundaries  
GN3 – Criteria for Sustainable Development  
GN4 – Demonstrating Viability  
RS1 – Residential Development  
IF2 – Enhancing Sustainable Transport Choice
- 9.4 Relevant Burscough Parish Neighbourhood Plan policies:  
BP12 – Surface Water Drainage  
BP13 – Foul Water Drainage  
BPH1 – New Residential Development  
BPC1 – Community Infrastructure  
BPD1 – Design and Accessibility Principles  
BPR2 – Lord Street Opportunity Area
- 9.5 Supplementary Planning Documents:  
Design Guide (Jan 2008)

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

- 10.1 The main considerations for this application are:

- Principle of development
- Layout, Design and Appearance
- Impact on Residential Amenity
- Access, Traffic and Highways
- Drainage

### Principle of Development

- 10.2 This piece of land is covered by Policy BPR2 of the Burscough Neighbourhood Plan. This policy notes that a mixture of residential care, extra care housing and community centre will be supported providing it meets a number of criteria. This policy encourages community uses but does not preclude other uses coming forward.

### *Community Facility*

- 10.3 The site is noted within the Burscough Neighbourhood Parish Plan as a community facility (appendix 6.3). The Applicant's Agent contests that the Legion cannot be considered as a community facility as it is a private members club (and therefore

not available for use by the local community unless a member), it is also not an Asset of Community Value (AVC). However, a private members club can be considered an ACV if there has been significant use by non-members. In this case, there is no evidence provided that this is the case, no application for consideration of the Legion as a AVC has been made.

- 10.4 In any case, in order to fully explore the potential of the future of the Legion as a future concern, discussions have been undertaken to establish marketing which has been carried out in order to find a new operator. Following the pandemic, it is advised that customer numbers fell and the business was suffering from losses on a weekly basis. Discussions and marketing were undertaken from September 2021 and included discussions with other licensed trade operators without an operator being secured. Amended marketing details went live on Rightmove and via a public notice in the Liverpool Echo. This also failed to result in any persons willing to carry the building on as a club.
- 10.5 Local Plan Policy GN4 (Demonstrating Viability), notes that the Council "will seek to retain existing commercial/industrial (B1, B2 or B8 uses) and retail (former use class A1) unless there has been a marketing exercise for 12 months in the case of Class B uses and 6 months in the case of Class A uses. There is no requirement for marketing in the case of a private members club which is considered Sui Generis (i.e. in a use of its own) which is the case where a members fee has to be paid.
- 10.6 Policy GN4 is supported by Policy IF3 which states that community facilities such as pubs, post offices, community centres (not considered an exhaustive list) will be resisted unless the facility is no longer needed or can be relocated elsewhere.
- 10.6 Policy BPC1 of the Burscough Parish Neighbourhood Plan states that the loss of important and valued social and community facilities will be resisted unless it can be demonstrated that the continued use of the premises has been marketed for at least 12 months. In this case, the applicant's have actively been trying to secure new users of the building since September 2021 without success. It is considered that this complies with the Neighbourhood Plan in this regard.
- 10.7 It is considered the marketing exercise which has been carried out over a 19 month period in total demonstrates that the former Royal British Legion building is not a viable premise. This is in accordance with Policy GN4 of the West Lancashire Local Plan 2012-2027 and Policy BPC1 of the Burscough Parish Neighbourhood Plan.
- 10.8 In regards to Policy BPR2, this policy is not an allocation but an opportunity for a care use. There have been no such enquiries made to the applicants for such a use and Planning Committee recently resolved to grant a retirement living village on land to the south of Chancel Way in Burscough ref. 2022/0642/FUL. This application for a significant sheltered housing development noted that there is currently no demand registered seeking extra care housing in Burscough, with the Council's Housing Strategy Manager confirming that the Burscough/Ormskirk need is satisfied by the Brookside scheme and that current need is registered in the Skelmersdale area. Policy BPR2 is a policy which indicates that there will be support for a care use. It does not preclude other uses and does not require that other uses demonstrate that the land is not necessary for care provisions. Notwithstanding that point, the application site is only part of the wider opportunity site for redevelopment under the Burscough Parish Neighbourhood Plan. As such, the redevelopment of this area is not considered to impede the redevelopment of the remaining land focused under Policy BPR2.

- 10.9 Consideration is required to be given to the replacement of the use. The Royal British Legion is a private members club and as such is not a general use club, there is therefore no comparable use. The adjacent Old People's Club is unaffected by the development. The marketing exercise that has been carried out is considered to be sufficient to demonstrate that the use is not viable or of sufficient interest for any other user to carry out a similar private members club use. It is considered that this is in accordance with West Lancashire Local Plan Policy GN4 and IF3 in this regard and Burscough Neighbourhood Plan Policy BPC1.

#### *General Principle*

- 10.10 The site is located within the Key Service Centre of Burscough and within the settlement boundary. It is a previously developed site and in accordance with West Lancashire Local Plan Policy SP1 which encourages development to be focussed in Skelmersdale, Ormskirk and Burscough. In addition, West Lancashire Local Plan Policy RS1 states that residential development will be permitted on brownfield sites subject to the proposals conforming with all other planning policy.
- 10.11 It is considered therefore that, following the carrying out of the marketing exercise the re use of this vacant brownfield site is acceptable in principle.

#### Layout, Design and Appearance

- 10.12 Policy GN3 of the West Lancashire Local Plan together with the Council's SPD Design Guide is relevant in assessing the design and external appearance of the development and state that new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. This is supported by BPD1 of the Burscough Parish Neighbourhood Plan in relation to design and accessibility.
- 10.13 The application comprises of 6 semi-detached units fronting Lord Street. The buildings are set back from the road to allow frontage car parking. The dwellings accord with the Technical Housing Standards document published by the Government.
- 10.14 It is considered that the proposed dwellings are of an appropriate scale given the local area is generally two storey in height. The design of the properties are considered to be acceptable and in keeping with the mixed character of the area. Details of the proposed materials will be agreed before works on the dwellings commence via the imposition of a condition.
- 10.15 It is considered that the proposals meet with the requirements of West Lancashire Local Plan policy GN3 and Burscough Parish Neighbourhood Plan Policy BPD1.

#### Impact on Residential Amenity

- 10.16 Policy GN3 of the Local Plan states that development should 'retain or create reasonable levels of privacy, amenity and sufficient garden/outdoor spaces for occupiers of the neighbouring and proposed properties'.
- 10.17 Comments have been received from a neighbour across the street in relation to potential overlooking and overshadowing. The proposed dwellings are between 22.1m and 24.4m approximately from the opposing dwellings. This exceeds the usual separation distance of 21m. It is considered that this will not lead to any

demonstrable harm through overlooking or overshadowing and will preserve the amenity that these dwellings currently enjoy.

- 10.18 The development is considered to satisfy the requirements of Policy GN3 of the West Lancashire Local Plan 2012-2027 in regards to neighbouring amenity.

#### Access, Traffic and Highways

- 10.19 Lancashire County Council as Highway Authority is of the opinion that the demolition of the existing building and its replacement with 6no dwellings will not have a severe impact on highway safety or capacity. There is therefore no objection to the proposal in regards to highways.
- 10.20 Subject to conditions, the proposed development is acceptable and would not lead to a detrimental impact on highway safety in accordance with Policy GN3 and IF2 of the Local Plan.

#### Drainage

- 10.21 West Lancashire Local Plan GN3 requires that acceptable drainage provision is made for developments. The Drainage Officer has been consulted and notes there is no objection to the proposed development subject to a condition requiring further drainage details. This condition has been appended to the decision.
- 10.22 It is considered that an appropriate drainage strategy can be implemented in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027.

### **11.0 CONCLUSION**

- 11.1 The development of new dwellings on a brownfield site is strongly supported by planning policy. Due to the presence of the Former Royal British Legion building, marketing has been undertaken to determine whether a new tenant or owner could be found. This has not been successful. The scheme is therefore considered to be acceptable in terms of principle, design, highway safety, impacts on surrounding uses and drainage. Subject to appropriate conditions it is considered that the proposals accord with relevant policies within the NPPF, the West Lancashire Local Plan 2012-2027 and the Burscough Parish Neighbourhood Plan.

### **12.0 RECOMMENDATION**

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

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

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

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

Site Location Plan Drawing number (90)001  
Demolition Plan Drawing number (10)001

Proposed Site Plan Drawing number (90)002  
Proposed Site Plan Drawing number (90)003  
Proposed Landscape Plan Drawing number (90)004  
Proposed Ground Floor Drawing number (20)001 Rev A  
Proposed First Floor Plan Drawing number (20)002 Rev A  
Proposed Roof Plan Drawing number (20)003 Rev A  
Proposed Elevations drawing number (20)201  
Proposed Street Elevation Drawing number (20)301

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

3. Notwithstanding any description of materials in the application no above ground construction works of any phase of development shall take place until samples and / or full specification of materials to be used externally on the [buildings/ plots] to which they relate within that phase has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.

The development shall be carried out using only the agreed materials and method of construction.

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

4. All hard and soft landscape works shall be carried out in accordance with the approved details shown on drawing number (90)004. The works shall be carried out before the respective dwelling is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees/shrubs which are removed, die or become severely damaged or diseased within 5 years of their planting shall be replaced in the next planting season with trees/shrubs of similar size and species to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

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

5. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Management Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:
  - 24 hour emergency contact number
  - Details of the parking of visitors and site operatives and visitors
  - Details of loading and unloading of plant and materials
  - Measures to protect vulnerable road users (pedestrians and cyclists)
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
  - Wheel washing facilities
  - Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction
  - Measures to control the emission of dust and dirt during construction
  - Details of a scheme for recycling/disposing of waste resulting from demolition and construction works

- Delivery, demolition and construction working hours.

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

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases in support of Policy IF2 of the Adopted West Lancashire Local Plan 2012-2027.

6. Deliveries to the approved development shall only be accepted between the hours of 09:30 and 14:30 Monday -Friday.

Reason: To avoid peak traffic on the surrounding highway network in the interests of highway safety and Policy IF2 of the West Lancashire Local Plan 2012-2027.

7. The development hereby approved shall not be occupied until the access drive for the first 5m from the highway is surfaced in bituminous or cement bound materials, or otherwise bound.

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

8. No building shall be occupied until the car parking areas have been surfaced or paved in accordance with the hard landscaping details on Drawing Number (90)004. The car parking areas shall thereafter be kept free of obstruction and available for the parking of cars at all times.

Reason: To ensure that adequate on site vehicle parking/manoeuvring facilities are provided in the interests of highway safety and amenity, and to comply with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

9. No development shall take place until a strategy for the separate foul and surface water drainage of the development is, including any necessary infiltration measures, attenuation measures and maintenance management proposals has been approved in writing by the Local Planning Authority. the surface water drainage strategy must take account of the relevant provisions of the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement standards. The drainage scheme must be completed in accordance with the approved details. The MicroDrainage mdx file is required to aid the checking of design calculations.

Reason: To ensure the site is properly drained in the interest of local amenity in support of Policies GN3 and IF3 in the adopted West Lancashire Local Plan 2012-2027.

10. Details of measures to prevent water discharging onto the public highway shall be provided as part of the drainage strategy prior to the commencement of development.

Reason: In the interest of highway safety to prevent water from discharging onto the public highway in support of Policy GN3 of the Adopted West Lancashire Local Plan 2012-2027

## **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.

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### **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.